

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH (16th) CONGRESS
First Regular Session

House Bill No. 4345



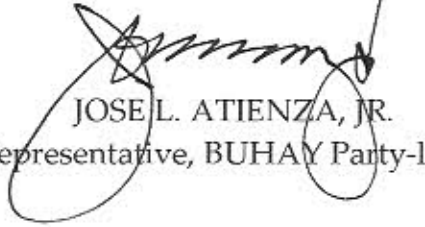
Introduced by: Representative Jose L. Atienza, Jr.

EXPLANATORY NOTE

This bill seeks to establish an independent commission, composed of retired Supreme Court justices, to investigate the pork barrel scandal.

In this manner, neither the Senate nor the House of Representatives, some members of which have been implicated in the said scandal, will have to investigate itself. This investigation is expected to cover the issue since the start of the pork barrel system in the Eighth Congress as the Countrywide Development Fund or (CDF), to its present form as the Priority Development Assistance Fund (PDAF).

Given the extensive coverage that this issue has been given in all forms of media, including the internet, this independent commission, which is expected to immediately buckle down to work, will save the country from the destructive impact of what can be deemed as the "scandal of the century."


JOSE L. ATIENZA, JR.
Representative, BUKAY Party-list

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AN ACT CREATING AN INDEPENDENT COMMISSION TO INVESTIGATE
THE PRIORITY DEVELOPMENT ASSISTANCE FUND, OTHERWISE KNOWN
AS PORK BARREL, FOR PURPOSES OF DETERMINING WHETHER PUBLIC
FUNDS WERE LEGALLY USED FOR PURPOSES INTENDED AND PROVIDED
FOR BY LAW

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

SECTION ONE. This Act shall be known as the "Peoples Independent Commission to Investigate the Priority Development Assistance Fund."

SEC. 2. *Declaration of Policy.* – The State recognizes that public funds are trust funds given in the form of taxes by the Filipino people, and therefor the giver has an absolute right to know who are accountable, how these funds are appropriated, and in the event of misuse, misappropriation or plunder, the persons responsible and the actions to be taken against all those who, in one way or another, participated in the illegal acts.

SEC. 3. *Creation.* - There is hereby created an Independent Commission to be appointed by the President of the Republic of the Philippines. This Commission should be composed of seven (7) members who will elect from themselves a Chairman.

SEC 4. *Qualifications.* - The membership of the Commission shall be limited to Retired Supreme Court Justices.

SEC. 5. *Functions and Powers.* - The Commission shall exercise the following functions and powers:

1. Determine the legal basis of PDAF appropriations included in the annual budget since 1987 (8th Congress up to the present 16th Congress) up to the budget approved for the fiscal year 2013-2014.

2. Determine, in detail, the procedure by which the PDAF appropriated in the annual budget could be availed of, identify the offices, officials and legal entities legally involved and authorized to process, approve and nominate beneficiaries, and release the funds involved and the legitimacy of the expenses for audit purposes.

3. Investigate the expenses reported to the Commission of Audit covering the said period with the aim of ascertaining the veracity of reports.

4. Collect, receive, review and evaluate evidence related to the cases of PDAF disbursements that may be the subject of investigation.

5. Upon proper request or representation, require the presentation of information and documents from the Senate and House of Representatives on records of investigations conducted by its committees thereon, relating to matters or subjects being investigated by the Commission.

6. To seek and secure the assistance of any office, agency or instrumentality of the government.

7. Upon proper request and representation, obtain information from the courts, including the Sandiganbayan and the Office of the Court Administrator, information or documents in respect to corruption cases filed with the Sandiganbayan or the regular courts, as the case may be.

8. To administer oaths, and issue subpoenas to any agency, official or employee of the Executive Branch, including government-owned or controlled corporations, to produce documents, books, records and other papers as may be material to the investigation conducted by the Commission.

9. Recommend, in cases where there is a need to utilize any person as a state witness to ensure that the ends of justice be fully served, that such person who qualifies as state witness under the Revised Rules of Court of the Philippines be admitted for that purpose.

10. To hold any person in direct or indirect contempt and impose the appropriate penalties, following the same procedures and penalties provided in the Rules of Court.

11. Turn over, from time to time, for expeditious prosecution, to the appropriate prosecutorial authorities, by means of a special or interim report and recommendation, all evidence on corruption of public officers and employees and their private sector co-principals, accomplices or accessories, if any, when in the course of its investigation the Commission finds that there is reasonable ground to believe that they are liable for graft and corruption under pertinent applicable laws.

12. Engage or contract the services of resource persons, professionals and other personnel determined by it as necessary to carry out its mandate.

13. Enjoin or restrain any actual or threatened commission of acts by any person or entity that may render moot and academic, or frustrate or otherwise make ineffectual the efforts of the Commission to carry out its tasks under this order.

14. Promulgate its rules and regulations as it deems necessary to effectively and efficiently carry out the objectives of this Act and to ensure the orderly conduct of its investigations, proceedings and hearings, including the presentation of evidence.

15. Exercise such other acts incident to or appropriate and necessary in connection with the objectives and purposes of this Act.

SEC. 6 *Staffing Requirements.* – The Commission shall be assisted by such assistants and personnel as may be necessary to enable it to perform its functions, and shall formulate and establish its organizational structure and staffing pattern composed of such administrative and technical personnel as it may deem necessary to efficiently and effectively carry out its functions and duties prescribed herein, subject to the approval of the Department of Budget and Management.

SEC. 7. *Conduct of Proceedings.* – The proceedings of the Commission shall be in accordance with the rules promulgated by the Commission. Hearings or proceedings of the Commission shall be open to the public. However, the Commission, *motu proprio*, or upon the request of the person testifying, may hold an executive or closed-door hearing where matters of national security or public safety are involved, or when the personal safety of the witness warrants the holding of such executive or closed-door hearing. The Commission shall provide the rules for such hearing.

SEC. 8. *Right to Counsel of Witnesses / Resource Persons.* – Any person called to testify before the Commission shall have the right to counsel at any stage of the proceedings.

SEC. 9 *Protection of Witnesses / Resource Persons.* – The Commission shall always seek to assure the safety of the persons called to testify and, if necessary, make arrangements to secure the assistance and cooperation of the Philippine National Police and other appropriate government agencies.

SEC. 10 *Refusal to Obey Subpoena, Take Oath or Give Testimony.* – Any government official or personnel who, without lawful excuse, fails to appear upon subpoena issued by the Commission or who, appearing before the Commission refuses to take oath or affirmation, give testimony or produce documents for inspection, when required, shall be subject to administrative disciplinary action and / or contempt. Any private person who does the same may be dealt with in accordance with law.

SEC 11. *Duty to Extend Assistance to the Commission.* – The departments, bureaus, offices, agencies or instrumentalities of the Government, including government-owned and controlled corporations, are hereby directed to extend such assistance and cooperation as the Commission may need in the exercise of its powers,

execution of its functions and discharge of its duties and responsibilities with the end in view of accomplishing its mandate. Refusal to extend such assistance or cooperation for no valid or justifiable reason or adequate cause shall constitute a ground for disciplinary action against the refusing official or personnel.

SEC 12. *Budget for the Commission.* – It is hereby directed that, subject to the availability of funds, a certain amount be set aside out of the funds of the National Treasury and be made available for the expenditures of the Commission.

SEC. 13. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC 14. *Effectivity.* – This Act shall take effect immediately.