



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

House Bill No. 639



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Introduced by CIBAC Party-List Representative  
**EDUARDO 'BRO. EDDIE' C. VILLANUEVA**

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**AN ACT CREATING THE NATIONAL INDEPENDENT COMMISSION  
AGAINST CORRUPTION (NICAC), APPROPRIATING FUNDS  
THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The Philippines is known to be one of the oldest democracies in Asia. Throughout its history, the nation has fought for its independence and sovereignty against all forms of threats both within and without. Yet, despite all efforts, there remains a fight yet to be won: the country's perennial fight against systemic and endemic corruption in government.

Indeed, the effects of massive corruption in the Philippines can be seen in all corners of the country: buildings, bridges, and other infrastructures built with subpar materials; the poor deprived of much-needed social services and welfare goods; entrepreneurs strained to submit to under the table transactions in order to expedite permits and licenses; corporations discouraged from investing significantly, if any, in the country's economy because of too much complexities in government processes, both official and unofficial; to name a few—all caused by corrupt officials who bear the mandate of putting the Filipinos first before everybody else.

While the government's efforts to address corruption has made some substantial inroads, much is still needed to be done. From 2018 to 2024, the

country's scores in Transparency International's Corruption Perception Index (CPI) fluctuated between 33 and 36. Though it ranked 114<sup>th</sup> out of 180 countries with a score of 33 out of 100 in year 2024, up a spot from 115<sup>th</sup> in 2023, the Philippines' score of 33 is still below the global average of 43, and still lower than Asia-Pacific region's average score of 44 (a score of 0-9 means "highly corrupt," while a score of 90-100 means "very clean"). The Philippines has been identified as one of the "significant decliners" in the Asia-Pacific region due to limited progress in anti-corruption reforms

Recognizing the need to strengthen the anti-corruption framework in the Philippines, this bill creates the National Independent Commission Against Corruption (NICAC) as an attached agency of the Office of the Ombudsman. The NICAC is largely patterned after Hong Kong's Independent Commission Against Corruption, which successfully eradicated syndicated corruption in Hong Kong.

The NICAC shall formulate a National Anti-Corruption Plan and provide policy recommendations to the Office of the Ombudsman to effectively combat corruption in government. To ensure coordination between the NICAC and the Office of the Ombudsman, this bill mandates that the NICAC shall be headed by the Ombudsman or any of his/her deputies. The NICAC shall also submit periodic reports to the Ombudsman to ensure that the efforts of both agencies are coordinated and to avoid duplication of work.

Immediate passage of this bill is earnestly sought.



**EDUARDO "BRO. EDDIE" C. VILLANUEVA**



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

3  
4           **SECTION 1. Title.** – This Act shall be known as the "*National*  
5 *Independent Commission Against Corruption Act.*"

6  
7           **SECTION 2. Declaration of Policy.** – It is the declared policy of the  
8 State to maintain honesty and integrity in public service and to take  
9 effective and efficient measures in the battle against graft and corruption.  
10 Towards this end, the State shall continuously institute reforms to ensure  
11 that graft and corruption is eliminated in all levels of the government.

12  
13           **SECTION 3. Organization.** – There is hereby created the National  
14 Independent Commission Against Corruption, hereinafter referred to as  
15 the Commission, to implement and coordinate policy for the prevention,  
16 control and ultimately, the elimination of graft and corrupt practices as  
17 defined under relevant laws at all levels of the government.

18  
19 The Commission shall be attached to the Office of the Ombudsman for  
20 policy coordination.

1       **SECTION 4. Powers and Functions of the Commission.** – The  
2 Commission shall have the following powers and functions:

- 3
- 4       a) To formulate and implement a National Anti-Corruption Plan  
5       (NACP) and action agenda, and reinforce program strategies in  
6       accordance with the NACP;
- 7
- 8       b) To examine the bidding, negotiation, execution and implementation  
9       of public contracts in pursuit of the objectives of the NACP;
- 10
- 11       c) To verify if the award of public works and supply contracts are  
12       conducted properly in accordance with law, pursuant to the goals  
13       provided for in the NACP;
- 14
- 15       d) To undertake a comprehensive audit, which shall include, but not be  
16       limited to, lifestyle checks on any public officer/employee;
- 17
- 18       e) To endorse to the Office of the Ombudsman for appropriate action  
19       after a finding of a *prima facie* case of violation of anti-corruption  
20       laws in the exercise of its powers under items (b) to (d) above, upon  
21       complaint by any person or *motu proprio*;
- 22
- 23       f) To conduct sustained information and education drives aimed at  
24       preventing corruption and public misconduct; and
- 25
- 26       g) To organize specialized training of personnel of the government and  
27       representatives from the private sector and civil society in the  
28       prevention, investigation and prosecution of graft and corrupt  
29       practices.

30

31       **SECTION 5. National Anti-Corruption Plan.** – Within ninety (90) days  
32 from the approval of this Act, the Commission shall submit to the Office of  
33 the Ombudsman and to Congress a five-year plan and study containing  
34 detailed policy proposals for the elimination of graft and corruption in all  
35 branches, offices, agencies and instrumentalities of government.

36

37       The NACP shall also be disseminated to all government agencies.

38

39       **SECTION 6. Composition of the Commission.** – The Commission  
40 shall be headed by the Ombudsman or any of the Deputy Ombudsman as  
41 its Chairperson. He/she shall be assisted by two (2) Commissioners, who  
42 shall serve on a full-time basis.

43

- 1 a) The Commissioners shall include at least one (1) lawyer, accountant  
2 or member of the academe who is in the field of public  
3 administration. Each Commissioner shall be selected and appointed  
4 by the President, without the requirement of confirmation, from a  
5 pool of candidates to be nominated by peak professional  
6 organizations of accountants or lawyers or by the University or  
7 College Administration if the nominee is a member of the academe.  
8 A "peak professional organization" refers to an organization duly  
9 recognized by members as representative of, and having the largest  
10 active membership in their profession, and is existing for at least ten  
11 (10) years. The mechanics of the nomination process shall be  
12 provided for in the Implementing Rules and Regulations for this Act.  
13
- 14 b) The Commissioners must be citizens of the Philippines, at least  
15 thirty-five (35) years of age, known and recognized for moral  
16 uprightness and patriotism, of unquestionable integrity, and  
17 recognized experts in any of the fields of law, accounting or public  
18 administration. They must not have been candidates for any elective  
19 national or local office in the immediately preceding election,  
20 whether regular or special.  
21
- 22 c) The Commissioners shall serve for three (3) years and may be  
23 reappointed as such for another term of three (3) years; provided,  
24 that the reappointment of a Commissioner shall follow the  
25 nomination process outlined in this Section.  
26
- 27 d) The President of the Philippines may remove any member of the  
28 Commission, upon compliance with due process, for any of the  
29 following reasons:  
30
- 31 i. The member suffers from physical or mental incapacity that  
32 renders him or her incapable of properly discharging the  
33 duties and responsibilities of the Commission, and such  
34 incapacity has lasted for more than six (6) months;  
35
  - 36 ii. The member has committed acts that are shown prima facie  
37 to be fraudulent or illegal or manifestly opposed to the aims  
38 and interests of the Commission and/or the government; or  
39
  - 40 iii. The member ceases to possess the qualifications required in  
41 this Act or its implementing rules and regulations.  
42
- 43 e) The Commissioners shall not hold any public office or employment

1 during their tenure. Except as otherwise provided by law, in no case  
2 shall any member of the Commission appoint representatives to act  
3 on his/her behalf.

- 4  
5 f) The Commissioners shall have the same rank and emoluments as  
6 that of a Deputy Ombudsman.

7  
8 **SECTION 7. The Secretariat.** – The Commission shall be assisted  
9 by a Secretariat to be headed by an Executive Director. The Secretariat  
10 shall be composed of individuals of known moral probity and dedication to  
11 public service.

- 12  
13 a) The Executive Director. The Executive Director shall be appointed  
14 by the Chairperson with the concurrence of the Commissioners. The  
15 Executive Director shall attend the Commission's deliberations,  
16 monitor the implementation of the programs of the Commission, and  
17 manage its day-to-day operations.  
18  
19 b) Functions of the Secretariat. The Secretariat shall provide technical  
20 and administrative support to the Commission and shall oversee all  
21 its operational activities.

22  
23 **SECTION 8. Organizational Structure.** – The Commission shall be  
24 composed of three departments:

- 25  
26 a) The Operations Department, which shall carry out the investigation  
27 and endorsement to the proper agency of cases investigated for the  
28 prosecution of offenses;  
29  
30 b) The Corruption Prevention Department, which shall carry out  
31 assessment of areas in government offices where corruption would  
32 be most likely, and make recommendations on how opportunities for  
33 corruption can be eliminated or reduced; and  
34  
35 c) The Community Relations Department, which shall gather support  
36 and information from the public and work towards changing the  
37 public attitude regarding corruption.

38  
39 **SECTION 9. Transparency and Availability of Records.** – The  
40 Commission shall maintain and preserve its records, documents and  
41 papers, and shall make the same available to the public, except when  
42 disclosure will pose serious damage to the Commission's case or when a  
43 party would be deprived of his/her right to a fair and impartial trial.

1  
2       **SECTION 10. Implementing Rules and Regulations and**  
3 **Standard Forms.** – Within ninety (90) days from the effectivity of this Act,  
4 the Commission, in consultation with the head of the Development  
5 Academy of the Philippines, the chair of the Civil Service Commission, the  
6 Chair of the Commission on Audit, the Ombudsman, a representative from  
7 the Sandiganbayan and other relevant stakeholders, shall promulgate the  
8 implementing rules and regulations for the proper implementation of this  
9 Act.

10  
11       **SECTION 11. Restrictions.** – No writ of injunction shall be issued  
12 by any court to delay an investigation being conducted by the  
13 Commission.

14  
15       **SECTION 12. Total Support of Other Government Units.** – The  
16 Commission may require any government agency to make available their  
17 personnel and facilities to attain the objectives of this Act.

18  
19       **SECTION 13. Malicious Prosecution.** – Any compliant found to  
20 have been initiated with malice shall be dealt with in accordance with law.

21  
22       **SECTION 14. Franking Privilege.** – All official mail letters and  
23 telegrams of the Commission addressed for delivery within the Philippines  
24 shall be received, transmitted, and delivered free of charge: provided, that  
25 such mail matters when addressed to private persons or non-government  
26 offices shall not exceed one hundred twenty (120) grams. All mail matters  
27 and telegrams sent through government telegraph facilities containing  
28 complaints to the Commission shall be transmitted free of charge,  
29 provided that the telegram shall contain not more than one hundred fifty  
30 (150) words.

31  
32       **SECTION 15. Annual Report.** – The Commission shall, on or  
33 before June 30 of each year, or by such later date as the President may  
34 allow, submit to the President and to Congress, a report on the  
35 performance of the Commission in combatting graft and corruption. The  
36 Commission shall furnish a copy of such report to the Office of the  
37 Ombudsman and shall also make available a copy of the report to the  
38 general public.

39  
40       **SECTION 16. Appropriations.** – For the first year of the  
41 implementation of this Act, an initial amount of Fifty Million Pesos  
42 (Php50,000,000.00) is hereby appropriated. Thereafter, the amount  
43 necessary to carry out the provisions of this Act shall be included in the

1 General Appropriations Act.

2  
3 **SECTION 17. Repealing Clause.** – All provisions of laws,  
4 presidential decrees, letters of instruction and other presidential  
5 issuances which are incompatible or inconsistent with the provisions of  
6 this Act are hereby amended or repealed accordingly.

7  
8 **SECTION 18. Separability Clause.** – If any provision of this Act is  
9 declared unconstitutional, the other provisions not affected thereby shall  
10 continue to be in full force and effect.

11  
12 **SECTION 19. Effectivity Clause.** – This Act shall take effect fifteen  
13 (15) days following its publication in the Official Gazette or two (2)  
14 newspapers of general circulation.

15  
16 Approved,