

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



Senate
Office of the Secretary

'16 JAN 28 P3:39

SENATE
S. No. 3157

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

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

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 the Administrative Code, Section 52, the duration of preventive suspension is equal to the period prescribed for deciding administrative disciplinary cases. If the case is decided before 90 days, then the suspension will last less than 90 days. However, if the case is not decided within 90 days, then the suspension may not exceed the maximum period of 90 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 the Local Government Code, Section 85, local chief executives may preventively suspend for a period not exceeding 60 days any subordinate official or employee under his or her authority pending investigation. Upon expiration of the

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

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 90 days from the time the local government employee is formally notified of the charges. There is thus a need to harmonize 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.²


MIRIAM DEFENSOR SANTIAGO
at

² This bill was originally filed during the Fifteenth Congress, First Regular Session.

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

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

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

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

Approved,

/clr7Dec2015