

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2430



Introduced by Raul T. Gonzalez, Jr.

EXPLANATORY NOTE

This bill seeks to limit the authority of the Deputy Ombudsman for the Armed Forces to investigate and prosecute uniformed members of the Armed Forces of the Philippines.

The military organization is uniquely peculiar having its own code of conduct, customs, traditions, and practices and is furthermore the premier organization burdened with the responsibility of securing the state. All this sets it apart from ordinary civilian life.

This peculiarity influenced the member of the constitutional Commission to include a provision in the Constitution authorizing the appointment of separate Deputy Ombudsman for military establishment, Thus, Section 5 – Article XI of the constitution provides:

ARTICLE XI

ACCOUNTABILITY OF PUBLIC OFFICERS

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“SEC 5. There is hereby created the independent Office of the Ombudsman to be known as Tanod Bayan, One overall Deputy and at least one Deputy each for Luzon, Visayas, and Mindanao. A separate Deputy for military establishment may likewise be appointed.”

From the context of the aforestated provision, it can be gleaned that the Deputy of the Armed Forces maybe appointed to handle military offenders. He has no authority to investigate and prosecute non-military respondents. The proposed bill, therefore aims to delineate and hereby clarify the limit of the authority of the Deputy Ombudsman for the Armed Forces.

Request approval.

RAUL T. GONZALEZ, JR.

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HOUSE BILL NO. 2430

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AN ACT LIMITING THE AUTHORITY OF THE DEPUTY OMBUDSMAN FOR THE ARMED FORCES TO THE INVESTIGATION AND PROSECUTION OF COMPLAINTS AGAINST UNIFORMED MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989."

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

SECTION 1. Section 13 of Republic Act No. 6770. Otherwise known as "The Ombudsman Act of 1989", is hereby amended to read as follows:

SEC. 13 Mandate. – The Ombudsman and the Deputies, as prosecutors of the people, shall act promptly on complaints filed of any form or manner against officers and employees of the government, or of any subdivision, agency or instrumentality thereof, including government – owned or controlled corporation, and enforce any administrative, civil and criminal liability in every case where the evidence warrant in order to promote efficient service by the government to the people. HOWEVER, THE AUTHORITY OF THE DEPUTY OMBUDSMAN FOR THE ARMED FORCES SHALL BE LIMITED TO THE INVESTIGATION AND PROSECUTION OF COMPLAINTS AGAINST UNIFORMED MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES."

SECTION 2. Section 24. Preventive Suspension. – The Ombudsman or his Deputy may preventively suspend any officer or employee OR UNIFORMED MEMBER OF THE ARMED FORCES OF THE PHILIPPINES under his authority pending an investigation, if in his judgement the evidence of guilt is strong and (a) the charge against such officer or employee OR UNIFORMED MEMBER OF THE ARMED FORCES OF THE PHILIPPINES involves dishonesty, oppression or grave misconduct or neglect in the respondent's continued stay in office may prejudice the case filed against him."

**SEC. This Act shall take effect upon its approval.
Approved.**