

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
1st Regular Session

House Bill No. 932

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 04 JUL 2016

TIME: 4:23 pm

BY: 

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

The intent of the framers of the Constitution in creating the Commission on Appointments (CA) is to provide an effective check and balance mechanism between the executive and legislative branch of government. The ability of the President to successively re-appoint by-passed nominees is a clear mockery of the above-mentioned principle enshrined in our fundamental law. The 1987 Constitution, particularly Article VII, Section 16, mandates the Commission on Appointments to confirm all Presidential nominees who will occupy key positions in government.

The President has been able to abuse her power to appoint before because of the ability to consistently reappoint her nominees who have been consecutively by-passed by the CA. In fact, a Cabinet official who has been successively by-passed for fifteen (15) times in a span of three (3) years has been re-appointed by the President and allowed to continue performing the functions reserved only to those officials whose nominations have been confirmed by the CA.

The CA's constitutional mandate to serve as an effective check against the possible abuse of the President's power to appoint is thus frustrated by the current practice, as the President merely re-appoints all her nominees regardless of the number of times the said nominees have been by-passed by the CA. The restraint against possible abuse of the President's appointing power is clearly rendered ineffective if not totally non-existent.

Through this proposed bill, the mandated constitutional principle of checks and balances on the executive's appointing power will rightly be enforced through the Commission on Appointments.

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


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 932

Introduced by Hon. Francis Gerald Aguinaldo Abaya

AN ACT DECLARING ANY PRESIDENTIAL NOMINEE WHO HAS BEEN BYPASSED BY THE COMMISSION ON APPOINTMENTS TO BE INELIGIBLE FOR REAPPOINTMENT BY THE PRESIDENT

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Ineligible
2 Nominee Act”.

3 **SECTION 2. *Declaration of Policy.*** – It is the policy of the State to uphold
4 the system of check and balance by subjecting certain appointments by the
5 President to a confirmation process in Congress to ensure that the appointees have
6 the integrity, proven track record and are not disqualified to such positions.

7 **SECTION 3. *Function of the Commission on Appointments.*** – Upon
8 nomination of the President, the Commission on Appointments shall act on all
9 nominations or appointments submitted to it within thirty (30) session days of
10 Congress from their submission. The Commission shall rule by a majority vote of all
11 the members to consent to or confirm nominations or appointments submitted to it by
12 the President.

13 **SECTION 4. *Duty of the Nominee.*** – The nominee shall submit to the
14 Commission on Appointments the documentary requirements within thirty (30) days
15 from receipt of its nomination or appointment. Failure to submit the requirements
16 within the required period is equivalent to one (1) bypass. Failure to submit the said
17 requirements within sixty (60) days shall cause the disapproval of the nomination or
18 appointment.

1 **SECTION 5. *Bypassed Nominee.*** – For purposes of this Act, a by-passed
2 nominee is one whose appointment has not been favorably acted upon by the
3 Commission on Appointments upon adjournment of session of Congress.

4 **SECTION 6. *Effect of the Bypasses and Disapproval.*** – A nomination
5 bypassed for three (3) consecutive instances or disapproved under Section 4 of this
6 Act by a majority vote of the Commission on Appointments shall render the nominee
7 *ineligible* for reappointment.

8 **SECTION 7. *Separability Clause.*** – If any provision of this Act shall be
9 declared unconstitutional, any provision not affected thereby shall remain in full force
10 and effect.

11 **SECTION 8. *Repealing Clause.*** – All laws, decrees, orders, rules and
12 regulations, or parts thereof inconsistent with this Act are hereby repealed or
13 amended accordingly.

14 **SECTION 9. *Effectivity.*** – This Act shall take effect fifteen (15) days following
15 its publication in the Official Gazette or in a newspaper of general circulation.

16 Approved,