

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **6626**



Introduced by Representative LEILA M. DE LIMA

AN ACT
PUNISHING THE CRIMES OF ILLICIT ENRICHMENT AND ILLICIT TRANSFER
BY ADDING A NEW SECTION AND ARTICLES TO CHAPTER II, BOOK II OF
ACT NO. 3815, OTHERWISE KNOWN AS THE "REVISED PENAL CODE", AS
AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Ombudsman Jesus Crispin "Boying" Remulla has acknowledged that securing a conviction for plunder is very difficult under the current Philippine law (Republic Act No. 7080) and prevailing jurisprudence.¹ Remulla cites the following reasons:

- a) *"Main Plunderer" Doctrine*: A 2016 Supreme Court ruling established this doctrine, which requires the prosecution to particularly identify the "mastermind" or principal official who accumulated at least P50 million in ill-gotten wealth.² This has added complex technicalities to the law;
- b) *"Insane" Jurisprudence*: Remulla has described some of the legal theories and court decisions surrounding the Anti-Plunder Law as "insane," which makes consistent prosecution challenging³;

¹ Reyes, D. (20 November 2025). Remulla: Zaldy Co, 16 others may face plunder over flood control mess. Retrieved from: <https://newsinfo.inquirer.net/2143252/ombudsman-on-co-et-al-plunder-charges-to-follow>.

² *Gloria Macapagal-Arroyo v. People of the Philippines*, G.R. No. 220598, 19 July 2016.

³ The Sandiganbayan has acquitted high-profile personalities charged of plunder, most notably former Senator Juan Ponce Enrile, Jessica Reyes, and Janet Lim-Napoles in June 2025, and also former Senator Ramon Bong Revilla in 2021. These acquittals were based on the court's uniform finding that the prosecution failed to prove guilt beyond a reasonable doubt due to insufficiency of evidence, and, in the case of former Senator Revilla, the court additionally ruled that the other charges of corruption were deemed absorbed into the plunder case.

- c) *Lack of Convictions*: Historically, very few individuals have been convicted of plunder in the Philippines⁴, leading to the perception that the law has many "holes"⁵.

Given these difficulties, in the context of ongoing investigations into serious allegations of corruption and other irregularities in the flood control and other infrastructure projects,⁶ Remulla has indicated that his office might focus on filing charges that are easier to prove, such as multiple counts of malversation of public funds or falsification of documents.⁷ Indeed, the first batch of cases filed with the Sandiganbayan comprised one (1) count of malversation and two (2) counts of graft against a former congressman, former officials of Department of Public Works and Highways (DPWH) Region 4-B, and executives of a construction firm over the P289.5-million road dike in Naujan, Oriental Mindoro. Six of the accused, all former DPWH officials, have been arrested so far.⁸

In light of the serious observations about, and criticisms against the Plunder Law and the court decisions interpreting it -- coupled with the view that charges for malversation, bribery, graft and corruption may not be enough given the magnitude of wrongdoings in the biggest corruption scandal in Philippine history -- there is a need to come up with new effective legal tools to combat corruption in government and ensure accountability in public office.

To solve the evidentiary difficulty of proving ill-gotten wealth through bribery and other means, many countries have enacted legal provisions criminalizing "illicit enrichment." In fact, State Parties, including the Philippines, have committed to consider criminalizing illicit enrichment under the UN Convention Against Corruption (UNAC), thus:

"Article 20. *Illicit enrichment*. -- Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider

⁴ Former President Joseph Estrada was pardoned for his plunder conviction by then-President Gloria Macapagal Arroyo in October 2007, a little over a month after he was found guilty by the Sandiganbayan.

⁵ The ombudsman conceded that "*in the past 14 or 15 years, we only have a few who were convicted of plunder, while the rest have been acquitted. And that's really something that we should be looking at also.*" See <https://www.philstar.com/headlines/2025/10/24/2482184/8-flood-mess-cases-filed-court-next-months://newsinfo.inquirer.net/2143252/ombudsman-on-co-et-al-plunder-charges-to-follow>.

⁶ Transparency International, the Senate, and civil society watchdogs have estimated that hundreds of billions of pesos allocated for public works and flood control projects were lost to organized corruption involving public officials, with losses estimated at ₱1.089 trillion since 2023. See Hilotin, J. (15 October 2025). Philippines corruption: 5 things you need to know. Retrieved from: <https://guifnews.com/opinion/philippines-corruption-5-things-you-need-to-know-1.500305758>.

⁷ Marcelo, E. (24 October 2025). 8 flood control cases filed in court next month. Retrieved from: <https://www.philstar.com/headlines/2025/10/24/2482184/8-flood-mess-cases-filed-court-next-month>.

⁸ MCG, GMA Integrated News (24 November 2025). LOOK: Palace releases mugshots of 6 arrested in flood control mess. Retrieved from: <https://www.gmanetwork.com/news/topstories/nation/967193/look-palace-releases-mugshots-of-6-arrested-in-flood-control-mess/story/>.

adopting such legislative and other measures as may be necessary as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.”

Practice has shown that without such legislation in place, it is challenging to establish that a crime has occurred. The acts, such as bribery or embezzlement, are often hidden, as well as the money trail connected with them. Secondly, even if conviction results, it must be proven correspondingly that the assets identified were gained through that specific offense,⁹ as in the case of money laundering and plunder where there is a requirement to connect the discovered assets to the “predicate” offenses or a pattern of overt or criminal acts.

Illicit enrichment laws remove these barriers. In the case of public officials, prosecutors must only show that the person has assets that disproportionately exceed his legitimate sources of income. Also, prosecutors are no longer required to establish guilt for a “predicate” or related offense.

In this bill, illicit enrichment is simply defined as the acquisition of unexplained wealth by a public official or employee, which is grossly disproportionate to his or her lawful income and other legitimately acquired property. If the illicit enrichment exceeds Fifty million pesos (P50,000,000.00) – incidentally, the threshold amount for plunder – the imposable penalty will be *reclusion perpetua* in its minimum period to *reclusion perpetua* in its maximum period (a range from 20 years and 1 day up to 40 years).¹⁰ Any person found guilty of illicit enrichment, regardless of the amount of the ill-gotten wealth, shall suffer the accessory penalty of absolute perpetual disqualification to vote and to hold public employment. In addition, the right of the government to file illicit enrichment cases does not prescribe, nor is it susceptible to laches or estoppel.

Likewise in this proposal, the related offense of “illicit transfer” is defined and punished. It targets any public officer or employee who transfers or conveys an illicitly acquired property.

Studies have confirmed the benefits of legislating illicit enrichment in the fight against corruption. The United Nations Office on Drugs and Crime (UNODC), the Organization for Security and Cooperation in Europe (OSCE), and the World Bank

⁹ Transparency International, *Anti-Corruption Helpdesk: Providing On-demand Research to Help Fight Corruption* (2012). Retrieved from: https://knowledgehub.transparency.org/assets/uploads/helpdesk/Helpdesk_answer_illicit_enrichment.pdf.

¹⁰ Under Section 13, Article III of the 1987 Constitution, bail is not available to an accused in a case where he or she is charged with an offense punishable by *reclusion perpetua* when the evidence of guilt is strong.

have pointed to illicit enrichment legislation as being an effective instrument in confronting corruption.¹¹

In preparing this bill, acknowledgement is due to the “Criminal Code of the Philippines” project of the Department of Justice (DOJ), in collaboration with the University of the Philippines (UP) Law Center. Worthy of commendation also is the work of the Basel Institute on Governance, particularly its *Illicit Enrichment: A Guide to Laws Targeting Unexplained Wealth*.¹²

Early approval of this urgent measure is requested.



LEILA M. DE LIMA

¹¹ Lindy Muzila, Michelle Morales, Marianne Matthias, and Tanmar Berger, *Illicit Enrichment: Stolen Asset Recovery (StAR) Initiative Study*, (Washington, DC: World Bank, 2011).

¹² Dornbierer, A. (2021). *Illicit Enrichment: A guide to Laws Targeting Unexplained Wealth*. Retrieved from: https://baselgovernance.org/sites/default/files/2021-07/Illicit_Enrichment_Annex-1-PAGES.pdf.

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AMENDED, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* — This Act shall be known as the "*Anti-Illicit*
2 *Enrichment and Anti-Illicit Transfer Act*".

3
4 SEC. 2. — A new section shall be added to Chapter Two (Malfeasance and
5 Misfeasance in Office), Title Seven (Crimes Committed by Public Officers), Book II of
6 Republic Act No. 3815, otherwise known as the "Revised Penal Code", to read, as
7 follows:

8
9 "SECTION THREE. — Illicit Enrichment and Illicit Transfer"

10
11 SEC. 3. — To be added to the said new section of Chapter Two, Title Seven of
12 Book II of the Revised Penal Code are the following new articles to read, as follows:

13
14 "SECTION THREE. — Illicit Enrichment and Illicit Transfer"

15
16 Art. 212-A. *Illicit Enrichment.* - Any public officer or employee who
17 acquires unexplained wealth which is grossly disproportionate to his or her
18 lawful income and other legitimately acquired property shall suffer the
19 following penalties:

20 1. *Arresto mayor* in its maximum period to *prision mayor* in its
21 maximum period if the illicit enrichment amounts to not more than Ten
22 million pesos (P10,000,000.00);

1 2. *Prision mayor* in its maximum period to *reclusion temporal* in its
2 minimum period if the illicit enrichment amounts to more than Ten million
3 pesos (P10,000,000.00) but not more than Twenty million pesos
4 (P20,000,000.00);

5 3. *Reclusion temporal* in its minimum period to *reclusion temporal* in
6 its maximum period if the illicit enrichment amounts to more than Twenty
7 million pesos (P20,000,000.00) but not more than Fifty million pesos
8 (P50,000,000.00);

9 4. *Reclusion perpetua* in its minimum period to *reclusion perpetua* in
10 its maximum period if the illicit enrichment exceeds Fifty million pesos
11 (P50,000,000.00).

12 Art. 212-B. *Illicit Transfer*. - Any public officer or employee who shall
13 transfer or convey any illicitly acquired property shall be punished with
14 *prision correccional* in its maximum period, or a fine not exceeding One
15 hundred thousand pesos (P100,000.00), or both such imprisonment and
16 fine. The same penalty shall be imposed upon any person who shall
17 knowingly accept such transfer or conveyance.

18 Any asset, property business enterprise and/or material possession
19 found to have been illicitly acquired shall be forfeited in favor of the state in
20 case of conviction.

21 In the event of an acquittal for the crime of illicit enrichment, the Court
22 may declare any and all ill-gotten wealth and their interests and other
23 incomes and assets, including the properties and shares of stocks derived
24 from the deposit or investment thereof, forfeited in favor of the State,
25 requiring preponderance of evidence as basis for such forfeiture. The Court
26 may, in addition to initiating forfeiture proceedings, refer the case to the
27 Ombudsman or to any relevant agency or instrumentality of the Executive
28 Department for administrative action.

29 Art. 212-C. *Prescription*. - The laws on prescription, laches or estoppel
30 cannot be invoked against the State.

31 Art. 212-D. *Special Accessory Penalty*. - Any person found guilty of
32 these offenses shall suffer the accessory penalty of perpetual absolute
33 disqualification.

34 Art. 212-E. *Forfeiture*. - In case of conviction for the offenses under
35 this Section, the Court shall declare any and all ill-gotten wealth and their
36 interests and other incomes and assets including the properties and shares
37 of stock derived from the deposit or investment thereof forfeited in favor of
38 the state."

39
40 SEC. 4. - *Repealing Clause* - All laws, presidential decrees and issuances,
41 executive orders, rules and regulations or parts thereof inconsistent with the provisions
42 of this Act are hereby repealed or modified accordingly.
43

1 SEC. 5. - *Separability of Provisions* - If, for any reason or reasons, any part of
2 the provision of this Act shall be held to be unconstitutional or invalid, other parts or
3 provisions hereof which are not affected thereby shall continue to be in full force and
4 effect.

5

6 SEC. 6. - *Effectivity* – This Act shall take effect fifteen (15) days from the date
7 of its complete publication in at least two (2) newspapers of general circulation.

8

Approved,