

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4258

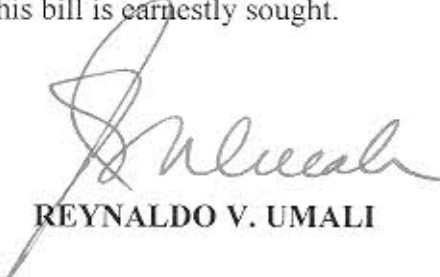
Introduced by Honorable REYNALDO V. UMALI

EXPLANATORY NOTE

This bill seeks to uphold the constitutional rights of public officers who are respondents in any criminal prosecution. It cannot be denied that some, if not most, of the cases filed against a public officer is intended to harass him in the rightful exercise of his official duties and functions. A direct negative effect of this malicious prosecution is a mandatory preventive suspension. As laid down in some jurisprudence, the Supreme Court rationalizes that unless the accused is preventively suspended, he may frustrate the prosecution or commit further acts of malfeasance.

Under our Constitution, the accused must be accorded due process, among other fundamental rights. Thus, this bill seeks to give the accused public officer his day in court. This measure will likewise give credence to the voice and confidence of the electorate who, despite the knowledge of having an information filed against a public officer, has voted him in office with the belief that the accused will not frustrate his prosecution or commit further acts of malfeasance.

In view of the foregoing, the approval of this bill is earnestly sought.


REYNALDO V. UMALI



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

Fifteenth Congress
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HOUSE BILL NO. 4258

Introduced by Honorable Reynaldo V. Umali

AN ACT
UPHOLDING THE CONSTITUTIONAL RIGHTS OF PUBLIC OFFICERS
WHO ARE RESPONDENTS IN ANY CRIMINAL PROSECUTION,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 3019,
OTHERWISE KNOWN AS THE “ANTI-GRAFT AND CORRUPT
PRACTICES ACT”

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. 3019 as amended, is hereby further amended to read as follows:

“Section 13. ***PREVENTIVE Suspension and Loss of Benefits.*** – Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as a complex offense and in whatever stage of execution and mode of participation is pending in court, shall be suspended from office FOR A PERIOD NOT EXCEEDING THREE (3) MONTHS: *PROVIDED, THAT A MANDATORY PRELIMINARY HEARING*

HAS BEEN CONDUCTED BY THE COURT HAVING ORIGINAL JURISDICTION OVER THE OFFENSE TO DETERMINE SUFFICIENT GROUND TO ENGENDER A WELL-FOUNDED BELIEF THAT AN OFFENSE UNDER THIS ACT HAS BEEN COMMITTED AND THE PUBLIC OFFICER IS PROBABLY GUILTY THEREOF: *PROVIDED, FURTHER*, THAT GIVEN THE GRAVITY OF THE OFFENSE, A HIGH PROBABILITY THAT THE CONTINUANCE IN OFFICE OF THE PUBLIC OFFICER MAY INFLUENCE WITNESSES OR POSE A THREAT TO THE SAFETY AND INTEGRITY OF THE RELEVANT RECORDS OR DOCUMENTS.

THE PREVENTIVE SUSPENSION SHALL NOT BE IMPOSED IF:

A. THE ACCUSED OR PERSON CHARGED HAS BEEN ELECTED TO OFFICE, WHETHER LOCAL OR NATIONAL, AFTER THE FILING OF THE INFORMATION;

B. THE ACCUSED IS HOLDING OR OCCUPYING AN OFFICE OR POSITION DIFFERENT FROM THAT WHICH THE PERSON WAS HOLDING AS STATED IN THE INFORMATION;

C. AFTER THE PROSECUTION HAS RESTED ITS CASE IN THE CRIMINAL PROCEEDINGS.

Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits

which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.”

SEC. 3. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,