

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5432**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Article VIII, Section 3 of the 1987 Constitution articulates that a member of the Judiciary must be a person of proven competence, integrity, probity, and independence. Furthermore, Article II Section 27 of the same provides that the State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption. However, recent surveys show the growing salience of members of the judiciary who circumvent the aforementioned law, thus, compromising the integrity and reputation of the country's judicial system.

According to Transparency International's Bribe Payers Index 2008, companies' confidence in the judicial system in the Philippines is low due to allegations of graft and corruption, as well as incompetence within the judiciary. The US Department of State in 2012 also shares the same view, where many foreign investors cite the judicial system in the Philippines as insufficient and uncertain, due to corruption and understaffing, significantly hindering investment. Further, bribery allegations reflected in different newspapers in the country in 2009 involving the so called "Alabang Boys" wherein P50 Million in bribes were allegedly paid to prosecutors and officials in the Department of Justice (DOJ) for the release of the 3 drug suspects strengthens the above observations of corruption in the Judiciary.

There is therefore an exigency for the government to swiftly pursue appropriate judicial reforms, and mere out appropriate penalties against erring magistrates. "A perception of corruption within the judiciary undermines its ability to enforce and maintain the legitimacy of the rule of law, which subsequently undermines the stability and effectiveness of the government and prevents economic development of the State.

In this light, this measure seeks to establish mechanisms for the detection and prevention of (1) inappropriate judicial conduct, (2) illegal activity, (3) actions that undermine the judicial machinery, and (4) violations of the Code of Ethics. This measure shall create an Office of the Inspector General and shall require the Office to: (1) conduct investigations of alleged misconduct in the Judicial branch; (2) conduct and supervise audits and investigations; and (3) prevent and detect waste, fraud, and abuse. The bill shall also provide for whistle-blower protection. It is hoped that this measure will finally put a halt to judicial abuses that prevent our legal machinery from working in its proper course.

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



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AN ACT
TO ENHANCE TRANSPARENCY AND ETHICS IN THE JUDICIARY BY
ESTABLISHING AN OFFICE OF INSPECTOR GENERAL FOR THE JUDICIAL
BRANCH, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Judicial Transparency*
2 *and Ethics Enhancement Act*".

3
4 **SEC. 2. *Establishment.*** - There is established for the judicial branch of the
5 government the Office of Inspector General for the Judicial Branch, hereinafter referred to as
6 the "Office".

7
8 **SEC. 3. *Appointment, Term, and Removal of Inspector General.*** –

- 9 a) Appointment - The head of the Office shall be the Inspector General, who shall
10 be appointed by the Chief Justice.
- 11 b) Term - The Inspector General shall serve for a term of four (4) years and may be
12 reappointed by the Chief Justice for any number of additional terms.
- 13 c) Removal - The Inspector General may be removed from office by the Chief
14 Justice. The Chief Justice shall communicate the reasons for any such removal to
15 both Houses of Congress.

1 **SEC. 4. Duties.** - With respect to the judicial branch, the Office shall –

2 1. Conduct investigations of alleged misconduct in the judicial branch (other than
3 the Supreme Court), that may require oversight or other action within the judicial branch or
4 by Congress;

5 2. Conduct investigations of alleged misconduct in the Supreme Court, that may
6 require oversight or other action within the judicial branch or by Congress;

7 3. Conduct and supervise audits and investigations;

8 4. Prevent and detect waste, fraud, and abuse; and

9 5. Recommend changes in laws or regulations governing the judicial branch.
10

11 **SEC. 5. Powers and Limitations.** –

12 a) Powers - In carrying out the duties of the Office, the Inspector General shall
13 have the power to:

14 Make investigations and reports;

15 1. Obtain information or assistance from any national or local governmental
16 agency, or other entity, or unit thereof, including all information kept in
17 the course of business by the Judicial and Bar Council, and the Integrated
18 Bar of the Philippines;

19 2. Require, by subpoena or otherwise, the attendance and testimony of such
20 witnesses, and the production of such books, records, correspondence
21 memoranda, papers, and documents, which subpoena, in the case of
22 contumacy or refusal to obey, shall be enforceable by civil action;

23 3. Administer to or take from any person an oath, affirmation, or affidavit;

24 4. Employ such officers and employees, governing appointments in the
25 competitive service; and

26 5. The extent and in such amounts as may be provided in advance by
27 Appropriations Acts, to enter into contracts and other arrangements for
28 audits, studies, analyses, and other services with public agencies and with
29 private persons, and to make such payments as may be necessary to carry
30 out the duties of the Office.

31 b) Limitations - The Inspector General shall not have the authority to –

32 1. Investigate or review any matter that is directly related to the merits of a
33 decision or procedural ruling by any judge, justice, or court; or

34 2. Punish or discipline any judge, justice, or court.

1 **SEC. 6. Reports. –**

2 a) When to be Made - The Inspector General shall-

- 3 1. Make an annual report to the Chief Justice and to Congress relating to the
4 activities of the Office; and
5 2. Make prompt reports to the Chief Justice and to Congress on matters that
6 may require action by the Chief Justice or Congress.

7 b) Sensitive Matter - If a report contains sensitive matter, the Inspector General
8 may so indicate and Congress may receive that report in closed session.

9 c) Duty To Inform Attorney General - In carrying out the duties of the Office, the
10 Inspector General shall report expeditiously to the Attorney General whenever the Inspector
11 General has reasonable grounds to believe there has been a violation of Federal criminal law.
12

13 **SEC. 7. Whistleblower Protection. –**

14 (a) In General - No officer, employee, agent, contractor or subcontractor in the
15 judicial branch may discharge, demote, threaten, suspend, harass or in any other manner
16 discriminate against an employee in the terms and conditions of employment because of any
17 lawful act done by the employee to provide information, cause information to be provided, or
18 otherwise assist in an investigation regarding any possible violation of law or regulation, or
19 misconduct, by a judge, justice, or any other employee in the judicial branch, which may
20 assist the Inspector General in the performance of duties under this chapter.

21 (b) Civil Action - An employee injured by a violation of subsection (a) may, in a civil
22 action, obtain appropriate relief.
23

24 **SEC. 8. Separability Clause. -** If any provision or part hereof is held invalid or
25 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
26 valid and subsisting.
27

28 **SEC. 9. Repealing Clause. -** Any law, presidential decree or issuance, executive
29 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
30 with, the provisions of this Act, is hereby repealed, modified, or amended accordingly.
31

32 **SEC. 10. Effectivity Clause. -** This Act shall take effect fifteen (15) days after its
33 complete publication in the Official Gazette or in at least two (2) newspapers of general
34 circulation.

Approved,