



REPUBLIC OF THE PHILIPPINES
House of Representatives
CONSTITUTION HILLS, QUEZON CITY

TWENTIETH CONGRESS
First Regular Session

House Bill No. **8735**



AN ACT AMENDING REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989," TO STRENGTHEN THE OFFICE OF THE OMBUDSMAN BY ENHANCING ITS INVESTIGATORY POWERS, DEFINING INORDINATE DELAY, INCREASING ITS BUDGET ALLOCATION, ENHANCING HUMAN RESOURCES, AND IMPROVING THE RECRUITMENT AND TRAINING OF PERSONNEL, AND FOR OTHER PURPOSES

Introduced by Representative SHIRLYN L. BAÑAS-NOGRALES

EXPLANATORY NOTE

The Office of the Ombudsman is a constitutional institution tasked with ensuring public accountability and integrity in the civil service. Over the years, it has played a vital role in investigating and prosecuting government officials involved in graft and corruption. However, despite its pivotal mandate, the Office continues to face systemic limitations – chief among them are delays in case resolution, limited investigatory tools, inadequate staffing, and budget constraints. These constraints impair its capacity to swiftly and effectively fulfill its constitutional duties.

A particular area of concern is the issue of inordinate delay, which has become a common ground for the dismissal of cases. In *Cagang vs. Sandiganbayan*, the Supreme Court clarified the reckoning of inordinate delay and emphasized the need for a balancing test. Nonetheless, institutional solutions are needed. As highlighted in a Philippine Law Journal paper by Garcia and Marcelo^{1,1}, structural problems – such as an under-resourced Office, the absence of statutory timeframes for case resolution, and procedural bottlenecks – contribute to the growing backlog and undermine the constitutional right to a speedy disposition of cases.

This bill therefore proposes key amendments to the Republic Act No. 6770, or the Ombudsman Act of 1989, to enhance the capacity of the Office of the Ombudsman. These include expanding its investigatory powers, granting full access to government records and digital databases, and allowing it to establish specialized investigative units for procurement fraud, cybercrimes, and financial irregularities. It also introduces statutory timeframes – 12 months for regular cases and 24 months for complex ones – with defined consequences for unjustified delay, including administrative sanctions.

Recognizing that delay and inefficiency are often symptoms of resource inadequacy,

¹ Karina Mae P. Garcia & Pamela Marie T. Marcelo, *Pursuing a Balanced Approach to Speedy Case Disposition: An Analysis of Possible Solutions and Alternative Remedies to Ensure the Speedy Disposition of Cases for the Accused, the Victims, and the State*, 96 PHIL. L.J. 515 (2023).

the bill mandates a 20% annual increase in the Ombudsman's budget over the next five years. It also strengthens the institution's human capital by requiring a 30% increase in personnel and allowing for competitive salary packages to attract and retain competent investigators, legal professionals, and technical experts. Further, it institutionalizes ongoing professional development and partnerships with local and international institutions to build technical capacity.

This legislative measure affirms the State's commitment to good governance, accountability, and the rule of law. By addressing long-standing institutional deficiencies and aligning with constitutional mandates and jurisprudence, this bill seeks not only to strengthen the Ombudsman but to restore public confidence in our justice and anti-corruption institutions. As Garcia and Marcelo argue, "*[t]imely case disposition is an indispensable feature of justice,*" and no meaningful accountability can be achieved without it.

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

A handwritten signature in black ink, appearing to read 'S. Bañas', with a long, sweeping flourish extending to the right.

SHIRLYN L. BAÑAS-NOGRALES



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

SECTION 1. New sections are hereby inserted after Section 6 of Republic Act No. 6770:

"SECTION 6-B. PROFESSIONAL DEVELOPMENT AND TRAINING. THE OMBUDSMAN SHALL IMPLEMENT REGULAR AND COMPREHENSIVE TRAINING PROGRAMS FOR ITS PERSONNEL, FOCUSING ON INVESTIGATIVE TECHNIQUES, EVIDENCE GATHERING, DIGITAL FORENSICS, AND FINANCIAL CRIMES INVESTIGATION. CONTINUOUS PROFESSIONAL DEVELOPMENT SHALL BE MANDATORY FOR ALL PERSONNEL, WITH ANNUAL REVIEWS OF COMPETENCY AND PERFORMANCE."

"THE OMBUDSMAN IS ALSO AUTHORIZED TO PARTNER WITH LOCAL AND INTERNATIONAL INSTITUTIONS TO PROVIDE ADVANCED TRAINING AND TECHNICAL SUPPORT FOR ITS PERSONNEL."

"SECTION 6-C. ENHANCEMENT OF HUMAN RESOURCES."

"(A.) THE OMBUDSMAN SHALL INCREASE ITS PERSONNEL BY AT LEAST THIRTY PERCENT (30%) OVER THE NEXT FIVE (5) YEARS, WITH A PARTICULAR FOCUS ON HIRING INVESTIGATORS, PROSECUTORS, AND TECHNICAL STAFF SPECIALIZING IN DIGITAL FORENSICS, FORENSIC ACCOUNTING, AND DATA ANALYTICS."

"(B.) THE OFFICE SHALL OFFER COMPETITIVE COMPENSATION PACKAGES TO ATTRACT AND RETAIN SKILLED PROFESSIONALS, WITH SALARY SCALES ADJUSTED IN ACCORDANCE WITH THE SALARY STANDARDIZATION LAW."

“(C.) THE OMBUDSMAN SHALL PRIORITIZE MERIT-BASED HIRING AND INTRODUCE A STREAMLINED RECRUITMENT PROCESS THAT ALLOWS FOR FASTER HIRING OF HIGHLY QUALIFIED CANDIDATES.”

SECTION 2. Section 15 of Republic Act No. 6770 is hereby amended to read as follows:

“Section 15. Powers, Functions and Duties. — The Office of the Ombudsman shall have the following powers, functions and duties:

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“(8) Administer oaths, issue subpoena and subpoena *duces tecum*, and take testimony AT ANY STAGE in any investigation or inquiry, PROVIDED, THAT IN THE COURSE OF SUCH INVESTIGATION OR INQUIRY, THE OMBUDSMAN SHALL HAVE the power to examine and have access to bank AND OTHER FINANCIAL accounts, TRANSACTIONS, and records;”

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“(11) Investigate and initiate the proper action for the recovery of ill-gotten and/or unexplained wealth amassed after February 25, 1986 and the prosecution of the parties involved therein. PROPERTIES LIQUIDATED OR SOLD BY THE GOVERNMENT AND THOSE RECOVERED, FORFEITED, SURRENDERED, AND TRANSFERRED TO THE GOVERNMENT, SHALL BE EXEMPT FROM THE PAYMENT OF ANY NATIONAL OR LOCAL TAXES.”

“(12) CREATE AND ADMINISTER ITS OWN WITNESS PROTECTION AND WHISTLEBLOWING PROGRAMS AND, FOR SUCH PURPOSES, MAINTAIN ITS OWN INTELLIGENCE ENFORCEMENT OR PROTECTIVE SERVICES UNIT FOR THE PROTECTION OF ITS WITNESSES AND WHISTLEBLOWERS.”

“(13) THE OMBUDSMAN SHALL HAVE FULL ACCESS TO DOCUMENTS, RECORDS, AND DATABASES OF ANY GOVERNMENT OFFICE, AGENCY, OR GOVERNMENT-OWNED CORPORATION AS PART OF ITS INVESTIGATORY MANDATE. IT MAY ISSUE SUBPOENAS, COMPEL ATTENDANCE, AND CONDUCT DEPOSITIONS AS NECESSARY TO FULFILL ITS MANDATE, INCLUDING THE AUTHORITY TO CONDUCT INQUIRIES INTO FINANCIAL TRANSACTIONS, DIGITAL RECORDS, AND PROCUREMENT PROCESSES. IT IS ALSO AUTHORIZED TO CREATE SPECIALIZED INVESTIGATORY UNITS FOCUSED ON FINANCIAL CRIMES, PROCUREMENT FRAUD, AND CYBER-RELATED OFFENSES, INCLUDING DIGITAL FORENSICS.”

SECTION 3. Section 18 of Republic Act No. 6770 is hereby amended to read as follows:

“Section 18. Rules of Procedure. —

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“(4) THE OMBUDSMAN IS REQUIRED TO RESOLVE CASES WITHIN TWELVE (12) MONTHS FOR REGULAR CASES AND TWENTY-FOUR (24) MONTHS FOR COMPLEX CASES FROM THE TIME OF FILING. A FAILURE TO RESOLVE WITHIN THESE TIME FRAMES SHALL BE CONSIDERED INORDINATE DELAY, UNLESS JUSTIFIED BY EXTRAORDINARY CIRCUMSTANCES. INORDINATE DELAY SHALL BE GROUNDS FOR ADMINISTRATIVE SANCTIONS ON THE PERSONNEL RESPONSIBLE FOR THE DELAY AND MAY RESULT IN THE DISMISSAL OF THE CASE.”

SECTION 4. Section 35 of Republic Act No. 6770 is hereby amended to read as follows:

“Section 35. *Malicious Prosecution.* — Any person who, actuated by malice or gross bad faith, files a completely unwarranted or false complaint against any government official or employee shall be subject to a penalty of SIX (6) MONTHS AND ONE (1) DAY TO SIX (6) YEARS imprisonment and a fine FROM ONE MILLION PESOS TO FIVE MILLION PESOS.”

SECTION 5. Section 38 of Republic Act No. 6770, otherwise known as "The Ombudsman Act of 1989, is hereby amended to read as follows:

“Section 38. *Fiscal Autonomy.* —

“x x x

“THE OFFICE OF THE OMBUDSMAN SHALL HAVE AN ANNUAL BUDGET ALLOCATION WHICH SHALL BE INCREASED BY AT LEAST TWENTY PERCENT (20%) OVER THE NEXT FIVE (5) YEARS TO MEET THE GROWING NEEDS OF THE OFFICE, INCLUDING THE RECRUITMENT OF ADDITIONAL PERSONNEL, ENHANCEMENT OF INVESTIGATORY CAPABILITIES, AND ACQUISITION OF TECHNOLOGY AND TOOLS FOR DIGITAL FORENSICS AND CASE MANAGEMENT.”

SECTION 6. *Transitory Provisions.* — The Department of Budget and Management (DBM) shall immediately allocate the necessary funds to ensure the implementation of this Act. The Office of the Ombudsman shall submit a detailed plan outlining its personnel expansion, technological improvements, and training initiatives within ninety (90) days from the effectivity of this Act.

SECTION 7. *Repealing Clause.* — All laws, decrees, executive orders, and other issuances inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 8. *Separability Clause.* — If any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions not affected thereby shall remain in full force and effect.

SECTION 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,