

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Office of the Secretary
19 JUL 15 A10 :55

SENATE
S.B. No. 490

RECEIVED



Introduced by **SENATOR VICENTE C. SOTTO III**

AN ACT
AMENDING SECTION 13 OF THE REPUBLIC ACT NO. 3019, AS
AMENDED, ENTITLED THE "ANTI-GRAFT AND CORRUPT PRACTICES
ACT"

EXPLANTORY NOTE

Republic Act No. 3019 was enacted in 1960 with the laudable intent of breathing life into the time-honored principle that a public office is a public trust. It penalized certain acts committed by public officers and private individuals in order to curb corrupt practices and graft in corruption. Almost six (6) decades had passed since its passage, thus the prevailing conditions then might be different from now. Therefore, amendment thereto is now being sought.

This bill seeks to amend Section 13 of RA 3019 by providing an exception to the imposition of preventive suspension against public officers. Said exception shall be applicable to incumbent public officers who are no longer connected with the office wherein the offense charged was committed. As preventive suspension is imposed to prevent an accused from influencing potential witnesses or tampering with records, the change in the

circumstances of the public officer being charged effectively removes the aforesaid threat, thus defeating the very spirit and intent of the law. In order to correct such ambiguity, this measure is introduced.

In view of the foregoing, the passage of this bill is earnestly sought.


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

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

3 "SEC. 13. ***Suspension and Loss of Benefits.***—Any incumbent
4 public officer against whom any criminal prosecution under a valid
5 information under this Act or under Title Seven Book II of the Revised
6 Penal Code or for any offense involving fraud upon government of public
7 funds of property whether as a simple or as complex offense and in
8 whatever as a simple or as complex offense and in whatever stage of
9 execution and mode of participation, is pending in court shall be
10 suspended from office [.] **PROVIDED, THAT IN CASE SUCH**
11 **INCUMBENT PUBLIC OFFICER IS NO LONGER CONNECTED WITH**
12 **THE OFFICE WHEREIN THE OFFENSE CHARGED WAS**
13 **COMMITTED, THE PREVENTIVE SUSPENSION ORDER SHALL NO**
14 **LONGER BE IMPLEMENTED.**

1 Should [he] THE INCUMBENT PUBLIC OFFICER be convicted by
2 final judgment, he shall lose all retirement of gratuity benefits under
3 any law, but if he acquitted, he shall be entitled to reinstatement and
4 to the salaries and benefits which he failed to receive during
5 suspension, unless in the meantime administrative proceedings have
6 been filed against him.

7 In the event that such convicted officer, who may have been
8 separated from the service has already received such benefits he shall
9 be liable to retribute the same to the government.”

10 **SECTION 2.** This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,