

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

7 JUN 30 P 4:40

SENATE

RECEIVED BY: 

S. No. 256

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INTRODUCED BY HONORABLE MAR ROXAS

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EXPLANATORY NOTE

Thirty years ago, Hong Kong was considered as one of the most corrupt countries in Asia. It is now perceived as among the least corrupt countries Asia. On the other hand, the Philippines is now perceived as one of the most corrupt, in the world.

World Bank studies conclude that the most important factor in the Hong Kong experience was the establishment of the Independent Commission Against Corruption (ICAC) in 1974. In comparison to the budget allocated to ICAC, the budget of the Office of the Ombudsman and other support anti-graft agencies pales.

The Office of the Ombudsman is hindered to fulfill its mandate of combating corruption due to funding and resource limitations. Furthermore, with the disposition of cases going at a snail's pace, corruption continues to go unhampered leading to massive losses in government revenue which remain unaccounted for.

This bill intends to aid the Office of the Ombudsman in the fulfillment of its mandate by augmenting the financial resources of the Ombudsman. It seeks to provide more funding to the Ombudsman by giving it a share in any property forfeited in favor of the State under Republic Act No. 1379, otherwise known as the Forfeiture Law.

It will provide a mechanism wherein 10% of the value of forfeited assets shall be used as funding for the Ombudsman that will assist the continued progress of cases. The percentage method will also ensure that the additional funding to the Ombudsman shall not lead to a loss for the government. It is hoped that with these extra funds the Ombudsman will be able to effectively perform its mandate.

The delivery of justice to our people, especially when the hard-earned money they pay for taxes is being misused by unscrupulous officials, can only be achieved when we arm the appropriate government agencies with the resources for this.


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

  
M A R ROXAS  
Senator

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AN ACT

TO PROVIDE A PERCENTAGE OF THE VALUE OF FORFEITED PROPERTIES DERIVED FROM ANTI-CORRUPTION CASES PROSECUTED BY THE OMBUDSMAN TO BE EARMARKED FOR THE OFFICE OF THE OMBUDSMAN AMENDING FOR THIS PURPOSE SECTION 6 OF REPUBLIC ACT NO. 1379 OTHERWISE KNOWN AS THE FORFEITURE LAW.

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

1           SECTION 1. Sec. 6 of Republic Act No. 1379 is hereby amended to read as follows:  
2                   "Sec. 6. Judgment. - If the respondent is unable to show to the  
3                   satisfaction of the court that he has lawfully acquired the property in question,  
4                   then the court shall declare such property in question forfeited in favor of the  
5                   State, and by virtue of such judgment the property aforesaid shall become  
6                   property of the State: PROVIDED, THAT TEN PERCENT (10%) OF THE  
7                   VALUE OF SUCH PROPERTY FORFEITED IN FAVOR OF THE STATE  
8                   SHALL BE EARMARKED AS ADDITIONAL FUNDING IN FAVOR OF THE  
9                   OFFICE OF THE OMBUDSMAN; PROVIDED, FURTHER, THAT IF THE  
10                  PROPERTY IS NOT IN CASH IT SHALL BE SOLD AT PUBLIC AUCTION  
11                  AND THE PROCEEDS THEREFORE, AFTER DEDUCTING THE 10% FOR  
12                  THE OFFICE OF THE OMBUDSMAN, SHALL ACCRUE TO THE GENERAL  
13                  FUND. No judgment shall be rendered within six months before any general  
14                  election or within three months before any special election. The Court may, in

1 addition, refer this case to the corresponding executive department for  
2 administrative or criminal action, or both.

3 **SEC. 2. *Separability Clause.*** - Any portion or provisions of this Act that may be  
4 declared unconstitutional or invalid shall not have the effect of nullifying other portions and  
5 provisions hereof as long as such remaining portion or provision can still subsist and be given  
6 effect in their entirety.

7 **SEC. 3. *Repealing Clause.*** - All laws, decrees, executive orders, proclamations and  
8 administrative regulations, or parts or parts thereof inconsistent herewith are hereby  
9 repealed or modified accordingly.

10 **SEC. 4. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its  
11 publication in at least two (2) national papers of general circulation.

Approved,