

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2827

Introduced by AKBAYAN Representatives Walden F. Bello and Kaka J. Bag-ao

EXPLANATORY NOTE

In his first State of the Nation Address, the President emphasized that one of the key initiatives of his administration would be to clamp down on the corruption that has unfortunately become so widespread and pervasive among the ranks of those in the government service.

His bold declaration during the campaign that "*Kung walang corrupt, walang mahirap*," underscores that ultimately, this drive to eliminate corruption in government is intended to be a crucial first step in addressing the very real and very urgent needs of the impoverished majority of the Filipino people.

Half a century ago, with the enactment of Republic Act No. 3019 and its provisions requiring mandatory disclosure by all public officials and employees of their finances and financial interests, Congress already recognized that essential to any government drive against corruption is a policy of full transparency on the part of all those in the government service. Only full and open public scrutiny would guarantee that impropriety and official abuse for personal and financial advantage would be quelled and avoided.

Simply put, the Constitutionally-enshrined principle that "Public office is a public trust," could only be realized in an atmosphere of full disclosure and transparency on the part of those in the public service.

Even the Supreme Court, in the landmark case of *Morfe v. Mutuc*, which upheld the disclosure requirements first established in RA 3019, explicitly recognized that the statute "was precisely aimed at curtailing and minimizing the opportunities for official corruption and maintaining a standard of honesty in the public service" and was "intended to further promote morality in public administration."

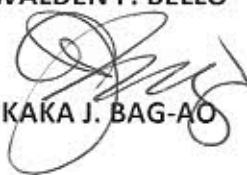
The disclosure requirements in RA 3019 have now been superseded by the rules governing the mandatory filing of the Statement of Assets, Liabilities, and Net Worth (SALN) and the Disclosure of Business Interests and Financial Connections by all public officials and employees under Republic Act No. 6713 known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

But while the principle sought to be upheld by the SALN provisions under RA 6713 is indisputably laudable, past experience by citizens' groups and civil society organizations that have attempted to obtain copies of the statements filed by public officials has

underscored the difficulty and frustration inherent in the current manner in which the statutory policy is currently being implemented.

There is therefore an urgent need to clarify the rules on access to the SALN of public officials and employees to ensure that the principles of transparency, open and public scrutiny, and ultimately honesty and integrity in public service are truly upheld. It is only by doing this can it be ensured that we indeed walk the "*tuwid na daan*" our President has challenged us to travel.

It is in this context, and in pursuit of this objective, that the following measure amending RA 6713 is proposed.


WALDEN F. BELLO

KAKA J. BAG-AO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2827

Introduced by AKBAYAN Representatives Walden F. Bello and Kaka J. Bag-ao

AN ACT
PROMOTING TRANSPARENCY IN THE GOVERNMENT SERVICE BY
ENHANCING PUBLIC ACCESS TO THE STATEMENT OF ASSETS, LIABILITIES
AND NET WORTH AND THE DISCLOSURE OF BUSINESS INTERESTS AND
FINANCIAL CONNECTIONS FILED BY PUBLIC OFFICIALS AND EMPLOYEES.

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

SECTION 1. *Title* – This Act shall be known as the “**Silip SALN Act of 2010.**”

SECTION 2. *Declaration of Policy* – A fundamental principle that lies at the heart of our democratic system of government is that public office is a public trust, and that public officials 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. In order to uphold this principle and ensure accountability, honesty, and integrity in the government service, all public officials and employees are required by law to accomplish and submit declarations under oath of their assets, liabilities, net worth and financial and business interests, as well as those of their spouses and children under eighteen years of age living in their households. The purpose of making and filing this declaration is to allow public and open scrutiny the public officer's finances and financial interests, so that any impropriety or abuse of office for financial gain will be readily revealed, thus discouraging the same.

SECTION 3. *Amendment of the Rules for Accessibility of Documents under Republic Act No. 6713.* – In furtherance of the above-stated policy, Section 8, Paragraph (C) of Republic Act No. 6713, known as the “Code of Conduct and Ethical Standards for Public Officials and Employees,” is hereby amended as follows:

“SECTION 8. x x x

(C) *Accessibility of documents.* —

(1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours. Except for the limitation stated in the preceding sentence, the right of any person to inspect these statements shall be absolute and may not be denied or restricted for any reason or on any ground by the public officer, office, or agency entrusted by this Act with custody of the same.

(2) Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law.

(3) Any person requesting a copy of a statement shall do so personally, by mail, or electronically, addressing the request to the public officer, office, or agency entrusted by this Act with custody of such statement, and shall be required to pay a reasonable fee to cover the cost of reproduction and/or mailing of such statement, as well as the cost of certification. The public officer, office, or agency receiving the request shall comply with the same within five (5) working days from receipt thereof.

(4) Apart from the requirements under the two preceding paragraphs, the right of any person to obtain copies or reproductions of such statements shall be absolute, and no denial on any ground may be made, or any other restriction or limitation imposed, by the public officer, office, or agency entrusted by this Act with custody of the same.

[(4)] (5) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.

(6) The respective public officer, office, or agency entrusted by this Act with custody of the statements filed by all Constitutional and national elective officials, Senators and Congressmen, and Justices of the Supreme Court shall make electronic copies of the same available on the websites of their respective offices or agencies within thirty (30) calendar days from the time they are filed as required by law.

(7) The electronic copies of all such statements shall be kept available on the websites of the respective public officer, office, or agency for at least three (3) years from the time they are uploaded."

SECTION 4. *Separability Clause.* – If any provision of this Act, or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other portions.

SECTION 5. *Repealing Clause.* – All laws, executive orders, presidential decrees, proclamations, rules, regulations, issuances and enactments or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 6. *Effectivity* – This Act shall take effect after fifteen (15) days from its complete publication either in the *Official Gazette* or in a newspaper of general circulation in the Philippines, whichever comes earlier.

APPROVED,