

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1577



Introduced by: **HONORABLE MARCELINO C. LIBANAN**

EXPLANATORY NOTE

News on graft and corruption by public officials are usual morning sights in our daily newspapers. Indeed, graft and corrupt practices in all levels of the government have now become a menace in our society that it has become the battlecry of every administration to reduce, if not eliminate, graft and corruption. Proof of this are the clogged dockets of the Ombudsman and the Sandiganbayan of cases involving alleged violations of the **Anti-Graft and Corrupt Practices Act (Republic Act No. 3019)**.

However, it is worthy to observe that many of this pending complaints and cases for alleged violations of Republic Act No. 3019 are nothing but harassment cases or politically motivated ones, thus, without merit. Nonetheless, respondents in these kind of cases are preventively suspended at any time during the pendency of the case to the detriment of public service. In fact, under the present law, preventive suspension can still be imposed even if the respondent public officer is already occupying a different office from which the case against him was brought about.

This bill seeks to amend **Section 13 of Republic Act No. 3019** in order to rationalize the manner by which a public officer can be preventively suspended in office while a valid information is pending against him, without however, prejudicing the interest of the State and the general public.

Approval of this bill is therefore earnestly sought.


HON. MARCELINO C. LIBANAN

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AN ACT
FURTHER AMENDING SECTION 13 OF REPUBLIC ACT NO. 3019 OTHERWISE
KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT

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

1 SECTION 1. Section 13 of Republic Act No. 3019, as amended, is hereby further
2 amended to read as follows:

3
4 "SEC. 13. Suspension and loss of benefits. - Any incumbent public officer against
5 whom any criminal prosecution under a valid information under this Act or under Title 7,
6 Book II of the Revised Penal Code or for any offense involving fraud upon government or
7 public funds or property whether as a simple or as a complex offense and in whatever
8 stage of execution and mode of participation, is pending in court, shall be suspended from
9 office, EXCEPT WHEN HE IS ALREADY OCCUPYING AN OFFICE WHICH IS NOT
10 TASKED WITH THE CUSTODY OF DOCUMENTS THAT MAY BE USED AGAINST HIM
11 NOR EXERCISES DIRECT OR INDIRECT ADMINISTRATIVE SUPERVISION OVER
12 SUCH PERSONS SO TASKED OR OTHER WITNESS FOR THE PROSECUTION.
13 Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits
14 under any law, but if he is acquitted, he shall be entitled to reinstatement and to the

1 salaries and benefits which he failed to receive during suspension, unless in the meantime
2 administrative proceedings have been filed against him.

3
4 THE PREVENTIVE SUSPENSION SHALL BE FOR A PERIOD NOT EXCEEDING
5 NINETY (90) DAYS. IT SHALL BE IMPOSED ONLY AFTER ARRAIGNMENT:
6 PROVIDED, THAT SHOULD THE PROSECUTION'S PRESENTATION OF EVIDENCE
7 BE TERMINATED PRIOR TO THE LAPSE OF THE PREVENTIVE SUSPENSION
8 PERIOD, THE SUSPENSION SHALL AUTOMATICALLY BE LIFTED.

9
10 In the event that such convicted officer, who may have already been separated
11 from the service, has already received such benefits, he shall be liable to restitute the
12 same to the Government."

13
14 SEC. 2. All laws, decrees, executive orders, rules and regulations, or parts
15 thereof, inconsistent with the provisions of this Act are hereby repealed, modified or
16 amended accordingly.

17
18 SEC. 3. This Act shall take effect fifteen (15) days after its complete publication in
19 at least two (2) newspapers of general circulation.