

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



Senate
Office of the Secretary

13 JUL 15 P4:21

SENATE
S. No. 733

RECEIVED BY: *jin*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 1 provides:

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.

Public officers should lead modest lives. Most public officials do not need private security guards. In most cases, there is no serious threat to their lives, and having security guards have turned into a status symbol.

Further, public funds must only be spent for an authorized public purpose. Hence, public officers should be prohibited from charging to the government the salaries of their personal or private security guards.¹

mir
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.



'13 JUL 15 P4:21

SENATE
S. No. 733

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROHIBITING PUBLIC OFFICERS AND THEIR FAMILIES FROM
3 CHARGING TO THE GOVERNMENT THE SALARIES OF THEIR PERSONAL
4 PRIVATE SECURITY GUARDS

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

5 SECTION 1. *Declaration of Policy.* - In line with the mandate of the Constitution
6 that public officers must lead modest lives and the principle that public funds must be
7 expended for an authorized public purpose, this Act seeks to curb the practice among public
8 officers of charging to the government the salaries of their personal/private security guards.

9 SECTION 2. *Definition of Terms.* -As used in this Act, the term –

10 (A) “Public officer” includes elective and appointive officials and employees,
11 permanent or temporary, whether in the classified or unclassified or exempt service
12 receiving compensation, even nominal, from the government as defined in the subsequent
13 paragraph.

14 (B) “Government” includes the national government, the local government, the
15 government-owned and government-controlled corporations, and all other instrumentalities
16 or agencies of the Republic of the Philippines and their branches.

17 (C) “Private personal security guard” includes a person or group of persons,
18 usually but not necessarily armed, not otherwise a member of the Philippine National Police
19 or Armed Forces of the Philippines nor assigned to the public officer/employee under
20 existing statutes.

1 (D) "Family of public officers/employees" includes the spouse or mistress,
2 children whether legitimate or illegitimate, parents, brothers and sisters of the public officer
3 or employee.

4 (E) "Immediate legal family of the public officer" includes the public officer's
5 legitimate spouse and legitimate children.

6 (F) "Public funds" refers to revenues derived from taxes imposed by the
7 government, whether national or local, and which are intended for public purpose.

8 (G) "Person" includes natural and juridical person, unless the context indicates
9 otherwise.

10 (H) "Receiving the services of personal or private security guards" includes the
11 act of public officers or employees of accepting directly or indirectly the services of private
12 or personal security guards offered by any person, entity, agency or corporation which has
13 pending or future contract or transaction, wherein the public officer in his official capacity
14 has to intervene under the law.

15 SECTION 3. *Exceptions.* - Without prejudice to the provisions of Executive Order
16 No. 41 (*Promulgating Rules and Regulations Governing the Detail or Assignment of*
17 *Military Personnel to Civilian Officers and Official*), and Circular Number 2, dated 12
18 March 2003, issued by the Department of National Defense (*Re: Detail of Military*
19 *Personnel Outside the AFP*), only the following public officers and their respective
20 immediate legal family, as defined under Section 2 of this Act, shall be entitled to such
21 number of private or personal security guards as these public officers may deem sufficient
22 and shall be excluded from the coverage of this Act:

- 23 (A) President of the Philippines;
24 (B) Vice-President of the Philippines;
25 (C) Supreme Court Chief Justice;
26 (D) Senate President; and
27 (E) Speaker of the House of Representatives.

1 SECTION 4. *Prohibited Acts.* - Subject to the exception under Section 3 of this Act,
2 it shall be unlawful for any public officer or employee or any member of his family:

3 (A) To charge to the government the salaries of his or his family's personal or
4 private security guards.

5 (B) To directly or indirectly request or receive for himself or for his family, the
6 services of private or personal security guards, from any person, agency, entity or
7 corporation which has any contract or transaction with the government, with which the
8 public officer or employee in his official capacity has to intervene under the law.

9 (C) To accept or have any member of his family accept the services of private or
10 personal security guards from any person, entity, agency or corporation which has official
11 business with him during the pendency of the official business, or within one year after its
12 termination.

13 (D) To directly or indirectly request or receive the services of private or personal
14 security guards, for himself or for any member of his family, from any person, agency,
15 entity or corporation from whom the public officer, in any manner or capacity, has secured
16 or obtained, or will secure or obtain, any government permit or license, in consideration for
17 the services given or to be given.

18 SECTION 5. *Penalties for Violations.* -

19 (A) Any public officer or employee committing any of the prohibited acts
20 enumerated under Section 4 of this Act shall be punished with imprisonment for not less
21 than six (6) months nor more than one (1) year, suspension from public office or
22 employment for one (1) year, and a fine equivalent to treble the salary of the security
23 guard(s) for one (1) year.

24 (B) Any person, entity, agency or corporation (which has a pending or future
25 transaction or contract with the public officer or employee, wherein the public officer or
26 employee shall intervene in his official capacity) which offers or agrees to offer the services
27 of private or personal security guards to the public officer or employee or any member of his

1 family shall, aside from incurring the appropriate penalty under the Penal Code, suffer
2 imprisonment for not less than six (6) months and not more than one (1) year.

3 SECTION 6. *Competent Court.* -

4 (A) For public officer or employee with salary grade of 27 and higher, all
5 prosecutions under this Act shall be within the original jurisdiction of the *Sandiganbayan*

6 (B) For public officer or employee with salary grade of 26 and below, all
7 prosecutions under this Act shall be within the original jurisdiction of the Municipal Trial
8 Court or Metropolitan Trial Court.

9 (C) For any person, entity, agency or corporation (which has a pending or future
10 transaction or contract with the public officer or employee, wherein the public officer or
11 employee shall intervene in his official capacity) which offers or agrees to offer the services
12 of private or personal security guards to the public officer or employee or any member of his
13 family, all prosecutions under this Act shall be within the original jurisdiction of the
14 Municipal Trial Court or Metropolitan Trial Court.

15 SECTION 7. *Prescription of Crime.* - The crime punishable under this Act shall
16 prescribe in six (6) years. However, the right of the State to recover the fine from the liable
17 public officer or employee shall not be barred by prescription, laches, or estoppel.

18 SECTION 8. *Separability Clause.* - If any part or provision of this Act is held invalid
19 or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

20 SECTION 9. *Repealing Clause.* - All laws, decrees, orders, proclamations, rules and
21 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed,
22 amended, or modified accordingly.

23 SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from
24 its publication in at least two (2) newspapers of general circulation.

Approved,