

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 3037

Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

The legislative inquiry in aid of legislation regarding the alleged bribery of certain government officials in connection with the illegal drug trafficking of the so-called "Alabang Boys" in 2008 revealed, among others, a disturbing act. This act, although seemingly innocent at first glance, was committed by the legal counsel of the suspects. The lawyer for the "Alabang Boys" admitted under oath and in public during the inquiry at the House of Representatives that he had gotten hold of an official letterhead of the Department of Justice (DOJ) and used the same to "draft" a release order for his clients ready for the signature of the Secretary of the DOJ. This has been recorded and kept in the archives of Congress.

The lawyer claimed that he violated no crime because he did not forge the signature of the Secretary of DOJ. He was just "trying his luck" because of his alleged over-zealousness to service the interests of his clients especially at the time of the Christmas season. That may be so, but such act puts into question the ethics of such practice, and if penalties should be imposed.

The extent of this practice is unknown to the general public and to Congress as well. It must not be allowed to flourish and let the privileged few gain from the unauthorized possession and use of official letterheads and stationeries making it appear that it is an official communication from the government agency, office or entity.

Hence, in order to stop this practice and maintain the integrity of all government agencies, offices and entities, it is time to criminalize the unauthorized possession as well as unauthorized use of official letterheads and stationeries by any private individual and more so, by public officials and employees for their own personal gains or that of others.

Due to the foregoing, passage of this important legislation is earnestly sought.


RODOLFO G. BIAZON
Representative
Lone District, Muntinlupa City

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AN ACT

**PROHIBITING AND PENALIZING THE UNAUTHORIZED POSSESSION AND
USE OF OFFICIAL LETTERHEADS AND STATIONERY BELONGING TO
DIFFERENT NATIONAL GOVERNMENT AGENCIES, OFFICES OR ENTITIES,
AND PROVIDING PENALTIES THERETO**

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

SECTION 1. *Punishable Act.* – It shall be unlawful for any person to possess and to use any official letterheads and/or stationeries belonging to the different National Government Agencies, Offices or Entities without the express written authorization of the head of the agency, office or entity.

Sec. 2. *Who May File the Complaint.* – Any person who has knowledge of the unauthorized possession and unauthorized use of any official letterhead and/or stationery belonging to a particular government agency, office or entity may file a criminal complaint for violation of this Act.

Sec. 3. *Venue.* – A criminal action arising from the violation of this Act shall be filed and prosecuted following the Revised Rules on Criminal Procedure.

Sec. 4. *Penalties and Sanctions.* – The following penalties and sanctions are hereby established for the violation of this Act:

(a) Any person who shall violate this Act shall suffer the penalty of *prision correccional* in its medium period to *prision mayor* in its minimum period and a fine of not less than Fifty Thousand Pesos (P50, 000.00) but not more than One Hundred Thousand Pesos (P100, 000.00): *Provided*, That if the offender is a foreigner, he or she shall be immediately deported after servicing his sentence and be barred permanently from entering the Philippines again.

(b) If the person charged under this Section is a government official or employee, any member of the Armed Forces of the Philippines or any member of other law enforcement

agencies, the applicable punishment imposed is *prision mayor* in its medium period to *prision mayor* in its medium period to *prision mayor* in its maximum period, and the accessory penalty of perpetual absolute disqualification or a fine of not less than fifty thousand pesos (P50,000.00) but not more one hundred thousand pesos (P100,000.00) or all at the discretion of the court.

Any employee or official of government agencies who violate the provisions of this Act, shall be held administratively liable, without prejudice to possible criminal liability should the pieces of evidence indicate that they have directly or indirectly violated this Act.

Sec. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,