

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



Senate
Office of the Secretary

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SENATE
S. No. 1198

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 1 provides:

Sec. 1. 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.

Many public officials use their powers to influence the appointment of persons to government posts through the exercise called "political recommendations." The applicants for these government positions, in their effort to make use of this culture, solicit these political recommendations. This perpetuates the "padrino system" which allows the appointment of unqualified individuals to government positions over those who are really qualified based on their merits.

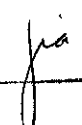
By enacting a law that punishes the acts of making and soliciting political recommendations, we would be able to strengthen our bureaucracy by granting the appointing agencies their rightful discretion over their employee activities, which include appointment, promotion, assignment, transfer or designation, interim or otherwise, and making sure that such decisions are made without undue political influence.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.

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SENATE
S. No. 1198

RECEIVED BY: 

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1 AN ACT
2 TO PROHIBIT THE USE, SOLICITATION, AND OFFER OF RECOMMENDATIONS FOR
3 PURPOSES OF APPOINTMENT, PROMOTION, ASSIGNMENT, TRANSFER, OR
4 DESIGNATION, INTERIM OR OTHERWISE, OF PUBLIC OFFICERS OR EMPLOYEES

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Political
6 Recommendations Act.”

7 SECTION 2. *Definitions.* – In this Act, the term:

8 A. Government - includes the national government, the local governments, the
9 government-owned and government-controlled corporations, and all other instrumentalities or
10 agencies of the Republic of the Philippines and their branches.

11 B. Public Officer or Employee - includes elective and appointive officials and
12 employees, permanent or temporary, whether in the classified or unclassified or exempt service,
13 whether or not receiving compensation from the government as defined in the preceding
14 subparagraph.

15 C. Appointing Agency - means the agency which exercises the power to appoint,
16 promote, transfer, or designate, interim or otherwise, over the public officer or employee.

17 SECTION 3. *Prohibition on Appointment Based on Political Recommendation.* – Except
18 as provided in Section 7 of this Act, each appointment, promotion, assignment, transfer, or
19 designation, interim or otherwise, of an public officer or employee shall be made without regard
20 to any recommendation or statement, oral or written, with respect to any person who requests or

1 is under consideration for such appointment, promotion, assignment, transfer, or designation,
2 made by –

- 3 A. any Member of the Senate or House of Representatives;
- 4 B. any official of the national or local government;
- 5 C. any member of the Judiciary;
- 6 D. any official of a political party; and
- 7 E. any other individual or organization.

8 SECTION 4. *Prohibition from Issuing Recommendation.* – Except as provided in Section
9 7 of this Act, a person or organization referred to in paragraphs (A), (B), (C), or (D) of Section 3
10 is prohibited from making or transmitting to any other public officer or employee, any
11 recommendation or statement, oral or written, with respect to any person who requests or is
12 under consideration for any such appointment, promotion, assignment, transfer, or designation.

13 SECTION 5. *Prohibition on Solicitation of Recommendation.* – . Any person, subject to
14 Section 7 of this Act -

- 15 A. shall not solicit, request, consider, or accept any such recommendation or
16 statement; and;
- 17 B. shall return any such written recommendation or statement received by him,
18 appropriately marked as in violation of this section, to the person or organization making or
19 transmitting the same.

20 SECTION 6. *Notice of Prohibition.* – Each employment form used in connection with
21 any such appointment, promotion, assignment, transfer, or designation shall contain appropriate
22 language in boldface type informing all persons concerned of the provisions of this Act.

23 During the time any such appointment, promotion, assignment, transfer, or designation is
24 under consideration, appropriate notice of the provisions of this section printed in boldface type
25 shall be posted in the post office concerned.

1 SECTION 7. *Exceptions.* – Any appointing agency may solicit, accept, and consider, and
2 any other individual or organization may furnish or transmit to the appointing agency any
3 statement with respect to a person who requests or is under consideration for such appointment,
4 promotion, assignment, transfer, or designation, if -

5 A. the statement is furnished pursuant to a request or requirement of the appointing
6 agency and consists solely of an evaluation of the work performance, ability, aptitude, and
7 general qualifications of such person;

8 B. the statement relates solely to the character and residence of such person;

9 C. the statement is furnished pursuant to a request made by the appointing agency
10 solely in order to determine whether such person meets the loyalty, suitability, and character
11 requirements for employment with the Government; or

12 D. the statement is furnished by a former employer of such person pursuant to a
13 request of the appointing agency, and consists solely of an evaluation of the work performance,
14 ability, aptitude, and general qualifications of such person during his employment with such
15 former employer.

16 SECTION 8. *Penalties for Violations.* – Any person in violation of any of the provisions
17 of this Act shall be punished by a fine of not less than one thousand pesos (P1,000.00) nor more
18 than thirty thousand pesos (P30,000.00), or by imprisonment not exceeding one (1) year, or both
19 such fine and imprisonment, at the discretion of the Court. The violation proven in a proper
20 administrative proceeding shall be sufficient cause for removal or dismissal of a public officer,
21 even if no criminal prosecution is instituted against such officer.

22

23 SECTION 9. *Separability Clause.* – If any provision or part hereof is held invalid or
24 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
25 valid and subsisting.

1 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule, or regulation contrary to or is inconsistent
3 with the provision of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,