


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'10 NOV 22 P12:08

S.B. No. **2605**

RECEIVED BY: 

Introduced by SEN. MANNY VILLAR


EXPLANATORY NOTE

According to the Constitution, "The President shall have the power to make appointments during recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until disapproved by the Commission on Appointments (CA) or until the next adjournment of Congress."¹ This Executive power may be exercised by the President by appointing certain government officials as specified under the Constitution, save members of the Judiciary, and in appropriate cases, subject to confirmation by the CA. This power of the Commission on Appointments to confirm, reject or by-pass an appointment finds its basis in the basic principle of checks and balances wherein the three co-equal branches of government can oversee, identify and prevent any possible abuses or excesses which the others may perform in the exercise of their powers and functions.

The presidential power of appointment should provide for more safe-guards to prevent abuses. Hence, under this legislative measure which was originally filed by Sen. Aquilino Q. Pimentel Jr. during the 14th Congress, a presidential nominee or ad-interim appointee whose appointment is by-passed *twice* by the Commission on Appointments shall not be re-nominated or reappointed by the President. Through this bill, the constitutional mandate of the Commission on Appointment to act as a check on the presidential appointing power may be realized.

As oft repeated, public office is a public trust and the public officers who hold these offices should always be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. How can one be accountable to the people nor serve them with responsibility, integrity, loyalty and efficiency if his nomination cannot even be upheld by the Commission on Appointments based on the merit and fitness of his qualifications and yet he is continuously reappointed to that office?

In view thereof, the approval of this bill is requested.


MANNY VILLAR


¹ Sec. 16, Art. VII, 1987 Constitution



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AN ACT
PROHIBITING THE PRESIDENTIAL RE-NOMINATION OR RE-APPOINTMENT OF A
NOMINEE OR AN APPOINTEE WHOSE NOMINATION OR APPOINTMENT HAD BEEN
TWICE BY-PASSED BY THE COMMISSION ON APPOINTMENTS, BANNING THE
PAYMENT OF SALARIES, EMOLUMENTS, PER DIEMS TO THE PERSONS
CONCERNED, AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the Non-Renewal of Nominations or Appointments Act of 2010.

SECTION 2. Declaration of Policy. The power to appoint high executive officials is vested under Article - of the Constitution upon the President. The presidential power is, by mandate of Article VII, Section 16 of the Constitution, subject to the authority of the Commission on Appointments to affirm or deny validity to those presidential nominations or appointments.

SECTION 3. By-Passed Nominations and Ad-Interim Appointments. A presidential nomination or an ad-interim appointment is deemed by-passed when the Commission on Appointments fails to act upon on the merits of a nomination or an ad-interim appointment at any recess or final end of any session of Congress.

SECTION 4. Effect of By-passed Nominations or Ad-Interim Appointments. A nominee or an ad-interim appointee whose appointment is by-passed twice by the Commission on Appointments shall be barred from re-nomination or re-appointment by the President.

SECTION 5. Penalties. A nominee or appointee twice by-passed by the Commission on Appointments shall not be re-nominated or re-appointed by the President for the same office. The Executive Secretary or any member of the Cabinet and any other official working with the Office of the President who knowingly transmits the re-nomination or re-appointment papers to the re-nominee or re-appointee shall suffer the penalty of imprisonment of six months imprisonment or a fine of not more than ONE HUNDRED THOUSAND PESOS (P100,000) or both such imprisonment and fine at the discretion of the Court.

A nominee or appointee who knowingly accepts a re-nomination or re-appointment in violation of this Act shall suffer the penalty of three months imprisonment or a fine of FIFTY THOUSAND PESOS (P50,000.00) or both such imprisonment and fine at the discretion of the court.

The nominees or the appointees concerned shall likewise not be entitled to the payment of salaries, emoluments, per diems and other benefits pertaining to the offices concerned under any guise or form whatsoever.

SECTION 6. Separability Clause. - If any provision of this Act is declared unconstitutional, any other provision not affected thereby remains in force and effect.

SECTION 7. *Repealing Clause.* -All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 8. *Effectivity.* -This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,