

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6322



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT

**CREATING AN INDEPENDENT PEOPLE'S COMMISSION TO INVESTIGATE
ANOMALIES IN ALL GOVERNMENT INFRASTRUCTURE PROJECTS, DEFINING
ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

This bill, which serves as a counterpart measure to Senate Bill No. 1512 (in substitution of Senate Bill No. 1215) by Senators Vicente C. Sotto III, Erwin T. Tulfo, Risa Hontiveros and Francis N. Pangilinan, seeks to create an Independent People's Commission to investigate anomalies in all government infrastructure projects.

Widespread flooding inundated various parts of the country in the past months. This resulted in the revelation of the alarming and blatant misuse of public funds wherein both the House of Representatives and the Senate of the Philippines conducted hearings to uncover the anomalies and fraudulent transactions involving flood control and other government infrastructure projects. Public funds that could have been expended properly and benefitting the Filipino people are allegedly diverted for personal gain of a few. In the midst of widespread and glaring misuse of public funds, we face a dire crisis in public trust.

It is envisioned that the creation of an Independent People's Commission will effectively realize the demand for a credible, non-partisan and independent commission with full authority to conduct thorough investigation of anomalies, document, and recommend measures to address corruption, mismanagement, and negligence in the planning, procurement and implementation of public infrastructure projects. The Commission is intended to complement and enhance

inter-agency coordination and technical capacity for the detection, documentation, and deterrence of corruption and other irregularities in infrastructure development. Further, the Commission is empowered to recommend policy measures to strengthen infrastructure governance and prevent recurrence of anomalies, such as those concerning procurement, auditing standards, contract-management protocols, project-monitoring systems and inter-agency coordination mechanisms.

This proposal is in line with Article XI, Section 1 of the 1987 Philippine Constitution which 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."

Now more than ever, people demand mechanisms to ensure accountability and transparency in government infrastructure projects. People's trust in our government is at stake. An independent Commission that is truly empowered is necessary to ensure full transparency and accountability, safeguard public funds, and restore trust of the public in government.

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



KEITH MICAH "ATTY. MIKE" D.L. TAN
4th District, Quezon

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

Section 1. Short Title. This Act shall be known as the “Independent People’s Commission Act.”

Sec. 2. Declaration of Policy. Pursuant to Article XI, Section 1 of the 1987 Constitution, public office is a public trust, and public officers and employees must at all times be accountable to the people. Recognizing that government infrastructure projects are imbued with public interest, involving the expenditure of public funds and directly affecting national development and citizens’ welfare, the State shall ensure that all government resources are safeguarded against loss, wastage, and misuse, to ensure efficiency, economy, and effectiveness in government operations.

Pursuant to Article II, Section 27 of the 1987 Constitution, which mandates the State to take positive and effective measures against graft and corruption, and recognizing that systemic corruption in public works arises not only from individual misconduct but also from institutional weaknesses in governance, the State adopts a policy of establishing an independent, and non-partisan body that will investigate and expose anomalies in infrastructure projects, identify their root causes, and recommend evidence-based policy and institutional reforms to the Executive and the Legislature.

Consistent with Article XIII, Section 16 of the 1987 Constitution, the State likewise affirms the importance of citizen participation and transparency in public infrastructure governance by providing an institutional mechanism through which the people may participate in ensuring accountability in the use of public funds.

Nothing in this Act shall be construed as curtailing or diminishing the investigatory, prosecutorial, or disciplinary powers vested by the Constitution in the Office of the Ombudsman, the Commission on Audit (COA), or the Civil Service Commission (CSC). The creation of the Independent People's Commission is intended to complement and enhance inter-agency coordination and technical capacity for the detection, documentation, and deterrence of corruption and other irregularities in infrastructure development.

Sec. 3. Creation of the Independent People's Commission. There is hereby created an *Independent People's Commission (Commission)* to investigate anomalies, document, and recommend measures to address corruption, mismanagement, and negligence in the planning, procurement and implementation of public infrastructure projects.

The Commission shall specialize in the technical, engineering, and financial audit of such projects – including, but not limited to, procurement processes, contract variations, right-of-way acquisitions, and project implementation – and shall serve as the primary repository of government infrastructure data.

Sec. 4. Mandate and Scope. The Commission shall serve as an independent, non-partisan, and fact-finding body mandated to investigate, document, and recommend actions on anomalies in government infrastructure projects. In the exercise of this mandate, the Commission shall:

- a. Conduct comprehensive, independent, and technical investigations of all reported or alleged irregularities in the planning, procurement, and implementation of government infrastructure projects, including but not limited to corruption, ghost projects, overpricing, and the use of substandard materials. Such investigations shall cover all projects implemented by the National Government, its agencies and instrumentalities, local government units (LGUs), and government-owned-or-controlled corporations (GOCCs);
- b. Identify individuals and entities, whether in the public and private sectors, who are responsible for, participated in, or benefited from such anomalies;

- c. In coordination with the Office of the Ombudsman, the Department of Justice (DOJ), or other concerned agencies, the Commission may recommend the prosecution or further investigation of individuals or entities.

Sec. 5. Composition and Appointment.

- a. The members of the Commission shall be composed of five (5) members, namely:
 - i. Retired Supreme Court Justice, who shall serve as Chairperson;
 - ii. Certified Public Accountant with expertise in auditing or a forensic accounting specialist with professional certifications such as Certified Fraud Examiner (CFE) and Certified in Finance Forensics (CFF) and demonstrable experience in fraud detection in government or public institutions, with at least ten (10) years of experience either in public or private service;
 - iii. An Engineer or Architect with at least ten (10) years of experience either in public or private service;
 - iv. Representative from a reputable non-governmental organization (NGO), the primary purpose and/or expertise of which is in good governance, anti-corruption, public financial management, public procurement and open contracting, or citizen monitoring of infrastructure projects; and
 - v. Representative from the academe with expertise in governance reform and corruption prevention studies, especially in the context of public administration, disaster and climate risk management, natural resource management, urban planning and development, or application of artificial intelligence and data science.
- b. The members of the Commission shall be appointed by the President of the Philippines with a term of three (3) years.
- c. To ensure independence and impartiality, the chairperson shall be chosen from a list of nominees submitted by the Integrated Bar of the Philippines and the association of retired justices; and the other members, from a list of nominees submitted by the Philippine Institute of Certified Public Accountants, the Philippine Institute of Civil Engineers, United Architects of the Philippines, and a recognized national coalition of good governance and anti-corruption non-governmental organizations. Each member shall be of good moral character, of unquestionable integrity, of known probity and patriotism, and with recognized competence in their respective fields.

- d. In case of death, resignation, or removal of any member, the vacancy shall be filled by the appointment of a new member to complete the unexpired period of the term of the member concerned.
- e. No member of the Commission shall, within one (1) year after the expiration of their term, be eligible for appointment or designation to any office or employment in any government agency or GOCC engaged in infrastructure planning, procurement, or implementation.

Sec. 6. Powers and Functions. The Commission is hereby granted powers related to the investigation of all government infrastructure projects. The authority of the Commission, which shall be concurrent with that of other agencies vested by law with investigative powers, shall not be exercised as to diminish or encroach upon ongoing investigations conducted by the Office of the Ombudsman or the Department of Justice. To the extent permitted by law and in accordance with delegation by the Office of the Ombudsman or the DOJ, the Commission may assist in specific cases arising from its investigations.

In the exercise of its mandate, the Commission shall have the following powers and functions:

A. Investigative Powers

- a. Investigate government infrastructure projects, *motu proprio*, upon referral by the COA, or through a verified complaint from any person or from any source in whatever form concerning matters within the Commission's mandate and jurisdiction.
- b. The Commission shall commence an investigation within fifteen (15) days from receipt of a verified complaint filed by any person or received from any source or referral from the COA, and shall terminate the same within sixty (60) days thereafter, unless extended for justifiable reasons.
- c. Issue *subpoena ad testificandum* and *subpoena duces tecum* to compel the attendance of witnesses and the production of documents, records, and other evidence.
- d. Punish for contempt, in accordance with pertinent provisions and penalties prescribed by the Rules of Court, any person who: (a) engages in disorderly or contemptuous conduct in the presence of the Commission or so near thereto as to obstruct, delay, or otherwise impede the conduct of its proceedings; (b) disobeys any lawful order or process issued by the Commission; (c) refuses to testify or be sworn in when present at a hearing; (d) refuses to answer a proper or material question; (e) gives false or evasive testimony; or (f) unduly refuses to

appear when duly summoned, or otherwise violates any lawful order or directive of the Commission.

- e. Administer oaths and take testimony.
- f. To have full and unrestricted access to all records, reports, and data of government agencies, LGUs, government financial institutions (GFIs), and GOCCs, including but not limited to the Anti-Money Laundering Council (AMLC), Bureau of Internal Revenue (BIR), Bureau of Customs (BOC), Securities and Exchange Commission (SEC), Government Procurement Policy Board (GPPB), Land Registration Authority (LRA), and Land Transportation Office (LTO), insofar as may be necessary to carry out its mandate: *Provided*, That such access shall be exercised consistent with Article III, Section 3 of the Constitution and Republic Act No. 10173, or the "*Data Privacy Act of 2012*."
- g. To file appropriate charges against government officials and employees who shall obstruct any inquiry and investigation of the Commission.

B. Enforcement and Protective Powers

- h. Conduct hearings to gather information, with due regard for the rights of all persons. The hearings of the Commission shall be accessible to the public in the interest of transparency and accountability; *Provided*, That the Commission may, for reasons of national security, witness protection, ongoing criminal proceedings, or the confidentiality of evidence, hold executive or closed-door sessions.

For the effective and orderly conduct of its hearings, the Commission may request assistance from the Philippine National Police (PNP), the National Bureau of Investigation (NBI), and other law enforcement agencies to ensure the maintenance of peace and security, the protection of witnesses and resource persons, and the enforcement of lawful orders or subpoenas issued by the Commission.

- i. Seek the assistance of any department, bureau, office, or agency of the government, including the PNP, NBI, the Criminal Investigation and Detection Group (CIDG), the AMLC, the COA, and other law enforcement or regulatory agencies, to ensure the integrity of its investigations, the enforcement of its lawful orders, and the protection of witnesses, whistleblowers, and resource persons.
- j. The Commission may, when necessary for the effective performance of its mandate, deputize the PNP, NBI, the CIDG, or any other law

enforcement or investigative agency to assist in the execution of its summons, subpoenas, or orders; to provide security during public hearings; to conduct forensic or technical examinations; or to perform other acts essential to the conduct of investigations. Deputized agencies shall act under the supervision and control of the Commission for purposes of the assigned task, without prejudice to their regular mandates and institutional authority.

- k. The Commission may, upon a final and executory order of the Court, permanently recover, sequester, or attach, all monies, shares of stock, bonds, titles, or properties unlawfully acquired, accumulated, or misappropriated by persons involved in anomalous infrastructure projects, including those transferred to their families, relatives, nominees, or associates, whether located within or outside the Philippines.

To prevent the dissipation of assets, the Commission may issue a temporary order for the freezing, recovery, attachment, or sequestration of the above-mentioned properties only upon a *prima facie* showing of ill-gotten wealth or unlawful acquisition, supported by substantial evidence gathered by the Commission; *Provided*, That the order and list of sequestered or frozen properties shall be registered with the proper Court; *Provided further*, That the sequestration order is deemed automatically lifted if no judicial action or proceeding is commenced within the period provided by applicable laws.

The exercise of these powers shall at all times respect the requirements of due process and shall be without prejudice to the concurrent jurisdiction of the courts, the Office of the Ombudsman, or other competent authorities.

- l. Issue Temporary Closure or Revocation Orders of permits, business licenses, or registrations of establishments, contractors, or entities found to be responsible for the implementation of anomalous infrastructure projects; *Provided*, That such orders may be issued only upon a *prima facie* showing of participation in, or responsibility for, anomalous, fraudulent, or grossly irregular acts in connection with government infrastructure projects; *Provided, further*, That the Commission shall coordinate with the appropriate regulatory or licensing agencies for the enforcement of such orders, without prejudice to the filing of administrative, civil, or criminal actions before proper

authorities. *Provided, finally,* That such closure or revocation order shall be lifted if no judicial action or proceeding is commenced within the period provided by applicable laws.

- m. Directly recommend the automatic cancellation of professional licenses to the Philippine Regulation Commission (PRC) of all professionals responsible for the implementation of any anomalous government infrastructure projects.
- n. Grant witness immunity to any person who voluntarily provides material and indispensable information vital to the investigation of anomalous government infrastructure projects; *Provided,* That such immunity shall be granted only upon a *prima facie* showing that the testimony is essential to the successful prosecution of the case and the applicant meets the qualifications of a state witness, as follows:
 - (a) The witness does not appear to be the most guilty;
 - (b) The witness has not been previously convicted of any crime involving moral turpitude;
 - (c) The witness is able to provide a complete and truthful account of the facts and circumstances surrounding the offense, including the participation of other persons involved; and
 - (d) The testimony of the witness can be substantially corroborated on its material points.

The grant of witness immunity by the Commission shall have the same force and effect as that conferred under Republic Act No. 6981, or the "*Witness Protection, Security and Benefit Act,*" subject to notification to the DOJ within five (5) days from issuance for purposes of coordination, record-keeping, and potential inclusion in the national witness protection program.

The immunity shall cover only acts or omissions disclosed in good faith and shall be revocable upon proof that the witness willfully falsified the testimony, concealed material facts, or violated the conditions of the grant.

- o. Recommend and request the freezing of assets of individuals and entities under investigation, subject to existing laws and jurisprudence.

- p. Order the immediate preventive suspension, subject to constitutional limitations, of government officials under investigation by the Commission for involvement in anomalous, fraudulent, or grossly irregular infrastructure projects; *Provided*, That such preventive suspension may be issued only upon a *prima facie* showing that:
- (a) The evidence of guilt is strong;
 - (b) The continued stay of the public officer or employee in office may prejudice the investigation, tamper with evidence, influence witnesses, or otherwise obstruct the proceedings; or
 - (c) The public officer or employee's position or authority was used to commit the acts complained of.

Provided, further, That preventive suspension shall be imposed for a period not exceeding ninety (90) calendar days, and may be extended once for another period cumulatively not exceeding six (6) months, upon a determination that the grounds for suspension persist and that such extension is indispensable to protect the integrity of the investigation.

- q. Issue Lookout Orders and recommend to the proper authorities the issuance of Hold Departure Orders or other lawful measures to restrict or monitor the travel of persons under investigation, subject to the Constitution and applicable laws.
- r. Recommend the suspension, blacklisting, or removal from the Philippine Government Electronic Procurement System (PhilGEPS) registry of contractors, consultants, and suppliers pursuant to the provisions of Republic Act No. 9184, otherwise known as the "*Government Procurement Reform Act*," or Republic Act No. 12009, otherwise known as the "*New Government Procurement Act*," and their respective Implementing Rules and Regulations (IRR), whichever is applicable.

C. Coordinative and Institutional Powers

- s. Enter into memoranda of agreement with the Office of the Ombudsman, the COA, the DOJ, or other oversight and regulatory bodies for joint investigations, data-sharing arrangements, and other cooperative mechanisms consistent with applicable confidentiality rules.

D. Policy and Reform Powers

- t. Recommend to the President, Congress, and concerned departments or agencies, on the basis of its investigations, studies, and consultations with stakeholders, policy measures to strengthen infrastructure governance and prevent the recurrence of anomalies. These recommendations may include, but are not limited to, proposed amendments to procurement laws, technical auditing standards, contract-management protocols, project-monitoring systems, and inter-agency coordination mechanisms.
- u. Promulgate its rules and regulations and rules of procedure as it deems necessary to efficiently and effectively carry out its objectives, consistent with this Act and other applicable laws.

Sec. 7. Access to Bank, Financial, and Tax Records. Notwithstanding the provisions of Republic Act No. 1405, otherwise known as the "*Law on Secrecy of Bank Deposits*," Republic Act No. 6426, otherwise known as the "*Foreign Currency Deposit Act of the Philippines*," and other related laws, the Commission may, upon a *prima facie* showing that any bank account, trust fund, or financial instrument is related to a government infrastructure project under investigation, require the production, examination, or copying of bank, financial, or investment records relevant to such inquiry.

Provided, That such authority shall be exercised in coordination with the *Bangko Sentral ng Pilipinas (BSP)*, the AMLC, or other competent regulatory or supervisory bodies, and subject to the approval of the appropriate court, consistent with existing laws on bank secrecy and anti-money laundering.

Provided, further, That the Commission shall likewise be exempted from the confidentiality restrictions under Section 270 of the National Internal Revenue Code of 2017, as amended, solely for purposes of obtaining or examining taxpayer information, income returns, or related financial data directly material to an ongoing investigation of an anomalous infrastructure project; *Provided, finally, That* any such information obtained shall be treated as strictly confidential and used exclusively for investigatory and prosecutorial purposes within the scope of the Commission's mandate.

Any unauthorized disclosure, misuse, or publication of information obtained under this Section shall subject the responsible officer or employee to the penalties provided under existing laws, including administrative, civil, and criminal liability.

Sec. 8. Special Prosecutorial Team. To assist the Commission in the expeditious prosecution of cases covered under this Act, the Ombudsman and the Secretary of Justice are hereby mandated to constitute a special team of prosecutors, which shall be primarily responsible for the preliminary investigation and prosecution of all criminal offenses, and the prosecution of administrative offenses, involving public officers and employees, and/or persons acting in conspiracy with them, which are:

1. Investigated by the Independent People's Commission;
2. Arising from or related to the Commission's mandate, particularly but not limited to graft, corruption, and misuse of public funds or authority in government operations or projects.

Sec. 9. Submission of Report. The Commission shall submit its Final Report to the President and Congress within thirty (30) working days from the termination of its investigation. The report shall include a detailed account of the Commission's findings, identify the individuals and entities found culpable, recommend the filing of appropriate criminal, civil, and/or administrative actions, and propose specific measures for legislative, executive, or institutional reform.

The Commission may, as circumstances require, submit Interim Reports to the President and Congress during the pendency of its investigations, containing updates on ongoing inquiries, preliminary findings, or urgent recommendations warranting immediate action. Such interim reports shall be treated as confidential and shall not be made public until the conclusion of the investigation.

The Final Report of the Commission may be released to the public upon its submission to the President and Congress, subject to the redaction of information classified as confidential or prejudicial to national security, law enforcement operations, or the rights of third persons.

Sec. 10. Prohibition Against Restraining Orders and Injunctions. No court, except the Supreme Court, shall issue any temporary restraining order, preliminary injunction, or preliminary mandatory injunction against the Commission, its members, and the Secretariat, with respect to any matter or act within the Commission's mandate, including the conduct of any hearing or proceeding, the pursuit of investigation, and the filing and handling of criminal and administrative cases.

Sec. 11. Immunity from Suit. The Chairperson, the Commissioners, officers, employees and agents of the Commission shall not be subject to any action, claim or demand in connection with any act done or omitted by them in the performance

of their duties and exercise of their powers except for those actions and omissions done in evident bad faith or gross negligence.

Sec. 12. Indemnity. Unless the actions of the Commission or its Chairperson, any of its Commissioners, officers, employees and agents are found to be in willful violation of this Act, performed with evident bad faith or gross negligence, the Commission, its Chairperson, Commissioners, officers, employees and agents are held free and harmless to the fullest extent permitted by law from any liability, and they shall be indemnified for any and all liabilities, losses, claims, demands, damages, deficiencies, costs and expenses of whatsoever kind and nature that may arise in connection with the exercise of their powers and performance of their duties and functions.

The Commission shall underwrite or advance litigation costs and expenses, including legal fees and other expenses of external counsel, or provide legal assistance to its Chairperson, Commissioners, officers, employees or agents in connection with any civil, criminal, administrative or any other action or proceeding, to which they are made a party by reason of, or in connection with, the exercise of authority or performance of duties and function, any civil, criminal, administrative or any action or proceeding that may be initiated by the Commission, against such Chairperson, Commissioners, officers, employees or agents: *Provided, further,* That the Chairperson, Commissioners, officers, employees or agents, who shall resign, retire, transfer to another agency or be separated from the service, shall continue to be provided with such legal protection in connection with any act done or omitted to be done by them in good faith during their tenure or employment with the Commission: *Provided, finally,* That in the event of a settlement or compromise, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Commission is advised by counsel that the persons to be indemnified did not commit any negligence or misconduct.

The costs and expenses incurred in defending the aforementioned action, suit or proceeding may be paid by the Commission in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the Chairperson, Commissioner, officer, employee, or agent to repay the amount advanced should it ultimately be determined by the Commission that one is not entitled to be indemnified as provided in this section.

Sec. 13. Appropriation. The amount necessary for the initial implementation of this Act shall be charged against available appropriation under the current General Appropriations Act. Thereafter, such sums as may be necessary for the sustained

and effective operation of the Commission shall be included in the annual General Appropriations Act. *Provided that* the Commission may request additional appropriations for monitoring, surveillance, and information-gathering activities necessary to the performance of its mandate, in accordance with existing budgeting, auditing, and accounting rules and regulations, particularly DBM Joint Circular No. 2015-01 and related issuances.

Sec. 14. Fiscal Independence. To ensure independence and freedom from outside interference, the approved budget of the Commission shall be automatically and regularly released.

Sec. 15. Organizational Structure and Staffing Pattern. The Commission shall determine its organizational structure and staffing pattern, subject to the approval of the DBM and consistent with civil service laws, rules, and regulations.

Sec. 16. People's Participation and Social Accountability. The Commission may request the assistance of civil society organizations, people's organizations, church groups, and academic institutions in their fact-finding and investigation, including but not limited to citizen monitoring of infrastructure projects and science-based risk assessments, to promote social accountability and restorative justice. For this purpose, the Commission may provide in its implementing rules and regulations a platform where citizens can monitor the status of the investigations, participate in fact-finding, promote social accountability, and restorative justice work.

Sec. 17. Transitory Clause. To ensure continuity in the investigatory and administrative functions of the Independent Commission for Infrastructure (ICI), established under Executive Order No. 94, series of 2025, and to provide security of tenure to its personnel, all its incumbent officers and employees shall be automatically absorbed into the newly created Commission, without diminution of rank, salary, or benefits.

All ongoing investigations, case records, and pending reports of the ICI shall be transferred to, form part of, and be continued by the Commission without need of further act, issuance, or revalidation.

Qualified personnel from other government agencies and instrumentalities, including the Office of the Solicitor General (OSG), the DOJ, the COA, the Department of Public Works and Highways (DPWH), the Office of the Ombudsman, and other relevant offices, may be detailed or seconded to the Commission to augment its legal, technical, and investigative capabilities, subject to the consent of the parent agency and in accordance with existing civil service, budgetary, and

accounting rules and regulations. Such seconded personnel shall retain their permanent positions, tenure, and benefits in their respective mother agencies during the period of detail or secondment.

Sec. 18. Sunset Clause. The mandate of the Commission shall remain in force until June 30, 2028, unless otherwise extended by law. Upon the expiration of its term, the Commission shall wind up its operations within a reasonable period not exceeding ninety (90) days, during which it shall complete all pending investigations, submit its final report to the President and Congress, and transfer its records, assets, and property to the Office of the President or to such agency as may be designated for this purpose.

All permanent officers and employees of the Commission shall, unless absorbed by the Office of the President or other appropriate government agencies, be entitled to separation benefits as may be authorized under existing civil service laws, rules, and regulations. Contractual, co-terminous, or detailed personnel shall automatically revert to their parent agencies or be separated from the service in accordance with applicable laws.

Sec. 19. Separability Clause. If any provision of this Act is declared unconstitutional, the remainder of this Act shall remain in full force and effect.

Sec. 20. Repealing Clause. All laws, decrees, orders, rules, and regulations, or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

Sec. 21. Effectivity. This Act shall take effect immediately after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,