



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

16 FEB -2 P6:16

SENATE  
S. No. 3212

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT  
AMENDING REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS THE  
OMBUDSMAN ACT, SECTION 15

EXPLANATORY NOTE

The Constitution, Article 11, Sections 1 and 13, provides:

Section 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.

Section 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

1. 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.
2. Direct, upon complaint or at its own instance, any public official or employee of the Government, or any subdivision, agency or instrumentality thereof, as well as of any government-owned or controlled corporation with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties.
3. Direct the officer concerned to take appropriate action against a public official or employee at fault, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith.
4. Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action.

5. Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.
6. Publicize matters covered by its investigation when circumstances so warrant and with due prudence.
7. Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.
8. Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.

The Constitution gave broad powers to the Ombudsman. However, these powers must be exercised in accordance with the Bill of Rights and other laws passed by Congress which provide certain limitations and serve as safeguards against state abuses.

In the impeachment trial of Chief Justice Renato C. Corona, the Ombudsman testified that she acquired information from the Anti-Money Laundering Council (AMLC) regarding the Chief Justice's alleged dollar deposits. However, this information was acquired without the proper court order which leads us to question the limits of the Ombudsman's power to directly examine an individual's bank accounts.

This amendment provides the strongest possible protection for the depositor, as it ties the hands of the Ombudsman with the actions of the AMLC and the constraints imposed upon it under Section 11 of Republic Act No. 9160 or the Anti-Money Laundering Act. This means that it is only when the AMLC itself is able to get a court order allowing inquiry into any bank deposit that the Ombudsman would be able to obtain information about the bank deposit in question.

In addition, in cases where the Ombudsman is seeking information from the AMLC regarding covered and/or suspicious transactions, such request can only be granted upon prior approval of the courts. This effectively gives the AMLC the power to

decline mere requests from the Ombudsman for information regarding certain accounts or transactions.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
#

---

<sup>1</sup> This bill was originally filed during the Fifteenth Congress, Third Regular Session.

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



'16 FEB -2 P6:16

SENATE  
S. No. 3212

RECEIVED BY: 

---

Introduced by Senator Miriam Defensor Santiago

---

AN ACT  
AMENDING REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS THE  
OMBUDSMAN ACT, SECTION 15

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

1 SECTION 1. Two new paragraphs shall be added after the final paragraph of  
2 Section 15 of Republic Act No. 6770, otherwise known as the Ombudsman Act, which  
3 shall read as follows:

4 Section 15. *Powers, Functions and Duties.* – The Office of the  
5 Ombudsman shall have the following powers, functions and duties: . . . .

6 The Ombudsman shall give priority to complaints filed against high  
7 ranking government officials and/or those occupying supervisory positions,  
8 complaints involving grave offenses as well as complaints involving large  
9 sums of money and/or properties.

10 PROVIDED, THAT IN CASES WHERE THE POWERS  
11 ENUMERATED HEREIN ARE SOUGHT TO BE EXERCISED FOR  
12 PURPOSES OF INQUIRING INTO BANK DEPOSITS PURSUANT  
13 TO REPUBLIC ACT NO. 9160, AS AMENDED, THE CONDITIONS  
14 IMPOSED BY SECTION 11 THEREOF SHALL LIKEWISE APPLY.

15 PROVIDED FURTHER, THAT INFORMATION  
16 REGARDING COVERED AND/OR SUSPICIOUS TRANSACTIONS

1           **UNDER REPUBLIC ACT NO. 9160, AS AMENDED, MAY ONLY BE**  
2           **OBTAINED BY THE OMBUDSMAN UPON ORDER OF A**  
3           **COMPETENT COURT.**

4           **SECTION 2. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or  
5 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
6 repealed, amended or modified accordingly.

7           **SECTION 3. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after  
8 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/lml6Jan2016