

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

NO. 21 JUL 21 1902

SENATE  
S. No. 1849

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article 11, Section 1 provides:

Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

A patriotic public official should be willing to offer his life for his country. Such officials do not need security guards because in most cases, there is no serious threat to their lives. Further, security guards have merely turned into status symbol.

In past cases, the security guards were unable to prevent or resist an ambush. So their public salaries are a waste of public funds.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed during the Fourteenth Congress, First Regular session.

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1 AN ACT  
2 PROHIBITING PUBLIC OFFICERS, EMPLOYEES AND THEIR FAMILIES FROM  
3 CHARGING TO THE GOVERNMENT THE SALARIES OF THEIR PERSONAL  
4 PRIVATE SECURITY GUARDS

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

5 SECTION 1. *Declaration of policy.* - In line with the mandate of the Constitution  
6 that public officers must lead modest lives and the principle that public funds must be  
7 expended for an authorized public purpose, this Act seeks to curb the practice among public  
8 officers of charging to the government the salaries of their personal/private security guards.

9  
10 SECTION 2. *Definition of Terms.* -As used in this Act, the term statutes.

11 (A) "Public officer" includes elective and appointive officials and employees,  
12 permanent or temporary, whether in the classified or unclassified or exempt service  
13 receiving compensation, even nominal, from the government as defined in the subsequent  
14 paragraph.

15 (B) "Government" includes the national government, the local government, the  
16 government-owned and government-controlled corporations, and all other instrumentalities  
17 or agencies of the Republic of the Philippines and their branches.

18 (C) "Private Personal Security Guard" includes a person or group of persons, usually  
19 but not necessarily armed, not otherwise a member of the Philippine National Police or  
20 Armed Forces of the Philippines nor assigned to the public officer/employee under existing  
21 statutes.

1 (D) "Family of public officers/employees" includes the spouse or mistress, children  
2 whether legitimate or illegitimate, parents, brothers and sisters of the public officer or  
3 employee.

4 (E) "Immediate legal family of the public officer" includes the public officer's  
5 legitimate spouse and legitimate children.

6 (F) "Public funds" refers to revenues derived from taxes imposed by the government,  
7 whether national or local, and which are intended for public purpose.

8 (G) "Person" includes natural and juridical person, unless the context indicates  
9 otherwise.

10 (H) "Receiving the services of personal or private security guards" includes the act  
11 of public officers or employees of accepting directly or indirectly the services of private or  
12 personal security guards offered by any person, entity, agency or corporation which has  
13 pending or future contract or transaction, wherein the public officer in his official capacity  
14 has to intervene under the law.

15  
16 SECTION 3. *Exceptions.* - Without prejudice to the provisions of Executive Order  
17 No. 41 (*Promulgating Rules and Regulations Governing the Detail or Assignment of*  
18 *Military Personnel to Civilian Officers and Officials*), and Circular Number 2 dated 12  
19 March 2003 issued by the Department of National Defense (*Re: Detail of Military Personnel*  
20 *Outside the AFP*) only the following public officers and their respective immediate legal  
21 family as defined under Section 2 of this Act shall be entitled to such number of private or  
22 personal security guards as these public officers may deem sufficient and shall be excluded  
23 from the coverage of this Act:

24 (A) President of the Philippines

25 (B) Vice-President of the Philippines

26 (C) Supreme Court Chief Justice

27 (D) Senate President

28 (E) Speaker of the House of Representatives

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1           SECTION 4. *Prohibited Acts.* - Subject to the exception under Section 3 of this Act,  
2 it shall be unlawful for any public officer or employee or any member of his family:

3           (A) To charge to the government the salaries of his or his family's personal or  
4 private security guards.

5           (B) To directly or indirectly request or receive for himself or for his family, the  
6 services of private or personal security guards, from any person, agency, entity or  
7 corporation which has any contract or transaction with the government, with which the  
8 public officer or employee in his official capacity has to intervene under the law.

9           (C) To accept or have any member of his family accept the services of private or  
10 personal security guards from any person, entity, agency or corporation which has official  
11 business with him during the pendency of the official business, or within one year after its  
12 termination.

13           (D) To directly or indirectly request or receive the services of private or personal  
14 security guards, for himself or for any member of his family, from any person, agency,  
15 entity or corporation from whom the public officer, in any manner or capacity, has secured  
16 or obtained, or will secure or obtain, any government permit or license, in consideration for  
17 the services given or to be given.

18  
19           SECTION 5. *Penalties for violations.* -

20           (A) Any public officer or employee committing any of the prohibited acts  
21 enumerated under Section 4 of this Act shall be punished with imprisonment for not less  
22 than six (6) months nor more than one (1) year, suspension from public office or  
23 employment for one (1) year, and a fine equivalent to treble the salary of the security  
24 guard(s) for one (1) year.

25           (B) Any person, entity, agency or corporation (which has a pending or future  
26 transaction or contract with the public officer or employee, wherein the public officer or  
27 employee shall intervene in his official capacity) which offers or agrees to offer the services  
28 of private or personal security guards to the public officer or employee or any member of his

1 family shall, aside from incurring the appropriate penalty under the Penal Code, suffer  
2 imprisonment for not less than six (6) months and not more than one (1) year.

3  
4 SECTION 6. *Competent Court.* -

5 (A) For public officer or employee with salary grade of 27 and higher, all  
6 prosecutions under this Act shall be within the original jurisdiction of the *Sandiganbayan*

7 (B), For public officer or employee with salary grade of 26 and below, all  
8 prosecutions under this Act shall be within the original jurisdiction of the Municipal Trial  
9 Court/ Metropolitan Trial Court.

10 (C) For any person, entity, agency or corporation (which has a pending or future  
11 transaction or contract with the public officer or employee, wherein the public officer or  
12 employee shall intervene in his official capacity) which offers or agrees to offer the services  
13 of private or personal security guards to the public officer or employee or any member of his  
14 family, all prosecutions under this Act shall be within the original jurisdiction of the  
15 Municipal Trial Court or Metropolitan Trial Court.

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17 SECTION 7. *Prescription of crime.* - The crime punishable under this Act shall  
18 prescribe in six (6) years. However, the right of the State to recover the fine from the liable  
19 public officer or employee shall not be barred by prescription, laches or estoppel.

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21 SECTION 8. *Separability Clause.* - If any part or provision of this Act is held invalid  
22 or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

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24 SECTION 9. *Repealing Clause.* - All laws, decrees, orders, proclamations, rules and  
25 regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed,  
26 amended or modified accordingly.

1           SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from  
2   its publication in at least two (2) newspapers of general circulation.

Approved,