



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Second Regular Session

House Bill No. **5353**



Introduced by **Honorable ERLPE JOHN "PING" M. AMANTE**

EXPLANATORY NOTE

This Bill seeks to prohibit all Local Government Units (LGU) to allocate funds from their Annual Budget, Internal Revenue Allotment and all other Local Government Funds for the allowances and all other forms of benefits to the members and personnel of the Judiciary and National Prosecution Service stationed in or assigned in their respective LGUs.

The concept of judicial independence lies on the integrity, morality, incorruptibility and impartiality of the members of the judiciary and the prosecution service. However, with the enactment of Republic Act No. 7160 otherwise known as the Local Government Code of 1991, Local Government Units were given authority to allocate from their Local Government Funds, additional allowances and other benefits to judges and prosecutors stationed in their areas.

This mechanism tends to undermine the independence of the judiciary and raise some issues on morality. Judges and Prosecutors, as dispenser of justice, must at all times isolate themselves from the alluring financial temptation.

This proposed measure is not meant to discredit the integrity, impartiality and moral character of judges and prosecutors particularly those receiving allowances from the LGUs, nor maliciously accuse or assume that they are partial and outrageously immoral, but only to create a mechanism that will ensure judicial independence of our judges and prosecutors.

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


ERLPE JOHN "PING" M. AMANTE



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House Bill No. **5353**

Introduced by **Honorable ERLPE JOHN "PING" M. AMANTE**

AN ACT
PROHIBITING THE LOCAL GOVERNMENT UNITS TO ALLOCATE FUNDS FOR
THE ALLOWANCES AND ALL OTHER FORMS OF BENEFITS TO THE MEMBERS
AND PERSONNEL OF THE JUDICIARY AND THE NATIONAL PROSECUTION
SERVICE, AMENDING FOR THE PURPOSE, SECTIONS 447 (A)(1)(XI), 458
(A)(1)(XI), 468 (A)(1)(XI) OF REPUBLIC ACT NO. 7160 AS AMENDED OR "THE
LOCAL GOVERNMENT CODE OF 1991", THEREBY STRENGTHENING THEIR
INDEPENDENCE AND FOR OTHER PURPOSES.

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

Section 1. *Short Title.* This Act shall be known as the "*Enhanced Judicial Independence Act of 2015*"

Section 2. *Declaration of Policy.* It is hereby declared the policy of the State to ensure an effective justice system that comprises with independent-minded judges and prosecutors who are consciously shielding themselves with the financial temptation being offered to them by the Local Government Units in the form of Special Allowances and other forms of benefits. Towards this end, the belief of intimidation and pressure whenever a benefactor Local Government Unit is a party to a case will be diminished.

Section 3. *Prohibition for the Local Government Units to Allocate Funds for the Additional Allowances and All Other Forms of Benefits to the Members of the Judiciary and Members of the National Prosecution Service Assigned In or Stationed in their Respective Local Government Units.* All Local Government Units are hereby prohibited to allocate funds from their Annual Budget, Internal Revenue Allotment and all other Local Government Funds for the allowances and all other forms of benefits to the members and personnel of the Judiciary and the National Prosecution Service stationed in or assigned in their respective Local Government Units.

Section 4. *Amendment of Pertinent Provision of the Local Government Code.* Sections 447 (a)(1)(xi), 458 (a)(1)(xi), 468 (a)(1)(xi) of Republic Act No. 7160 as amended or “The Local Government Code of 1991” are hereby amended to read as follows:

(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

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Section 458. Powers, Duties, Functions and Compensation.

(a) The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall:

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(xi) When the finances of the city government allow, provide for additional allowances and other benefits to **[judges, prosecutors]** public elementary and high school teachers, and other national government officials stationed in or assigned to the city;

Section 468. *Powers, Duties, Functions and Compensation.*

(a) The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of this Code in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall:

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(xi) When the finances of the provincial government allow, provide for additional allowances and other benefits to **[judges, prosecutors]** public elementary and high school teachers, and other national government officials stationed or assigned to the province.

Section 5. Penalties. (a) Any member or personnel of the Judiciary and National Prosecution Service found to be violating the provisions of this Act shall, upon conviction, be punished with imprisonment of six months and one day to twelve years, perpetual disqualification from public office, and shall refund all those previously received additional compensation, allowances, honoraria, bonuses and other emoluments.

(b) Any officer of the local government unit who caused the release of any additional compensation, allowances, honoraria, bonuses and other emoluments to the members and personnel of the Judiciary and the National Prosecution Service shall, upon conviction, be punished with imprisonment of six months and one day to twelve years and perpetual disqualification from public office.

Section 6. Implementing Rules and Regulations. For purposes of the implementation of this Act, the Secretary of the Department of Interior and Local Government shall issue such rules and regulations as he may deem necessary and appropriate Department Orders for the effective implementation of this Act.

Section 7. Repealing Clause. - All laws, decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 8. Separability Clause. - If for any reason or reasons, any portion or provision of this Act shall be held unconstitutional or invalid, all other parts or provisions not affected shall thereby continue to remain in full force and effect.

Section 9. Effectivity. - This act shall take effect fifteen days (15) after its publication in at least two (2) national newspapers of general circulation.

Approved,