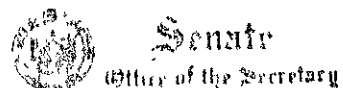


SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



15 MAR 24 P4:41

SENATE  
S. No. 2716

RECEIVED BY: *[Signature]*

---

Introduced by Senator Miriam Defensor Santiago

---

AN ACT  
AMENDING REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE "ANTI-  
GRAFT AND CORRUPT PRACTICES ACT," BY MAKING AN ELECTIVE  
OFFICIAL LIABLE FOR ANY VIOLATION  
OF THIS ACT COMMITTED DURING A PRIOR TERM  
DESPITE REELECTION

EXPLANATORY NOTE

The Constitution, Article 11, Section 1 mandates: "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, Article 11, Section 2 provides: "All other public officers and employees may be removed from office as provided by law...."

Republic Act No. 3019, also known as the "Anti-Graft and Corrupt Practices Act," Section 1 provides: "It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto."

Section 9 of this Act mandates: "The violation of said section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him."

It is a well-established public policy that a public officer must possess the highest virtues of integrity, honesty, discipline, and uprightness. Once an elected official fails in his duty to serve the public honestly and is found wanting of these characteristics, he must be removed in order to safeguard the public from his abuses.

Contrary to this public policy, the 2010 case of *Salumbides v. Ombudsman*,<sup>1</sup> reiterated the doctrine of condonation enunciated some 60 years ago in *Pascual v. Hon. Provincial Board of Nueva Ecija*<sup>2</sup> that prohibits the disciplining of an elective official for a wrongful act committed during his immediately preceding term of office. –

The Court should never remove a public officer for acts done prior to his present term of office. To do otherwise would be to deprive the people of their right to elect their officers. When the people elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any.

The *Pascual* ruling gave birth to the doctrine of condonation in Philippine jurisprudence, which provides a blanket defense for elected officials to evade liability just by securing a reelection considering that the term of a local elective official is only three years. By merely asserting the doctrine of condonation, erring elective officials are automatically given a clean slate once reelected. Thus, there is a need to evaluate this doctrine in light of the express Constitutional mandate that public office is a public trust. Those who betray such trust by being dishonest, inefficient, and corrupt fail to meet the stringent standards found in the Constitution and must be removed.

The simple act of reelection alone cannot be taken to condone an elective official's previous illegal acts since to do so would run counter to the State's duty to maintain honesty and integrity in public office, and to keep officers accountable to the public. It also collides with the character of public office as a public trust.<sup>3</sup>

The very object of removal is to rid the community of a corrupt, incapable, or unworthy official. Reelection does not condone the offense. Misconduct may not have been discovered prior to the election, and in any event, had not been established in the manner contemplated by the statute.<sup>4</sup>

Thus, there is a need to amend R.A. No. 3019 to reflect the prevailing public policy that an elective official should still be held liable for any violation of this Act committed during a prior term despite reelection.

  
MIRIAM DEFENSOR SANTIAGO  
RP

---

<sup>4</sup> Territory v. Sanches, 14 N.M. 493, 94 P. 954 (1908) citing State v. Welsh, 109 IOWA 19, N.W. 369 (1899).

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



15 MAR 24 P4:41

SENATE  
S. No. 2716

RECEIVED BY: [Signature]

---

Introduced by Senator Miriam Defensor Santiago

---

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

1 AN ACT  
2 AMENDING REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE "ANTI-  
3 GRAFT AND CORRUPT PRACTICES ACT," BY MAKING AN ELECTIVE  
4 OFFICIAL LIABLE FOR ANY VIOLATION  
5 OF THIS ACT COMMITTED DURING A PRIOR TERM  
6 DESPITE REELECTION

7 SECTION 1. A new Section 10 is hereby inserted after Section 9 of Republic Act  
8 No. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act," to read as  
9 follows:

10 **SECTION 10. VIOLATIONS COMMITTED DURING A PAST TERM.**  
11 **– ANY ELECTIVE OFFICIAL SHALL BE LIABLE FOR ANY**  
12 **VIOLATION OF THIS ACT COMMITTED DURING A PRIOR TERM**  
13 **DESPITE REELECTION.**

14 SECTION 2. Section 10 of R.A. No. 3019 and all succeeding sections of the Act  
15 are hereby renumbered accordingly.

16 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, rules and regulations,  
17 or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

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

Approved,