

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'10 NOV 15 A9:27

SENATE
S. No. **2591**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 1 states:

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.

According to Section 52 of the Administrative Code, the duration of preventive suspension is equal to the period prescribed for deciding administrative disciplinary cases. If the case is decided before ninety days, then the suspension will last less than ninety days. However, if the case is not decided within ninety days, then the suspension may not exceed the maximum period of ninety days. The objective of preventive suspension is to prevent the accused from hampering the normal course of the investigation with his or her influence and authority over possible witnesses or to keep him or her off the records and other evidence, and to assist prosecutors in firming up a case against an erring local official.¹

However, a different rule applies to employees of local government units. According to Section 85 of the Local Government Code, local chief executives may preventively suspend for a period not exceeding sixty days any subordinate official or employee under his or her authority pending investigation. Upon expiration of the preventive suspension, the suspended official or employee shall be automatically reinstated in office without prejudice to the continuation of the administrative case against him or her. Section 86 of the same law, however, provides that the period for administrative investigation shall be within ninety days from the time the local government employee is formally notified of the charges. There is thus a need to harmonize

¹ *Ganzon v. Court of Appeals*, 200 SCRA 271, 272 (1991).

these provisions. This bill seeks to equalize the duration of the preventive suspension with the duration of the period for administrative investigation under the Local Government Code to effectively serve the purpose of preventive suspension and to make it in consonance with the Administrative Code.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

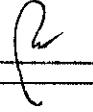
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1 AN ACT AMENDING SECTION 85, PARAGRAPH (A) OF REPUBLIC ACT NO. 7160,
2 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE

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

3 SECTION 1. Section 85, paragraph (a) of Republic Act No. 7160 is hereby amended as
4 follows:

5 "Section 85. *Preventive Suspension of Appointive Local Officials and Employees.* – (a)
6 The local chief executives may preventively suspend for a period not exceeding NINETY (90)
7 days any subordinate official or employee under his authority pending investigation if the charge
8 against such official or employee involves dishonesty, oppression or grave misconduct or neglect
9 in the performance of duty, or if there is reason to believe that the respondent is guilty of the
10 charges which would warrant his removal from the service."

11 SECTION 2. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,