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REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 608

Introduced by REP. FRANCIS G. ESCUDERO

EXPLANATORY NOTE

This bill seeks to implement and realize Article XI Section 1 of the 1987 Constitution which provides as follows, "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."

Battling graft and corruption has always been an avowed cry of most if not all officials and employees in government. A battle that, sadly, we have been losing miserably as shown by our country's both distant and recent political history.

Previous laws, such as those requiring the submission of statements of assets and liabilities, providing forfeiture in favor of the state of property unlawfully acquired, a code of conduct and ethical standards, and even that providing for the creation of the Office of the Ombudsman have proven insufficient and somewhat still lacking if we are to base its success on the absence or lack of acts of corruption in government.

It is for this reason that this bill was filed. To add to those laws which, in one way or the other, seek to tighten the noose on grafters by requiring an even greater amount of transparency among public officials and employees. A transparency which extends not only to governmental or official transactions but to private financial transactions as well.

We who are in government should embrace this bill and find refuge in it for it is a testament to our unwavering commitment to good governance and a challenge to all those who would question our integrity.

FRANCIS G. ESCUDERO

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AN ACT
REQUIRING PUBLIC OFFICIALS AND EMPLOYEES TO SUBMIT A WRITTEN PERMISSION OR WAIVER IN FAVOR OF THE OMBUDSMAN TO LOOK INTO ALL DEPOSITS OF WHATEVER NATURE WITH BANKS OR BANKING INSTITUTIONS BOTH WITHIN AND OUTSIDE THE PHILIPPINES INCLUDING INVESTMENT BONDS ISSUED BY THE GOVERNMENT OF THE PHILIPPINES, ITS POLITICAL SUBDIVISIONS AND INSTRUMENTALITIES AND PROVIDING PENALTIES THEREFOR

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

SECTION 1. *Declaration of Policy* - It is hereby declared a policy of the State for all public officials and employees to be open and transparent in all of their financial transactions and dealings.

SECTION 2. *Submission of Written Permission or Waiver* - All public officials and employees, except those who serve in an honorary capacity and laborers, shall submit with the office of the Ombudsman a written permission or waiver in favor of the Ombudsman to look into all deposits of

whatever nature with banks or banking institutions, both within and outside the Philippines, including investment bonds issued by the government of the Philippines, its political subdivisions and instrumentalities.

The aforestated written permission or waiver shall be submitted within thirty (30) days from the date of their assumption of office; *Provided, however*, that public officials and employees who are already exercising the functions of their respective offices upon the effectivity of this Act shall submit the same not later than thirty (30) days from the effectivity of the Rules and Regulations implementing the provisions of this Act.

SECTION 3. *Prohibition in Case of Failure or Refusal to Submit Written Permission or Waiver* - Any public official or employee who fails or refuses to submit such written permission or waiver as required by this Act shall not be allowed to enter upon, or continue exercising, the functions of his office.

SECTION 4. *Limitations on Use* - Only the Office of the Ombudsman may obtain or use the written permission or waiver filed under this Act, or any other information or data obtained as a result thereof; *Provided, however,* that the same shall be used exclusively for investigating a duly signed and verified complaint and/or prosecuting a case before the Sandiganbayan; *Provided, further*, that the Office of the Ombudsman or any other agency or instrumentality of the Government or any person may not use the same for any purpose.

SECTION 5. *Promulgation of Rules and Regulations* - The Office of the Ombudsman shall have the primary responsibility for the administration of this Act; *Provided, however,* that it shall enlist the advice of the

Department of Justice and the Banko Sentral ng Pilipinas in drafting the form of the written permission or waiver as required by the provisions of this Act.

SECTION 6. *Penalties* - (a) Any person who violates the provisions of Section 3 hereof shall be punished with a fine not exceeding the equivalent of one (1) year salary or suspension not exceeding one (1) year, or removal from office and, upon the discretion of a court of competent jurisdiction, disqualification to hold public office.

(b) Any person who violates the provisions of Section 4 hereof shall be punished with imprisonment of not exceeding six (6) years or a fine not exceeding One Hundred Thousand Pesos (P100,000.00), or both.

SECTION 7. *Separability Clause* - If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8. *Repealing Clause.* - The relevant provisions of Republic Act Nos. 1405, 3019, 6713 as well as all laws, decrees and orders or parts thereof inconsistent herewith are deemed repealed or modified accordingly.

SECTION 9. *Effectivity.* This Act shall take effect after thirty (30) days following the completion of its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,