

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 1647

EXPLANATORY NOTE

The Constitution, Article VII, Section 16, provides:

"The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards.

"The President shall have the power to make appointments during the recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the Congress"

The Commission on Appointments is usually reluctant to reject outright the presidential nominees, hence, would not confirm the appointment resulting to bypass.

However, despite such bypass, the president would reappoint the same nominees.


This practice of simply reappointing her nominees even after several bypasses subverts the principle of confirmation mandated by our Constitution.

Further, this situation makes a mockery of the constitutional duties of the Commission on Appointments to confirm and reject presidential

appointees on the basis of the check and balance powers of the legislative branch of the government.

This bill seeks to uphold the constitutional duties of the Commission on Appointments by setting limits on the power of the President to reappoint bypassed nominees.

For the foregoing reasons, the passage of this bill is earnestly sought.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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AN ACT

SETTING LIMITS ON THE POWER OF THE PRESIDENT TO REAPPOINT
BYAPASSED NOMINEES

Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:

Section 1. Short Title. –This Act may be cited as the “Appointments
Confirmation Act of 2010.”

Section 2. Declaration of Policy. – It is the policy of the state to
subject certain appointments y the President to a confirmation process in
Congress to ensure that the persons appointed have integrity and proven
track record and are not disqualified to such positions.

**Section 3. Presidential Appointments subject to Confirmation by
the Commission on Appointments.** – The President shall nominate and
with the consent of the Commission on Appointments, the heads of the
executive departments; ambassadors, or other public ministers and consuls
and officers of the armed forces from the rank of colonel or naval captain.

**Section 4. Presidential Appointments during recess of the
Congress.** – The President shall have the power to make appointments
during the recess of the Congress, whether voluntary or compulsory, but such
appointments shall be effective only until disapproval by the Commission on
Appointments or until the next adjournment of the Congress.

Section 5. Duty of the Nominees. – The nominees shall submit to the
Commission on Appointments the documentary requirements within thirty (30)
days from receipt of his nomination or appointment. Failure to submit the
same within the required period is equivalent to one (1) bypass. Failure to
submit the said requirements within sixty (60) days shall cause the
disapproval of said nomination or appointment.

Section 6. Effect of Two (2) bypasses. – Nominees who have been
bypassed twice shall no longer be eligible for reappointment by the President.

Section 7. Effect of Disapproval by the Commission on Appointments. – Nominees who have been disapproved by a vote of the Commission on Appointments shall no longer be eligible for reappointment by the president.

Section 8. Separability. – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 9. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act, is hereby repealed, modified, or amended accordingly.

Section 10. Effectivity Clause. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved.