

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



**SENATE**

'19 JUL 18 P1:33

**S. B. NO. 614**

RECEIVED



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Introduced by **SENATOR JOEL VILLANUEVA**

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**AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379,  
OTHERWISE KNOWN AS "AN ACT DECLARING FORFEITURE  
IN FAVOR OF THE STATE ANY PROPERTY FOUND TO HAVE  
BEEN UNLAWFULLY ACQUIRED BY ANY PUBLIC OFFICER  
OR EMPLOYEE AND PROVIDING FOR THE PROCEEDINGS  
THEREFOR" AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The concept of the Ombudsman originated as a revolutionary innovation in Sweden. It was established as a watchdog that policed the government as a whole and had the power to decide and pursue the prosecution of civil servants. Due to its success, the Ombudsman model was adopted all over the world. In fact, some of the most developed countries or autonomous regions in the world have credited the Ombudsman model as one of the keys to its political success. In Sweden, the Parliamentary Ombudsman has been in the forefront of investigating over 5,000 complaints against government officials every year.

In the Philippines, the framers of the 1987 Constitution decided to adopt the model in the Philippines. However, while our Constitution has recognized the importance of an Ombudsman, the upsetting reality is that this vital institution has been long underfunded.

As the premier state anti-graft agency handling more than 10,000 cases a year, the Office of the Ombudsman should have adequate and alternative sources of funding, without relying so much on an overstretched national budget.

This bill seeks to give additional funding to the Office of the Ombudsman, and thus, further empower it to perform its mandate, by mandating that 30% of

the property forfeited by the government pursuant to Republic Act No. 1379 be given to the Office. The bill also provides that in case the assets recovered are not in cash, these forfeited properties may be sold in a public auction, with 30% of the proceeds going to the Office of the Ombudsman and the remaining 70% will revert to the national treasury.

Indeed, corruption in the public service will significantly be reduced if the appropriate agencies, such as the Office of the Ombudsman, are armed with the necessary means to perform their respective mandates in fighting graft and corruption in the government.

The immediate passage of this bill is earnestly sought.

  
SENATOR JOEL VILLANUEVA

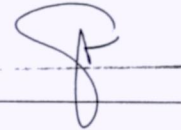


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EMPLOYEE AND PROVIDING FOR THE PROCEEDINGS  
THEREFOR" AND FOR OTHER PURPOSES**

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

1   **SECTION 1.** Section 6 of Republic Act No. 1379 is hereby amended to read  
2   as follows:

3  
4       "Section 6. Judgment. If the respondent is unable to show to  
5       the satisfaction of the court that he has lawfully acquired the  
6       property in question, then the court shall declare such  
7       property, forfeited in favor of the State, and by virtue of such  
8       judgment the property aforesaid shall become property of the  
9       State: Provided, That THIRTY PERCENT (30%) OF THE  
10      VALUE OF SUCH PROPERTY FORFEITED IN A FINAL AND  
11      EXECUTORY ORDER OF THE COURT SHALL BE  
12      EARMARKED AS ADDITIONAL FUNDING IN FAVOR OF  
13      THE OFFICE OF THE OMBUDSMAN; PROVIDED,  
14      FURTHER, THAT IF THE PROPERTY IS NOT IN CASH, THE  
15      PROPERTY SHALL BE SOLD AT A PUBLIC AUCTION AND  
16      THE PROCEEDS THEREOF, AFTER DEDUCTING THE  
17      THIRTY PERCENT (30%) SHARE OF THE OFFICE OF THE  
18      OMBUDSMAN AS PROVIDED HEREIN, SHALL ACCRUE TO  
19      THE GENERAL FUND. No judgment shall be rendered within  
20      six months before any general election or within three months  
21      before any special election. The Court may, in addition, refer

1 this case to the corresponding Executive Department for  
2 administrative or criminal action, or both."  
3

4 **SEC. 2. Implementing Rules and Regulations.** – Within sixty (60) days from  
5 the implementation of this Act, the Office of the Ombudsman, in consultation  
6 with relevant stakeholders and other concerned government agencies, shall  
7 issue the rules and regulations for the effective implementation of this Act.  
8

9 **SEC. 3. Separability Clause.** – Any portion or provisions of this Act that may  
10 be declared unconstitutional or invalid shall not have the effect of nullifying  
11 other portions and provisions hereof as long as such remaining portions or  
12 provisions can still subsist and be given effect in their entirety.  
13

14 **SEC. 4. Repealing Clause** – All laws, decrees, executive orders,  
15 proclamations and administrative regulations, or any parts thereof inconsistent  
16 herewith are hereby revoked, repealed or modified accordingly.  
17

18 **SEC. 5. Effectivity Clause** – This Act shall take effect fifteen (15) days after  
19 its publication in at least two (2) national papers of general circulation.

20 **Approved,**