

14 SEP 24 P5:11

SENATE
S.B. **2425**

RECEIVED BY: *ji*

Introduced by Senator Poe

**AN ACT
STRENGTHENING THE OFFICE OF THE OMBUDSMAN THROUGH THE
FURTHER PROFESSIONALIZATION, IMPROVEMENT OF SKILLS AND
AUGMENTING THE LIVING CONDITIONS OF ITS EMPLOYEES, AMENDING FOR
THE PURPOSE REPUBLIC ACT NUMBER 6770, OTHERWISE KNOWN AS THE
OMBUDSMAN ACT OF 1989, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

“Public office is a public trust,” is a hallmark edict of the 1987 Philippine Constitution. Its significance is mirrored further in continuous fundamental guarantee, “[p]ublic 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.”¹

Although these precepts are laudable, the pervasiveness of graft and corruption remains a reality in Philippine society. In fact, in a report, it was noted that the government lost P101.816 billion to graft and corruption in 2011, per the Commission on Audit.² In the same study, it cited that in “unauthorized/irregular/unnecessary expenses, unliquidated cash advances, violations of the Procurement Act, underassessment/under collection, unutilized/ineffective projects and lack of appropriation constituted the most number of cases where the public coffers suffered unwarranted loss.”

The Office of the Ombudsman is tasked to investigate on its own or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous harassment suits filed against them by disgruntled litigants. Moreover, their personal safety and the safety of their family are at constant risk due to the high-profile cases they are handling.

Furthermore, despite the enormity of their task of battling graft and corruption, the salary of Ombudsman employees is still not comparable to that of their counterparts in other government agencies and in other anti-graft and corruption bodies in the Asia-Pacific Region.

¹ Article XI, Section 1, The 1987 Philippine Constitution

² Audit Performance Summary Report 2011, of the Commission on Audit, as reported in www.rappler.com, October 27, 2012

With the enactment of this bill into law, it is believed that the enhancement of the welfare of the country's graftbusters will strengthen the Office of the Ombudsman as an institution in its fight against graft and corruption.

The early recognition of this legislation is earnestly recommended.


GRACE POE



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FURTHER PROFESSIONALIZATION AND IMPROVEMENT OF SKILLS AND
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THIS PURPOSE REPUBLIC ACT NO. 6770, OTHERWISE KNOWN
AS THE OMBUDSMAN ACT OF 1989, AND
FOR OTHER PURPOSES.

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

1 SECTION 1. Section 6 of R.A. No. 6770 is hereby amended to read as follows:
2

3 “SEC. 6. *Rank and Salary.* – The Ombudsman and his Deputies shall have the
4 same ranks, salaries and privileges as the Chairman and members, respectively, of a
5 Constitutional Commission. Their salaries shall not be decreased during their term of
6 office.
7

8 THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL
9 AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE
10 OMBUDSMAN SHALL RECEIVE THE SAME RANK, CATEGORY,
11 PREROGATIVE, SALARIES, ALLOWANCES, EMOLUMENTS AND OTHER
12 PRIVILEGES, INCLUDING THE SAME RETIREMENT AND OTHER
13 BENEFITS, AS THOSE OF A JUDGE OF A COMPARABLE LEVEL IN
14 ACCORDANCE WITH THE FOLLOWING TABLE:

OMBUDSMAN POSITIONS	COMPARABLE POSITIONS IN JUDICIARY
Assistant Ombudsman and other permanent employees with Salary Grade 29.	Regional Trial Court Judge
GIPO IV and other permanent employees with Salary Grade 28.	Metropolitan Trial Court Judge

GIPO III and other permanent employees with Salary Grade 27.	City Trial Court Judge
GIPO II and other permanent employees with Salary Grade 26.	Municipal Circuit Trial Court Judge and Municipal Trial Court Judge

1 **SECTION 2.** Section 6 of R.A. No. 6770 is further amended by inserting Section 6-A, 6-
2 B, 6-C and 6-D to read as follows:

3
4 **“SECTION 6-A. RETIREMENT BENEFITS.** MEMBERS OF THE
5 PROSECUTION, INVESTIGATION, LEGAL AND PERMANENT
6 ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN AS
7 PRESENTED IN THE TABLE IN THE PREVIOUS SECTION, WHO HAVE
8 RENDERED AT LEAST FIFTEEN (15) YEARS OF GOVERNMENT SERVICE,
9 THE LAST FIVE (5) OF WHICH ARE WITH THE OFFICE OF THE
10 OMBUDSMAN, AND HAVE REACHED THE AGE OF SIXTY-FIVE (65),
11 SHALL BE ENTITLED TO A RETIREMENT PENSION BASED ON THE
12 HIGHEST MONTHLY SALARY, PLUS THE HIGHEST MONTHLY
13 AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION
14 ALLOWANCES, WHICH THEY WERE RECEIVING AT THE TIME OF THEIR
15 RETIREMENT.

16
17 **THOSE WHO HAVE RENDERED SERVICE FOR THE SAME PERIOD**
18 **AND WHO HAVE REACHED THE AGE OF SIXTY (60) AND OPT TO RETIRE**
19 **SHOULD BE ENTITLED TO THE SAME BENEFIT.**

20
21 **SECTION 6-B. CONDITIONS FOR ENTITLEMENT OF PENSION. – TO**
22 **MAINTAIN ENTITLEMENT TO THE PENSION HEREIN PROVIDED, NO**
23 **OMBUDSMAN LAWYER, DURING THE TIME HE/SHE IS RECEIVING SAID**
24 **PENSION, SHALL APPEAR AS COUNSEL BEFORE ANY JUDICIAL OR**
25 **QUASI-JUDICIAL AGENCY IN ANY CIVIL CASE WHEREIN THE**
26 **GOVERNMENT OR ANY AGENCY, SUBDIVISION, OR INSTRUMENTALITY**
27 **THEREOF IS AN ADVERSE PARTY, IN ANY CRIMINAL CASE WHEREIN**
28 **ANY OFFICER OR EMPLOYEE OF THE GOVERNMENT IS ACCUSED OF AN**
29 **OFFENSE COMMITTED IN RELATION TO HIS/HER OFFICE, OR IN ANY**
30 **ADMINISTRATIVE PROCEEDINGS TO MAINTAIN AN INTEREST ADVERSE**
31 **TO THE NATIONAL OR LOCAL GOVERNMENT OR TO ANY OF ITS**
32 **LEGALLY CONSTITUTED OFFICERS.**

33
34 **WHEN AN OMBUDSMAN LAWYER OR ADMINISTRATIVE STAFF**
35 **COVERED BY AND RECEIVING ANY BENEFIT UNDER THIS ACT SHALL**
36 **ASSUME AN ELECTIVE OR APPOINTIVE POSITION IN GOVERNMENT,**
37 **HE/SHE SHALL NOT, UPON ASSUMPTION OF OFFICE AND DURING**
38 **HIS/HER TERM OR TENURE, RECEIVE THE MONTHLY PENSION OR ANY**
39 **OF THE ALLOWANCES DUE HIM/HER.**

40
41 **SECTION 6-C. OTHER PERSONNEL BENEFITS AND PRIVILEGES.** THE
42 **PROVISIONS OF OTHER LAWS TO THE CONTRARY NOTWITHSTANDING,**
43 **THE OFFICE OF THE OMBUDSMAN MAY PROVIDE ITS EMPLOYEES**
44 **WITH THE FOLLOWING BENEFITS:**

- 45
46 (1) HEALTH CARE SERVICES THROUGH A HEALTH
47 MAINTENANCE ORGANIZATION (HMO);
48
49 (2) ACCIDENT INSURANCE POLICIES PROCURED BY THE OFFICE
50 AT ITS OWN EXPENSE DURING TRAVELS WHILE IN THE

1 PERFORMANCE OF THEIR OFFICIAL DUTIES AND
2 FUNCTIONS;

3
4 (3) SCHOLARSHIPS FOR DESERVING EMPLOYEES ON OFFICIAL
5 TIME AND AT THE EXPENSE OF THE OFFICE OF THE
6 OMBUDSMAN TO ENHANCE THEIR ACADEMIC GROWTH AND
7 UPGRADE THEIR KNOWLEDGE AND SKILLS. SCHOLARS
8 UNDER THIS PROVISION SHALL BE SELECTED ON THE BASIS
9 OF COMPETITIVE EXAMINATION AND SUCH OTHER
10 GUIDELINES SET BY THE OFFICE;

11
12 (4) A PROVIDENT FUND WHICH SHALL CONSIST OF
13 CONTRIBUTIONS BY THE OFFICE OF THE OMBUDSMAN AND
14 BY ITS LAWYERS AND EMPLOYEES TO A COMMON FUND
15 WHICH MAY BE USED FOR THE BENEFIT OF SUCH LAWYERS
16 AND EMPLOYEES, AND THEIR HEIRS; AND

17
18 (5) PROFESSIONAL MEMBERSHIP FEES, MANDATORY
19 CONTINUING LEGAL EDUCATION (MCLE) SERVICE FEES AND
20 RELATED MISCELLANEOUS EXPENSES OF EMPLOYEES
21 HOLDING POSITIONS FOR WHICH A PROFESSIONAL LICENSE
22 IS REQUIRED.

23
24 SECTION 6-D. *SPECIAL ALLOWANCES.* TO CARRY OUT THE
25 OBJECTIVES OF THIS ACT AND SUPPORT THE EFFORT TO FIGHT
26 CORRUPTION, THE OMBUDSMAN, SUBJECT TO AVAILABILITY OF
27 FUNDS, IS AUTHORIZED TO GRANT SPECIAL ALLOWANCES TO
28 OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN TO
29 AUGMENT SALARIES AND BENEFITS. THE GRANT OF SPECIAL
30 ALLOWANCES SHALL BE IN SUCH AMOUNTS AS CAN BE SUPPORTED BY
31 THE FUNDING SOURCES IDENTIFIED IN THIS LAW AS WELL AS FROM
32 ITS GENERAL FUND AND SAVINGS; PROVIDED THAT SUCH
33 ALLOWANCES SHALL NOT EXCEED ONE HUNDRED PERCENT (100%) OF
34 THE BASIC SALARY OF THE OFFICIAL OR EMPLOYEE CONCERNED.

35
36 SECTION 3. Section 38 of R.A. No. 6770 is hereby amended to read as follows:

37
38 SEC. 38. *Fiscal Autonomy.* The Office of the Ombudsman shall enjoy fiscal
39 autonomy. Appropriations for the Office of the Ombudsman may not be reduced below
40 the amount appropriated for the previous years and, after approval, shall be automatically
41 and regularly released. THE FUNDS NECESSARY TO SUPPORT THE GRANT OF
42 SPECIAL ALLOWANCES AND BENEFITS PROVIDED HEREIN AND TO
43 ENSURE THE EFFECTIVE IMPLEMENTATION OF THIS ACT, SHALL BE
44 TAKEN FROM THE FOLLOWING:

45
46 (1) 35% OF THE VALUE OR PROCEEDS OF FORFEITED ASSETS
47 UNDER REPUBLIC ACT NO. 1379; AND

48
49 (2) ALL OTHER INCOME, FEES AND REVENUES COLLECTED BY
50 THE OFFICE OF THE OMBUDSMAN.

51
52 THE OMBUDSMAN IS AUTHORIZED TO RETAIN SUCH SHARES AS
53 PROVIDED IN THIS SECTION AND DISBURSE SUCH FOR THE PURPOSE
54 OF AND IN ACCORDANCE WITH THIS ACT AS WELL AS FOR OTHER
55 OPERATIONAL PURPOSES INCLUDING BUT NOT LIMITED TO CAPITAL
56 EXPENSES, TRAININGS AND OTHER OPERATIONAL NEEDS. THE COURT
57 OF COMPETENT JURISDICTION SHALL INCLUDE IN ITS DISPOSITION

1 **THE SEGREGATION OF THE OMBUDSMAN'S SHARE IN THE FORFEITED**
2 **ASSETS.**

3
4 **SECTION 4. *Rules and Regulations.***— The Ombudsman shall issue, within ninety
5 (90) days after the effectivity of this Act, the necessary rules and regulation relating to the
6 administrative aspects of the provisions of this Act.
7

8 **SECTION 5. *Separability Clause.***— If for any reason, any section or provision of
9 this Act is declared to be unconstitutional or invalid, the other sections or provisions
10 hereof which are not affected thereby shall continue to be in full force and effect.
11

12 **SECTION 6. *Repealing Clause.***— All laws, decrees, orders or rules and
13 regulations, and other issuances which are inconsistent with the provisions of this Act are
14 hereby repealed, amended or modified accordingly.
15

16 **SECTION 7. *Effectivity.***— This Act shall take effect fifteen (15) days after its
17 publication in two (2) national newspapers of general circulation.
18

19 Approved,