

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



Senate
Office of the Secretary

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SENATE

Senate Bill No. 1397

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution provides that "A public officer or employee, shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities and net worth. In the case of the President, the Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law."

In complying with this constitutional provision under the enabling law Republic Act No. 6713, many public officials complacently submit statements of assets, liabilities and net worth which do not reflect their actual wealth or lifestyle. Often times this act is intended to hide ill-gotten wealth. The common practice is to place an asset in the name of a dummy, who is usually a close relative of the public official.

This bill seeks to remedy this prevalent corrupt practice by imposing the penalty of removal from public office on a public official who places any of his/her assets in the name of dummies. A public official who does so shall forfeit all his rights to the property in favor of the dummy. Public officials shall also be prohibited from acquiring any property from a relative within the tenth (10th) civil degree of consanguinity or affinity, while holding public office and within twenty (20) years from the time he/she left the civil service. This may be an effective way of punishing the public official for his deviousness.

Immediate approval of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING REPUBLIC ACT NO. 6713, ALSO KNOWN AS AN ACT
ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR
PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED
PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING
INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING
PROHIBITED ACTS AND TRANSACTIONS, PROVIDING PENALTIES FOR
VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Republic Act No. 6713 is, hereby amended by the addition of
the following provisions:

"SECTION 11-A. ASSETS IN THE NAME OF DUMMIES:

"(A) THE PENALTY OF REMOVAL FROM PUBLIC OFFICE
SHALL BE IMPOSED UPON A PUBLIC OFFICIAL WHO PLACES
ANY OF HIS OR HER ASSETS IN THE NAME OF A DUMMY.

"(B) A PUBLIC OFFICIAL WHO PLACES AN ASSET IN
THE NAME OF A DUMMY SHALL BE ESTOPPED FROM
CLAIMING ANY INTEREST AND ASSERTING ANY RIGHT OF
OWNERSHIP OVER SUCH ASSET. SUCH ASSET SHALL BE
FORFEITED IN FAVOR OF THE DUMMY WHO SHALL BE
RECOGNIZED BY LAW AS THE ACTUAL AND REAL OWNER OF
THE PROPERTY.

"SEC. 11-B. DISQUALIFICATION OF PUBLIC OFFICIAL FROM
ACQUIRING PROPERTY FROM RELATIVES. - PUBLIC
OFFICIALS ARE PROHIBITED FROM ACQUIRING ANY
PROPERTY FROM A RELATIVE WITHIN THE TENTH (10TH)
CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, WHILE
HOLDING PUBLIC OFFICE AND WITHIN TWENTY (20) YEARS
FROM THE TIME HE OR SHE LEFT THE CIVIL SERVICE.
PROPERTY ACQUIRED IN VIOLATION OF THIS SECTION
SHALL NOT VEST OWNERSHIP UPON THE PUBLIC OFFICIAL
AND ALL HIS SUBSEQUENT TRANSACTIONS AND DEALINGS
ON THE SAID PROPERTY SHALL BE VOID AB INITIO. THE
RELATIVE FROM WHOM THE PROPERTY COMES SHALL

RETAIN ALL RIGHTS OF OWNERSHIP WITH RESPECT TO THE PROPERTY."

SEC. 2. Separability Clause. - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 3. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,