

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS

Third Regular Session

House Bill No. 5748

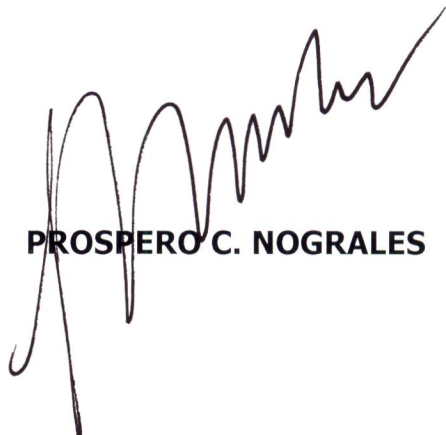
Introduced by Representative Prospero C. Nograles

EXPLANATORY NOTE

The Office of the Ombudsman unlike other vital government agencies lacks fiscal autonomy. The Office of the Ombudsman cannot attract and employ top notch people and experts because, with this lack of fiscal independence, the salaries it offers are much lower compared to those given in the private sector. Its employees cannot fully perform their duties due to lack of equipment and logistical support. Worse, with their meager salaries the officers and employees of the Office of the Ombudsman are susceptible to commit graft and corruption.

Under Republic Act No. 6770 or the "Ombudsman Act of 1989", the Ombudsman and his deputies, shall act promptly on complaints filed against officers or employees of the Government, or any of its subdivision, agency or instrumentality, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

With this huge responsibility, it is imperative that the Office of Ombudsman be granted enhanced fiscal autonomy to be able to fulfill its duty as a pillar of good governance.


PROSPERO C. NOGRALES

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AN ACT
TO STRENGTHEN THE FISCAL AUTONOMY OF THE OFFICE OF THE
OMBUDSMAN, AMENDING FOR THE PURPOSE SECTION 38 OF R.A.
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:

1 **SECTION 1.** Section 38 of Republic Act Numbered 6770, otherwise
2 known as the "Ombudsman Act of 1989," is hereby amended to read as
3 follows:

4 "Section 38. *Fiscal Autonomy.* - The Office of the Ombudsman
5 shall enjoy fiscal autonomy. PURSUANT THERETO, THE OFFICE OF
6 THE OMBUDSMAN IS HEREBY EXEMPTED FROM THE PROVISIONS OF
7 R.A. 6758, OTHERWISE KNOWN AS THE 'SALARY STANDARDIZATION
8 LAW', AND SHALL HAVE THE AUTHORITY TO ESTABLISH, FIX,
9 REVIEW, REVISE AND ADJUST THE APPROPRIATE COMPENSATION
10 PACKAGE FOR ITS OFFICERS AND EMPLOYEES. *PROVIDED, THAT*
11 THE AMOUNT NECESSARY TO EFFECT THE ADJUSTED
12 COMPENSATION SHALL BE SOURCED FROM, AND CHARGED AGAINST
13 THE REGULAR APPROPRIATIONS AND SAVINGS THEREON, IF ANY, OF

1 THE OFFICE OF THE OMBUDSMAN AND FROM OTHER SOURCES SUCH
2 AS, BUT NOT LIMITED TO, FINES, CHARGES, AWARDS AND FEES THE
3 OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO ASSESS AND
4 COLLECT IN ACCORDANCE WITH EXISTING LAWS, INCLUDING
5 EXECUTIVE ORDER NO. 292 AND BATAS PAMBANSA BLG. 325.
6 *PROVIDED, HOWEVER, THAT SHOULD SUCH AMOUNTS BE*
7 *INADEQUATE, THE NEEDED BALANCE SHALL BE TAKEN FROM ANY*
8 *FUND OF THE NATIONAL TREASURY NOT OTHERWISE*
9 *APPROPRIATED. THEREAFTER, THE FUNDS SHALL BE INCLUDED IN*
10 *THE ANNUAL GENERAL APPROPRIATIONS ACT. Appropriations for the*
11 *Office of the Ombudsman may not be reduced below the amount*
12 *appropriated for the previous years and, after approval, shall be*
13 *automatically and regularly released."*

14 **SEC. 2.** Nothing in this Act shall prejudice the positions, emoluments,
15 security of tenure and other privileges enjoyed by the incumbent officers and
16 employees of the Office of the Ombudsman before the implementation of this
17 Act.

18 **SEC. 3.** If any provision of this Act shall be held unconstitutional,
19 other provisions not affected thereby shall remain valid and binding.

20 **SEC. 4.** All laws, decrees, orders and issuances inconsistent with the
21 provisions of this Act shall be considered amended or modified accordingly.

22 **SEC. 5.** This Act shall take effect fifteen (15) days after its publication
23 in at least two (2) newspapers of national circulation.