

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

SENATE  
S. No. 1841

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article II, Section 27, provides:

The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.

Given the delicate and sensitive nature of their functions, prosecutors should serve the public with utmost responsibility, integrity and honesty, upholding public interest over their personal interest at all times. They should conduct themselves always beyond reproach, circumscribed with the heavy burden of responsibility, to free them from any suspicion that may undermine the judicious disposition of justice.

Hence, this bill seeks to establish ethical standards for prosecutors in order to provide guidelines in the conduct of their office and prescribe penalties for their violation.\*

  
MIRIAM DEFENSOR SANTIAGO  
/s/

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\* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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RECEIVED  
*[Signature]*

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1 AN ACT  
2 ESTABLISHING ETHICAL STANDARDS FOR PROSECUTORS

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Prosecutor Ethics Act of  
6 2007.”

7 SECTION 2. *Ethical standards for prosecutors.* –

8 (A) *Prosecutor Defined.* – In this section, the term “prosecutor” means an attorney  
9 employed by the Department of Justice who is directly engaged in the prosecution of violations  
10 of civil or criminal law.

11 (B) *Prohibited Conduct for Department of Justice Employees.* – The Secretary of Justice  
12 shall establish by rule that it shall be punishable conduct for any officer or employee of the  
13 Department of Justice, in the discharge of this or her official duties, intentionally to –

14 (1) Seek the indictment of any person in the absence of a reasonable belief of  
15 probable cause, as defined by applicable laws;

16 (2) Mislead a court as to the guilt of any person by knowingly making a false  
17 statement of a material fact or law;

18 (3) Offer evidence known to be false;

19 (4) Attempt to corruptly influence or color a witness’ testimony with the intent to  
20 encourage untruthful testimony;

21 (5) Violate a defendant’s right to discovery under the Rules of Court;

22 (6) Offer or provide sexual activities to any government witness or potential  
23 witness in exchange for or on account of his or her testimony; or

1 (7) Improperly disseminate confidential, non-public information to any person  
2 during an investigation or trial.

3 (C) *Penalties.* – The Secretary of Justice shall establish a range of penalties for engaging  
4 in conduct prohibited under paragraph (A), which shall include –

5 (1) Reprimand;

6 (2) Demotion;

7 (3) Dismissal;

8 (4) Suspension from employment;

9 (5) Referral of ethical charges to the bar; and

10 (6) Referral of evidence related to the conduct, if appropriate, to the court for  
11 possible criminal prosecution.

12 (D) *Substantive Rights.* – Nothing in this paragraph (A) may be construed to –

13 (1) Establish any substantive right on behalf of a criminal defendant, civil litigant,  
14 target or subject of an investigation, witness, counsel for a represented party or parties, or  
15 any other person; or

16 (2) Provide a basis for dismissing any criminal or civil charge or proceeding  
17 against any person in any court; or excluding relevant evidence in any proceeding in any  
18 court.

19 SECTION 3. *Commission on Prosecutorial Conduct.* –

20 (A) *Establishment and Functions of Commission.* –

21 (1) *Establishment.* – There is established a Commission on Prosecutorial  
22 Conduct, hereafter referred to as the “Commission”.

23 (2) *Functions.* – The functions of the Commission shall be to –

24 (a) Conduct a review regarding whether there are specific duties related to  
25 investigation and prosecution of violations of law which are  
26 incompatible with the regulation of the conduct of prosecutors by any  
27 law or rule governing ethical conduct of attorneys; and the procedures

1 utilized by the Department of Justice to investigate and punish  
2 inappropriate conduct by prosecutors; and

3 (b) Not later than twelve (12) months after the date on which the members  
4 of the Commission are appointed, submit to the Secretary of Justice a  
5 report concerning the review under subparagraph (b), including any  
6 recommendations of the Commission relating to the matters reviewed  
7 under said subparagraph.

8 (3) *Consultation.* – In carrying out subparagraph (2), the Commission shall  
9 consult with the Secretary of Justice, the Chairmen and Ranking Members of the  
10 Committees on Justice of the House of Representatives and the Senate, the Integrated Bar  
11 of the Philippines, and other organizations of attorneys, and law enforcement agencies.

12 (B) *Membership.* –

13 (1) *In General.* – The Commission shall be composed of seven (7) members, each  
14 of whom shall be –

15 (a) Appointed by the Secretary of Justice, after consultation with the  
16 Judiciary, Chairmen and Ranking Members of the Committees on  
17 Justice of the House of Representatives and the Senate, and  
18 representatives of judges, prosecutors, defense attorneys, law  
19 enforcement officials, victims of crime, and others interested in the  
20 criminal justice process; and

21 (b) A lawyer engaged in the practice of law for at least five (5) years.

22 (2) *Appointment.* – The members of the Commission shall be appointed not later  
23 than thirty (30) days after the date of enactment of this Act.

24 (3) *Vacancy.* – Any vacancy in the Commission shall be filled in the same manner  
25 as the original appointment.

26 (4) *Chairperson.* – The Commission shall elect a chairperson and vice chairperson  
27 from among its members.

28 (5) *Quorum.* – Four (4) members of the Commission shall constitute a quorum,  
29 but two (2) members may conduct hearings.

1           (C) *Compensation.* – Members of the Commission shall receive no compensation for  
2 their services, but shall be reimbursed for travel, subsistence, and other necessary expenses  
3 incurred in the performance of duties vested in the Commission, in accordance with applicable  
4 civil service laws and other related laws.

5           (D) *Personnel.* –

6                 (1) *Executive Director.* – The Commission may appoint an Executive Director,  
7 who shall receive compensation at a rate not exceeding the rate prescribed for Director I  
8 level.

9                 (2) *Staff.* – The Executive Director, with the approval of the Commission, may  
10 appoint and fix the compensation of such additional personnel as the Executive Director  
11 determines to be necessary, subject to applicable civil service regulations, without regard  
12 to the provisions, governing appointments in the competitive service. Compensation  
13 under this subparagraph shall not exceed the annual maximum rate of basic pay for a  
14 position above grade 20.

15                 (3) *Experts and Consultants.* – The Executive Director may procure personal  
16 services of experts and consultants as authorized by law.

17           (E) *Information.* – The Commission may request from any department, agency, or  
18 independent instrumentality of the government any information and assistance the Commission  
19 determines to be necessary to carry out its functions under this subsection. Each such  
20 department, agency, and independent instrumentality is authorized to provide such information  
21 and assistance to the extent permitted by law when requested by the chairperson of the  
22 Commission.

23           (F) *Report of the Secretary of Justice.* – Not later than sixty (60) days after the date of  
24 enactment of this Act, the Secretary shall submit a report to the Commission, which shall, with  
25 respect to the three (3) year period preceding the date on which the report is submitted under this  
26 paragraph –

27                 (1) Include the number, type and disposition of all investigations conducted or  
28 supervised by the Department of Justice;

1           (2) Include a summary of the findings of each investigation in which the  
2 Department of Justice found that an officer or employee of the Department of Justice is  
3 engaged in willful misconduct; and

4           (3) Be confidential and not disclose information that would interfere with any  
5 pending investigation or improperly infringe upon the privacy rights of any individual.

6           (G) *Termination.* – The Commission shall terminate ninety (90) days after the date on  
7 which the Commission submits the report under paragraph (A)(2)(b).

8           (H) *Authorization of Appropriations.* – There is authorized to be appropriated to the  
9 Commission such sums as may be necessary to carry out this subsection. Amounts made  
10 available under this paragraph shall remain available until expended.

11           SECTION 4. *Separability Clause.* – If any provision or part hereof, is held invalid or  
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
13 valid and subsisting.

14           SECTION 5. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
15 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
16 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

17           SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
18 publication in at least two (2) newspapers of general circulation.

19           Approved,