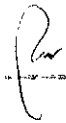


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE

10 AUG 10 15 43

SENATE

IN OFFICE


S. No. 2369

Introduced by **Senator FRANCIS G. ESCUDERO**

EXPLANATORY NOTE

Section 13 of R.A. No. 3019 (The Anti-Graft and Corrupt Practices Act) does not justify a structure of separation of powers between the major government branches when suspending and penalizing public officials for graft and corrupt actions. To clarify, such an act is a diminution of the constitutional principle of interdepartmental courtesy, where, for instance, under the principle of separation of powers, the judicial branch has no power under the constitution to suspend a member of the legislative branch.

Therefore, there is a need to amend it and make sure that the principle of separation of powers is preserved and protected. Urgent passage of this bill is thus sought.



FRANCIS G. ESCUDERO

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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OFFICE

NO. 10

10 AUG 10 1953

SENATE

RECEIVED BY

S. No. 2369

Introduced by Senator FRANCIS G. ESCUDERO

AN ACT
AMENDING SECTION 13 REPUBLIC ACT NO. 3019, OTHERWISE
KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT

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

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

"Section 13. Suspension and Loss of Benefits. Any [incumbent] public officer, **EXCEPT THE PRESIDENT, THE VICE PRESIDENT, OR ANY PUBLIC OFFICER WHO CAN BE REMOVED ONLY BY IMPEACHMENT BY MEMBERS OF CONGRESS, AND JUSTICE OF THE COURT OF APPEALS AND THE SUPREME COURT,** against whom any criminal prosecution under a valid information under [its] **THIS** Act or under the provisions of the **REVISED** Penal Code on bribery is pending in court, shall be suspended from office. Should [the accused] **HE/SHE** be convicted by final judgment, **HE/SHE** shall lose all retirement or gratuity benefits under any law, **BUT IF HE/SHE IS ACQUITTED HE/SHE SHALL BE ENTITLED TO REINSTATEMENT AND TO THE SALARIES AND BENEFITS,** which **HE/SHE** failed to receive during [his/her]

suspension, unless in the meantime administrative proceedings have been filed against him/**HER.**”

SEC. 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, d e or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 3. *Effectivity Clause.* – This Act shall take effect after the expiration of the full term of all the members of Congress approving this Act and its complete publication in the Official Gazette and in at least two (2) newspapers of general circulation.

Approved,