

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8516



Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

Explanatory Note

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past and present Congress.

Article XI, Section 1 of the 1987 Constitution states that:

"Public 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."

Pursuant to this constitutional mandate, the proposed measure aims to establish an Internal Affairs Service within in the Bureau of Immigration in order to maintain, promote, and ensure a high standard of ethics in public service.

Constantly seeking improvements to current government services and practices is crucial in achieving one of our important duties as public officials – providing and ensuring quality service to the public. The proposed measure bears significance to this duty as it introduces another layer of insurance of quality service and accountability in the government through audits, performance reviews, and strengthening legal and administrative remedies against improper practices, to name a few.

Given the importance of the Bureau of Immigration to the overall performance of the government, especially considering the services it offers to the public, this representation strongly believes that facilitating reforms, as those mentioned above, in the Bureau is both timely and of relevance.

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


JOHN MARVIN "YUL SERVO" NIETO

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**AN ACT ESTABLISHING AN INTERNAL AFFAIRS SERVICE IN THE BUREAU OF
IMMIGRATION AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. Short Title. - This Act shall be known and cited as the "Bureau of Immigration Internal Affairs Service Act."

SECTION 2. Declaration of Policy. - It is hereby declared a policy of the State to institutionalize a mechanism in any agency or bureau of the government to exact public accountability, honesty and integrity in public service, especially in offices where prerogatives and discretions lead to dishonesty and corruption to the great prejudice of the Filipino people.

SECTION 3. Creation and Powers of the Internal Affairs Service. - There is hereby created an Internal Affairs Service (IAS) of the Bureau of Immigration (BI), which shall be attached to the Department of Justice and shall be under the direct control and supervision of the Secretary of Justice. The IAS shall:

- a) conduct inspections and audits on BI personnel, on its own or upon verified complaint by any person, irrespective of rank and designation, in the performance of their respective functions and exercise of powers;
- b) submit reports to the Secretary of Justice on the assessment, analysis, and evaluation of the performance of the BI, especially on matters concerning abuse of function and authority in the exercise of its functions;
- c) investigate, on its own or upon verified complaint, any act or omission of any BI official or employee which appears to be illegal, unjust, improper, or inefficient;
- d) conduct summary hearings of administrative charges against BI officials and employees facing administrative charges without prejudice to the jurisdiction of the Office of the Ombudsman;
- e) recommend appropriate disciplinary sanctions against erring BI officials and employees;
- f) file appropriate criminal cases against BI officials and employees before the court as the evidence warrants and assist in the prosecution of said cases;
- g) provide assistance to the Office of the Ombudsman in cases involving any official or employee of the BI; and,

- h) provide documents or recommendations as regards to the promotion or movement of all personnel in the BI or the assignment of BI personnel to any position.

SECTION 4. Appointments. - The IAS shall be headed by an Inspector General who shall be appointed by the President upon the recommendation of the Secretary Justice. Appointments of personnel who shall occupy various positions shall be made by the Inspector General and shall be based on an established career pattern and criteria of the Civil Service Law.

SECTION 5. Term of Office. -The Inspector General shall serve for a term of four (4) years without any re-appointment.

The Inspector General shall hold office until his or her successor shall have been appointed and qualified. Should he or she fail to complete his term by reason of death or permanent incapacity to hold office, his or her successor shall be appointed only for the unexpired portion of the term.

SECTION 6. Entry Qualifications to IAS. - Admission to serve in the IAS shall be subject to rigid screening and shall be allowed only if the appointee, including the Inspector General, has no conviction at any stage of any crime or final judgment of any administrative liability violative of any law or rules and regulations involving graft and corruption or moral turpitude.

SECTION 7. Prohibitions. - Any personnel of the IAS shall not join any other office or division of the BI. Neither shall such personnel of the IAS be allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any BI personnel.

SECTION 8. Career Development and Incentives. - Personnel of the IAS shall in addition to other allowances authorized under existing laws be granted occupational specialty pay which shall not exceed thirty percent (30%) of their basic pay. This pay shall not be considered a forfeiture of other remuneration and allowances which are allowed under existing laws.

SECTION 9. Inclusion of Supervisors and Superiors in IAS Investigations. - The immediate superior or supervisor of the personnel being investigated shall be automatically included in the investigation of the IAS to exclusively determine lapses in administration or supervision.

SECTION 10. Disciplinary Recommendations of the IAS. - (a) IAS shall recommend to the Civil Service Commission or the Office of Ombudsman, as the case may be, the appropriate disciplinary action, from suspension to termination of service, of any BI personnel found guilty of illegal, unjust, improper, or inefficient act or omission. (b) Recommendations by the IAS for the imposition of disciplinary measures against an erring BI personnel, once final, cannot be revised, set-aside, or unduly delayed by any disciplining authority without just cause.

SECTION 11. Appeals. - Decisions rendered by the IAS may be appealed to the Office of the Secretary of Justice within ten (10) working days upon the receipt thereof.

SECTION 12. Complaints Against the IAS.- A complaint against any personnel or office of IAS shall be brought directly to the Inspector General's Office. If the Inspector General himself or herself is the subject of the complaint, it shall be brought directly to the Secretary of Justice.

SECTION 13. Appropriations.- The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 14. Repealing Clause. - All laws, executive orders, presidential decrees, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 15. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation,

Approved,