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SENATE

S. NO. 249

Introduced by Senator Antonio "Sonny" F. Trillanes IV

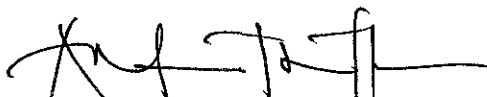
EXPLANATORY NOTE

Article VIII, Section 3 of the 1987 Constitution articulates that a member of the Judiciary must be a person of proven competence, integrity, probity, and independence. Furthermore, Article II Section 27 of the same provides that the State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption. However, recent surveys show the growing salience of members of the judiciary who circumvent the aforementioned law, thus, compromising the integrity and reputation of the country's judicial system.

The Transparency International (TI) ranked the country's judiciary as among the most corrupt in the world, on a par with low income countries such as Bangladesh, Laos, Cambodia and Nepal, among others. TI notes that in 2005, more than 800,000 cases were pending in the Philippines. It puts forward that faulty accountability system and lack of transparency are among the persistent problems in these systems. The recent controversy surrounding the Court of Appeals further eroded what is left of our justice system's smeared reputation. Allegations of bribery, graft, and other external influences plague the system. There is therefore an exigency for the government to swiftly pursue appropriate judicial reforms, and mete out appropriate penalties against erring magistrates. "A perception of corruption within the judiciary undermines its ability to enforce and maintain the legitimacy of the rule of law, which subsequently undermines the stability and effectiveness of the government and prevents economic development of the State."¹

In this light, this measure seeks to establish mechanisms for the detection and prevention of (1) inappropriate judicial conduct, (2) illegal activity, (3) actions that undermine the judicial machinery, and (4) violations of the Code of Ethics. This measure shall create an Office of the Inspector General and shall require the Office to: (1) conduct investigations of alleged misconduct in the Judicial branch; (2) conduct and supervise audits and investigations; and (3) prevent and detect waste, fraud, and abuse. The bill shall also provide for whistleblower protection. It is hoped that this measure will finally put a halt to judicial abuses that prevent our legal machinery from working in its proper course.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Information retrieved from: http://209.85.175.132/custom?q=cache:q7BvOLfz6-UJ:etd.gsu.edu/theses/available/etd-04202005-151027/unrestricted/barrett_kathleen_r_200505_mast.pdf+philippine+judicial+system+corrupt+courts&hl=en&ct=c&lnk&cd=3&client=pub-8993703457585266, Retrieved on 11 March 2009.

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SENATE

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S. NO. 249

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
TO ENHANCE TRANSPARENCY AND ETHICS IN THE JUDICIARY BY
ESTABLISHING AN OFFICE OF INSPECTOR GENERAL FOR THE JUDICIAL
BRANCH, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “*Judicial Transparency and*
2 *Ethics Enhancement Act.*”

3
4 **SEC. 2. *Establishment.*** – There is established for the judicial branch of the government
5 the Office of Inspector General for the Judicial Branch (hereinafter referred to as the “Office”).

6
7 **SEC. 3. *Appointment, Term, and Removal of Inspector General.*** –

8 a. *Appointment* – The head of the Office shall be the Inspector General, who shall be
9 appointed by the Chief Justice.

10 b. *Term* – The Inspector General shall serve for a term of four (4) years and may be
11 reappointed by the Chief Justice for any number of additional terms.

12 c. *Removal* – The Inspector General may be removed from office by the Chief
13 Justice. The Chief Justice shall communicate the reasons for any such removal to both Houses of
14 Congress

1 **SEC. 4. Duties.** – With respect to the judicial branch, the Office shall –

2 (1) conduct investigations of alleged misconduct in the judicial branch (other than the
3 Supreme Court), that may require oversight or other action within the judicial branch or by
4 Congress;

5 (2) conduct investigations of alleged misconduct in the Supreme Court, that may require
6 oversight or other action within the judicial branch or by Congress;

7 (3) *conduct and supervise audits and investigations;*

8 (4) prevent and detect waste, fraud, and abuse; and

9 (5) recommend changes in laws or regulations governing the judicial branch.

10
11 **SEC. 5. Powers and Limitations.** –

12 (a) Powers- In carrying out the duties of the Office, the Inspector General shall have the
13 power to –

14 (1) make investigations and reports;

15 (2) obtain information or assistance from any national or local governmental agency,
16 or other entity, or unit thereof, including all information kept in the course of business by
17 the Judicial and Bar Council, and the Integrated Bar of the Philippines;

18 (3) require, by subpoena or otherwise, the attendance and testimony of such
19 witnesses, and the production of such books, records, correspondence memoranda,
20 papers, and documents, which subpoena, in the case of contumacy or refusal to obey,
21 shall be enforceable by civil action;

22 (4) administer to or take from any person an oath, affirmation, or affidavit;

23 (5) employ such officers and employees, governing appointments in the competitive
24 service;

25 (6) the extent and in such amounts as may be provided in advance by appropriations
26 Acts, to enter into contracts and other arrangements for audits, studies, analyses, and
27 other services with public agencies and with private persons, and to make such payments
28 as may be necessary to carry out the duties of the Office.

29 (b) Limitations – The Inspector General shall not have the authority to –

1 (1) investigate or review any matter that is directly related to the merits of a decision
2 or procedural ruling by any judge, justice, or court; or

3 (2) punish or discipline any judge, justice, or court.

4 **SEC. 6. Reports.** –

5 (a) When to be Made – The Inspector General shall –

6 (1) make an annual report to the Chief Justice and to Congress relating to the
7 activities of the Office; and

8 (2) make prompt reports to the Chief Justice and to Congress on matters that may
9 require action by the Chief Justice or Congress.

10 (b) Sensitive Matter – If a report contains sensitive matter, the Inspector General may so
11 indicate and Congress may receive that report in closed session.

12 (c) Duty To Inform Attorney General – In carrying out the duties of the Office, the
13 Inspector General shall report expeditiously to the Attorney General whenever the Inspector
14 General has reasonable grounds to believe there has been a violation of Federal criminal law.

15
16 **SEC. 7. Whistleblower Protection.** – (a) In General- No officer, employee, agent,
17 contractor or subcontractor in the judicial branch may discharge, demote, threaten, suspend,
18 harass or in any other manner discriminate against an employee in the terms and conditions of
19 employment because of any lawful act done by the employee to provide information, cause
20 information to be provided, or otherwise assist in an investigation regarding any possible
21 violation of law or regulation, or misconduct, by a judge, justice, or any other employee in the
22 judicial branch, which may assist the Inspector General in the performance of duties under this
23 chapter.

24 (b) Civil Action- An employee injured by a violation of subsection (a) may, in a civil
25 action, obtain appropriate relief.

26
27 **SEC. 8. Separability Clause.** – If any provision or part hereof is held invalid or
28 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
29 valid and subsisting.

1 **SEC. 9. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order,
2 letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the
3 provisions of this Act, is hereby repealed, modified, or amended accordingly.

4
5 **SEC. 10. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
6 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
7 circulation.

Approved,