

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

SENATE
S. No. 3236

AN

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Article XI, Sections 12 and 13 of the Constitution provides:

Section 1. Public office is a public trust. 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.

Section 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

1. Investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.
2. Direct, upon complaint or at its own instance, any public official or employee of the Government, or any subdivision, agency or instrumentality thereof, as well as of any government-owned or controlled corporation with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties.
3. Direct the officer concerned to take appropriate action against a public official or employee at fault, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith.
4. Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action.
5. Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.
6. Publicize matters covered by its investigation when circumstances so warrant and with due prudence.
7. Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.

8. Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.


The Constitution gave broad powers to the Ombudsman. However, these powers must be exercised in accordance with the Bill of Rights and other laws passed by Congress which provide certain limitations and serve as safeguards against state abuses.

In the impeachment trial of Chief Justice Renato C. Corona, the Ombudsman testified that she acquired information from the Anti-Money Laundering Council (AMLC) regarding the Chief Justice's alleged dollar deposits. However, this information was acquired without the proper court order which leads us to question the limits of the Ombudsman's power to directly examine an individual's bank accounts.

This amendment provides the strongest possible protection for the depositor, as it ties the hands of the Ombudsman with the actions of the AMLC and the constraints imposed upon it under Section 11 of Republic Act No. 9160 or the Anti-Money Laundering Act. This means that it is only when the AMLC itself is able to get a court order allowing inquiry into any bank deposit that the Ombudsman would be able to obtain information about the bank deposit in question.

In addition, in cases where the Ombudsman is seeking information from the AMLC regarding covered and/or suspicious transactions, such request can only be granted upon prior approval of the courts. This effectively gives the AMLC the power to decline mere requests from the Ombudsman for information regarding certain accounts or transactions.

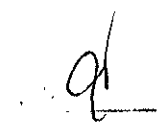
This bill should be referred to the Senate Committee on Constitutional Amendments, Revision of Codes and Laws for immediate consideration.


MIRIAM DEFENSOR SANTIAGO

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

JUL 23 1977

SENATE
S. No. **3236**



Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING SECTION 15 REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS THE
3 OMBUDSMAN ACT

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

4 SECTION 1. Two new paragraphs shall be added after the final paragraph of Section 15
5 of Republic Act No. 6770, otherwise known as the Ombudsman Act, which shall read as follows:

6 SEC. 15. *Powers, Functions and Duties.* - The Office of the Ombudsman
7 shall have the following powers, functions and duties:

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9 The Ombudsman shall give priority to complaints filed against high
10 ranking government officials and/or those occupying supervisory positions,
11 complaints involving grave offenses as well as complaints involving large sums
12 of money and/or properties.

13 PROVIDED, THAT IN CASES WHERE THE POWERS
14 ENUMERATED HEREIN ARE SOUGHT TO BE EXERCISED FOR
15 PURPOSES OF INQUIRING INTO BANK DEPOSITS PURSUANT TO
16 REPUBLIC ACT NO. 9160, AS AMENDED, THE CONDITIONS IMPOSED
17 BY SECTION 11 THEREOF SHALL LIKEWISE APPLY.

18 PROVIDED FURTHER, THAT INFORMATION REGARDING
19 COVERED AND/OR SUSPICIOUS TRANSACTIONS UNDER REPUBLIC
20 ACT NO. 9160, AS AMENDED, MAY ONLY BE OBTAINED BY THE
21 OMBUDSMAN UPON ORDER OF A COMPETENT COURT.

1 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
3 with the provision of this Act is hereby repealed, modified or amended accordingly.

4 SECTION 3. *Separability Clause.* – If any provision or part hereof, is held invalid or
5 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
6 valid and subsisting.

7 SECTION 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,