

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



Senate
Office of the Secretary

'18 FEB 28 A11 :26

SENATE
P. S. RES. NO. 666

RECEIVED BY: _____

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE COMPLIANCE OF THE ANTI-MONEY LAUNDERING COUNCIL AND THE OFFICE OF THE OMBUDSMAN WITH THE ANTI-MONEY LAUNDERING ACT AND THE OMBUDSMAN ACT, SPECIFICALLY ON THE MATTER OF INVESTIGATING THE PLUNDER COMPLAINT FILED WITH THE OMBUDSMAN AGAINST PRESIDENT RODRIGO DUTERTE, AND SIMILAR CASES OF MONEY-LAUNDERING HIDDEN OR ILL-GOTTEN WEALTH COMMITTED BY PUBLIC OFFICIALS

WHEREAS, Article XI, Section 13.1 of the 1987 Constitution provides that the Office of the Ombudsman has the power to “[i]nvestigate on its own, or on 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”;

WHEREAS, Article XI, Section 13.5 of the 1987 Constitution provides that the Office of the Ombudsman likewise has the power to “[r]equest any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents”;

WHEREAS, Section 15 (11) of Republic Act No. 6770, otherwise known as the Ombudsman Act of 1989, provides further that the Office of the Ombudsman shall “[i]nvestigate and initiate the proper action for the recovery of ill-gotten and/or unexplained wealth amassed after February 25, 1986 and the prosecution of the parties involved therein”;

WHEREAS, Section 22 of the Ombudsman Act provides that “[t]he Office of the Ombudsman shall have the power to investigate any serious misconduct in office allegedly committed by officials removable by impeachment, for the purpose of filing a verified complaint for impeachment, if warranted”;

WHEREAS, Section 23 (3) of the Ombudsman Act provides that in any investigation, the Ombudsman “may: (a) enter and inspect the premises of any office, agency, commission or tribunal; (b) examine and have access to any book, record, file, document or paper; and (c) hold private hearings with both the complaining individual and the official concerned”;

document or paper; and (c) hold private hearings with both the complaining individual and the official concerned”;

WHEREAS, Section 32 (3) of the Ombudsman Act provides that “[i]f a person refuses to respond to the Ombudsman's or his Deputy's subpoena, or refuses to be examined, or engages in obstructive conduct, the Ombudsman or his Deputy shall issue an order directing the person to appear before him to show cause why he should not be punished for contempt”;

WHEREAS, Section 33 of the Ombudsman Act provides that “[a]ny officer or employee of any department, bureau or office, subdivision, agency or instrumentality of the Government, including government-owned or controlled corporations and local governments, when required by the Ombudsman, his Deputy or the Special Prosecutor shall render assistance to the Office of the Ombudsman”;

WHEREAS, Section 7 (5) of RA 9160, or the Anti-Money Laundering Act of 2001, as amended, provides that the Anti-Money Laundering Council is mandated “to investigate suspicious transactions and covered transactions deemed suspicious after an investigation by AMLC, money laundering activities and other violations” of RA 9160, as amended;

WHEREAS, Section 7 (10) of the Anti-Money Laundering Act of 2001, as amended, provides that the Anti-Money Laundering Council is further mandated “to enlist the assistance of any branch, department, bureau, office, agency, or instrumentality of the government, including government-owned and -controlled corporations, in undertaking any and all anti-money laundering operations, which may include the use of its personnel, facilities and resources for the more resolute prevention, detection, and investigation of money laundering offenses and prosecution of offenders”;

WHEREAS, Section 7 (4) of the Anti-Money Laundering Act of 2001, as amended, provides that the Anti-Money Laundering Council is further mandated “to cause the filing of complaints with the Department of Justice or the Ombudsman for the prosecution of money laundering offenses”;

WHEREAS, on May 5, 2016, Senator Antonio Trillanes IV filed a plunder complaint against then presidential candidate Rodrigo Duterte with the Ombudsman over certain transactions made by Duterte and his daughter Sara in their accounts with the Bank of the Philippine Islands;

WHEREAS, in January 2017, Julia Bacay-Abad resigned as Executive Director of the AMLC, following President Duterte’s attacks on the AMLC and its officials, and was replaced by Mel Georgie Racela;

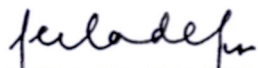
WHEREAS, on September 27, 2017, Overall Deputy Ombudsman Arthur Carandang confirmed that as a result of the plunder complaint filed against President Duterte by Sen. Trillanes, the Ombudsman acquired Duterte’s bank records from the AMLC which “more or less” looked like the documents submitted by Sen. Trillanes, and that they contain “entries, presentations, sources, transaction dates, amounts, and family members' names”;

WHEREAS, on January 29, 2018, the Office of the President suspended Deputy Ombudsman Arthur Carandang for allegedly divulging information on the Ombudsman investigation involving the President's bank records, despite a Supreme Court decision declaring as null and void the provision of the Ombudsman Act that gave the President disciplinary powers over the Deputy Ombudsman;

WHEREAS, on February 15, 2018, the Ombudsman issued a statement confirming that "the fact-finding or field investigation on the complaints filed against the President (Duterte) was closed and terminated on 29 November 2017 after the Anti-Money Laundering Council declined to provide a report or confirmation on the requested vital data";

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the compliance of the AMLC and the Ombudsman with the Anti-Money Laundering Act and the Ombudsman Act on the matter of investigating the plunder complaint filed against President Rodrigo Duterte, and similar cases of money-laundering hidden or ill-gotten wealth by public officials, with the end in view of recommending further legislative measures on the mandatory and compulsory nature of the investigation of said cases, further strengthening the contempt powers of the Ombudsman over government officials mandated to assist it in said investigations, including the AMLC, and increasing penalties for the obstruction of Ombudsman and AMLC investigations on money-laundering activities and ill-gotten wealth of public officials.

Adopted,


LEILA M. DE LIMA