

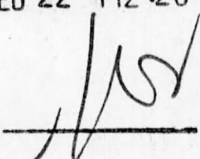


Senate

Office of the Secretary

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

'17 FEB 22 P12 :20

RECEIVED BY: 

SENATE

SENATE BILL NO. 1346

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
TO PROTECT THE INDEPENDENCE OF OUR JUDICIAL SYSTEM**

EXPLANATORY NOTE

The Constitution, Article 2, Section 27 provides:

SECTION 27. The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.

The concept of the independence of the three branches of government extends from the notion that the powers of government must be divided to avoid concentration of these powers in any one branch; the division, it is hoped, would avoid any single branch from lording its power over the other branches or the citizenry. To achieve this purpose, the divided power must be wielded by co-equal branches of government that are equally capable of independent action in exercising their respective mandates; lack of independence would result in the inability of one branch of government to check the arbitrary or self-interest assertions of another or others.¹

Now, more than ever, when the temptation of corruption abounds, and politicians exert more and more pressure to our court officials, we need to affirm our commitment to provide for a strong and independent judicial system. Ours is a rule of law and we enforce it by strengthening our judicial institutions.

A judge's conduct must be above reproach. Like Caesar's wife, a judge must not only be pure but above suspicion. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.² The

¹ In Re: COA Opinion on the Computation of the Appraised Value of the Properties Purchased by the Retired Chief/ Associate Justices of the Supreme Court. A.M. No. 11-7-10-SC. 31 July 2012.


² Magarang v. Jardin, 402 Phil. 671 (2001).

public prosecutor must be covered by the same standards as they, too, exercise quasi-judicial functions.

The discretionary allowance to national government officials stationed in local government units (LGUs) has been, in many situations, used by local governments to exercise political patronage over such officials. This is especially dangerous to judges and public prosecutors because they may be placed in a position in which they have to rule on or prosecute a case against said LGUs or their officials. The prosecution service and the judiciary also serve as checks against LGUs. Thus, as against these political units, the judiciary and the prosecution service must maintain their integrity and independence.

An unintended effect also of the discretionary allowance to the judges and public prosecutors is that qualified candidates tend to prioritize more affluent LGUs who provide more allowance. The less fortunate LGUs tend to have a hard time attracting judges and public prosecutors.

This bill removes the authority from the LGUs to provide discretionary allowance to judges and public prosecutors. To offset the lost income, a Justice System Independence Allowance shall be given to the judges and public prosecutors stationed in the LGUs. This bill also requires the Supreme Court and the Department of Justice to prepare a plan to transfer out their offices from buildings or facilities owned by LGUs to prevent any possible conflict with the said LGUs as regards their occupancy.


LILIA M. DE LIMA



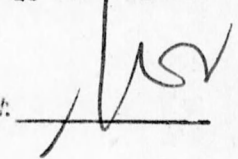
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SEVENTEENTH CONGRESS OF THE)
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SENATE BILL NO. 1346

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT

TO PROTECT THE INDEPENDENCE OF OUR JUDICIAL SYSTEM

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Judicial System Independence Protection Act*”.

Sec. 2. *Declaration of Policy.* – It shall be a declared policy of the State to uphold the integrity and independence of the judiciary, national prosecution service, and the public attorney’s office. It shall further be a policy of the State to isolate the said offices from any sources of undue influence and prevent any appearance of patronage politics. To this end, the State shall prevent the grant of any benefit from any one, including local government units, to the said offices.

Sec. 3. *Covered Officials.* – For purposes of this Act, covered officials shall include employees from the judiciary and the National Prosecution Service.

Sec. 4. *Removal of Discretionary Authority of the Local Government Units to Grant Allowances to Judges and Prosecutors.* – The discretionary authority of the local government unit (LGU) councils to provide for additional allowances to judges and prosecutors are hereby revoked. Accordingly, Republic Act No. 7160, otherwise known

as the Local Government Code (LGC), Sec. 447 (a)(1)(xi), Sec. 458 (a)(1)(xi), and Sec. 468 (a)(1)(xi) shall be amended to read as follows:

Section 447. Powers, Duties, Functions and Compensation. -

(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:

x x x

(xi) When the finances of the municipal government allow, provide for additional allowances and other benefits to [judges, prosecutors,] public elementary and high school teachers, and other national government officials stationed in or assigned to the municipality;

x x x

Section 458. Powers, Duties, Functions and Compensation.

(a) The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall:

x x x

(xi) When the finances of the city government allow, provide for additional allowances and other benefits to [judges, prosecutors,] public elementary and high school teachers, and other national government officials stationed in or assigned to the city;

Section 468. Powers, Duties, Functions and Compensation.

(a) The sangguniang panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of this Code in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and, in this connection, shall:

X X X

(xi) When the finances of the provincial government allow, provide for additional allowances and other benefits to [judges, prosecutors,] public elementary and high school teachers, and other national government officials stationed or assigned to the province.

Sec. 5. Justice System Independence Allowance. –The covered officials shall be entitled to a Justice System Independence Allowance of ten percent (10%) of their basic monthly salary.

Sec. 6. Exemption from Tax. – The Justice System Independence Allowance for covered officials shall not be subject to tax and nothing in this Act shall be construed as to diminish, in any manner, any benefit granted by existing laws, rules and regulations, local ordinances and other issuances especially favorable to said covered officials.

Sec. 7. Comprehensive Office Plan. – The Supreme Court and the Department of Justice, within one (1) year from effectivity of this Act, shall prepare a comprehensive plan to transfer their offices out of any building or facility owned by local government units.

1 **Sec. 8. *Implementing Rules.*** – The Department of Budget and Management, in
2 consultation with the Supreme Court and Department of Justice shall, within sixty
3 (60) days after the effectivity of this Act, issue the implementing rules and regulations
4 of this Act.

5 **Sec. 9. *Appropriations.*** – Such amounts as may be necessary to implement this Act
6 for the current year shall be charged against the savings of the Supreme Court and the
7 Department of Justice. Thereafter, the National Government shall appropriate
8 annually and include in the General Appropriations Act the amount corresponding to
9 the total annual cost of the allowances under this Act.

10 **Sec. 10. *Separability Clause.*** Should any provision of this Act be declared invalid, the
11 remaining provisions shall continue to be valid and subsisting.

12 **Sec. 11. *Repealing Clause.*** All laws, executive orders, or administrative orders, rules
13 and regulations or parts thereof, which are inconsistent with this Act are hereby
14 amended, repealed or modified accordingly.

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

Approved,