

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

Office of the Secretary

15 JAN 13 P4 :10

SENATE  
S. No. 2568

RECEIVED BY. *J*

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING SECTION 5 OF REPUBLIC ACT NO. 7080 OTHERWISE KNOWN AS  
"AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER"

EXPLANATORY NOTE

The Constitution, Article 11, Section 1 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.

The Constitution provides the standard for the accountability of public officers and the high responsibility of public office. Public office is a public trust. It is no secret however, that despite the best efforts of honest citizens and public servants to curb the tide of corruption, this government remains astoundingly replete with public officials that are ready and willing to pocket money from the nation's coffers.

Republic Act No. 7080 defines the crime of plunder as the accumulation of ill-gotten wealth through a combination or series of overt criminal acts in the aggregate amount of ₱50,000,000.00 by a public official. The theft of such an amount from the nation is unforgivably criminal, and no person who is capable of such an act has a place in public office.

It should then be unthinkable for a public servant, who was convicted by final judgement of the crime of plunder, to be allowed to hold office once more. Public office is not the venue to test the limits of one's ability to turn from his evil ways. Recent

developments have shown however, that it is possible, by some legal manoeuvrings, for one who has been convicted of the heinous crime of plunder to run and be re-elected into office.

This Act seeks to make it impossible for one who has been convicted by final judgement of the crime of plunder to hold public office.

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

1 AN ACT  
2 AMENDING SECTION 5 OF REPUBLIC ACT NO. 7080 OTHERWISE KNOWN AS  
3 "AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER"

4 SECTION 1. Section 5 of Republic Act No. 7080, otherwise known as the "An  
5 Act Defining and Penalizing the Crime of Plunder," is hereby amended to read as  
6 follows:

7 Section 5. *Suspension and Loss of Benefits.* - Any public officer  
8 against whom any criminal prosecution under a valid information under this  
9 Act whatever stage of execution and mode of participation, is pending in  
10 court, shall be suspended from office. Should he be convicted by final  
11 judgment, he shall lose all retirement or gratuity benefits under any law  
12 **AND NO PARDON MAY EXTINGUISH THE ACCESSORY**  
13 **PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION.** If  
14 he is acquitted, he shall be entitled to reinstatement and to the salaries and  
15 other benefits which he failed to receive during suspension, unless in the  
16 meantime, administrative proceedings have been filed against him.

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

1           SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
2 its publication in at least two (2) newspapers of general circulation.

Approved,

/aml 9jan2015