

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 426



Introduced by Rep. Winston "Winnie" Castelo

EXPLANATORY NOTE

"Too many stairs and back doors make thieves and whores", Balthazar Gerbier did say.

The Philippine administrative system or bureaucracy so-called over many years may have unwittingly been under heavy infestation of public officials as well as private individuals into the near 'art' or near 'science' of corruption that has plagued state agencies, bureaus, and offices. Nothing can seem to stop this vicious bureaucratic orgy.

Time to put an end to the feast and kill the beast.

This instant bill puts a surefire stop to embezzlement of public funds by constituting the Commission on Audit, the Office of the Ombudsman and the Committee on Oversight of Congress into a tripartite body with that singleness of purpose, namely – to run after corrupt officials and private individuals and hold them to account.

Audit is crucial. It will remain to be so through a no-nonsense approach that yields together the capacities of three institutions into a merged one – more committed, more dedicated, and more bound by conscience than by instruction.

Thereby, no more test of wills. Let good governance pass the litmus test by calling a spade a spade. It is time to stand on the moral high ground of righteousness, if we as a people, can. It is time to draft the true code of conduct in public service that should be better in its praxis than in its text.

In this proposal, the tasks have been exhaustively outlined and they are regarded to put an end to a problem that has existed since time immemorial. A judicious perusal of the inherent merits of this bill indicate a resultant goal to truly making COA as the *enabled watchdog against irregular, unnecessary, excessive, extravagant, or unconscionable expenditures, or uses of government funds and properties.*

The immediate passage of this bill is highly sought.

WINSTON "WINNIE" CASTELO

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AN ACT
CONSTITUTING THE COMMISSION ON AUDIT (COA), OFFICE OF THE
OMBUDSMAN, AND COMMITTEE ON OVERSIGHT OF CONGRESS INTO A
TRIPARTITE BODY TO BE KNOWN AS THE LEGISLATIVE AUDIT COUNCIL TO
PERFORM IDENTIFIED TASKS ENABLING GOVERNMENT TO EFFECTIVELY RUN
AFTER CORRUPT OFFICIALS AND PRIVATE INDIVIDUALS AND MADE THEM TO
ACCOUNT FOR EMBEZZLEMENT OF PUBLIC FUNDS

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

SECTION 1. The Commission on Audit (COA), Office of the Ombudsman, and Committee on Oversight of Congress are hereby constituted as a tripartite body to be known as the 'Legislative Audit Council' that will perform identified tasks enabling government to effectively run after corrupt officials and private individuals and made them to account for embezzlement of public funds.

SEC. 2. Under this Act, the Legislative Audit Council shall be composed of the Commissioner of the Commission on Audit or his designated representative, the Ombudsman or his designated representative, and the chairman of the House Committee on Oversight and the chairman of the Senate Committee on Oversight or their designated representatives, respectively.

SEC. 3. The composition of the Legislative Audit Council shall perform any or all of the following acts or other future acts it may deem relevant to its main goal to run after corrupt and private individuals and made them to account for embezzlement of public funds, as follows:

1. shall be responsible for the oversight of the state audit program
2. shall review stewardship of public funds
3. shall monitor action to correct weaknesses disclosed by the audits of state agencies

4. shall take definitive action on financial and compliance reports and performance audits
5. shall conduct public hearings on all major audits of state agencies to review problems, assess agency stewardship, and secure remedial action
6. shall initiate and cause review of management and program audits and investigations
7. shall make recommendations for corrective legislation and other measures to remedy weaknesses disclosed through audits or at council meetings
8. shall monitor agency progress in implementing corrective action
9. shall ensure that public funds would have proper and full accounting and that transactions are transparent and consistent with sound bidding and auditing requirements
10. shall send public officials or private individuals found to have embezzled public funds to serve sentence in jail, pay fines, and reimburse to the government all sums of money siphoned off from anomalous transactions
11. shall shift to adopt the visitorial system approach in auditing and do away with the residency audit approach
12. shall serve as a pool of experts in various fields to insure integrity of the council waiving thereby COA's ten-year requirement of practice of profession in the case of certified public accountants and lawyers
13. shall insure freedom from technical and procedural errors that commonly frustrate the ends of justice and undermines the role of the Legislative Audit Council as watchdog against "irregular, unnecessary, excessive, extravagant, or unconscionable expenditures, or uses of government funds and properties"
14. shall eliminate if not totally eradicate practices inimical to good governance such as but not limited to irregular transactions, lost funds, ghost procurement, non-existent projects, contracts without the conduct of public bidding, infrastructure project overpricing, anomalous negotiated purchases, unnecessary procurement and the like

SEC. 4. Under this Act, there is neither new office created thereby nor any new funds appropriated to carry out the provision of this Act. However, let the Commission on Audit be the Office of Primary Responsibility to issue rules and regulations to fully implement this Act.

SEC. 5. All issuances, laws, decrees, orders, rules and regulations or parts thereof not consistent with this Act are hereby repealed or modified accordingly.

SEC. 6. This Act shall take effect thirty (30) days following its publication in the Official Gazette and in at least three (3) newspapers of general circulation.

Approved,