

**[ EXECUTIVE ORDER NO. 464, September 28, 2005 ]**

**ENSURING OBSERVANCE OF THE PRINCIPLE OF SEPARATION OF POWERS, ADHERENCE TO THE RULE ON EXECUTIVE PRIVILEGE AND RESPECT FOR THE RIGHTS OF PUBLIC OFFICIALS APPEARING IN LEGISLATIVE INQUIRIES IN AID OF LEGISLATION UNDER THE CONSTITUTION, AND FOR OTHER PURPOSES**

WHEREAS, the Constitution guarantees the separation of powers of the Executive, Legislative and Judicial branches of the government;

WHEREAS, Article VI, Section 22 of the Constitution provides that heads of departments may, with the prior consent of the President, appear before and be heard by either

House of Congress on any matter pertaining to their departments and, when the security of the State or the public interest so requires and the President so states in writing, such appearance shall be conducted in executive session;

WHEREAS, pursuant to the rule of executive privilege, the President and those who assist her must be free to explore alternatives in the process of shaping policies and making decisions since this is fundamental to the operation of the government and is rooted in the separation of powers under the Constitution;

WHEREAS, Article VI, Section 21 of the Constitution mandates that the rights of persons appearing in or affected by inquiries in aid of legislation by the Senate or House of Representatives shall be respected;

WHEREAS, recent events, particularly with respect to the invitation of a member of the Cabinet by the Senate as well as various heads of offices, civilian and military, have highlighted the need to ensure the observance of the principle of separation of powers, adherence to the rule on executive privilege and respect for the rights of persons appearing in such inquiries in aid of legislation and due regard to constitutional mandate;

WHEREAS, there is a need to prevent such inquiries in aid of legislation from being used for partisan political purposes, disrupting diplomatic relations with foreign government, and weakening the stability of the State, thereby impeding the efforts of the government to generate and attract foreign investments;

WHEREAS, Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees provides that public officials and employees shall not use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public to prejudice the public interest;