

**FIFTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }**


Senate  
Office of the Secretary

12 FEB 13 P1:52

**SENATE**

**S. No. 3120**

RPA

By: 

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**INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA**

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**EXPLANATORY NOTE**

In light of the current developments and issues raised on the secrecy of foreign currency deposits with financial institutions, there is an apparent need to amend the law on Foreign Currency Deposits which was enacted almost four decades ago. Recently, the said law is being used as an excuse and as a refuge to hide alleged illegally acquired wealth of public officials and employees.

This measure seeks to amend Republic Act No. 6426, entitled "An Act Instituting a Foreign Currency Deposit System in the Philippines, and For Other Purposes" otherwise known as the Foreign Currency Deposit Act, in order to promote and enhance transparency and accountability in the government. Thus, the proposed measure shall cover all public officials, including those identified in the 1987 Constitution as impeachable officers who may have engaged in corrupt and other criminal activities.

Likewise, this measure intends to discourage private individuals who may intend to hide their unlawful activities by converting their illegal income into foreign currency deposits.

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

  
**JINGGOY EJERCITO ESTRADA**  
Senator

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Senate Bill No. 3120

RECEIVED  
SEN. [Signature]

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INTRODUCED BY **SEN. JINGGOY EJERCITO ESTRADA**

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**AN ACT**  
**AMENDING REPUBLIC ACT NO. 6426, OTHERWISE KNOWN AS**  
**"FOREIGN CURRENCY DEPOSIT ACT OF THE PHILIPPINES",**  
**AND FOR OTHER PURPOSES.**

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

SECTION 1. - Section 8 of Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act of the Philippines, is hereby amended to read as follows:

**"Section 8. Secrecy of foreign currency deposits.** - All foreign currency deposits authorized under this Act, as amended by PD No. 1035, as well as foreign currency deposits authorized under PD No. 1034 AND REPUBLIC ACT NO. 6426, are hereby declared as and considered of an absolutely confidential nature and, except upon the written permission of the depositor **AND/OR UPON ORDER OF AN IMPEACHMENT COURT OR ANY COMPETENT COURT ON CASES INVOLVING PUBLIC OFFICIALS CHARGED WITH THE VIOLATION OF REPUBLIC ACT NO. 3019 OTHERWISE KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT, UPON MOTION, AND AFTER PARTIES THERETO ARE GIVEN PROPER NOTICE AND HEARING. PROVIDED FURTHER THAT PROBABLE CAUSE BE ESTABLISHED THAT THE FOREIGN CURRENCY DEPOSIT INVOLVED IS DIRECTLY RELATED TO THE CAUSE OF ACTION IN THE COMPLAINT, OTHERWISE,** in no instance shall foreign currency deposits be examined, inquired or looked into by any person, government official, bureau or office whether judicial or administrative or legislative, or any other entity whether public or private; *Provided, however,* That said foreign currency deposits shall be exempt from attachment, garnishment, or any other order or process of any court, legislative body, government agency or any administrative body whatsoever. *(As amended by PD No. 1035, and further amended by PD No. 1246, prom. Nov. 21, 1977.)"*

**THE FOREGOING SHALL CONTINUE TO BE SUBJECT TO FURTHER EXCEPTIONS PROVIDED FOR UNDER REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE ANTI-MONEY LAUNDERING ACT OF 2001."**

SEC. 2. Repealing Clause – All laws or regulations inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SEC. 3. This Act shall take effect after the fifteen (15) days following its publication in at least two (2) newspaper of general circulation.

Approved,