

14th Congress of the Republic)
of the Philippines)
1st Regular Session)

7 JUN 30 P5:15

SENATE
SB 292

RECEIVED BY: _____

 _____

Introduced by Senator Aquilino Q. Pimentel, Jr.

Explanatory Note

This legislative measure seeks to abolish the Presidential Commission on Good Government (PCGG) created under Executive Order No. 1 issued by former President Corazon C. Aquino on February 28, 1986.

Twenty (20) years after its creation, PCGG has not produced significant accomplishments that would justify its continued existence.

Under this bill, the powers and functions of investigations and prosecution of criminal and civil cases exercised by the PCGG shall be transferred to the Office of the Special Prosecutor, Ombudsman of the Philippines, while the management and the disposition of the assets and properties vested in the PCGG shall be transferred to, and shall be exercised by the Department of Finance through its Privatization Office. Furthermore, all sequestered real and personal assets and properties previously under the control and management of the PCGG, as well as all contracts, records and documents relating to the operation of the PCGG are transferred to the Privatization Office.

PCGG officials and employees who shall be separated from the service as a result of the abolition of the PCGG whether permanent, contractual or casual, shall be given gratuities equivalent to two (2) months salary for every year of service without prejudice to other benefits to which they are entitled under existing laws and regulations.

In view of the foregoing, the passage of this bill is earnestly requested.


AQUILINO Q. PIMENTEL, JR.

14th Congress of the Republic)
of the Philippines)
1st Regular Session)

7 JUN 30 P5:15

SENATE
SB 292



RECEIVED BY:

[Handwritten signature]

Introduced by Senator Aquilino Q. Pimentel, Jr.

AN ACT ABOLISHING THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG)

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

SECTION 1. The Presidential Commission on Good Government (PCGG) created under Executive Order No. 1, shall be abolished within one (1) year after the approval of this Act.

SECTION 2. The powers and functions of investigations and prosecution of criminal and civil cases exercised by the PCGG shall be transferred to the Office of the Special Prosecutor, Ombudsman of the Philippines. For this purpose, all records and documents relating to the investigation and prosecution of cases under the jurisdiction of the PCGG shall be transferred to the said office.

SECTION 3. The management and the disposition of the assets and properties vested in the PCGG shall be transferred to, and shall be exercised by the Department of Finance through its Privatization Office. For this purpose, all sequestered real and personal assets and properties previously under the control and management of the PCGG, as well as all contracts, records and documents relating to the operation of the PCGG are transferred to the Privatization Office.

In coordination with the Commission on Audit, a physical inventory and complete accounting of the sequestered properties and assets shall be jointly made by the Office of the Special Prosecutor and the Privatization Office within sixty (60) days after the effectivity of this Act.

The Privatization Office shall be headed by an Assistant Secretary, to be designated by the Secretary of the Department of Finance.

SECTION 4. All properties, equipment, and funds of the PCGG are hereby transferred to the Privatization Office, for the same purposes as they were held by the PCGG, subject to the provisions stated in Sections 2, 3, and 9 hereof.

SECTION 5. Only PCGG officials and employees who are competent, honest and dedicated to duty may be absorbed by the Office of the Special Prosecutor and by the Privatization Office. PCGG officials and employees who shall be separated from the service as a result of the abolition of the PCGG whether permanent, contractual or casual, shall be given gratuities equivalent to two (2) months salary for every year of service without prejudice to other benefits to which they are entitled under existing laws and regulations. For this purpose, the amount of Sixty Million Pesos (P60,000,000.00) is hereby allotted to be sourced from the PCGG's recoveries.

Any PCGG officer and employee who are reemployed in the government service for which he/she has been paid gratuity, shall refund the unearned portion of such gratuity before his or her reemployment.

SECTION 6. All contracts and agreements entered into by the PCGG prior to the effectivity of this Act shall remain in full force and effect unless otherwise terminated, modified or amended for lawful cause.

SECTION 7. All directors/nominees, asset monitors or representatives assigned by the PCGG to the sequestered and surrendered companies shall continue as such in a hold-over capacity and shall receive the corresponding salaries, emoluments and benefits until the appointment of their successors as recommended jointly by the Ombudsman and the Secretary of the Department of Finance for the approval of the President.

SECTION 8. Every director/nominee, asset monitor or representative assigned by the PCGG in any sequestered company/corporation, prior to the effectivity of this Act, shall submit to the Special Prosecutor and the Secretary of the Department of Finance, a written and verified statement of his/her net worth, assets and liabilities before his/her appointment / designation as such as well as of his/her current net worth, assets and liabilities within thirty (30) days from the effectivity of this Act.

Every person appointed / designated as a director / nominee, asset monitor or representative in any sequestered / surrendered company/corporation under this Act, shall within thirty (30) days from the assumption of his/her functions, submit to the Special Prosecutor and Secretary of the Department of Finance, a written verified statement of his/her net worth, assets and liabilities. He shall likewise be required to submit a similar statement within thirty (30) days after his / her separation from the service.

SECTION 9. The unexpended appropriations of the PCGG under the current General Appropriations Act shall be transferred to the Office of the Special Prosecutor and the Privatization Office: Provided, That in the allocation of the appropriation, sixty (60) and forty (40) percentum shall be allocated for the Office of the Special Prosecutor and the Privatization Office, respectively. Thereafter, such amount as may be necessary for the continued operation of the Office of the Special Prosecutor and the Privatization Office shall be included in the annual appropriation of the Ombudsman and the Department of Finance.

SECTION 10. All laws, executive orders, rules and regulations or any part thereof inconsistent herewith are deemed repealed, modified or amended accordingly.

SECTION 11. Separability Clause. In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 12. Effectivity. — This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,