

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

SIXTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. **4898**



INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

Section 1, Article XI of the 1987 Constitution provides that "[p]ublic office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives." Despite this constitutional injunction, graft and corruption seems to remain pervasive in Philippine society.

The Office of the Ombudsman is tasked to investigate on its own or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous suits filed against them by disgruntled litigants. Moreover, their personal safety and the safety of their family are at constant risk due to the cases they handle. Furthermore, despite the enormity of their task of battling graft and corruption, the compensation of Ombudsman officials and employees not comparable to that of their counterparts in other anti-graft and corruption bodies in the Asia-Pacific Region.

With the enactment of this bill into law, it is believed that the enhancement of the welfare of the country's graft busters will strengthen the Office of the Ombudsman as an institution in its fight against graft and corruption.

In view of all the foregoing, the support of the Members of Congress for the prompt and timely passage of this measure is earnestly sought.


XAVIER JESUS "XJ" D. ROMUALDO

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HOUSE BILL NO. 4898

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AN ACT
STRENGTHENING THE OFFICE OF THE OMBUDSMAN BY UPGRADING
EMPLOYEE SKILLS, AUGMENTING COMPENSATION AND BENEFITS, AND
ENHANCING FISCAL AUTONOMY, APPROPRIATING FUNDS THEREFOR,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6770, OTHERWISE KNOWN
AS THE OMBUDSMAN ACT OF 1989, AND FOR OTHER PURPOSES

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

1 SECTION 1. Section 6 of Republic Act (RA) No. 6770 is hereby amended to read as follows:

2
3 SEC. 6. *Rank and Salary.* – The Ombudsman and his Deputies shall have the same
4 ranks, salaries and privileges as the Chairman and members, respectively, of a
5 Constitutional Commission. Their salaries shall not be decreased during their term
6 of office.

7
8 ~~[The members of the prosecution, investigation and legal staff of the Office of the~~
9 ~~Ombudsman shall receive salaries which shall not be less than those given to~~
10 ~~comparable positions in any office in the Government.]~~

11
12 THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, AND
13 PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE
14 OMBUDSMAN SHALL HAVE THE SAME RANK, SALARIES,
15 ALLOWANCES, EMOLUMENTS, AND OTHER PRIVILEGES, INCLUDING
16 THE SAME RETIREMENT AND OTHER BENEFITS, AS THOSE OF

MEMBERS OF THE JUDICIARY IN ACCORDANCE WITH THE
FOLLOWING TABLE:

OFFICE OF THE OMBUDSMAN	JUDICIARY
ASSISTANT OMBUDSMAN AND OTHER PERMANENT EMPLOYEES WITH SALARY GRADE (SG) 29	REGIONAL TRIAL COURT JUDGE
GRAFT INVESTIGATION AND PROSECUTION OFFICER (GIPO) IV AND OTHER PERMANENT EMPLOYEES WITH SG 28	METROPOLITAN TRIAL COURT JUDGE
GIPO III AND OTHER PERMANENT EMPLOYEES WITH SG 27	MUNICIPAL TRIAL COURT IN CITIES JUDGE
GIPO II AND OTHER PERMANENT EMPLOYEES WITH SG 26	MUNICIPAL TRIAL COURT JUDGE

SEC. 2. The following Sections are hereby inserted between Sections 6 and 7 of RA No. 6770:

SEC. 6-A. *RETIREMENT BENEFITS.* – MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN, AS PRESENTED IN THE TABLE IN THE PREVIOUS SECTION, WHO HAVE RENDERED AT LEAST FIFTEEN (15) YEARS OF GOVERNMENT SERVICE, THE LAST FIVE (5) OF WHICH ARE WITH THE OFFICE OF THE OMBUDSMAN, AND HAVE REACHED THE AGE OF SIXTY-FIVE (65), SHALL BE ENTITLED TO A RETIREMENT

1 PENSION BASED ON THEIR HIGHEST MONTHLY SALARY, PLUS THE
2 HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING, AND
3 REPRESENTATION ALLOWANCES, WHICH THEY WERE RECEIVING
4 IMMEDIATELY PRIOR TO THE TIME OF THEIR RETIREMENT.

5
6 THOSE WHO HAVE RENDERED SERVICE FOR THE SAME PERIOD AND
7 WHO HAVE REACHED THE AGE OF SIXTY (60) AND OPT TO RETIRE
8 SHALL BE ENTITLED TO THE SAME BENEFIT.

9
10 SEC. 6-B. *CONDITIONS FOR ENTITLEMENT OF PENSION.* -- TO MAINTAIN
11 ENTITLEMENT TO THE PENSION HEREIN PROVIDED, NO FORMER
12 LAWYER OF THE OFFICE OF THE OMBUDSMAN, DURING THE TIME
13 HE/SHE IS RECEIVING SAID PENSION, SHALL APPEAR AS COUNSEL
14 BEFORE ANY JUDICIAL OR QUASI-JUDICIAL AGENCY IN ANY CIVIL
15 CASE WHEREIN THE GOVERNMENT OR ANY AGENCY, SUBDIVISION,
16 OR INSTRUMENTALITY THEREOF IS AN ADVERSE PARTY, IN ANY
17 CRIMINAL CASE WHEREIN ANY OFFICER OR EMPLOYEE OF THE
18 GOVERNMENT IS ACCUSED OF AN OFFENSE COMMITTED IN RELATION
19 TO HIS/HER OFFICE, OR IN ANY ADMINISTRATIVE PROCEEDINGS TO
20 MAINTAIN AN INTEREST ADVERSE TO THE NATIONAL OR A LOCAL
21 GOVERNMENT OR TO ANY OF ITS LEGALLY CONSTITUTED OFFICERS.

22
23 WHEN A FORMER LAWYER OR MEMBER OF THE ADMINISTRATIVE
24 STAFF OF THE OFFICE OF THE OMBUDSMAN COVERED BY AND
25 RECEIVING ANY BENEFIT UNDER THIS ACT SHALL ASSUME AN
26 ELECTIVE OR APPOINTIVE POSITION IN GOVERNMENT, HE/SHE SHALL
27 NOT, UPON ASSUMPTION OF OFFICE AND DURING HIS/HER TERM OR
28 TENURE, RECEIVE THE MONTHLY PENSION OR ANY OF THE
29 ALLOWANCES DUE HIM/HER FROM THE OFFICE OF THE OMBUDSMAN.

1 SEC. 6-C. *OTHER PERSONNEL BENEFITS AND PRIVILEGES.* – THE
2 PROVISIONS OF OTHER LAWS TO THE CONTRARY
3 NOTWITHSTANDING, THE OFFICE OF THE OMBUDSMAN MAY PROVIDE
4 ITS EMPLOYEES WITH THE FOLLOWING BENEFITS:

5
6 A. HEALTH CARE SERVICES THROUGH A HEALTH MAINTENANCE
7 ORGANIZATION;

8
9 B. ACCIDENT INSURANCE, PROCURED BY THE OFFICE OF THE
10 OMBUDSMAN AT ITS OWN EXPENSE, DURING TRAVELS WHILE IN
11 THE PERFORMANCE OF THEIR OFFICIAL DUTIES AND FUNCTIONS;

12
13 C. SCHOLARSHIPS FOR DESERVING EMPLOYEES ON OFFICIAL TIME
14 AND AT THE EXPENSE OF THE OFFICE OF THE OMBUDSMAN TO
15 ENHANCE THEIR ACADEMIC GROWTH AND UPGRADE THEIR
16 KNOWLEDGE AND SKILLS; PROVIDED, THAT SCHOLARS UNDER
17 THIS PROVISION SHALL BE SELECTED ON THE BASIS OF
18 COMPETITIVE EXAMINATION AND SUCH OTHER GUIDELINES SET
19 BY THE OMBUDSMAN;

20
21 D. A PROVIDENT FUND, WHICH SHALL CONSIST OF CONTRIBUTIONS
22 BY THE OFFICE OF THE OMBUDSMAN AND BY ITS LAWYERS AND
23 EMPLOYEES TO A COMMON FUND WHICH MAY BE USED FOR THE
24 BENEFIT OF SUCH LAWYERS AND EMPLOYEES AND THEIR HEIRS;
25 AND

26
27 E. PROFESSIONAL MEMBERSHIP FEES, MANDATORY CONTINUING
28 LEGAL EDUCATION SERVICE FEES, AND RELATED
29 MISCELLANEOUS EXPENSES OF EMPLOYEES HOLDING POSITIONS
30 FOR WHICH A PROFESSIONAL LICENSE IS REQUIRED.

1
2 SEC. 6-D. *SPECIAL ALLOWANCES*. – TO CARRY OUT THE OBJECTIVES OF
3 THIS ACT AND SUPPORT THE EFFORTS TO FIGHT CORRUPTION, THE
4 OMBUDSMAN, SUBJECT TO AVAILABILITY OF FUNDS, IS AUTHORIZED
5 TO GRANT SPECIAL ALLOWANCES TO OFFICIALS AND EMPLOYEES OF
6 THE OFFICE OF THE OMBUDSMAN TO AUGMENT SALARIES AND
7 BENEFITS. THE GRANT OF SPECIAL ALLOWANCES SHALL BE IN SUCH
8 AMOUNTS AS CAN BE SUPPORTED BY THE FUNDING SOURCES
9 IDENTIFIED IN THIS LAW AS WELL AS FROM THE OFFICE OF THE
10 OMBUDSMAN'S GENERAL FUND AND SAVINGS; PROVIDED, THAT
11 SUCH ALLOWANCES SHALL NOT EXCEED ONE HUNDRED PERCENT
12 (100%) OF THE BASIC SALARY OF THE OFFICIAL OR EMPLOYEE
13 CONCERNED.
14

15 SEC. 3. Section 38 of RA No. 6770 is hereby amended to read as follows:
16

17 SEC. 38. *Fiscal Autonomy*. – The Office of the Ombudsman shall enjoy fiscal
18 autonomy. Appropriations for the Office of the Ombudsman may not be reduced
19 below the amount appropriated for the previous year and, after approval, shall be
20 automatically and regularly released.
21

22 THE FUNDS NECESSARY TO SUPPORT THE GRANT OF SPECIAL
23 ALLOWANCES AND BENEFITS PROVIDED HEREIN AND TO ENSURE
24 THE EFFECTIVE IMPLEMENTATION OF THIS ACT, SHALL BE TAKEN
25 FROM THE FOLLOWING:
26

27 A. THIRTY-FIVE PERCENT (35%) OF THE VALUE OR PROCEEDS OF
28 FORFEITED ASSETS UNDER REPUBLIC ACT NO. 1379. THE COURT
29 SHALL INCLUDE, IN ITS JUDGEMENT OF FORFEITURE, THE

1 SEGREGATION OF THE OFFICE OF THE OMBUDSMAN'S SHARE IN
2 THE FORFEITED ASSETS.

3
4 B. ALL OTHER INCOME, FEES, AND REVENUES COLLECTED BY THE
5 OFFICE OF THE OMBUDSMAN.

6
7 THE OMBUDSMAN IS AUTHORIZED TO RETAIN SUCH SHARES AS
8 PROVIDED IN THIS SECTION AND DISBURSE THE SAME FOR THE
9 PURPOSE OF AND IN ACCORDANCE WITH THIS ACT, AS WELL AS FOR
10 OTHER OPERATIONAL PURPOSES, INCLUDING BUT NOT LIMITED TO
11 CAPITAL EXPENDITURES, TRAININGS, AND OTHER OPERATIONAL
12 NEEDS.

13
14 SEC. 4. *Administrative Rules and Regulations.* – The Ombudsman shall issue, within ninety (90)
15 days from the effectivity of this Act, the necessary rules and regulation relating to the
16 administrative aspects of the provisions of this Act.

17
18 SEC. 5. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional,
19 the other provisions not affected thereby shall remain in full force and effect.

20
21 SEC. 6. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and other issuances
22 or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or
23 modified accordingly.

24
25 SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least
26 two newspapers of general circulation.

27
28 Approved,