Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session



House Bill No. 10058

Introduced by CIBAC Party-List Representative
HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

AN ACT
AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379, OTHERWISE KNOWN AS "AN ACT DECLARING THE FORFEITURE IN FAVOR OF THE STATE ANY PROPERTY FOUND TO HAVE BEEN UNLAWFULLY ACQUIRED BY ANY PUBLIC OFFICER OR EMPLOYEE AND PROVIDING FOR THE PROCEEDING THEREFOR" AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Ombudsman concept originated as a groundbreaking initiative in Sweden, functioning as a government watchdog with the authority to investigate and prosecute civil servants. Its success led to widespread adoption, and many highly developed countries or autonomous regions now credit the Ombudsman model as a key factor in their political success.

Based on his function, the Ombudsman is commonly referred to as a public defender, grievance mediator, overseer of legal authorities, advocate for citizens, and counselor for the public. In essence, the Ombudsman plays a role in shielding citizens from injustices perpetrated by civil officials.

The Philippines, through the framers of the 1987 Constitution, has also espoused the same model. Yet, while our Constitution recognizes the importance of the Ombudsman, the upsetting reality is that this vital institution has long been underfunded.

To address this problem, this bill seeks to provide additional funding to the Office of the Ombudsman by giving it a 30% share of all properties forfeited by the government pursuant to Republic Act No. 1379. As the premier state anti-graft agency handling more than 10,000 cases a year, it is a must that the Office of the Ombudsman has adequate sources of funding, without relying so much on an overstretched national budget.

Forfeited properties (that is, recovered assets not in cash) may be sold in public auction, with 30% still going to the Office of the Ombudsman and the remaining 70% to the national treasury.

In the belief that corruption in the government will significantly be reduced when the appropriate agencies, such as the Office of the Ombudsman, are armed with the necessary means to perform their respective mandates, this bill is being proposed.

Thus, immediate passage of this bill is earnestly sought.

HON. EDUARDO "BRO EDDIE" C. VILLANUEVA

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

SECTION 1. ***Section 6 of Republic Act No. 1379 is hereby amended to read as follows:***

"Section 6. Judgment. If the respondent is unable to show to the satisfaction of the court that he has lawfully acquired the property in question, then the court shall declare such property forfeited in favor of the State, and by virtue of such judgment the property aforesaid shall become property of the State: provided, That THIRTY PERCENT (30)% OF THE VALUE OF SUCH PROPERTY FORFEITED IN A FINAL AND EXECUTORY ORDER OF THE COURT SHALL BE EARMARKED AS ADDITIONAL FUNDING IN FAVOR OF THE OFFICE OF OMBUDSMAN, PROVIDED, FURTHER, THAT IF THE PROPERTY IS NOT IN CASH, THE PROPERTY SHALL BE SOLD AT A PUBLIC AUCTION AND THE PROCEEDS THEREOF AFTER DEDUCTING THE THIRTY PERCENT (30)% SHARE OF THE OFFICE OF THE OMBUDSMAN AS PROVIDED HEREIN, SHALL ACCRUE TO THE GENERAL FUND. No judgment shall be rendered within six months before any general election or within three months before special election. The Court may, in addition, refer this case to the corresponding Executive Department for administrative or criminal, or both."

SECTION 2. ***Implementing Rules and Regulations***. – Within sixty (60) days from the implementation of this Act, the Office of the Ombudsman, in consultation with relevant stakeholders and other concerned government agencies, shall issue the rules and regulations for the effective implementation of this Act.

SECTION 3. ***Separability Clause*****. –** Any portion or provision of this Act that may be declared unconstitutional or invalid shall not have the effect of nullifying other portions of and provisions hereof if such remaining portions or provisions can still subsist and be given effect in their entirety.

SECTION. 8. ***Repealing Clause***. — All laws, executive orders, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION. 9. ***Effectivity***. This Act shall take effect fifteen (15) days after its Publication in at least two (2) national papers of general circulation.

Approved,