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

EIGHTEENTH CONGRESS
First Regular Session

RESOLUTION OF BOTH HOUSES NO. [106]

INTRODUCED BY
REPRESENTATIVE LORENZ R. DEFENSOR

RESOLUTION OF BOTH HOUSES
PROPOSING AMENDMENTS TO THE 1987 CONSTITUTION
PARTICULARLY SECTION 9, ARTICLE VIII

EXPLANATORY NOTE

The Constitution is the fundamental and paramount law of the land which prescribes the permanent framework of our system of government and assigns to the different departments their respective powers and duties.

As one of the cornerstones of a democracy, an independent and impartial judiciary contributes to the equitable and stable balance of power within the government and, among others, ensures the protection of individual rights, preservation of the security of persons and property, and increases public confidence in the integrity of the government;

The system of appointment of members of the judiciary is a crucial mechanism to achieve judicial independence, which is necessary to ensure impartial decision-making by members of the judiciary and to promote the rule of law as well as strengthen the check balance among the branches of government.

It is imperative to strengthen the independence of the judiciary as a separate and co-equal branch of government wherein the judiciary as an institution and its members are free from improper influence by other institutions and individuals.

LORENZ R. DEFENSOR
WHEREAS, the Constitution is the fundamental and paramount law of the land which prescribes the permanent framework of our system of government and assigns to the different departments their respective powers and duties;

WHEREAS, as one of the cornerstones of a democracy, an independent and impartial judiciary contributes to the equitable and stable balance of power within the government and, among others, ensures the protection of individual rights, preservation of the security of persons and property, and increases public confidence in the integrity of the government;

WHEREAS, the system of appointment of members of the judiciary is a crucial mechanism to achieve judicial independence, which is necessary to ensure impartial decision-making by members of the judiciary and to promote the rule of law as well as strengthen the check balance among the branches of government;

WHEREAS, it is imperative to strengthen the independence of the judiciary as a separate and co-equal branch of government wherein the judiciary as an institution and its members are free from improper influence by other institutions and individuals: Now, therefore, be it

RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES, by a vote of three-fourths (3/4) of all its Members, each House voting separately, and pursuant to Section 1(1), Article XVII of the 1987 Constitution, to propose amendments to the 1987 Constitution, to wit:
Section 9, Article VIII (Judicial Department) is amended to read as follows:

"Section 9. The Members of the Supreme Court [and judges of lower courts shall be appointed by the President from a list of at least three nominees prepared by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation] SHALL BE ELECTED BY INCUMBENT MEMBERS THEREOF WHO SHALL CHOOSE FROM A LIST OF NOT LESS THAN THREE NOMINEES PER VACANCY TO BE SUBMITTED BY THE PRESIDENT TO THE CHIEF JUSTICE. THE ELECTION SHALL BE HELD WITHIN THIRTY DAYS FROM THE SUBMISSION OF THE LIST AND THE NOMINEE GARNERING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED. IN CASE OF A TIE, THE FIRST NOMINEE OF THE PRESIDENT SHALL BE THE ELECTED MEMBER.

"For the lower courts, [the President shall issue the appointments within ninety days from the submission of the list] THE SUPREME COURT SHALL CONSTITUTE A SPECIAL DIVISION COMPOSED OF THE FIVE MOST SENIOR MEMBERS THEREOF, EXCLUDING THE CHIEF JUSTICE, WHO SHALL THEN ELECT FROM A LIST OF THREE NOMINEES SUBMITTED BY THE PRESIDENT WITHIN NINETY DAYS THEREFROM.

"WITHIN NINETY DAYS FROM THE DATE OF A VACANCY IN THE JUDICIARY, THE JUDICIAL AND BAR COUNCIL SHALL PREPARE AND ENDORSE A LIST OF NOMINEES FOR EVERY VACANCY TO THE PRESIDENT WHO SHALL SUBMIT THE SAME TO THE CHIEF JUSTICE OF THE SUPREME COURT."

Adopted,