

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6338



Introduced by **Hon. Erico B. Aumentado**

EXPLANATORY NOTE

Section 17 of the 1987 Constitution explicitly provides that “[A] public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth. In the case of the President, the Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law.”

Heeding this clarion call, Congress enacted a law to give force and effect on this constitutional exhortation. The law was denominated as Republic Act 6713, also known as “The Code of Conduct and Ethical Standards for Public Officials and Employees.”

The effectiveness of the law was later put to a test during the impeachment of Chief Justice Renato C. Corona, specifically, under Article II of the Articles of Impeachment which raises the issues of non-disclosure of the Statements of Assets, Liabilities, and Net Worth (SALN) to the public and the failure to disclose certain real properties and cash assets in his SALN as required by RA 6713.

No less than the Presiding Judge of the Impeachment Court, Senate President Juan Ponce Enrile acknowledge that the non-disclosure to the public of the SALNs of government officials became the raging issue of the time. Despite the clear provision of RA 6713 on the need to disclose all the assets, liabilities and net worth, yet the law still appears insufficient to compel public officials the full disclosure required by the Constitution of their assets once they entered government service.

To borrow the words of the Senate President Enrile, he said that: "We cannot ignore the fact that the failure or refusal, particularly of public officials in high government positions, to provide the public or the media with copies of the SALN's, continues to be a raging issue to this day. In fact, some, if not most of the members of the Prosecution panel itself, the Members of the Supreme Court, members of Congress and other high officials of the government have been challenged by media organizations to make their SALN's available to the public and to the media."

In fine, the challenge before us, legislatures, is how can we in the government fulfill the required full disclosure of assets, liabilities and net worth and in the process uphold the basic principle of transparency and public accountability enshrined in the 1987 Constitution?

Thus, this Bill seek to address the public clamor of total transparency and accountability in the government by providing a built-in mechanism in the law that would require high public officials to open their SALNs to the public upon assumption of office by publishing the same in the Official Gazette of the Republic.

Likewise, it seeks to remove the doubt in the law with regards to the question of inclusion or exclusion of all kinds of bank deposits owned by a declarant public official/employee. Notwithstanding the provision of RA 6426 on the secrecy of foreign currency deposits, it shall not bar the filer from including any foreign currency deposits in his/her SALNs by converting the amount into its peso equivalent.



ERICO B. AUMENTADO

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AN ACT
AMENDING SECTION 8 OF REPUBLIC ACT NO. 6713, OTHERWISE
KNOWN AS THE "CODE OF CONDUCT AND ETHICAL STANDARDS FOR
PUBLIC OFFICIALS AND EMPLOYEES"

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

SECTION 1. Paragraphs A (c) and B, Section 8 of Republic Act No. 6713 shall be amended to read as follows:

"Section 8. - Xxx

(A) Statements of Assets and Liabilities and Financial Disclosure. - All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

(a) Xxx

(b) Xxx

(c) all other assets such as investments, cash on hand or in banks **THAT SHALL INCLUDE BOTH PESO AND FOREIGN CURRENCY DEPOSITS CONVERTED INTO ITS PESO EQUIVALENT BASED ON EXCHANGE RATE IN THE PRECEDING YEAR**, stocks, bonds, and the like.

(d) Xxx

(e) Xxx

(B) Xxx

(C) Accessibility of documents. - (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours. **PROVIDED; THAT, IN THE CASE OF THE PRESIDENT, THE VICE-PRESIDENT, THE MEMBERS OF THE CABINET, THE CONGRESS, THE SUPREME COURT, THE CONSTITUTIONAL COMMISSIONS AND OFFICERS OF THE ARMED FORCES WITH GENERAL OR FLAG RANK, THE STATEMENTS FILED UPON ASSUMPTION TO OFFICE SHALL BE PUBLISHED IN THE OFFICIAL GAZETTE WITHIN THIRTY (30) DAYS FROM SUCH FILING.**

SEC. 3. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,