

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

04 JUL 14 P3:17

SENATE
S. B. NO. 1429

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Under the principle of separation of powers, the judicial branch has no power under our constitution to suspend a member of the legislative branch. Such an act is a diminution of the Constitutional principle of interdepartment courtesy, making it unconstitutional and void. If Congress is to be effective in the discharge of its legislative function, its independence should be preserved.

This is the reason why the Constitution explicitly provides that Congress has the exclusive privilege of ensuring the orderly behavior of its members. Article 6, Section 16, paragraph 3 states:

“Each House may... with the concurrence of two-thirds of all its members suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty (60) days.”

Since only congress has the power of punitive suspension, it then follows that only congress has the Power of preventive suspension.

The broad language of R.A. No. 3019 (The Anti-Graft and Corrupt Practices Act) section 13 does not justify a construction that will clash with this accepted constitutional principle. For this reason, there is a need to amend it to make sure that the principle of separation of powers is preserved and protected.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
AMENDING THE PENAL CODE, ARTICLES 204, 205 AND 207

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

SECTION 1. Republic Act No. 3019, Section 13 is hereby amended to read as follows:

“Section 13. Suspension and Loss of Benefits. – Any incumbent public officer, EXCEPT: OFFICERS WHO MAY BE REMOVED ONLY BY IMPEACHMENT; MEMBERS OF CONGRESS; AND MEMBERS OF THE SUPREME COURT AND COURT OF APPEALS; against whom any criminal prosecution under a valid information under its Act or under the provisions of the Penal Code on bribery is pending in court, shall be suspended from office. Should the accused be convicted by final judgment, he/she shall lose all retirement or gratuity benefits under any law, which he/she failed to receive during his/her suspension, unless in the meantime administrative proceedings have been filed against him/her.

SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

fn: 789