

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

TWENTIETH CONGRESS
Second Regular Session



HOUSE BILL NO. 11413

Introduced by

HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO

EXPLANATORY NOTE

Section 12, Article XI of the 1987 Constitution declares the Ombudsman and his Deputies as protectors of the people and directs them to act promptly on complaints against public officials and employees of the government. This constitutional mandate is further operationalized under Republic Act No. 6770, otherwise known as the "Ombudsman Act of 1989," which vests the Office of the Ombudsman with broad powers to investigate and act upon acts or omissions of public officers and employees.

The effective discharge of this mandate requires not only investigative and prosecutorial authority, but also an institutional capability to secure evidence, protect witnesses, enforce lawful orders, and undertake necessary law enforcement operations. Strengthening these capabilities will enable the Office of the Ombudsman to respond more effectively to acts of corruption, abuse, inefficiency, and other forms of misconduct in government.

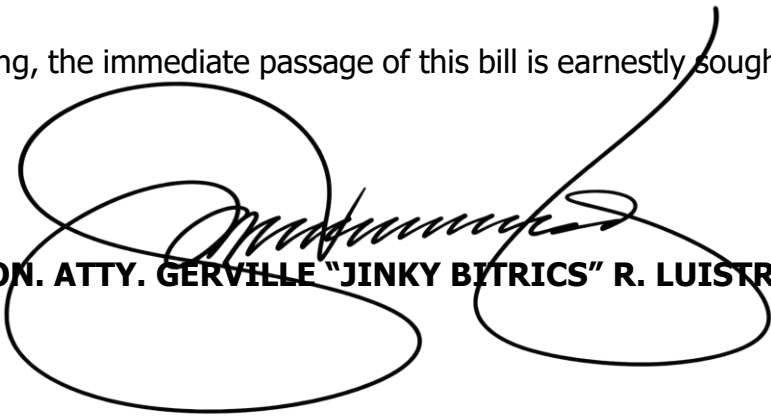
For this purpose, this measure seeks to establish an Anti-Corruption Law Enforcement Service within the Office of the Ombudsman, to be known as the Ombudsman Marshal Service. The proposed Service is intended to provide the Office with a dedicated law enforcement arm capable of conducting proactive inspections, inquiries, investigations, arrests, detention, searches, seizures, and other lawful measures necessary for the effective implementation of the Ombudsman's mandate.

The bill likewise provides for the appropriate organization of the Office of the Ombudsman, including the Office of the Special Prosecutor and the Ombudsman Marshal Service, and defines their respective roles and authority under the supervision and control of the Ombudsman. It further provides for the necessary rank, salary, benefits, retirement privileges, staffing, and operational support for personnel performing these functions.

Recognizing the importance of protecting witnesses, whistleblowers, detainees under investigation, and other persons placed in the custody of the proposed Service, the measure likewise provides for adequate facilities and appropriate safeguards. It also ensures that the implementation of the Service is supported by regular appropriations of the Office of the Ombudsman, with such augmentation as may be necessary for the sustained performance of its mandate.

By strengthening the enforcement and institutional mechanisms available to the Office of the Ombudsman, this measure seeks to ensure that investigations are conducted effectively, lawful orders are carried out, evidence is secured, and cases involving corruption and other irregularities in government are pursued with greater efficiency and consistency.

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



HON. ATTY. GERVILLE "JINKY BITRICS" R. LUISTRO

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AN ACT

AMENDING SECTION 15 OF REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS THE "OMBUDSMAN ACT OF 1989", GRANTING ANTI-CORRUPTION LAW ENFORCEMENT POWER TO THE OFFICE OF THE OMBUDSMAN

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

3
4 **SECTION 1. Section 15 of Republic Act No. 6770 is hereby amended**
5 **to read as follows:**

6
7 "SECTION 15. Powers, Functions and Duties. — The Office of the Ombudsman
8 shall have the following powers, functions and duties:

9
10 (1) Investigate and prosecute on its own or on complaint by any person, any
11 act or omission of any public officer or employee, office or agency, when such act or
12 omission appears to be illegal, unjust, improper or inefficient. It has primary
13 jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of this
14 primary jurisdiction, it may take over, at any stage, from any investigatory agency of
15 Government, the investigation of such cases;

16
17 (2) Direct, upon complaint or at its own instance, any officer or employee of
18 the Government, or of any subdivision, agency or instrumentality thereof, as well as
19 any government-owned or controlled corporations with original charter, to perform
20 and expedite any act or duty required by law, or to stop, prevent, and correct any
21 abuse or impropriety in the performance of duties;

22
23 (3) Direct the officer concerned to take appropriate action against a public
24 officer or employee at fault or who neglect to perform an act or discharge a duty

1 required by law, and recommend his removal, suspension, demotion, fine, censure, or
2 prosecution, and ensure compliance therewith; or enforce its disciplinary authority as
3 provided in Section 21 of this Act: Provided, That the refusal by any officer without
4 just cause to comply with an order of the Ombudsman to remove, suspend, demote,
5 fine, censure, or prosecute an officer or employee who is at fault or who neglects to
6 perform an act or discharge a duty required by law shall be a ground for disciplinary
7 action against said officer;

8
9 (4) Direct the officer concerned, in any appropriate case, and subject to such
10 limitations as it may provide in its rules of procedure, to furnish it with copies of
11 documents relating to contracts or transactions entered into by his office involving the
12 disbursement or use of public funds or properties, and report any irregularity to the
13 Commission on Audit for appropriate action;

14
15 (5) Request any government agency for assistance and information necessary
16 in the discharge of its responsibilities, and to examine, if necessary, pertinent records
17 and documents;

18
19 (6) Publicize matters covered by its investigation mentioned in paragraphs (1),
20 (2), (3) and (4) hereof, when circumstances so warrant and with due prudence:
21 Provided, That the Ombudsman under its rules and regulations may determine what
22 cases may not be made public: Provided, further, that any publicity issued by the
23 Ombudsman shall be balanced, fair and true;

24
25 (7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and
26 corruption in the Government, and make recommendations for their elimination and
27 the observance of high standards of ethics and efficiency;

28
29 (8) Administer oaths, issue subpoena and subpoena duces tecum, and take
30 testimony in any investigation or inquiry, including the power to examine and have
31 access to bank accounts and records;

32
33 (9) Punish for contempt in accordance with the Rules of Court and under the
34 same procedure and with the same penalties provided therein;

35
36 (10) Delegate to the Deputies, or its investigators or representatives such
37 authority or duty as shall ensure the effective exercise or performance of the powers,
38 functions, and duties herein or hereinafter provided;

39
40 (11) Investigate and initiate the proper action for the recovery of ill-gotten
41 and/or unexplained wealth amassed after February 25, 1986 and the prosecution of
42 parties involved therein;

43
44 (12) ESTABLISH AN ANTI-CORRUPTION LAW ENFORCEMENT SERVICE, THAT
45 WILL BE KNOWN AS THE OMBUDSMAN MARSHAL SERVICE, TO BE HEADED BY A
46 SPECIAL INVESTIGATOR WITH THE RANK OF A DEPUTY OMBUDSMAN, WITH THE
47 MEMBERS THEREOF BEING PEACE OFFICERS TO BE KNOWN AS OMBUDSMAN
48 MARSHALS WITH THE POWERS TO EFFECT ARRESTS, DETENTION, SEARCHES AND

1 SEIZURES AND VARIOUS FORMS OF INVESTIGATIONS IN ACCORDANCE WITH THE
2 LAW AND TO POSSESS AND CARRY SUITABLE AND ADEQUATE FIREARMS FOR THEIR
3 PERSONAL PROTECTION IN CONNECTION WITH THEIR DUTIES AND FOR THE
4 PROPER PROTECTION OF WITNESSES AND PERSONS IN CUSTODY WITHOUT NEED
5 OF ANY SPECIAL PERMIT FROM ANY OTHER GOVERNMENT AGENCY: PROVIDED,
6 THAT THE SAID SERVICE MAY BE CALLED UPON TO ENFORCE ANY ORDER, WRIT
7 OR PROCESS OF THE OFFICE OF THE OMBUDSMAN, SANDIGANBAYAN OR ANY ANTI-
8 CORRUPTION COURT, AGENCY OR UNIT: AND, PROVIDED, FINALLY, THAT
9 ADEQUATE FACILITIES SHALL BE MAINTAINED FOR PERSONS IN CUSTODY,
10 INCLUDING DETAINEES UNDER INVESTIGATION, WHISTLEBLOWERS AND
11 WITNESSES. THE FUNDING FOR THE SERVICE SHALL BE SOURCED FROM THE
12 REGULAR APPROPRIATIONS OF THE OFFICE OF THE OMBUDSMAN AND SHALL BE
13 AUGMENTED ON A YEAR-TO-YEAR BASIS AS MAY BE APPROPRIATE TO ENSURE
14 PERFORMANCE OF ITS MANDATE.”
15

16 The Ombudsman shall give priority to complaints filed against high-ranking
17 government officials and/or those occupying supervisory positions, complaints
18 involving grave offenses as well as complaints involving large sums of money and/or
19 properties.
20
21

22 **SECTION 2. Section 11 of Republic Act No. 6770 is hereby amended**
23 **to read as follows:**
24

25 “Section 11. Structural Organization. — The authority and responsibility for the
26 exercise of the mandate of the Office of the Ombudsman and for the discharge of its
27 powers and functions shall be vested in the Ombudsman, who shall have supervision
28 and control of the said office.
29

30 (1) The Office of the Ombudsman may organize such directorates for
31 administration and allied services as may be necessary for the effective discharge of
32 its functions. Those appointed as directors or heads shall have the rank and salary of
33 line bureau directors.
34

35 (2) The Office of the Overall Deputy shall oversee and administer the operations
36 of the different offices under the Office of Ombudsman. It shall likewise perform such
37 other functions and duties assigned to it by the Ombudsman.
38

39 (3) The Office of the Special Prosecutor shall be composed of the Special
40 Prosecutor and his prosecution staff. The Office of the Special Prosecutor shall be an
41 organic component of the Office of the Ombudsman and shall be under the supervision
42 and control of the Ombudsman.
43

44 (4) The Office of the Special Prosecutor shall, under the supervision and control
45 and upon the authority of the Ombudsman, have the following powers:
46

47 (a) To conduct preliminary investigation and prosecute criminal cases within the
48 jurisdiction of the Sandiganbayan;

1 (b) To enter into plea bargaining agreements; and

2
3 (c) To perform such other duties assigned to it by the Ombudsman.

4
5 The Special Prosecutor shall have the rank and salary of a Deputy Ombudsman.

6
7 (5) THE OMBUDSMAN MARSHAL SERVICE SHALL HAVE THE AUTHORITY TO
8 ENFORCE DECISIONS, RESOLUTIONS, ORDERS AND WRITS OF THE OFFICE OF THE
9 OMBUDSMAN, INCLUDING CITATIONS FOR CONTEMPT AS PROVIDED BY EXISTING
10 LAWS.

11
12 [(5)] (6) The position structure and staffing pattern of the Office of the
13 Ombudsman, including the Office of the Special Prosecutor, shall be approved and
14 prescribed by the Ombudsman. The Ombudsman shall appoint all officers and
15 employees of the Office of the Ombudsman, including those of the Office of the Special
16 Prosecutor, in accordance with the Civil Service Law, rules and regulations.

17
18 **SECTION 3. Section 6 of Republic Act No. 6770 is hereby amended to**
19 **read as follows:**

20
21 "Section 6. Rank and Salary. — The Ombudsman and his Deputies shall have
22 the same ranks, salaries and privileges as the Chairman and members, respectively,
23 of a Constitutional Commission. Their salaries shall not be decreased during their term
24 of office. THE SPECIAL INVESTIGATOR WILL CARRY THE RANK, SALARY,
25 EMOLUMENTS, BENEFITS AND RETIREMENT PRIVILEGES OF A DEPUTY
26 OMBUDSMAN."

27
28 **SECTION 4. Separability Clause.** — If any provision of this Act is declared
29 invalid or unconstitutional, the provisions of this Act or any provisions not affected
30 thereby shall remain in force and effect.

31
32 **SECTION 5. Repealing Clause.** — All laws, decrees, ordinances, rules and
33 regulations, executive or administrative orders, and other presidential issuances
34 inconsistent with this Act, are hereby repealed, amended or modified accordingly.

35
36 **SECTION 6. Effectivity.** — This Act shall take effect fifteen (15) days after
37 its publication in the Official Gazette or in 2 newspapers of general circulation.

38
39 Approved,