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REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
Second Regular Session  
8032  
House Bill No. \_\_\_\_\_

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

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**AN ACT**  
**STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE OFFICE OF THE**  
**OMBUDSMAN BY AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO.**  
**6770, OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989," AND**  
**PROVIDING FUNDS THEREFOR**

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

1       **SECTION 1.** Section 15 of R.A. No. 6770 is hereby amended to read as follows:

2               "SEC. 15. *Powers, Functions and Duties.* – The Office of the Ombudsman  
3 shall have the following powers, functions and duties:

4               (1) Investigate and prosecute on its own or on complaint by any person,  
5               any act or omission of any public officer or employee, office or  
6               agency, when such act or omission appears to be illegal, unjust,  
7               improper or inefficient; [It has primary jurisdiction over cases  
8               cognizable by the Sandiganbayan and, in the exercise of this primary  
9               jurisdiction, it may take over, at any stage, from any investigatory  
10              agency of Government, the investigation of such cases;]

11              (2) **EMPLOY WIRETAPPING AS AN INVESTIGATIVE**  
12              **TECHNIQUE WHEN THE CIRCUMSTANCES OF A CASE SO**  
13              **WARRANT AFTER AN APPLICATION FOR AND GRANT OF**  
14              **A JUDICIAL AUTHORITY.**

15              (3) **EXERCISE EXCLUSIVE JURISDICTION OVER CASES**  
16              **COGNIZABLE BY THE SANDIGANBAYAN AND, PURSUANT**  
17              **TO SUCH EXCLUSIVE JURISDCITION, TAKE OVER, AT**  
18              **ANY STAGE, FROM ANY INVESTIGATORY AGENCY OF**  
19              **GOVERNMENT, THE INVESTIGATION OF SUCH CASES, IF,**  
20              **IN ITS DETERMINATION, PUBLIC INTEREST WILL BE**  
21              **SERVED THEREBY;**

22              [(2)] (4) x x x

23              [(3)] (5) Direct the [officer] concerned **HEAD OF AGENCY OR**  
24              **OFFICIAL** to take appropriate action against a public officer or employee

1 at fault or who neglects to perform an act or discharge a duty required by  
2 law, and [recommend], **FOR SUCH PURPOSE, ORDER SAID HEAD**  
3 **OF AGENCY OR OFFICIAL TO IMPLEMENT AN ORDER FOR**  
4 **[his] THE SAID PUBLIC OFFICER OR EMPLOYEE'S** removal,  
5 suspension, demotion, fine, censure, or prosecution [and ensure  
6 compliance therewith; or enforce] **IN LINE WITH** its disciplinary  
7 authority as provided in Section 21 of this Act: *Provided*, That the refusal  
8 by any officer without just cause to comply with an order of the  
9 Ombudsman to remove, suspend, demote, fine, censure, or prosecute an  
10 officer or employee who is at fault or who neglects to perform an act or  
11 discharge a duty required by law shall be a ground for disciplinary action  
12 against said officer;

13 [(4)] (6) x x x

14 [(5)] (7) x x x

15 [(6)] (8) Publicize matters covered by its investigation of the matters  
16 mentioned in paragraphs (1), (2), [(3) and] (4), (5), (6) and (7) hereof,  
17 when circumstances so warrant and with due prudence: *Provided*, That the  
18 Ombudsman under its rules and regulations may determine what cases  
19 may not be made public: *Provided, further*, That any publicity issued by  
20 the Ombudsman shall be balanced, fair and true;

21 [(7)] (9) Determine the causes of inefficiency, red tape, mismanagement,  
22 fraud, and corruption in the Government, and make recommendations for  
23 their elimination and the observance of high standards of ethics and  
24 efficiency;

25 [(8)] (10) Administer oaths, issue *subpoena* and *subpoena duces tecum* [,]  
26 **TO COMPEL AND SECURE THE COMPULSORY ATTENDANCE**  
27 **OF ANY WITNESS OR THE PRODUCTION OF EVIDENCE**  
28 **WHEREVER THE SAME MAY BE FOUND**, and take testimony **AT**  
29 **ANY STAGE OF** [in] any investigation or inquiry, **PROVIDED, THAT**  
30 **IN THE COURSE OF SUCH INVESTIGATION OR INQUIRY,**  
31 **THE OMBUDSMAN SHALL HAVE** [including] the power to examine  
32 and access to bank **AND NON-BANK** accounts, records **AND**  
33 **TRANSACTIONS, SUCH AS DEPOSITS, TRUSTS,**  
34 **INVESTMENTS, EVEN PRIOR TO THE FILING OF A CASE**  
35 **BEFORE A COURT OF COMPETENT JURISDICTION,**  
36 **NOTWITHSTANDING THE PROVISIONS OF REPUBLIC ACT**  
37 **NO. 1405, AS AMENDED; REPUBLIC ACT NO. 6426, AS**

1           **AMENDED; REPUBLIC ACT NO. 8791 AND REPUBLIC ACT NO.**  
2           **9160 AS AMENDED, AND OTHER LAWS;**

3           **(11) ENTER, VISIT, INSPECT, OR IF CIRCUMSTANCES**  
4           **REQUIRE, BREAK INTO, ANY GOVERNMENT OFFICE OR**  
5           **ANY PUBLIC PREMISES, STRUCTURE OR ESTABLISHMENT,**  
6           **IN THE LAWFUL COURSE OF AN ONGOING CRIMINAL OR**  
7           **ADMINISTRATIVE INVESTIGATION, AND SEIZE ANY OBJECT**  
8           **OR ARTICLE FOUND THEREIN WHICH MAY BE USED IN THE**  
9           **SAID INVESTIGATION, OR DIRECT ANY PUBLIC OFFICER TO**  
10           **DELIVER SUCH OBJECT OR ARTICLE, PURSUANT TO SUCH**  
11           **RULES AND REGULATIONS THAT THE OMBUDSMAN MUST**  
12           **PROMULGATE TO GOVERN THE EXERCISE OF THE**  
13           **FOREGOING POWER;**

14           **[(9)] (12) Punish for contempt in accordance with [the Rules of Court]**  
15           **ITS OWN RULES and [under the same procedure] with the [same]**  
16           **penalties provided [therein] UNDER SECTION 36 OF THIS ACT.**

17           **[(10)] (13) x x x**

18           **[(11)] (14) Investigate and initiate the proper action for the recovery of ill-**  
19           **gotten and/ or unexplained wealth amassed after February 25, 1986 and**  
20           **the prosecution of the parties involved therein. IN THE FILING AND**  
21           **PROSECUTION OF SUCH ACTIONS, THE REPUBLIC OF THE**  
22           **PHILIPPINES SHALL BE EXEMPT FROM THE FILING OF ANY**  
23           **BOND OR THE PAYMENT OF ANY FEES AND CHARGES.**  
24           **PROPERTIES LIQUIDATED OR SOLD BY THE GOVERNMENT,**  
25           **AND THOSE RECOVERED, FORFEITED, SURRENDERED AND**  
26           **TRANSFERRED TO THE GOVERNMENT, SHALL BE EXEMPT**  
27           **FROM THE PAYMENT OF ANY NATIONAL OR LOCAL**  
28           **TAXES."**

29  
30           **SEC. 2. Insert new paragraphs (15), (16) and (17) to Section 15 of RA No. 6770 to read**  
31           **as follows:**

32           **(15) REPRESENT ITSELF, THE REPUBLIC OF THE**  
33           **PHILIPPINES, OR THE PEOPLE OF THE PHILIPPINES IN ANY**  
34           **JUDICIAL, ADMINISTRATIVE, CIVIL OR OFFICIAL PROCEEDING**  
35           **INVOLVING CASES WITHIN ITS JURISDICTION BEFORE ANY**  
36           **COURT, TRIBUNAL, AGENCY, OR OFFICE WITHOUT NEED OF**  
37           **PRIOR CLEARANCE, AUTHORITY OR DEPUTATION FROM ANY**

1 OTHER OFFICE OR AGENCY, INCLUDING THE OFFICE OF THE  
2 SOLICITOR GENERAL;

3 (16) DEPUTIZE PRIVATE LAWYERS TO ACT AS  
4 INVESTIGATORS OR PROSECUTORS TO ACT UNDER THE DIRECT  
5 CONTROL AND SUPERVISION OF THE OMBUDSMAN IN CASES  
6 BEING HANDLED BY THE OFFICE, WHEN SPECIAL AND  
7 MERITORIOUS CIRCUMSTANCES SO WARRANT, SUBJECT TO  
8 SUCH RULES AND REGULATIONS, INCLUDING PROVISIONS FOR  
9 REASONABLE COMPENSATION AND REIMBURSEMENT FOR  
10 REASONABLE EXPENSES, AS THE OMBUDSMAN WILL  
11 PROMULGATE; AND

12 (17) CREATE AND ADMINISTER ITS OWN WITNESS  
13 PROTECTION AND WHISTLEBLOWING PROGRAMS AND, FOR  
14 SUCH PURPOSES, MAINTAIN ITS OWN INTELLIGENCE  
15 ENFORCEMENT OR PROTECTIVE SERVICES UNIT FOR THE  
16 PROTECTION OF ITS WITNESSES AND WHISTLEBLOWERS.

17 The Ombudsman shall give priority to complaints filed against high  
18 ranking government officials and/ or those occupying supervisory positions,  
19 complaints involving grave offenses as well as complaints involving large sums  
20 of money and/ or properties.

21  
22 SEC. 3. Section 17 of R.A. No. 6770 is hereby amended to read as follows:

23 "Sec. 17. *Immunities.* – x x x  
24

25 Under such terms and conditions as it may determine, [taking into account  
26 the pertinent provisions of the Rules of Court] the Ombudsman may grant  
27 immunity from criminal prosecution to any person whose testimony or whose  
28 possession and production of documents or other evidence may be necessary to  
29 determine the truth in any hearing, inquiry or proceeding being conducted by the  
30 Ombudsman or under its authority, in the performance or in the furtherance of its  
31 constitutional functions and statutory objectives. The immunity granted under this  
32 and the immediately preceding paragraph shall not exempt the witness from  
33 criminal prosecution for perjury or false testimony nor shall he be exempt from  
34 demotion or removal from office.

35  
36 SEC. 4. Section 25 of R.A. No. 6770 is hereby amended to read as follows:  
37

1           “SEC. 25. *Penalties* –

2           (1)     In administrative proceedings under [Presidential Decree No. 807]  
3     **EXECUTIVE ORDER NO. 292, THE OFFENSES DEFINED AND THE**  
4     **PENALTIES** [and rules] provided therein shall be applied.

5           (2)     In other administrative proceedings, the penalty ranging from  
6     suspension without pay for one (1) year to dismissal with forfeiture of benefits or  
7     a fine ranging from Five Thousand Pesos (P5,000.00) to twice the amount  
8     malversed, illegally taken or lost, or both at the discretion of the Ombudsman,  
9     taking into consideration circumstances that mitigate or aggravate the liability of  
10    the officer or employee found guilty of the complaint or charges.

11  
12           **THESE PENALTIES MAY BE IMPLEMENTED DURING**  
13    **ELECTION PERIOD, AMENDING FOR THIS PURPOSE SECTION**  
14    **261(X) OF BATAS PAMBANSA BLG. 881, OR THE OMNIBUS**  
15    **ELECTION CODE.”**

16  
17    **SEC. 5.** Section 27 of R.A. No. 6770 is hereby amended to read as follows:

18           “SEC. 27. *Effectivity and Finality of Decisions.* – (1) All provisional  
19    orders of the Office of the Ombudsman are immediately effective and executor.

20           A motion for reconsideration of any order, directive or decision of the  
21    Office of the Ombudsman must be filed within five (5) days after receipt of  
22    written notice and shall be entertained only on any of the following grounds:

23           (1)     X x x

24           (2)     Errors of law or irregularities have been committed prejudicial to  
25    the interest of the movant. [The motion for reconsideration shall be resolved  
26    within three (3) days from filing: *Provided, That*] **ONLY** one motion for  
27    reconsideration shall be entertained.

28  
29           Findings of fact by the Office of the Ombudsman when supported by  
30    substantial evidence are conclusive. Any order, directive or decision imposing the  
31    penalty of public censure or reprimand, suspension of not more than one (1)  
32    **MONTH AND FINE OF NOT MORE THAN ONE (1) MONTH’S SALARY**  
33    shall be final and unappealable.

34  
35           In all administrative disciplinary cases, orders, directives, or decisions of  
36    the Office of the Ombudsman may be appealed to the **COURT OF APPEALS**  
37    **ON A VERIFIED PETITION FOR REVIEW UNDER RULE 43 OF THE**

1       **RULES OF COURT. AN APPEAL SHALL NOT STOP THE DECISION**  
2       **FROM BEING EXECUTORY**

3               The above rules may be amended or modified by the Office of the  
4       Ombudsman as the interest of justice may require.”

5  
6       **SEC. 6.** Insert a new Section 31-A to R.A. No. 6770 to read as follows:

7               **SEC. 31-A. IMMUNITY FROM SUIT OF OMBUDSMAN**  
8       **INVESTIGATORS AND PROSECUTORS. – OMBUDSMAN**  
9       **INVESTIGATORS AND PROSECUTORS, INCLUDING THOSE**  
10       **DEPUTIZED BY THE OMBUDSMAN PURSUANT TO SECTION 31**  
11       **HEREOF, SHALL BE IMMUNE FROM CRIMINAL, ADMINISTRATIVE**  
12       **OR CIVIL SUITS ARISING FROM THEIR MANDATE AND THE**  
13       **REGULAR EXERCISE OF THEIR OFFICIAL FUNCTIONS.**

14  
15       **SEC. 7.** Section 32, paragraph (3) of R.A. No. 6770 is hereby amended to read as  
16       follows:

17               “SEC. 32. *Rights and Duties of Witness.* –

18                                               x x x x

19               (3) If a refuses to respond to the Ombudsman’s or his Deputy’s *subpoena*,  
20       or refuses to be examined, or engages in obstructive conduct, the Ombudsman or  
21       his Deputy shall issue an order directing the person to appear before him to show  
22       cause why he should not be punished for contempt. [The contempt proceedings  
23       shall be conducted pursuant to the provisions of the Rules of Court.]”

24  
25       **SEC. 8.** Section 36 of R.A. No. 6770 is hereby amended to read as follows:

26               “SEC. 36. *Penalties for Obstruction.* – Any person who wilfully obstructs  
27       or hinders the proper exercise of the functions of the Office of the Ombudsman,  
28       or who wilfully misleads or attempts to mislead the Ombudsman, his Deputies,  
29       and the Special Prosecutor in replying to their inquiries shall be punished by a  
30       fine of not exceeding Five thousand pesos (P5,000.00).

31  
32               **ANY PERSON GUILTY OF MISBEHAVIOR IN THE PRESENCE**  
33       **OF OR SO NEAR AND OFFICER OF THE OFFICE OF THE**  
34       **OMBUDSMAN AS TO OBSTRUCT OR INTERRUPT THE**  
35       **PROCEEDINGS BEFORE THE SAME, INCLUDING DISRESPECT**  
36       **TOWARD THE HEARING OFFICER, OFFENSIVE PERSONALITIES**  
37       **TOWARD OTHERS, OR REFUSAL TO BE SWORN OR TO ANSWER AS**

1 A WITNESS, OR TO SUBSCRIBE AN AFFIDAVIT OR DEPOSITION  
2 WHEN LAWFULLY REQUIRED TO DO SO, MAY BE SUMMARILY  
3 ADJUDGED IN CONTEMPT BY SUCH HEARING OFFICER, SUBJECT  
4 TO THE APPROVAL OF THE OMBUDSMAN, AND PUNISHED BY A  
5 FINE NOT EXCEEDING FIVE THOUSAND PESOS (P5,000.00) OR  
6 IMPRISONMENT NOT EXCEEDING TEN (10) DAYS WITHOUT  
7 PREJUDICE TO THE FILING OF A CRIMINAL CASE UNDER  
8 PRESIDENTIAL DECREE NO. 1829.

9  
10 ANY IMPROPER CONDUCT TENDING, DIRECTLY OR  
11 INDIRECTLY, TO IMPEDE, OBSTRUCT, OR DEGRADE THE  
12 ADMINISTRATION OF JUSTICE, OR ANY INVESTIGATION BEING  
13 CONDUCTED BY THE OFFICE OF THE OMBUDSMAN SHALL  
14 CONSTITUTE AS INDIRECT CONTEMPT, AND SHALL, AFTER  
15 NOTICE AND HEARING, BE PUNISHED WITH THE SAME  
16 PENALTIES AS DIRECT CONTEMPT.

17  
18 TO ENFORCE THE PROVISIONS OF THIS SECTION, THE  
19 OFFICE OF THE OMBUDSMAN MAY, IF NECESSARY, REQUEST THE  
20 ASSISTANCE OF ANY LAW ENFORCEMENT OFFICE OR DEPUTIZE  
21 ANY LAW ENFORCEMENT OFFICER TO ASSIST IN THE  
22 EXECUTION OF ANY ORDER ISSUED FOR SAID PURPOSE.”

23  
24 SEC. 9. Insert a new Section 36-A to R.A. No. 6770 to read as follows:

25 SEC. 36-A. *ILLEGAL DISCLOSURE OF INFORMATION.* – IT  
26 SHALL BE UNLAWFUL FOR ANY PERSON WHO RECEIVES A  
27 *SUBPOENA*, OTHER ORDERS, OR REQUESTS FOR INFORMATION  
28 FROM THE OFFICE OF THE OMBUDSMAN PURSUANT TO THE  
29 EXERCISE OF THE LATTER’S POWERS UNDER SECTION 15  
30 HEREOF TO DISCLOSE TO ANY PERSON ANY INFORMATION  
31 CONCERNING SAID ORDERS OR REQUESTS, AND THE  
32 PROCEEDINGS RELATING THERETO. ANY VIOLATION OF THIS  
33 SECTION WILL SUBJECT THE OFFENDER TO IMPRISONMENT  
34 RANGING FROM SIX (6) MONTHS AND ONE (1) DAY TO THREE (3)  
35 YEARS, AND A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS  
36 (P50,000.00) BUT NOT MORE THAN FIVE HUNDRED TOUSAND  
37 PESOS (P500,000.00).

1           **SEC. 10. Rules and Regulations.** – The Ombudsman shall issue, within ninety (90) days  
2 after the approval of this Act, the necessary rules and regulations relating to the administrative  
3 aspects of the provisions of this Act.

4  
5           **SEC. 11. Separability Clause.** – If, for any reason, any section or provision of this Act is  
6 declared invalid or unconstitutional, the remaining part or provisions not otherwise affected shall  
7 remain in force.

8  
9           **SEC. 12. Repelaing Clause.** – Any law, decree, ordinance, administrative circulars not  
10 consistent with any provision of this Act is hereby amended, repealed or modified accordingly.

11  
12           **SEC. 13. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
13 complete publication in the Official Gazette or in at least two (2) newspapers of general  
14 circulation.

*Approved,*