

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1567

Introduced by: Honorable Marcelino C. Libanan

EXPLANATORY NOTE

The need of competent and quality lawyers in the government service continues to be a pervasive problem. Lack of adequate compensation in comparison to those offered by private corporations or law firms is mainly the reason why lawyers opt for employment in these companies to government service. Moreover, this has resulted to lackluster performance from government prosecutors thus, reinforcing public perception that "many are arrested but only few are put behind bars."

One of the many government agencies in need of competent lawyers is, unfortunately, no less than the Office of the Ombudsman, the agency tasked to handle cases against erring and corrupt public officials. An examination of the performance of the Office of the Ombudsman during the on going plunder and perjury cases against former President Estrada shows the necessity and urgency for the passage of a bill allowing the Ombudsman to hire competent, well trained and quality lawyers. Just like in the recent impeachment case where the House Prosecutors had to seek the assistance of private lawyers to match the fancied, high paid and prominent lawyers that made up the former President's legal team.

This proposed measure seeks to amend Republic Act 6770, otherwise known as "the Ombudsman Act of 1989", by allowing the ombudsman to seek assistance from private lawyers in handling cases against misfits in public office.

The Constitution, Section 1 of Article XI, thereof provides, "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." Hence, erring and unscrupulous public officials and/or employees have no place in government service and thus, the full force of the law should be applied. But how can the government prosecutors match the high caliber lawyers or big law firms these officials can afford? This proposed legislation aims to put a stop to this malady and give the Ombudsman enough teeth to put these abusive officials behind bars.

Thus, the passage of this bill is most earnestly sought.



HON. MARCELINO C. LIBANAN

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AN ACT
AMENDING SECTION 31 OF REPUBLIC ACT NO. 6770, OTHERWISE
KNOWN AS "THE OMBUDSMAN ACT OF 1989", AS AMENDED, ALLOWING
LAWYERS TO ACT AS SPECIAL INVESTIGATOR OR PROSECUTOR ON
BEHALF OF THE OMBUDSMAN

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

SECTION 1. Section 31 of Republic Act No. 6770 is hereby further amended to read as follows:

"Sec 31. *Designation of Investigators and Prosecutors.* – The Ombudsman may utilize the personnel of his office and/or designate or deputize any fiscal, state prosecutor or lawyer in the government services and any private lawyer to act as special investigator or prosecutor to assist in the investigation and prosecution of certain cases. Those designated and deputized to assist him herein provided shall be under his supervision and control."

SECTION 2. Definition of Terms. – For the purpose of this Act, the term used shall mean or be understood as follows:

"*Private Lawyer*" – A person learned in the law, as an attorney, counsel, or solicitor, a person licensed to practice law. Any person who prosecutes or defends causes in courts of record or other judicial tribunal, or whose business is to give legal advice or assistance in relation to any cause or matter whatsoever. A lawyer who is not employed in any government agency and not paid out of public funds.

SECTION 3. Other provisions of Republic Act No. 6770, otherwise known as "Ombudsman Act of 1989" as amended which are not affected by the provisions of section 31 hereof, shall remain in force and effect.

SECTION 4. Rules and Regulations. – The President of the Philippines shall promulgate such rules and regulations as may be necessary for the proper implementation of this Act.

SECTION 5. Separability Clause. – If any of the provisions of this act is declared invalid, the remainder of this act or any provision not affected thereby shall remain in force and affect.

SECTION 6. Repealing Clause. – All laws, decrees, ordinances, rules and regulations, executive and administrative orders, and other presidential issuances inconsistent with this Act, are hereby repealed, amended or modified accordingly.

SECTION 7. Effectivity. – This Act shall take effect after 15 days after its complete publication in at least two (2) newspapers of general circulation or the official Gazette whichever comes earlier.

Approved.