

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



15 NOV 26 P4 58

SENATE
S. No. 3020

RECEIVED BY: J.

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE ANTI-
GRAFT AND CORRUPT PRACTICES ACT, SECTION 13, ON ITS NON-
APPLICATION TO IMPEACHABLE PUBLIC OFFICERS

EXPLANATORY NOTE

Under the principle of separation of powers, the judicial branch has no power under our constitution to suspend a member of the legislative branch. Such an act is a diminution of the constitutional principle of interdepartment courtesy, making it unconstitutional and void. If Congress is to be effective in the discharge of its legislative function, its independence should be preserved.

This is the reason why the Constitution explicitly provides that Congress has the exclusive privilege of ensuring the orderly behavior of its members. Article 6, Section 16, paragraph 3 states:

Each House may ... with the concurrence of two-thirds of all its members suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty (60) days.

Since only Congress has the power of punitive suspension, it then follows that only Congress has the power of preventive suspension.

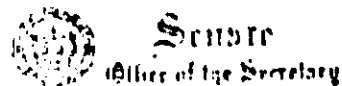
The broad language of R.A. No. 3019 (The Anti-Graft and Corrupt Practices Act), Section 13 does not justify a construction that will clash with this accepted constitutional

principle. For this reason, there is a need to amend it to make sure that the principle of separation of powers is preserved and protected.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
77

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

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



15 NOV 26 P4 58

SENATE
S. No. 3020

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE ANTI-
GRAFT AND CORRUPT PRACTICES ACT, SECTION 13, ON ITS NON-
APPLICATION TO IMPEACHABLE PUBLIC OFFICERS

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

1 SECTION 1. Republic Act No. 3019, Section 13 is hereby amended to read as
2 follows:

3 Section 13. *Suspension and Loss of Benefits.* - Any incumbent
4 public officer, **EXCEPT OFFICERS WHO MAY BE REMOVED**
5 **ONLY BY IMPEACHMENT, MEMBERS OF CONGRESS, AND**
6 **MEMBERS OF THE SUPREME COURT AND COURT OF**
7 **APPEALS**, against whom any criminal prosecution under a valid
8 information under its Act or under the provisions of the Penal Code on
9 bribery is pending in court, shall be suspended from office. Should the
10 accused be convicted by final judgment, he/she shall lose all retirement or
11 gratuity benefits under any law, which he/she failed to receive during
12 his/her suspension, unless in the meantime administrative proceedings have
13 been filed against him/her.

14 SECTION 2. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
15 portions thereof, which are inconsistent with the provisions of this Act, are hereby
16 repealed, amended or modified accordingly.

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

Approved,

/lml10Nov2015