


'14 JUL 15 P3:04

SENATE
S. B. 2311

RECEIVED BY: 

Introduced by Senator Poe

Explanatory Note

**AN ACT
STRENGTHENING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR
PUBLIC SERVANTS**

“Public office is a public trust,” a shining mantra ensconced in the 1987 Philippine Constitution. In full, the landmark provision of the supreme law states, “[p]ublic 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.”¹

Universally understood as the use of public office for personal gain or benefit, corruption may be committed by an official alone or with the involvement of a second party.² Corruption is a pervasive and universal malady afflicting countries all over the world. It is anathema to efforts of poverty alleviation and degrades the economic and socio-political structure of a country. Corruption is certainly a resilient impediment that goes against the tide of development of any country afflicted with it. Now more than ever, the issue of corruption plays a central role in politics as it is a difficulty that confronts every nation, whether developed, developing, or in transition.³

In all the existing anti-corruption laws in the country, it is Republic Act No. 6713 that is all encompassing in making it clear that corruption is not acceptable in society by providing ethical standards by which every public official and employee must comply, and by providing a system of rewards that would motivate public officials and employees to do well in the performance of their functions. But in the changing times, a legislative fiat passed upon in 1989, or more than twenty (20) years ago, would require updating to adopt to current situations in public administration, and to keep abreast with international agreements that the country has entered into, one of which is the United Nations Convention Against Corruption (UNCAC).⁴

An evaluation of the implementation of R.A. No. 6713 indicates specific areas of improvement, which include among others, the definition of “public official,” provisions on the statement of assets, liabilities and net worth (SALN), system of rewards and incentives, and penalties imposed for violations of its provisions. With these areas identified, the herein proposed amendments specifically addresses the gap on the coverage of the law by broadening the definition of the term “public servant” and ensuring more transparency in government.

Finally, to be a more meaningful anti-corruption legislation, the amendments also include: 1) further institutionalization of the system of rewards and incentives; 2) provision on rewards and

¹ Article XI, Section 1, 1987 Philippine Constitution

² Myint, U., “Corruption: Causes, Consequences, and Cures,” *Asia-Pacific Development Journal*, no. 2 (2000): 33-58.

³ Klitgaard, Robert, “International Cooperation Against Corruption,” *Finance and Development* (1998).
<http://www.imf.org/external/pubs/ft/fandd/1998/03/klitgaard.pdf>

⁴ Ratified by the Philippine Senate on November 8, 2006.

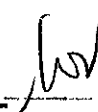
protection to anyone who blow the whistle against corrupt practices; 3) shifting the burden of proof as to the civil servant's lavish lifestyle or gross disproportion of assets to income; 4) increasing the prescribed penalties; and 5) establishing cooperation and collaboration with the public and civil society groups in the monitoring and implementation of the law. The improvements or the enhanced provisions in this legislation are summarily highlighted.

In view of these reasons, approval of this bill is earnestly requested.


GRACE POE

'14 JUL 15 P3:04

SENATE
S. B. **2311**

RECEIVED BY. 

Introduced by Senator Poe

**AN ACT
STRENGTHENING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR
PUBLIC SERVANTS**

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

1 Section 1. Title. - This Act shall be known as the "Enhanced Code of Conduct and Ethical
2 Standards for Public Servants of 2014."
3

4 Section 2. Declaration of Policies. - It is the policy of the State to promote a high standard
5 of ethics in public service. **Public servants** shall at all times be accountable to the people and shall
6 discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with
7 patriotism and justice, lead modest lives, and uphold public interest over personal interest.
8

9 Section 3. Definition of Terms. - As used in this Act, the term:

10
11 (a) "Conflict of interest" arises when a public servant is a member of a board, an officer,
12 or a substantial stockholder of a private corporation or owner or has a substantial interest
13 in a business, and the interest of such corporation or business, or his rights or duties therein,
14 may be opposed to or affected by the faithful performance of servant duty.
15

16 (b) "**Corruption**" is understood as the use of public office for personal gains which
17 include but is not limited to bribery, extortion, fraud, embezzlement, nepotism,
18 cronyism, appropriations of public assets and properties for private use and influence
19 peddling.
20

21 (c) "Divestment" is the transfer of title or disposal of interest in property by voluntarily,
22 completely and actually depriving or dispossessing oneself of his right or title to it in favor
23 of a person or persons other than his spouse and relatives as defined in this Act.
24

25 (d) "**Family of public servants**" means their spouses and children, or partners
26 regardless of legal status.
27

28 (e) "Gift" refers to a thing or a right to dispose of gratuitously, or any act or liberality, in
29 favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous
30 disposition thereof. It shall not include an unsolicited gift of nominal or insignificant value
31 not given in anticipation of, or in exchange for, a favor from a public servant
32

33 (f) "Government" includes the National Government, the local governments, and all other
34 instrumentalities, agencies or branches of the Republic of the Philippines including
35 government-owned or controlled corporations, and their subsidiaries.
36

1 (g) "Honorary Capacity" shall mean holding a government position or office as an
2 honor and without payment or compensation of any form.

3
4 (h) "Lavish Lifestyle" shall mean living in a manner characterized by extravagance
5 and profusion

6
7 (i) "Loan" covers both simple loan and commodatum as well as guarantees, financing
8 arrangements or accommodations intended to ensure its approval.

9
10 (j) "Person" includes natural and juridical persons unless the context indicates otherwise.

11
12 (k) "Public Servant" includes any person holding or performing a public function in
13 the legislative, executive, administrative or judicial office in the government,
14 regardless of status of employment or engagement, and whether or not they receive
15 compensation, except foreign nationals designated as honorary consuls. Provided that
16 services rendered of those engaged by contract of service or job order shall not be
17 considered government service.

18
19 (l) "Receiving any gift" includes the act of accepting directly or indirectly, a gift from a
20 person other than a member of his family or relative as defined in this Act, even on the
21 occasion of a family celebration or national festivity like Christmas, if the value of the gift
22 is neither nominal nor insignificant, or the gift is given in anticipation of, or in exchange
23 for, a favor.

24
25 (m) "Relatives" refers to any and all persons related to a public servant within the fourth
26 civil degree of consanguinity or affinity, including bilas, inso and balae.

27
28 (n) "Retaliation" shall mean the dismissal, suspension, demotion or any other adverse
29 action in terms or conditions of employment by an agency, board, public employer,
30 head of department, appointing authority, or any superior against a public servant
31 for disclosing any corrupt activity or any violation of or non-compliance with a law,
32 rule, or regulation.

33
34 (o) "Substantial stockholder" means any person who owns, directly or indirectly, shares of
35 stock sufficient to elect a director of a corporation. This term shall also apply to the parties
36 to a voting trust.

37
38 Section 4. Norms of Conduct of Public Servants. - (A) Every public servant shall observe
39 the following as standards of personal conduct in the discharge and execution of servant duties:

40 (a) Commitment to public interest. - Public servants shall always uphold the public interest
41 over and above personal interest. All government resources and powers of their respective
42 offices must be employed and used efficiently, effectively, honestly and economically,
43 particularly to avoid wastage in public funds and revenues.

44
45 (b) Professionalism. - Public servants shall perform and discharge their duties with the
46 highest degree of excellence, professionalism, intelligence and skill. They shall enter
47 public service with utmost devotion and dedication to duty. They shall endeavor to
48 discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

49
50 (c) Justness and sincerity. - Public servants shall remain true to the people at all times. They
51 must act with justness and sincerity and shall not discriminate against anyone, especially
52 the poor and the underprivileged. They shall at all times respect the rights of others, and
53 shall refrain from doing acts contrary to law, good morals, good customs, public policy,
54 public order, public safety and public interest. They shall not dispense or extend undue
55 favors on account of their office to their relatives whether by consanguinity or affinity
56 except with respect to appointments of such relatives to positions considered strictly
57 confidential or as members of their personal staff whose terms are coterminous with theirs.

1
2 (d) Political neutrality. - Public servants shall provide service to everyone without unfair
3 discrimination and regardless of party affiliation or preference.
4

5 (e) Responsiveness to the public. - Public servants shall extend prompt, courteous, and
6 adequate service to the public. Unless otherwise provided by law or when required by the
7 public interest, public servants shall provide information of their policies and procedures
8 in clear and understandable language, ensure openness of information, public consultations
9 and hearings whenever appropriate, encourage suggestions, simplify and systematize
10 policy, rules and procedures, avoid red tape and develop an understanding and appreciation
11 of the socio-economic conditions prevailing in the country, especially in the depressed rural
12 and urban areas.
13

14 (f) Nationalism and patriotism. - Public servants shall at all times be loyal to the Republic
15 and to the Filipino people, promote the use of locally produced goods, resources and
16 technology and encourage appreciation and pride of country and people. They shall endeavor
17 to maintain and defend Philippine sovereignty against foreign intrusion.
18

19 (g) Commitment to democracy. - Public servants shall commit themselves to the democratic
20 way of life and values, maintain the principle of public accountability, and manifest by deeds
21 the supremacy of civilian authority over the military. They shall at all times uphold the
22 Constitution and put loyalty to country above loyalty to persons or party.
23

24 (h) Simple living. - Public servants and their families shall lead modest lives appropriate
25 to their positions and income. They shall not indulge in extravagant or ostentatious display
26 of wealth in any form.
27

28 (B) The Civil Service Commission shall adopt positive measures to promote (1) observance of
29 these standards including the dissemination of information programs and workshops authorizing
30 merit increases beyond regular progression steps, to a limited number of public servants
31 recognized by their office colleagues to be outstanding in their observance of ethical standards;
32 and (2) continuing research and experimentation on measures which provide positive motivation
33 to public servants in raising the general level of observance of these standards.
34

35 Section 5. Duties of Public Servants. - In the performance of their duties, all public servants are
36 under obligation to:

37 (a) Act promptly on letters and requests. - All public servants shall, within fifteen (15)
38 working days from receipt thereof, respond to letters, telegrams or other means of
39 communications sent by the public. The reply must contain the action taken on the
40 request.

41 (b) Submit annual performance reports. - All heads or other responsible officers of offices
42 and agencies of the government and of government-owned or controlled corporations shall,
43 within forty-five (45) working days from the end of the year, render a performance report
44 of the agency or office or corporation concerned. Such report shall be open and available
45 to the public within regular office hours.
46

47 (c) Process documents and papers expeditiously. - All servant papers and documents must
48 be processed and completed within a reasonable time from the preparation thereof and must
49 contain, as far as practicable, not more than three (3) signatories therein. In the absence of
50 duly authorized signatories, the servant next-in-rank or officer in charge shall sign for and
51 in their behalf.
52

53 (d) Act immediately on the public's personal transactions. - All public servants must attend
54 to anyone who wants to avail himself of the services of their offices and must, at all times,
55 act promptly and expeditiously.
56

57 (e) Make documents accessible to the public. - All public documents must be made

1 accessible to, and readily available for inspection by, the public within reasonable working
2 hours.
3

4 **Section 6. Code of Conduct Committee (CCC).** A multi-sectoral anti-corruption
5 committee is hereby created composed of the following: Chairman of the Civil Service
6 Commission (CSC) and the Ombudsman as the Committee Heads, Chairperson of the
7 Commission on Audit, one representative from any recognized government employee
8 association, and one Civil Society Organization representative to be appointed by the
9 President, as members.

10
11 **It shall be the task of the CCC to:**

- 12
13 **1. Develop and implement or maintain effective, coordinated anti-corruption policies**
14 **that promote the participation of society and reflect the principles of the rule of law,**
15 **proper management of public affairs and public property, integrity, transparency**
16 **and accountability.**
- 17
18 **2. Establish and promote effective practices aimed at the prevention of corruption.**
- 19
20 **3. Evaluate periodically relevant legal instruments and administrative measures with**
21 **a view to determining their adequacy to prevent and fight corruption.**
- 22
23 **4. To act as primary body that will collaborate with relevant international and**
24 **regional organizations in promoting and developing anti-corruption policies and**
25 **practices.**
- 26
27 **5. Promulgate rules and administer the system of incentives and rewards established**
28 **in this Act.**
- 29
30 **6. Promulgate policies, rules and regulations and perform such other actions to carry**
31 **out these functions.**

32
33 **Section 7. System of Incentives and Rewards.** - A system of annual incentives and
34 rewards is hereby established in order to motivate and inspire public servants to uphold the
35 highest standards of ethics.

36
37 **The following awards categories shall be conferred to public service exemplars with the**
38 **corresponding rewards and incentives:**

39
40 **(a) Awards for Outstanding Work Performance**

41
42 **a.1 Presidential or Lingkod Bayan Award - the awardee/s shall receive a gold-**
43 **gilded medallion and a plaque containing the citation of the President of the Republic**
44 **of the Philippines, cash reward and other forms of rewards and incentives as may be**
45 **determined by the Committee.**

46
47 **a.2 CSC or Pagasa Award - the awardee/s shall receive a gold-gilded medallion,**
48 **a plaque containing the citation and signature of the Chairperson of the CSC**
49 **provided under Section 6 (b) of the Omnibus Rules Implementing Book V of**
50 **Executive Order No. 292, and a cash reward as may be determined by the Committee.**

51
52 **(b) Award for Exemplary and Ethical Behavior**

53
54 **b.1 Outstanding Public Servants Award or Dangal ng Bayan Award – the awardee/s**
55 **shall receive a trophy , a cash reward and other forms of rewards and incentives**
56 **provided for in the following paragraph of this Act.**
57

1 **The conferment of awards shall take into account, among other things, the following:**
2 **the years of service and the quality and consistency of performance, the obscurity of the**
3 **position, the level of salary, the unique and exemplary quality of a certain achievement, and**
4 **the risks or temptations inherent in the work.**

5
6 **Other Incentives and rewards may also be given in the form of bonuses, citations,**
7 **directorships in government-owned or controlled corporations, local and foreign scholarship**
8 **grants, paid vacations and the like. Presidential Lingkod Bayan and Dangal ng Bayan**
9 **awardees shall likewise be automatically promoted to the next higher position with the**
10 **commensurate salary suitable to their qualifications. In case there is no next higher position**
11 **or it is not vacant, said position shall be included in the budget of the office in the next**
12 **General Appropriations Act.**

13
14 Section 8. Prohibited Acts and Transactions. - In addition to acts and omissions of public
15 servants now prescribed in the Constitution and existing laws, the following shall constitute
16 prohibited acts and transactions of any public servant and are hereby declared to be unlawful:

17
18 (a) Financial and material interest. - Public servants shall not, directly or indirectly, have any
19 financial or material interest in any transaction requiring the approval of their office.

20
21 (b) Outside employment and other activities related thereto. - Public servants during their
22 incumbency shall not:

23
24 (1) Own, control, manage or accept employment as officer, employee, consultant,
25 counsel, broker, agent, trustee or nominee in any private enterprise regulated,
26 supervised or licensed by their office unless expressly allowed by law;

27
28 (2) Engage in the private practice of their profession unless authorized by the
29 Constitution or law, provided, that such practice will not conflict or tend to conflict
30 with their official functions; or

31
32 (3) Recommend any person to any position in a private enterprise which has a regular
33 or pending servant transaction with their office.

34
35 These prohibitions shall continue to apply for a period of one (1) year after resignation,
36 retirement, or separation from public office, except in the case of subparagraph (b) (2)
37 above, but the professional concerned cannot practice his profession in connection with
38 any matter before the office he used to be with, in which case the one-year prohibition shall
39 likewise apply.

40
41 The prohibition on outside employment shall not apply to those working under job orders
42 or contracts of service.

43
44 (c) Disclosure and/or misuse of confidential information. - Public servants shall not use or
45 divulge, confidential or classified information servantly known to them by reason of their
46 office and not made available to the public, either:

47
48 (1) To further their private interests, or give undue advantage to anyone; or

49
50 (2) To prejudice the public interest.

51
52 (d) Solicitation or acceptance of gifts. - Public servants shall not solicit or accept, directly or
53 indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from
54 any person in the course of their servant duties or in connection with any operation being
55 regulated by, or any transaction which may be affected by the functions of their office.

56
57 As to gifts or grants from foreign governments, the Congress consents to:

- 1
2 (i) The acceptance and retention by a public servant of a gift of nominal value
3 tendered and received as a souvenir or mark of courtesy;
4 (ii) The acceptance by a public servant of a gift in the nature of a scholarship or
5 fellowship grant or medical treatment; or
6 (iii) The acceptance by a public servant of travel grants or expenses for travel taking
7 place entirely outside the Philippine (such as allowances, transportation, food, and
8 lodging) of more than nominal value if such acceptance is appropriate or consistent
9 with the interests of the Philippines, and permitted by the head of office, branch or
10 agency to which he belongs.

11
12 The Ombudsman shall prescribe such regulations as may be necessary to carry out the purpose of
13 this subsection, including pertinent reporting and disclosure requirements.
14

15 Nothing in this Act shall be construed to restrict or prohibit any educational, scientific or cultural
16 exchange programs subject to national security requirements.
17

18 Section 9. Statements and Disclosure. - **Public servants** have an obligation to accomplish and
19 submit declarations under oath of, and the public has the right to know, their assets, liabilities, net
20 worth and financial and business interests.
21

22 Statements of Assets and Liabilities and Financial Disclosure. - All **public servants**, except those
23 who serve in an honorary capacity, shall file under oath their Statement of Assets, Liabilities and
24 Net Worth and a Disclosure of Business Interests and Financial Connections and those of their
25 spouses and children or partners, regardless of their legal status.
26

27 The SALN shall contain information on the following:
28

- 29 (a) personal details including that of spouse and children;
30 (b) real property, its improvements, acquisition costs, assessed value and current fair
31 market value;
32 (c) personal property and acquisition cost;
33 (d) all other assets such as, cash on hand or in banks, whether in local or foreign currency,
34 stocks, bonds and investments, and the like;
35 (e) liabilities, and;
36 (f) all business interests and financial connections.
37

38 The SALN shall be filed with the Office of the Ombudsman:

- 39 (a) within thirty (30) days after assumption of office;
40 (b) on or before April 30, of every year thereafter; and
41 (c) 30 days before the effectivity date of separation from the service.
42

43 **The Ombudsman, CSC, and COA is hereby empowered to obtain, at any time, all documents**
44 **as may show the declarant's assets, liabilities, net worth, and business interests and financial**
45 **connections, commencing from the time the declarant was employed or engaged by the**
46 **government, from all agencies, banks, and financial institutions, whether private or public.**
47

48 Husband and wife who are both public servants may file the required statements jointly or
49 separately.
50

51 (B) Identification and disclosure of relatives. - It shall be the duty of every public servant to identify
52 and disclose, to the best of ones knowledge and information, relatives in the Government in the
53 form, manner and frequency prescribed by the Civil Service Commission.
54

55 (C) Accessibility of documents. - (1) Any and all statements filed under this Act, shall be made
56 available for inspection during working hours and subject only to reasonable conditions to be
57 determined by the Code of Conduct Committee.

1
2 (2) Such statements shall be made available for copying or reproduction after ten (10) working
3 days from the time they are filed as required by law.
4

5 (3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover
6 the cost of reproduction and mailing of such statement, as well as the cost of certification.
7

8 (4) Any statement filed under this Act shall be available to the public for a period of ten (10) years
9 after receipt of the statement. After such period, the statement may be disposed unless needed in
10 an ongoing investigation.
11

12 **In the case of the President, the Vice-President, the Members of the Cabinet, the Congress,**
13 **the Supreme Court, the Constitutional Commissions and other constitutional offices, and**
14 **officers of the armed forces with general or flag rank, the declaration shall be disclosed to**
15 **the public in the most accessible and convenient medium (e.g. website).**
16

17 (D) Prohibited acts. - It shall be unlawful for any person to obtain or use any statement filed under
18 this Act for:

19 (a) any purpose contrary to morals or public policy; or

20 (b) any commercial purpose other than by news and communications media for dissemination to
21 the general public.
22

23 **Section 10. Divestment. - A public servant shall avoid conflicts of interest at all times. When**
24 **a conflict of interest arises, he shall resign from his position in any private business enterprise**
25 **within thirty (30) days from his assumption of office and/or divest himself of his**
26 **shareholdings or interest within sixty (60) days from such assumption.**
27

28 **The same rule shall apply where the public servant is a partner in a partnership.**
29

30 **Section 11. Review and Compliance Procedure in the Filing and Submission of the**
31 **Statement of Assets, Liabilities and Net Worth and Disclosure of Financial and Business**
32 **Interests. -**
33

34 a. **All public servants shall file under oath their Statement of Assets, Liabilities and**
35 **Net Worth and Disclosure of Financial and Business Interests with their**
36 **respective Chief/Head of Personnel/Administrative Division/Unit or Human**
37 **Resource Management Office:**

38 i. **Within thirty (30) days after assumption of office;**

39 ii. **On or before April 30, of every year thereafter;**

40 iii. **Thirty (30) days before the effectivity date of separation from the service.**

41 b. **All public servants are strictly required to fill in all applicable information and**
42 **make a true and detailed statement in their Statement of Assets, Liabilities and**
43 **Net Worth and Disclosure of Financial and Business Interests.**

44 c. **Upon receiving their Statement of Assets, Liabilities and Net Worth and**
45 **Disclosure of Financial and Business Interests, the Chief/Head of**
46 **Personnel/Administrative Division/Unit or Human Resource Management Office**
47 **shall forward the same to the Review and Compliance Committee.**

48 d. **Each office/agency shall have a Review and Compliance Committee, which shall**
49 **be composed of one (1) Chairman and two (2) members.**

50 e. **The Review and Compliance Committee shall be designated and authorized by**
51 **the head of agency to receive the Statement of Assets, Liabilities and Net Worth**
52 **and Disclosure of Financial and Business Interests and to evaluate if the same has**
53 **been submitted on time, complete and in proper form.**

54 f. **The Review and Compliance Committee shall prepare a list of the following public**
55 **servants, in alphabetical order, to the head of agency, copy furnished the Civil**
56 **Service Commission (Office of the Ombudsman), on or before May 15 of every**
57 **year:**

- 1 i. Those who filed their SALNs with complete data;
2 ii. Those who filed their SALNs but with incomplete data; and
3 iii. Those who did not file their SALNs.
4 g. Within five (5) days from receipt of the aforementioned lists, it shall be the
5 ministerial duty of the head of agency to issue an order requiring those who have
6 incomplete data in their SALNs to correct/supply the desired information and
7 those who did not file/submit their SALNs to comply within a non-extendible
8 period of thirty (30) days from receipt of said order.
9 Assets and/or properties acquired, donated or transferred in the name of the
10 declarant for a particular year, but were not declared on one's SALN for that
11 year, as the same came to one's knowledge only after such filing, correction and/or
12 submission, must be declared or reflected in the declarant's next or succeeding
13 SALN.
14 h. Failure of public servant to correct/submit one's SALN in accordance with the
15 procedure and within the given period pursuant to the directive in paragraph g
16 hereof shall be a ground for disciplinary action and meted with the following
17 penalties:
18 i. First Offense - Suspension of one (1) month and one (1) day to
19 six (6) months
20 ii. Second Offense - Dismissal from the service

21
22 Public servants who fail to comply within the thirty (30) day period required
23 under paragraph g hereof or who submit their SALNs beyond the said period
24 shall be considered as not having filed their SALNs, and shall be made liable for
25 the offense of Failure to File SALN with a penalty of suspension of one (1) month
26 and one (1) day to six (6) months for the first offense, and dismissal from the
27 service for the second offense.

28 Heads of agencies/offices who fail to comply with the provisions of Section 10
29 hereof, shall be liable for Simple Neglect of Duty, which shall be punishable by
30 suspension of one (1) month and one (1) day to six (6) months for the first offense,
31 and dismissal from the service for the second offense.

- 32 i. The Review and Compliance Committee shall transmit all original copies of the
33 SALNs received on or before June 30 of every year to the Office of the
34 Ombudsman.

35 A public servant is presumed to be engaged in corrupt activities or practices if he/she is living
36 in a lavish lifestyle and/or there is gross disproportion of assets to income.

37
38 Section 12. Reward and Protection to Whistleblower - Any person who exposes wrongdoings
39 or corruption against another public servant, agency, board or entity shall: 1) be protected
40 from any retaliation; 2) be rewarded with a reasonable portion (maximum of 1/2) of the
41 amount recovered in the exposed corrupt practice or activity. For this purpose, the identity
42 of the whistleblower shall not be unreasonably disclosed.

43 To qualify for the protection, and reward, the whistleblower must provide truthful
44 and sufficient information for the commencement of an inquiry or filing of a case before any
45 court, body or tribunal.

46 Any person who is found guilty to have applied retaliation against a whistleblower
47 public servant shall suffer a penalty of imprisonment of six years and one day to twelve years.

48
49 Section 13. Penalties. - (a) Any public servant, regardless of whether or not he holds office or
50 employment in a casual, temporary, holdover, permanent or regular capacity, committing any
51 violation of this Act shall be punished with a fine or suspension not exceeding one (1) year or
52 removal depending on the gravity of the offense after due notice and hearing by the appropriate
53 body or agency. If the violation is punishable by a heavier penalty under another law, he shall be
54 prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable
55 with imprisonment **not exceeding twelve (12) years, or a fine to be fixed in the rules and**
56 **regulations of this Act,** or both, and perpetual disqualification to hold public office.

1 (b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for
2 removal or dismissal of a public servant, even if no criminal prosecution is instituted against him.

3 (c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories,
4 with public servants, in violation of this Act, shall be subject to the same penal liabilities as the
5 public servants and shall be tried jointly with them.
6
7

8 (d) The public servant concerned may bring an action against any person who obtains or uses a
9 report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is
10 brought may assess against such person a penalty in any amount not to exceed twenty-five
11 thousand pesos (P25,000). If another sanction hereunder or under any other law is heavier, the
12 latter shall apply.
13

14 Section 14. Promulgation of Rules and Regulations, Administration and Enforcement of this Act. -
15 The Civil Service Commission and the Ombudsman shall promulgate the rules and regulations
16 necessary to carry out the provisions of this Act within one (1) year from date of promulgation.
17 The CSC shall have the primary and exclusive jurisdiction and responsibility for the administration
18 and enforcement of this Act. It shall transmit all cases for prosecution arising from violations of
19 this Act to the proper authorities for appropriate action: Provided, however, that it may institute
20 such administrative actions and disciplinary measures as may be warranted in accordance with
21 law.
22

23 Section 15. Appropriations. -- The sum necessary for the effective implementation of this Act shall
24 be taken from the appropriations of the civil Service Commission. Thereafter, such sum as may be
25 needed for its continued implementation shall be included in the annual General Appropriations
26 Act.
27

28 Section 16. Separability clause. -- If any provision of this Act or the application such provision to
29 any person or circumstance is declared invalid, the remainder of the Act or the application of such
30 provision to other persons or circumstances shall not be affected by such declaration.
31

32 Section 17. Repealing Clause. - All laws, decrees and orders or parts thereof inconsistent herewith,
33 are deemed repealed or modified accordingly, unless the same provide for a heavier penalty.
34

35 Section 18. Effectivity. - This Act shall take effect after thirty (30) days following the completion
36 of its publication in the Servant Gazette or in two (2) national newspapers of general circulation.
37