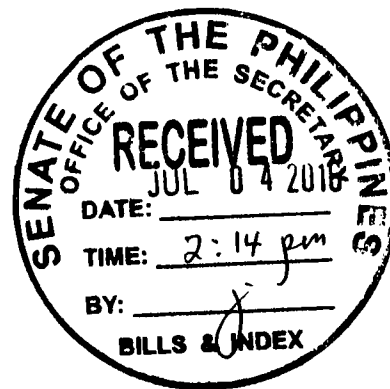


SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

First Regular Session

SENATE
S. B. 347



Introduced by Senator Poe

AN ACT
STRENGTHENING THE OFFICE OF THE OMBUDSMAN THROUGH FURTHER
PROFESSIONALIZATION, IMPROVEMENT OF SKILLS AND AUGMENTING
THE LIVING CONDITIONS OF ITS EMPLOYEES, AMENDING FOR THE
PURPOSE REPUBLIC ACT NUMBER 6770, OTHERWISE KNOWN AS THE
OMBUDSMAN ACT OF 1989, AND FOR OTHER PURPOSES

Explanatory Note

“Public office is a public trust” is a hallmark edict of the 1987 Philippine Constitution. Its significance is mirrored further in a Constitutional guarantee that “[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.”

Although the above precepts are laudable, the pervasiveness of graft and corruption remains real and rampant in the Philippines. It was noted in a report by the Commission on Audit that the government lost Php101.816 billion to graft and corruption in 2011 alone. In the same study, it cited that “unauthorized/irregular/unnecessary expenses, unliquidated cash advances, violations of the Procurement Act, underassessment/under collection, unutilized/ineffective projects and lack of appropriation constituted the most number of cases where the public coffers suffered unwarranted loss.”

The Office of the Ombudsman is mandated to investigate on its own, or upon a complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous harassment suits filed against them by disgruntled respondents. Moreover, their personal safety and the safety of their family are at constant risk due to the high-profile cases they are handling.

Furthermore, despite the enormity of their task of battling graft and corruption, the salary of Ombudsman employees remains incomparable to that of their counterparts in other government agencies and in other anti-graft and corruption bodies in the Asia-Pacific Region.

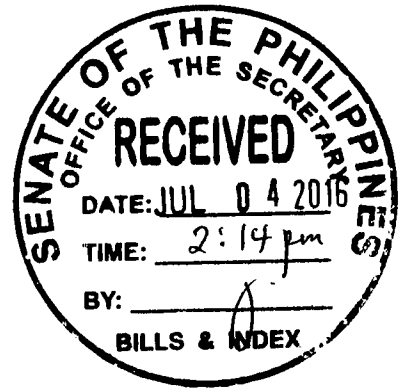
With the enactment of this bill into law, it is believed that the enhancement of the welfare of the country's "graft busters" will strengthen the Office of the Ombudsman *as an institution* in its fight against graft and corruption.

The early recognition of this legislation is earnestly recommended.



GRACE POE

SEVENTEENTH CONGRESS OF THE REPUBLIC
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AN ACT
STRENGTHENING THE OFFICE OF THE OMBUDSMAN THROUGH FURTHER PROFESSIONALIZATION, IMPROVEMENT OF SKILLS AND AUGMENTING THE LIVING CONDITIONS OF ITS EMPLOYEES, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER 6770, OTHERWISE KNOWN AS THE OMBUDSMAN ACT OF 1989, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Section 6 of R.A. No. 6770 is hereby amended to read as
2 follows:

3
4 “SEC. 6. *Rank and Salary.* – The Ombudsman and his Deputies shall have the
5 same ranks, salaries and privileges as the Chairman and members, respectively, of a
6 Constitutional Commission. Their salaries shall not be decreased during their term of
7 office.

OMBUDSMAN POSITIONS	COMPARABLE POSITIONS IN JUDICIARY
Assistant Ombudsman and other permanent employees with Salary Grade 29.	Regional Trial Court Judge
GIPO IV and other permanent employees with Salary Grade 28.	Metropolitan Trial Court Judge
GIPO III and other permanent employees with Salary Grade 27.	City Trial Court Judge

GIPO II and other permanent employees with Salary Grade 26.

Municipal Circuit Trial Court Judge and Municipal Trial Court Judge

1 **THE MEMBERS OF THE PROSECUTION, INVESTIGATION,**
2 **LEGAL AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE**
3 **OF THE OMBUDSMAN SHALL RECEIVE THE SAME RANK, CATEGORY,**
4 **PREROGATIVE, SALARIES, ALLOWANCES, EMOLUMENTS AND**
5 **OTHER PRIVILEGES, INCLUDING THE SAME RETIREMENT AND**
6 **OTHER BENEFITS, AS THOSE OF A JUDGE OF A COMPARABLE LEVEL.**

7
8 **SECTION 2.** Section 6 of R.A. No. 6770 is further amended by inserting
9 Sections 6-A, 6-B, 6-C and 6-D to read as follows:

10
11 **“SECTION 6-A. RETIREMENT BENEFITS. MEMBERS OF THE**
12 **PROSECUTION, INVESTIGATION, LEGAL AND PERMANENT**
13 **ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN AS**
14 **PRESENTED IN THE TABLE IN THE PREVIOUS SECTION, WHO HAVE**
15 **RENDERED AT LEAST FIFTEEN (15) YEARS OF GOVERNMENT**
16 **SERVICE, THE LAST FIVE (5) OF WHICH ARE WITH THE OFFICE OF**
17 **THE OMBUDSMAN, AND HAVE REACHED THE AGE OF SIXTY-FIVE**
18 **(65), SHALL BE ENTITLED TO A RETIREMENT PENSION BASED ON**
19 **THE HIGHEST MONTHLY SALARY, PLUS THE HIGHEST MONTHLY**
20 **AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION**
21 **ALLOWANCES, WHICH THEY WERE RECEIVING AT THE TIME OF**
22 **THEIR RETIREMENT.**

23
24 **THOSE WHO HAVE RENDERED SERVICE FOR THE SAME**
25 **PERIOD AND WHO HAVE REACHED THE AGE OF SIXTY (60) AND OPT**
26 **TO RETIRE SHOULD BE ENTITLED TO THE SAME BENEFIT.**

27
28 **SECTION 6-B. CONDITIONS FOR ENTITLEMENT TO PENSION. –**
29 **TO MAINTAIN ENTITLEMENT TO THE PENSION HEREIN PROVIDED,**
30 **NO OMBUDSMAN LAWYER, DURING THE TIME HE/SHE IS RECEIVING**

1 SAID PENSION, SHALL APPEAR AS COUNSEL BEFORE ANY JUDICIAL
2 OR QUASI-JUDICIAL AGENCY IN ANY CIVIL CASE WHEREIN THE
3 GOVERNMENT OR ANY AGENCY, SUBDIVISION, OR
4 INSTRUMENTALITY THEREOF IS AN ADVERSE PARTY, IN ANY
5 CRIMINAL CASE WHEREIN ANY OFFICER OR EMPLOYEE OF THE
6 GOVERNMENT IS ACCUSED OF AN OFFENSE COMMITTED IN
7 RELATION TO HIS/HER OFFICE, OR IN ANY ADMINISTRATIVE
8 PROCEEDINGS TO MAINTAIN AN INTEREST ADVERSE TO THE
9 NATIONAL OR LOCAL GOVERNMENT OR TO ANY OF ITS LEGALLY
10 CONSTITUTED OFFICERS.

11
12 WHEN AN OMBUDSMAN LAWYER OR ADMINISTRATIVE STAFF
13 COVERED BY AND RECEIVING ANY BENEFIT UNDER THIS ACT SHALL
14 ASSUME AN ELECTIVE OR APPOINTIVE POSITION IN GOVERNMENT,
15 HE/SHE SHALL NOT, UPON ASSUMPTION OF OFFICE AND DURING
16 HIS/HER TERM OR TENURE, RECEIVE THE MONTHLY PENSION OR
17 ANY OF THE ALLOWANCES DUE HIM/HER.

18
19 SECTION 6-C. *OTHER PERSONNEL BENEFITS AND PRIVILEGES.*
20 THE PROVISIONS OF OTHER LAWS TO THE CONTRARY
21 NOTWITHSTANDING, THE OFFICE OF THE OMBUDSMAN MAY
22 PROVIDE ITS EMPLOYEES WITH THE FOLLOWING BENEFITS:

23
24 (1) HEALTH CARE SERVICES THROUGH A HEALTH
25 MAINTENANCE ORGANIZATION (HMO);

26
27 (2) ACCIDENT INSURANCE POLICIES PROCURED BY THE
28 OFFICE AT ITS OWN EXPENSE DURING TRAVELS WHILE IN THE
29 PERFORMANCE OF THEIR OFFICIAL DUTIES AND FUNCTIONS;

30
31 (3) SCHOLARSHIPS FOR DESERVING EMPLOYEES ON
32 OFFICIAL TIME AND AT THE EXPENSE OF THE OFFICE OF THE
33 OMBUDSMAN TO ENHANCE THEIR ACADEMIC GROWTH AND

1 UPGRADE THEIR KNOWLEDGE AND SKILLS. SCHOLARS UNDER THIS
2 PROVISION SHALL BE SELECTED ON THE BASIS OF COMPETITIVE
3 EXAMINATION AND SUCH OTHER GUIDELINES SET BY THE OFFICE;
4

5 (4) A PROVIDENT FUND WHICH SHALL CONSIST OF
6 CONTRIBUTIONS BY THE OFFICE OF THE OMBUDSMAN AND BY ITS
7 LAWYERS AND EMPLOYEES TO A COMMON FUND WHICH MAY BE
8 USED FOR THE BENEFIT OF SUCH LAWYERS AND EMPLOYEES, AND
9 THEIR HEIRS; AND
10

11 (5) PROFESSIONAL MEMBERSHIP FEES, MANDATORY
12 CONTINUING LEGAL EDUCATION (MCLE) SERVICE FEES AND
13 RELATED MISCELLANEOUS EXPENSES OF EMPLOYEES HOLDING
14 POSITIONS FOR WHICH A PROFESSIONAL LICENSE IS REQUIRED.
15

16 SECTION 6-D. *SPECIAL ALLOWANCES*. TO CARRY OUT THE
17 OBJECTIVES OF THIS ACT AND SUPPORT THE EFFORT TO FIGHT
18 CORRUPTION, THE OMBUDSMAN, SUBJECT TO AVAILABILITY OF
19 FUNDS, IS AUTHORIZED TO GRANT SPECIAL ALLOWANCES TO
20 OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN
21 TO AUGMENT SALARIES AND BENEFITS. THE GRANT OF SPECIAL
22 ALLOWANCES SHALL BE IN SUCH AMOUNTS AS CAN BE SUPPORTED
23 BY THE FUNDING SOURCES IDENTIFIED IN THIS LAW AS WELL AS
24 FROM ITS GENERAL FUND AND SAVINGS; PROVIDED THAT SUCH
25 ALLOWANCES SHALL NOT EXCEED ONE HUNDRED PERCENT (100%)
26 OF THE BASIC SALARY OF THE OFFICIAL OR EMPLOYEE
27 CONCERNED.
28

29 SECTION 3. Section 38 of R.A. No. 6770 is hereby amended to read as
30 follows:
31

32 SEC. 38. *Fiscal Autonomy*. The Office of the Ombudsman shall enjoy fiscal
33 autonomy. Appropriations for the Office of the Ombudsman may not be reduced

1 below the amount appropriated for the previous years and, after approval, shall be
2 automatically and regularly released. **THE FUNDS NECESSARY TO SUPPORT**
3 **THE GRANT OF SPECIAL ALLOWANCES AND BENEFITS PROVIDED**
4 **HEREIN AND TO ENSURE THE EFFECTIVE IMPLEMENTATION OF**
5 **THIS ACT SHALL BE TAKEN FROM THE FOLLOWING:**
6

7 (1) **35% OF THE VALUE OR PROCEEDS OF FORFEITED**
8 **ASSETS UNDER REPUBLIC ACT NO. 1379; AND**
9

10 (2) **ALL OTHER INCOME, FEES AND REVENUES COLLECTED**
11 **BY THE OFFICE OF THE OMBUDSMAN.**
12

13 **THE OMBUDSMAN IS AUTHORIZED TO RETAIN SUCH SHARES**
14 **AS PROVIDED IN THIS SECTION AND DISBURSE SUCH FOR THE**
15 **PURPOSE OF AND IN ACCORDANCE WITH THIS ACT AS WELL AS FOR**
16 **OTHER OPERATIONAL PURPOSES INCLUDING BUT NOT LIMITED TO**
17 **CAPITAL EXPENSES, TRAININGS AND OTHER OPERATIONAL NEEDS.**
18 **THE COURT OF COMPETENT JURISDICTION SHALL INCLUDE IN ITS**
19 **DISPOSITION THE SEGREGATION OF THE OMBUDSMAN'S SHARE IN**
20 **THE FORFEITED ASSETS.**
21

22 **SECTION 4. *Rules and Regulations.***— The Ombudsman shall issue, within
23 ninety (90) days after the effectivity of this Act, the necessary rules and regulation
24 relating to the administrative aspects of the provisions of this Act.
25

26 **SECTION 5. *Separability Clause.***— If for any reason, any section or
27 provision of this Act is declared to be unconstitutional or invalid, the other sections or
28 provisions hereof which are not affected thereby shall continue to be in full force and
29 effect.
30

31 **SECTION 6. *Repealing Clause.***— All laws, decrees, orders or rules and
32 regulations, and other issuances which are inconsistent with the provisions of this Act
33 are hereby repealed, amended or modified accordingly.

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SECTION 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved.