

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 235

Introduced by **Honorable Roilo Golez**

EXPLANATORY NOTE

A public office is a public trust. This dictum has been with us since time immemorial but still we see the different hues, if not hybrids of graft and corruption committed in public offices.

Different laws have been in place to lessen graft and corruption, to wit: Republic Act No. 3019, Presidential Decree Nos. 677, 1288, 46, 749 and the latest of which being Republic Act No. 6713 and yet we have not so included "beneficiaries" of the proceeds of graft or corrupt activities.

Beneficiaries can either be immediate relatives or others related by affinity or not to public officials or employees. A public official or employee, who due to their position, commit graft and corruption is liable under the regime of laws. But there is no clear-cut policy on beneficiaries who directly or indirectly benefit from such misappropriation or illegal enrichment.

Beneficiaries or major age must be held accountable and liable due to acts of graft committed by the public official or employee. In a situation where a public official or employee is found guilty of the anti-graft law, the beneficiaries who enjoyed the fruits of the corrupt act such as houses, cars, jewelry, education, and foreign travel when such items are obviously disproportionate to the legitimate and visible source of income of the family, should be held criminally liable.

Proceeds from such illegal transactions are in itself illegal and as such considered as stolen. This is similar to peddling or fencing stolen goods whereby income derived is in itself dirty money plain and simple. Under the law recipients of or those caught in possession of stolen goods, are criminally liable. The same principle should apply in case of wealth stolen through graft and corrupt practices.

This is the only way we can put real meaning to the trite use of the saying public office is a public trust by making the family the first line of defense against graft and corruption.

Passage of the bill is earnestly sought.



ROILO GOLEZ

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AN ACT
AMENDING SECTION 9 OF REPUBLIC ACT NUMBERED THIRTY HUNDRED AND NINETEEN, AS
AMENDED, ENTITLED "ANTI-GRAFT AND CORRUPT PRACTICES ACT"

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

SECTION 1. Section 9 of Republic Act Numbered Thirty-Nineteen, as amended, is hereby amended by adding a new paragraph to be denominated a paragraph (c) to read as follows:

"Sec. 9. Penalties for Violations. -

x x x

(c) PERSONS, SUCH AS, BUT NOT LIMITED TO, IMMEDIATE FAMILY MEMBERS OF LEGAL AGE, WHO BENEFIT FROM THE UNLAWFUL ACTS OR OMISSIONS OF A PUBLIC OFFICER SHALL BE PUNISHED WITH IMPRISONMENT FOR NOT LESS THAN SIX (6) MONTHS NOR MORE THAN FIVE (5) YEARS AND FORFEITURE IN FAVOR OF THE GOVERNMENT WHATEVER PROCEEDS DERIVED FROM SUCH UNLAWFUL ACT."

SEC. 2. This Act shall take effect immediately.

Approved,