

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

7 JUN 30 P4:40

SENATE

RECEIVED BY: S. No. 257

INTRODUCED BY HONORABLE MAR ROXAS

EXPLANATORY NOTE

The Office of the Ombudsman has been mandated by the Constitution with immense responsibilities. As the "protector of the people," it is the Ombudsman which has been granted the power to act on complaints filed in any form or manner against public officials and to investigate any act or omission when such act or omission appears to be illegal, unjust, improper, or inefficient.

Despite the immensity of the expectations and the burden placed on the Ombudsman and considering the enormity and responsibilities mandated by law, the Ombudsman does not have the necessary resources to accomplish its mandate. Because of their heavy work load and meager resources, public prosecutors are always at a disadvantage when litigating before the *Sandiganbayan* and Supreme Court. Corrupt public officials, more often than not, operate from a position of strength given their financial capability and ability to retain top-notch legal services.

There is a need to neutralize this built-in advantage by allowing the Ombudsman to draw on the experience and expertise of private lawyers. This bill seeks to allow the Office of the Ombudsman to augment its rank of lawyers by allowing it to designate or deputize private lawyers to assist in the prosecution and investigation of cases pending before the *Sandiganbayan*. Furthermore, the participation of private prosecutors will be on a *pro bono* basis, and only incidental and necessary expenses are to be paid by the Ombudsman.

In coming up with a strong prosecution panel to represent the government in graft cases, the Office of the Ombudsman must not be limited to assistance from those in public service. By including private lawyers among those who can serve as prosecutors of the Ombudsman, the government is better equipped in its battle against perpetrators of corruption.

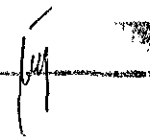
In view of the foregoing, the immediate enactment of this measure is earnestly requested.



MAR ROXAS
Senator

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AN ACT
ALLOWING PRIVATE PROSECUTORS TO ASSIST THE OFFICE OF THE OMBUDSMAN
IN THE INVESTIGATION AND PROSECUTION OF CASES, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 6770 OTHERWISE KNOWN AS THE "OMBUDSMAN
ACT OF 1989"

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

1 SECTION 1. Section 31 of Republic Act No. 6770 is hereby amended to read as
2 follows:

3 "SECTION 31. *Designation of Investigators and Prosecutors.* The Ombudsman
4 may utilize the personnel of his office and or *designate or deputize any fiscal, state*
5 *prosecutor or lawyer in the government service OR ANY PRIVATE LAWYER* to act
6 as special investigator or prosecutor to assist in the investigation and prosecution of
7 cases. Those designated and deputized by him herein shall be under his supervision
8 and control.

9 "The Ombudsman and his investigators and prosecutors, whether regular
10 members of his staff or designated by him as herein provided, shall have the authority
11 to administer oaths, to issues *subpoena* and *subpoena duces tecum*, to summon and
12 compel witnesses to appear and testify under oath before them and/or bring books,
13 documents and other things under their control, and to secure the attendance or
14 presence of any absent or recalcitrant witness through application before the

1 Sandiganbayan or before any inferior or superior court having jurisdiction of the
2 place where the witness or evidence is found.”

3 SEC. 2. New Sections, to be numbered as Sections 31-A and 31-B, shall be inserted
4 after Section 31 of Republic Act No. 6770, to read as follows:

5 “SEC. 31-A *PRIVATE LAWYERS*. FOR PURPOSES OF THIS ACT, THE
6 TERM PRIVATE LAWYER SHALL MEAN OR BE UNDERSTOOD AS FOLLOWS:

7 (1) ANY PERSON LEARNED IN THE LAW AS AN ATTORNEY, COUNSEL,
8 OR A PERSON LICENSED TO PRACTICE LAW, WHO HAS BEEN IN
9 THE PRACTICE FOR AT LEAST FIVE (5) YEARS;

10 (2) ANY LAWYER WHO IS NOT EMPLOYED IN ANY GOVERNMENT
11 AGENCY AND WHO IS NOT PAID OUT OF PUBLIC FUNDS;

12 “SEC. 31-B. *PRO BONO SERVICE*. THE SERVICES RENDERED BY THE
13 PRIVATE LAWYERS UNDER AND PURSUANT TO THIS ACT SHALL BE *PRO*
14 *BONO* AND THEY SHALL NOT RECEIVE ANY FORM OF COMPENSATION
15 EXCEPT FOR NECESSARY INCIDENTAL, AND REPRESENTATION EXPENSES
16 WHICH SHALL BE FOR THE ACCOUNT OF THE OMBUDSMAN”

17 SEC. 3. *Separability Clause*. If any provision of this Act is declared invalid, the
18 remainder of this Act or any provision not affected thereby shall remain in full force and
19 effect.

20 SEC. 4. *Repealing Clause*. All laws, decrees, ordinances, rules and regulations,
21 executive or administrative orders, and other presidential issuances inconsistent with this
22 Act, are hereby repealed or amended or modified accordingly.

1 **SEC. 5.** *Effectivity.* This Act shall take effect fifteen (15) days after its complete
2 publication in at least two (2) newspapers of general circulation or the Official Gazette,
3 whichever comes first.

Approved.