


SENATE

S. B. No. 2141

'14 FEB 25 A9:50

RECEIVED BY: 

Introduced by Senator TEOFISTO "TG" GUINGONA III

**AN ACT STRENGTHENING THE FISCAL AUTONOMY
OF THE OFFICE OF THE OMBUDSMAN
BY AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO.
6770
OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989,"
AND PROVIDING FUNDS THEREFOR**

EXPLANATORY NOTE

The Office of the Ombudsman is the people's ultimate vanguard against graft and corruption, and illegal, unjust, improper or inefficient acts or omissions in government. It is the premier government institution that has the essential duty to uphold responsibility, integrity, loyalty and efficiency in government.

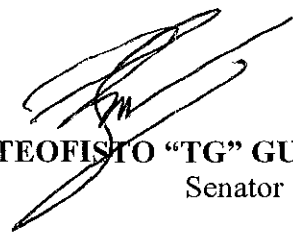
Considering the critical nature of its mandate, the Office of the Ombudsman's resources should be enhanced to allow it to effectively and efficiently fulfill such mandate.

Section 14, Article XVI of the 1987 Philippine Constitution states that the Office of the Ombudsman shall enjoy fiscal autonomy. Such fiscal autonomy allows the Office of the Ombudsman to find ways to augment its funding.

This bill seeks to grant the Office of the Ombudsman a 30% share of the assets forfeited by the government under R.A. 1379 or the Forfeiture Law. This bill also entitles it to collect and retain clearance and certification fees, in the exercise of its functions.

These proposed revenue measures would address the Office of the Ombudsman's funding and resource limitations, thereby allowing it to discharge its mandate without any excuse or impediment.

In view of the foregoing, early passage of this measure is strongly recommended.


TEOFISTO "TG" GUINGONA III
Senator

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

1 SECTION 1. Section 38 of RA 6770 is hereby amended to
2 read as follows:
3

4 "Sec. 38. *Fiscal Autonomy.* — The Office of the
5 Ombudsman shall enjoy fiscal autonomy. Appropriations for
6 the Office of the Ombudsman may not be reduced below the
7 amount appropriated for the previous years and, after approval,
8 shall be automatically and regularly released.
9

10 **THE OFFICE OF THE OMBUDSMAN SHALL BE**
11 **ENTITLED TO A FIXED SHARE OF THIRTY**
12 **PERCENT (30%) OF THE FUNDS, PROPERTIES**
13 **AND/OR PROCEEDS THEREOF TO BE**
14 **RECOVERED/FORFEITED IN FAVOR OF THE**
15 **GOVERNMENT PURSUANT TO REPUBLIC ACT NO.**
16 **1379, OTHERWISE KNOWN AS THE FORFEITURE**
17 **LAW, AS AMENDED; PROVIDED, THAT AT LEAST**
18 **FORTY PERCENT (40%) OF SUCH FUND AND/OR**
19 **PROCEEDS SHALL BE UTILIZED TO FINANCE THE**
20 **ACQUISITION, CONSTRUCTION, MAINTENANCE**
21 **AND REPAIR OF OFFICE FACILITIES AND**
22 **EQUIPMENT, AT LEAST THIRTY PERCENT (30%)**
23 **FOR CAPACITY-BUILDING ACTIVITIES, AND**
24 **THIRTY PERCENT (30%) FOR GENERAL**
25 **OPERATIONS OF THE OFFICE OF THE**
26 **OMBUDSMAN.**
27

1 **TO ENSURE THE OPERATIONAL**
2 **INDEPENDENCE OF THE OFFICE, THE**
3 **OMBUDSMAN SHALL HAVE THE AUTHORITY TO**
4 **COLLECT AND RETAIN CLEARANCE AND**
5 **CERTIFICATION FEES IN THE DISCHARGE OF ITS**
6 **MANDATE, DUTIES, FUNCTIONS AND**
7 **RESPONSIBILITIES FOR THE PURPOSE OF**
8 **DEFRAYING ITS COSTS AND AUGMENTING ITS**
9 **GENERAL FUND TO SUPPORT ITS OPERATIONS.**

10
11
12 **SECTION 2. *Rules and Regulations.*** — The Ombudsman shall issue,
13 within ninety (90) days after the approval of this Act, the necessary rules and
14 regulation relating to the administrative aspects of the provisions of this Act.
15

16 **SECTION 3. *Separability Clause.*** — If for any reason, any section or
17 provision of this Act is declared to be unconstitutional or invalid, the other
18 sections or provisions hereof which are not affected thereby shall continue to
19 be in full force and effect.
20

21 **SECTION 4. *Repealing Clause.*** — All laws, decrees, orders or rules
22 and regulations, and other issuances which are inconsistent with the provisions
23 of this Act are hereby repealed, amended or modified accordingly.
24

25 **SECTION 5. *Effectivity.*** — This Act shall take effect fifteen (15) days
26 after its publication in two (2) national newspapers of general circulation.
27

28 Approved,
29
30