

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

SENATE
OFFICE OF THE SECRETARY

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SENATE
S. No. 1701

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XI, Section 17 provides that "A public officer or employee shall upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities and net worth. In the case of the President, Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law."

In complying with this constitutional provision under the enabling law, Republic Act No.6713, many public officials complacently submit statements of assets, liabilities and net worth which are very low and which do not reflect their actual wealth. Often times this Act is intended to hide ill-gotten wealth. The common practice is to place an asset in the name of a dummy, who is usually a close relative of the public official.

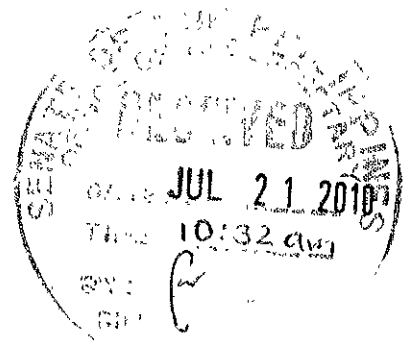
This bill seeks to remedy this prevalent corrupt practice by imposing penalty by removal from public office on a public official who places any of his/her assets in the name of dummies. A public official who does so shall forfeit all his rights to the property in favor of the dummy. Public officials shall also be prohibited from acquiring any property from a relative within the fifth civil degree of consanguinity while holding public office and within ten years from the time he/she left the civil service. This may be an effective way of punishing the public official for his deviousness.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 AMENDING REPUBLIC ACT NO. 6713, ALSO KNOWN AS AN ACT ESTABLISHING A
3 CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND
4 BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR
5 EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS
6 AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

9 SECTION 1. Republic Act No. 6713 is hereby amended by the addition of the following
10 provisions:

11 SECTION 11-A. *Assets in the Name of Dummies.* - (1) The penalty of
12 removal from public office shall be imposed upon a public official who places
13 any of his/her assets in the name of a dummy.
14 (2) A public official who places an asset in the name of a dummy shall be
15 estopped from claiming any interest and asserting any right of ownership over
16 such asset. Such asset shall be forfeited in favor of the dummy, who shall be
17 recognized by law as the actual and real owner of the property.

18 SECTION 11-B. *Disqualifications of Public Officials from Acquiring*
19 *Property from Relative.* - Public officials are prohibited from acquiring any
20 property from a relative within the fifth civil degree of consanguinity while
21 holding public office and within ten (10) years from the time he/she left the Civil
22 Service. Property acquired in violation of this section shall not vest ownership
23 upon the public official. The relative from whom the property comes shall retain
24 all rights of ownership with respect to the property.

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

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

3 Approved.