

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

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SENATE
S.B. No. 1343

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to prolong the prescriptive period for the filing of graft and corruption cases by amending certain provisions of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act.

In a paper submitted by then Ombudsman Simeon Marcelo entitled "Combating Corruption in the Philippines" during the 4th Regional Anti-Corruption Conference of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific in Kuala Lumpur, Malaysia, he said that the conviction rate of the Office of the Special Prosecutor (OSP) at the Sandiganbayan is a dismal 6%. Stated differently, a high-ranking government official accused of graft and corruption has a 94% chance of walking away scot-free. The reasons for these are practical ones, foremost of which is the disabling lack of personnel at the OSP and lack of training program for prosecutors to improve their skills, due to heavy caseload.

Moreover, Ombudsman Marcelo added that based on available information, Hong Kong's Independent Commission against Corruption (ICAC) has 1,326 personnel for a population of about 6.8 million and maintains eight satellite offices with 18 district offices where the public can report incidents of corruption. In comparison, the Philippines' Office of the Ombudsman has then only 1,141 staff for a population of 82 million, with only four satellite offices situated in three major cities. At ICAC, 838 field investigators are tasked exclusively with gathering evidence; this translates to a ratio of one investigator to every 8,114 citizens. In comparison, the Office of the Ombudsman's 89 investigators provides a ratio of one investigator to 921,348 Filipinos.

There is therefore a need to increase the prescriptive period for filing cases against grafters and corruptors so as not to afford them to escape criminal liability by mere technicality, i.e., prescription of offense.

This bill seeks to do that by providing that all offenses punishable under the Anti-Graft and Corrupt Practices Act shall prescribe in thirty years.

In view of the grave need to address graft and corruption in the country, immediate passage of this proposed measure is earnestly requested.


LOREN LEGARDA
Senator

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AN ACT
AMENDING SECTION 11 OF REPUBLIC ACT NO. 3019, OTHERWISE KNOWN
AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT, BY INCREASING
THE PRESCRIPTIVE PERIOD FOR ITS VIOLATION FROM TEN (10) YEARS
TO THIRTY (30) YEARS AND FOR OTHER PURPOSES

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

SECTION 1. Section 11 of the Republic Act No. 3019, otherwise known as the
Anti- Graft and Corrupt Practices Act, is hereby amended to read as follows:

"Section 11. *Prescription of offenses.* - All offenses punishable under this
Act shall prescribe in [ten] **THIRTY** years."

SEC. 2. *Repealing Clause.* - All laws, presidential decrees, executive orders,
rules and regulations which are contrary to the provision of this Act are hereby
repealed, amended and modified accordingly.

SEC. 3. *Effectivity.* - This Act shall take effect fifteen (15) days after its
publication in two (2) newspapers of general circulation.

Approved,