

FOURTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
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SENATE

P. S. Res. No. 1374

RECEIVED BY 

INTRODUCED BY THE HONORABLE SENATOR MAR ROXAS

A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE VALIDITY OF THE OFFICE OF THE OMBUDSMAN MEMORANDUM CIRCULAR NO. 01, SERIES OF 2009, OR THE REVISED GUIDELINES GOVERNING ACCESS TO SALNs FILED WITH THE OMBUDSMAN, WITH THE END IN VIEW OF PROPOSING MEASURES TO STRENGTHEN PROTECTION OF THE PUBLIC'S RIGHT TO INFORMATION AND ACCESS TO DOCUMENTS AND TO ENSURE ACCOUNTABILITY OF PUBLIC OFFICERS.

WHEREAS, Section 7, Article III of the 1987 Constitution recognizes the right of the people to information on matters of public concern;

WHEREAS, Section 1, Article 9 of the 1987 Constitution provides that public office is a public trust that guides all affairs of government whereby the sovereign people have an inherent right as the governed to be informed of important matters impinging upon the integrity of those in power;

WHEREAS, Section 17, Article XII of the 1987 Constitution mandates a public officer or employee to submit a declaration under oath of his assets, liabilities, and net worth upon assumption of office and as often thereafter as may be required by law, which declaration shall be disclosed to the public in the manner provided by law;

WHEREAS, Section 7 of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, reiterates the above constitutional mandate by requiring every public officer to prepare and file a true, detailed and sworn statement of assets and liabilities, including a statement of the amount and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year;

WHEREAS, Section 8 of Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, reinforces the public's constitutionally protected right to information and access to public documents by providing that the Statements of Assets and Liabilities and Net Worth of public officials shall be made available for inspection at reasonable hours and copying or reproduction;

WHEREAS, on 16 June 2009, Ombudsman Ma. Merceditas Navarro – Gutierrez issued Memorandum Circular No. 01, Series of 2009, or the Revised Guidelines Governing Access to

SALNs Filed with the Ombudsman, making the process of obtaining copies of SALNs stricter and more difficult by imposing additional requirements such as the submission of a statement sworn before an Ombudsman prosecutor stating the reason for the request;

WHEREAS, the substance of Ombudsman Memorandum Circular 01-2009 cannot but obstruct rather than reinforce constitutional mandates of transparency and accountability in public service as well as undermine constitutional rights of access to information by the people;

WHEREAS, the motivation and timing of the release of Ombudsman Memorandum Circular is questionable coming at a time when the SALNs of the President and her immediate family were under intense public inspection;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committees to conduct an inquiry, in aid of legislation, into the validity of the Office of the Ombudsman Memorandum Circular No. 01, Series of 2009, or the Revised Guidelines Governing Access to SALNs Filed With the Ombudsman, with the end in view of proposing measures to strengthen protection of the public's right to information and access to documents and to ensure accountability of public officers.

Adopted,


MAR ROXAS
Senator