

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

Senate
Office of the Secretary

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SENATE

Senate Bill No. 965

RECORDED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA


EXPLANATORY NOTE

It is the avowed principle of Republic Act No. 6713 that the State shall promote a high standard of ethics in public service. Public officials and employees shall, at all times, be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest (Section 2, R.A. No. 6713).

Pursuant to this policy, this bill seeks to expand the prohibited acts and transactions provided in Section 7 (b) thereof, by providing for a specific provision exclusively applicable to members of the Cabinet. By virtue of the doctrine of qualified political agency, a member of the Cabinet is considered as the alter ego of the President. As such, they acquire vital information not otherwise available to others. This fact makes them very attractive to foreign corporations, who are all too eager to retain them as their consultants after their stint with the government. Thus, in order to dispel any doubt that they take advantage of information derived by virtue of their Cabinet position, they should be prohibited from employment by foreign corporations doing business in the Philippines for a period of five (5) years.

By prohibiting their employment for a period of five (5) years, there is the assurance that there will be no transfer of privileged information acquired by the Cabinet member during his stint as public servant to his new employer. This is in consonance with the public servant's mandate that utmost loyalty is required of him, because to do otherwise is detrimental to national interest.

In view of the foregoing, approval of this bill earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

13 JUL 27 1916

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
AMENDING SECTION 7 (b) OF REPUBLIC ACT NO. 6713, OTHERWISE
KNOWN AS THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR
PUBLIC OFFICIALS AND EMPLOYEES, SO AS TO LENGTHEN THE PERIOD
OF PROHIBITED EMPLOYMENT IN THE CASE OF MEMBERS OF THE
CABINET

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

SECTION 1. Section 7, subparagraph (b) of Republic Act No. 6713 is
hereby amended to read as follows:

"Section 7. Prohibited Acts and Transactions. - In addition to
acts and omission of public officials and employees now prescribed
in the Constitution and existing laws, the following shall constitute
prohibited acts and transactions of any public official and employee
and are hereby declared to be unlawful:

(a) xxxxx

(b) Outside employment and other activities related thereto.
Public officials and employees during their incumbency shall
not:

- (1) Own, control, manage or accept employment as
officer, employee, consultant, counsel, broker,
agent, trustee or nominee in any private enterprise
regulated, supervised or licensed by their office
unless expressly allowed by law;
- (2) Engage in the private practice of their profession
unless authorized by the Constitution or law,
Provided, That such practice will not conflict or
tend to conflict with their official functions; or
- (3) Recommend any person to any position in a
private enterprise, which has a regular, or pending
official transaction with their office.

"These prohibitions shall continue to apply for a period of
one (1) year after resignation, retirement or separation from public

office, except in the case of subparagraph (b) (2) above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply: *PROVIDED*, THAT IN THE CASE OF MEMBERS OF THE CABINET, THE PROHIBITION FOR EMPLOYMENT IN ANY PRIVATE ENTERPRISE SHALL INCLUDE EMPLOYMENT WITH FOREIGN GOVERNMENTS, CORPORATIONS, OR ENTITIES, AND THE PROHIBITION SHALL BE FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF RESIGNATION, RETIREMENT OR SEPARATION FROM SAID PUBLIC OFFICE: *PROVIDED*, *FURTHER*, THAT AS USED HEREIN, THE TERM EMPLOYMENT SHALL MEAN HIRING SUCH PERSON, WHETHER AS AN OFFICER, EMPLOYEE, CONSULTANT OR TRAINER OR RESOURCE PERSON."

SEC. 2. Repealing Clause - All laws, orders, rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SEC. 3. Effectivity Clause - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,