

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
FIRST REGULAR SESSION)

'04 SEP 20 P3:17

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SENATE

S. NO. 1793

Introduced by Senator Juan M. Flavier

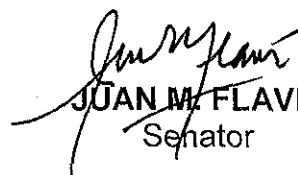
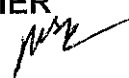
EXPLANATORY NOTE

Recent unsettling disclosures by judicial and prosecution officers of the widespread practice of private communication between parties to pending court cases and members of the judiciary undermine the people's confidence in the judicial system and cast a dark-cloud of doubt over the ability of the government to dispense justice.

The rampant "note-passing" resorted to by litigants and their counsels with the judge or public officer trying or hearing a case is symptomatic of a judicial system that needs a re-definition of its accountability.

By prohibiting and penalizing private communication between parties to a case and the officer hearing the case, the cold neutrality of an impartial judge – the modicum of judicial disposition – is maintained.

In this light, passage of this bill is earnestly enjoined.


JUAN M. FLAVIER
Senator 

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AN ACT
PROHIBITING ANY PERSON FROM PRIVATELY COMMUNICATING WITH A
JUDGE, FISCAL, ADMINISTRATIVE OFFICER, OR ANY OTHER PUBLIC
OFFICER INVESTIGATING OR HEARING A CASE ON ANY MATTER
PERTAINING TO SUCH CASE, PROVIDING PENALTIES THEREFORE, AND
FOR OTHER PURPOSES.

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

SECTION 1. It shall be unlawful for any person to communicate privately with a judge, fiscal, administrative officer, or any other public officer investigating or hearing a case for the purpose of influencing the decision in such case. This prohibition shall likewise apply to any person working for or connected with the office of such judge, administrative officer or any other public officer.

SEC. 2. For purpose of this Act, a case shall mean any civil, criminal or administrative proceeding, including petitions or applications for the grant of licenses or franchises; or preliminary investigations conducted by the judge or fiscal or any other matter which involves the exercise of judicial or *quasi-judicial* functions of a judge, fiscal, administrative officer, or any other public officer, regardless of whether or not the said proceeding is conducted in the presence of the adverse party.

SEC. 3. Private communication, for purposes of this Act, is defined as any communication or message, written or oral, made by any person intended to influence the resolution or decision of any case, preliminary investigation,

application, or any other investigation or similar matters being heard or considered by a judge, fiscal, administrative officer or any other public officer exercising judicial or *quasi-judicial* functions which does not go thru the regular procedure for the filing of pleadings and similar communications or which deprives or denies any party to the case an opportunity to be heard on the matter, except those issues or incidents allowed by law, the rules of court or the appropriate administrative rules and procedures to be heard and considered *ex parte*.

SEC. 4. Any person who shall violate this Act shall be punished by imprisonment of not less than one (1) month nor more than one (1) year or a fine of not less than One thousand pesos (P1,000.00) nor more than Sixty thousand pesos (P60,000.00), or both, at the discretion of the court.

SEC. 5. Any judge, fiscal, administrative officer or any other public officer or employee found violating this Act shall be punished by imprisonment of not less than one (1) year nor more than five (5) years or a fine of not less than Ten thousand pesos (P10,000.00), nor more than One hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

The penalty of perpetual special disqualification to hold public office shall likewise be imposed.

SEC. 6. Repealing Clause. – All laws, decrees and orders or parts thereof inconsistent herewith, are deemed repealed or modified accordingly, unless the same provide for a heavier penalty.

SEC. 7. This Act shall take effect after thirty (30) days following its complete publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,