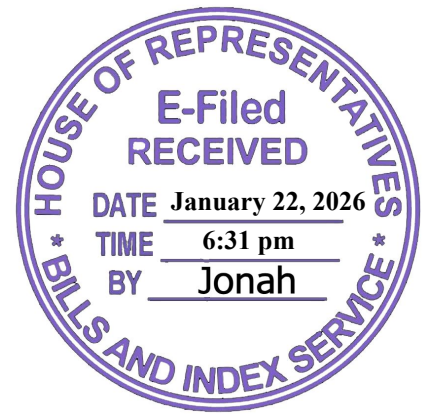


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

TWENTIETH CONGRESS  
First Regular Session  
House Bill No. 7240



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Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

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AN ACT  
CREATING THE NATIONAL INDEPENDENT COMMISSION AGAINST  
CORRUPTION (NICAC), PROVIDING FOR ITS POWERS, FUNCTIONS, AND  
ORGANIZATIONAL STRUCTURE, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

*"He that ruleth over men must be just, ruling in the fear of God."*

2 Samuel 23:3 KJV

This sacred precept expresses a timeless standard of public leadership: that authority is inseparable from justice, and power from moral accountability. In our constitutional system and democratic tradition, this same principle is reflected in the doctrine that public office is a public trust.

Corruption undermines public service and erodes trust in government, particularly in high-value, high-discretion spending such as flood control and other infrastructure projects. Persistent reports of irregularities in planning, procurement, contract implementation, and project monitoring indicate the need for stronger, more specialized, and better coordinated anti-corruption interventions. The Constitution declares that public office is a public trust, and that public officers must be accountable to the people and serve with integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.<sup>1</sup>

This bill establishes the National Independent Commission Against Corruption (NICAC) as a permanent, independent, collegial body mandated to conduct fact-finding and investigations, strengthen corruption prevention through systems reviews and reform proposals, and refer cases and evidence to the proper authorities for prosecution and administrative action. The measure is designed to complement, not supplant, the constitutional and statutory mandate of the Office of the Ombudsman. The NICAC is framed as an investigative/fact-finding body that

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<sup>1</sup> 1987 Constitution, Art. XI, Sec. 1

gathers and evaluates evidence and submits findings and recommendations, rather than a quasi-judicial body that adjudicates or prosecutes.

To address sector-specific vulnerabilities, the bill establishes a Specialized Infrastructure Corruption Unit to focus on public works, including flood control projects, and to coordinate referrals with the Ombudsman, DOJ, COA, and other relevant agencies.

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



**BIENVENIDO M. ABANTE, JR.**

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

**SECTION 1. Title.** — This Act shall be known as the "**National Independent Commission Against Corruption Act.**"

**SEC 2. Declaration of Policy.** — It is the policy of the State to maintain honesty and integrity in public service, safeguard public funds, ensure transparency and accountability in government transactions, and eliminate graft and corruption at all levels. To this end, the State shall establish an independent, credible, and broad-based commission to prevent, investigate, and recommend prosecution of corruption, with special focus on high-risk sectors such as infrastructure.

**SEC 3. Creation and Nature of the Commission.** — There is hereby created the National Independent Commission Against Corruption (NICAC), hereinafter referred to as the Commission, as an independent collegial body.

The Commission is attached to the Office of the Ombudsman solely for policy and program coordination, consistent with the concept of attachment as a lateral relationship. Such attachment shall not be construed as granting the Office of the Ombudsman supervision or control over the Commission, nor granting the Commission supervision or control over the Office of the Ombudsman, and shall not impair the Ombudsman's constitutional independence.

The Commission shall perform fact-finding, investigative, and preventive functions and shall refer its findings and evidence to the Office of the Ombudsman, the Department of Justice, and other proper agencies for appropriate action. The Commission shall have both general and sector-specific anti-corruption mandates, including a dedicated Infrastructure Corruption Division.

**SEC 4. Powers and Functions.** – The Commission shall have the following powers and functions:

- a) Formulate and implement a National Anti-Corruption Plan (NACP) and sectoral action agendas, including for infrastructure, and reinforce program strategies in accordance with the NACP;
- b) Investigate, *motu proprio* or upon complaint, allegations, complaints, and active cases of graft, corruption, malversation, plunder, fraud, and misuse of public funds, including but not limited to infrastructure projects, as penalized under all pertinent laws (e.g., Anti-Graft and Corrupt Practices Act, Anti-Plunder Act, Anti-Money Laundering Act, procurement laws, and the Revised Penal Code);
- c) Obtain full and unrestricted access to all government records, including plans, contracts, bidding documents, financial and audit reports, and official correspondence, as necessary for its mandate;
- d) Administer oaths, take testimony, and perpetuate testimonies of witnesses, subject to the right of cross-examination and applicable rules of court;
- e) Issue subpoenas *duces tecum* and *ad testificandum* to compel witnesses and the production of records, books, and documents;
- f) Cite persons in contempt for refusal to obey lawful orders, in accordance with law;
- g) Recommend to the Department of Justice (DOJ) or the Office of the Ombudsman (OMB) the grant of witness immunity and ensure enrollment in the Witness Protection Program, as well as other protective measures for witnesses;
- h) Endorse to the DOJ, OMB, or other appropriate agencies, for prosecution or administrative action, any public official, employee, contractor, or private individual/entity found *prima facie* liable for violations of anti-corruption laws;
- i) Institute administrative cases and refer verified complaints and official reports to relevant agencies (e.g., Anti-Money Laundering Council (AMLC), the Government Procurement Policy Board (GPPB), the Securities and Exchange (SEC), the Philippine Contractors Accreditation Board (PCAB), COA, CSC, COMELEC) for enforcement or regulation;
- j) Recommend reforms in project and program planning, procurement, auditing, and monitoring systems to prevent recurrence of corruption;

- k) Conduct comprehensive audits, including lifestyle checks, on public officers/employees;
- l) Conduct sustained information and education drives, and organize specialized training for government, private sector, and civil society personnel in the prevention, investigation, and prosecution of graft and corruption;
- m) Promulgate rules and regulations, including rules of procedure, as may be necessary to efficiently and effectively carry out its objectives, consistent with law;
- n) Hold public hearings, open to the media and livestreamed, subject to due process and confidentiality requirements;
- o) Exercise such other powers as may be necessary or incidental to the attainment of its objectives.

**SEC 5. *Jurisdiction and Coverage.*** – The Commission shall have jurisdiction to investigate all allegations, complaints, and active cases of graft, corruption, malversation, plunder, and related offenses in all branches, offices, agencies, and instrumentalities of government, including government-owned or controlled corporations, with special focus on infrastructure projects. All complaints involving corruption in infrastructure projects filed with regular investigation and prosecution agencies shall be referred to the Commission to avoid duplication, under terms mutually agreed upon with the Office of the Ombudsman (OMB) and Department of Justice (DOJ).

**SEC 6. *Composition.*** – The Commission shall be composed of five (5) members, none of whom shall be incumbent government officials, as follows:

- a) One retired Justice of the Supreme Court, who shall serve as Chairperson;
- b) One Certified Public Accountant with expertise in forensic accounting or auditing;
- c) One industry leader, preferably an engineer;
- d) One respected academician with background in public finance, economics, or public administration;
- e) One prominent representative from the business sector or civil society. Members shall be appointed by the President from a pool of nominees submitted by relevant professional organizations, academic institutions, and civil society, for a term of three (3) years, renewable for one term. Members must be Filipino citizens, at least thirty-five (35) years of age, of known

probity, integrity, and patriotism, and must not have been candidates for any elective office in the immediately preceding election.

**SEC 7. *Removal and Prohibitions.*** – Members may be removed by the President for cause, after due process, for incapacity, proven misconduct, or loss of qualifications. Members shall not hold any other public office or employment during their tenure.

**SEC 8. *Organizational Structure.*** – The Commission shall be assisted by a Secretariat headed by an Executive Director, appointed by the Chairperson with the concurrence of the Commission. The Secretariat shall provide technical, administrative, and research support, and may be staffed by personnel on secondment from government agencies and new hires, subject to civil service rules. The Commission shall have the following departments:

- a) Operations Department – Investigation, audit, and case endorsement;
- b) Corruption Prevention Department – Risk assessment and systems reform;
- c) Community Relations Department – Public engagement and education;
- d) Infrastructure Corruption Division – Specialized investigation and monitoring of infrastructure projects.

**SEC 9. *Inter-Agency and Public Support.*** – The Commission may require any government agency, including but not limited to the NPS, NBI, PNP, OMB, COA, AMLC, COMELEC, DPWH, DILG, DOJ, DBM, GPPB, SEC, PCAB, and PRC, to designate personnel and render assistance. The Commission may also seek technical assistance from the academe, research institutions, civil society, and industry associations.

**SEC 10. *Transparency and Availability of Records.*** – The Commission shall maintain and preserve its records, documents, and papers, and make them available to the public, except when disclosure would seriously damage ongoing investigations or deprive a party of the right to a fair and impartial trial.

**SEC 11. *Implementing Rules and Regulations.*** – Within ninety (90) days from effectivity, the Commission, in consultation with the Development Academy of the Philippines, Civil Service Commission, Commission on Audit, Ombudsman, Sandiganbayan, and other stakeholders, shall promulgate the implementing rules and regulations.

**SEC 12. *Prohibition on Injunctions.*** – No court, except the Supreme Court, shall issue any temporary restraining order, preliminary injunction, or preliminary mandatory injunction against the Commission, its members, or the Secretariat,

regarding any matter or act within the Commission's mandate, except for matters of extreme urgency involving constitutional issues.

**SEC 13. *Malicious Prosecution.*** — Any complaint found to have been initiated with malice shall be dealt with in accordance with the law.

**SEC 14. *Franking Privilege.*** — All official mail and telegrams of the Commission addressed for delivery within the Philippines shall be received, transmitted, and delivered free of charge, subject to limitations as may be provided by law.

**SEC 15. *Annual and Special Reports.*** — The Commission shall submit annual and periodic reports of its findings and recommendations to the President and Congress, and make these reports available to the public, subject to due process and confidentiality requirements.

**SEC 16. *Appropriations.*** — The amount necessary for the initial operations of the Commission shall be charged against the Contingent Fund of the Office of the President. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

**SEC 17. *Separability Clause.*** — If any provision of this Act is declared unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

**SEC 18. *Repealing Clause.*** — All laws, presidential decrees, letters of instruction, executive orders, rules, and regulations inconsistent with this Act are hereby repealed or amended accordingly.

**SEC 19. *Effectivity.*** — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*