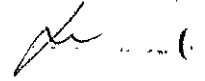


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

8 SEP 15

SENATE
S. No. 2616

RECEIVED



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Our Constitution in Article 11, Section 1 provides:

Sec. 1. Public Office is a public trust. Public Officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice and lead modest lives.

However, many public officials use their powers to influence the appointment of persons to government posts through the exercise called "political recommendations." The applicants for these government positions, in their effort to make use of this culture, themselves solicit these political recommendations in order to ensure favorable actions. This perpetuates the "padrino system" which allows the appointment of unqualified individual to government positions over those who are really qualified based on their merits.

By enacting a law that punishes the acts of making and soliciting political recommendations, we would be able to strengthen our bureaucracy by granting the appointing agencies their rightful discretion over their employee activities, which include appointment, promotion, assignment, transfer or designation, interim or otherwise, and making sure that such decisions are made without undue political influence.

This bill seeks to punish the persons making and soliciting political recommendations.

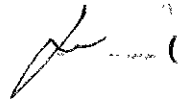

MIRIAM DEFENSOR SANTIAGO

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

8 SEP 19 1975

SENATE
S. No. 2616

RECEIVED



Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO PROHIBIT THE USE, SOLICITATION AND OFFER OF RECOMMENDATIONS FOR
3 PURPOSES OF APPOINTMENT, PROMOTION, ASSIGNMENT, TRANSFER, OR
4 DESIGNATION, INTERIM OR OTHERWISE, OF PUBLIC OFFICER OR EMPLOYEE

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

7 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Political
8 Recommendations Act.”

9 SECTION 2. *Definitions.* – In this Act, the term--

10 A. Government- includes the national government, the local governments, the
11 government-owned and government-controlled corporations, and all other
12 instrumentalities or agencies of the Republic of the Philippines and their branches.

13 B. Public Officer or Employee- includes elective and appointive officials and
14 employees, permanent or temporary, whether in the classified or unclassified or
15 exempt service, whether or not receiving compensation from the government as
16 defined in the preceding subparagraph.

17 C. Appointing Agency- means the agency who exercises the power to appoint, promote,
18 transfer or designate, interim or otherwise, over the public officer or employee.

19 SECTION 3. *Prohibition of Appointment Based on Political Recommendation.* – Except
20 as provided in Section 7 of this Act, each appointment, promotion, assignment, transfer, or
21 designation, interim or otherwise, of an public officer or employee shall be made without regard
22 to any recommendation or statement, oral or written, with respect to any person who requests or

1 is under consideration for such appointment, promotion, assignment, transfer, or designation,
2 made by –

- 3 A. any Member of the Senate or House of Representatives
- 4 B. any official of the national or local government;
- 5 C. any member of the Judiciary;
- 6 D. any official of a political party; and
- 7 E. any other individual or organization.

8 SECTION 4. *Prohibition from Issuing Recommendation.* – Except as provided in Section
9 7 of this Act, a person or organization referred to in paragraphs (A), (B), (C), or (D) of Section 3
10 is prohibited from making or transmitting to any other public officer or employee, any
11 recommendation or statement, oral or written, with respect to any person who requests or is
12 under consideration for any such appointment, promotion, assignment, transfer, or designation.

13 SECTION 5. *Prohibition on Solicitation of Recommendation.* – . Any person, subject to
14 Section 7 of this Act -

- 15 A. shall not solicit, request, consider, or accept any such recommendation or statement;
16 and;
- 17 B. shall return any such written recommendation or statement received by him,
18 appropriately marked as in violation of this section, to the person or organization
19 making or transmitting the same.

20 SECTION 6. *Notice of Prohibition.* – Each employment form used in connection with
21 any such appointment, promotion, assignment, transfer, or designation shall contain appropriate
22 language in boldface type informing all persons concerned of the provisions of this Act.

23 During the time any such appointment, promotion, assignment, transfer, or designation is
24 under consideration, appropriate notice of the provisions of this section printed in boldface type
25 shall be posted in the post office concerned.

26 SECTION 7. *Exceptions.* – Any appointing agency may solicit, accept, and consider, and
27 any other individual or organization may furnish or transmit to the appointing agency any

1 statement with respect to a person who requests or is under consideration for such appointment,
2 promotion, assignment, transfer, or designation, if -

3 A. the statement is furnished pursuant to a request or requirement of the appointing
4 agency and consists solely of an evaluation of the work performance, ability, aptitude,
5 and general qualifications of such person;

6 B. the statement relates solely to the character and residence of such person;

7 C. the statement is furnished pursuant to a request made by the appointing agency solely
8 in order to determine whether such person meets the loyalty, suitability, and character
9 requirements for employment with the Government; or

10 D. the statement is furnished by a former employer of such person pursuant to a request
11 of the appointing agency, and consists solely of an evaluation of the work
12 performance, ability, aptitude, and general qualifications of such person during his
13 employment with such former employer.

14 SECTION 8. *Penalties for Violations.* -- Any person in violation of any of the provisions
15 of this Act shall be punished by a fine of not less than one hundred pesos nor more than one
16 thousand pesos, or by imprisonment not exceeding one year, or by both such fine and
17 imprisonment, at the discretion of the Court. The violation of said section proven in a proper
18 administrative proceeding shall be sufficient cause for removal or dismissal of a public officer,
19 even if no criminal prosecution is instituted against him.

20 SECTION 9. *Competent Court.* -- Until otherwise provided by law, all prosecutions under
21 this Act shall be within the original jurisdiction of the proper Regional Trial Court.

22 SECTION 10. *Separability Clause.* -- If any provision or part hereof, is held invalid or
23 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
24 valid and subsisting.

1 SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent
3 with the provision of this Act is hereby repealed, modified, or amended accordingly.

4 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,

/apm091208