

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

10 AUG 12 10:18

SENATE

Senate Bill No. 2389

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Office of the Ombudsman performs a major role in the government's fight against graft and corruption. However, the limited resources as well as the lack of personnel affect the resolution and disposition of cases.

This bill seeks to assist the Office of the Ombudsman in the fulfillment of its mandate by providing additional funding to the said constitutional office thru the grant of a share in any property forfeited in favor of the State under Republic Act No. 1379, otherwise known as the Forfeiture Law.

This measure shall provide a mechanism wherein 30% of the value of forfeited assets shall be used as funding for the Office of the Ombudsman that will assist the continued progress of cases and help in effectively performing its functions and responsibilities. The percentage method will also ensure that the additional funding will not result to any revenue loss on the part of the national government.

This measure is a consolidated/substituted bill drafted by the Committee on Justice and Human Rights during the 14th Congress.

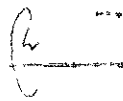
In view of the foregoing, passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 2389

RECEIVED BY: 

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AN ACT
AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379, OTHERWISE KNOWN
AS THE FORFEITURE LAW, TO PROVIDE A FIXED PERCENTAGE OF THE
VALUE OF FORFEITED PROPERTIES IN CORRUPTION CASES AS
ADDITIONAL FUNDING FOR THE OFFICE OF THE OMBUDSMAN AND FOR
OTHER PURPOSES

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

SECTION 1. Sec. 6 of Republic Act No. 1379 is hereby amended to read as follows:

“Section 6. Judgment. If the respondent is unable to show to the satisfaction of the court that he has lawfully acquired the property in question, then the court shall declare such property forfeited in favor of the State, and by virtue of such judgment the property aforesaid shall become property of the State: *Provided*, That thirty percent (30%) of the value of such property forfeited in a final and executory order of the court shall be earmarked as additional funding in favor of the office of the ombudsman; *Provided, further*, that if the property is not in cash it shall be sold at public auction and the proceeds thereof, after deducting the thirty percent (30%) for the office of the ombudsman, shall accrue to the general fund. No judgment shall be rendered within six months before any general election or within three months before any special election. The Court may, in addition, refer the case to the corresponding Executive Department for administrative or criminal action, or both.”

SEC. 2. Separability Clause. - Any portion or provisions of this Act that may be declared unconstitutional or invalid shall not have the effect of nullifying other portions and provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety

SEC. 3. Repealing Clause. - All laws, decrees, executive orders, proclamations and administrative regulations, or any parts thereof inconsistent herewith are hereby revoked, repealed or modified accordingly.

SEC. 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in two (2) national papers of general circulation.

Approved,