

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 3791

EXPLANATORY NOTE

Section 1, Article XI of the 1987 Constitution provides that 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. Although these precepts are laudable, the pervasiveness of graft and corruption remains a reality in Philippine society.

The Office of the Ombudsman is tasked to investigate on its own or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous harassment suits filed against them by disgruntled litigants. Moreover, their personal safety and the safety of their family are at constant risk due to the high-profile cases they are handling.

Furthermore, despite the enormity of their task of battling graft and corruption, the salary of Ombudsman employees is still not comparable to that of their counterparts in other government agencies and in other anti-graft and corruption bodies in the Asia-Pacific Region.

With the enactment of this bill into law, it is believed that the enhancement of the welfare of the country's graftbusters will strengthen the Office of the Ombudsman as an institution in its fight against graft and corruption.

Considering all the foregoing, approval of this bill is earnestly sought.


RUFUS B. RODRIGUEZ

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AN ACT

TO STRENGTHEN THE OFFICE OF THE OMBUDSMAN, UPGRADE EMPLOYEE SKILLS AND AUGMENT COMPENSATION AND BENEFITS, ENHANCE FISCAL AUTONOMY, APPROPRIATING FUNDS THEREFOR, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 6770, OTHERWISE KNOWN AS THE OMBUDSMAN ACT OF 1989, AND FOR OTHER PURPOSES

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

SECTION 1. Section 6 of R.A. No. 6770 is hereby amended to read as follows:

"SEC. 6. *Rank and Salary.* – The Ombudsman and his Deputies shall have the same ranks, salaries and privileges as the Chairman and members, respectively, of a Constitutional Commission. Their salaries shall not be decreased during their term of office.

~~The members of the prosecution, investigation and legal staff of the Office of the Ombudsman shall receive salaries which shall not be less than those given to comparable positions in any office in the Government.~~

THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN SHALL RECEIVE THE SAME RANK, CATEGORY, PREROGATIVE, SALARIES, ALLOWANCES, EMOLUMENTS AND OTHER PRIVILEGES, INCLUDING THE SAME RETIREMENT AND OTHER BENEFITS, AS THOSE OF A JUDGE OF A COMPARABLE LEVEL IN ACCORDANCE WITH THE FOLLOWING TABLE:

OMBUDSMAN POSITIONS	COMPARABLE POSITIONS IN JUDICIARY
Assistant Ombudsman and other permanent employees with Salary Grade 29.	Regional Trial Court Judge
GIPO IV and other permanent employees with Salary Grade 28.	Metropolitan Trial Court Judge
GIPO III and other permanent employees with Salary Grade 27.	City Trial Court Judge
GIPO II and other permanent employees with Salary Grade 26.	Municipal Circuit Trial Court Judge and Municipal Trial Court Judge

SECTION 2. Section 6 of R.A. No. 6770 is further amended by inserting Section 6-A, 6-B, 6-C and 6-D to read as follows:

"SECTION 6-A. *RETIREMENT BENEFITS.* MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN AS PRESENTED IN THE TABLE IN THE PREVIOUS SECTION, WHO HAVE RENDERED AT LEAST FIFTEEN (15) YEARS OF GOVERNMENT SERVICE, THE LAST FIVE (5) OF WHICH ARE WITH THE OFFICE OF THE OMBUDSMAN, AND HAVE REACHED THE AGE OF SIXTY-FIVE (65), SHALL BE ENTITLED TO A RETIREMENT PENSION BASED ON THE HIGHEST MONTHLY SALARY, PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES, WHICH THEY WERE RECEIVING AT THE TIME OF THEIR RETIREMENT.

THOSE WHO HAVE RENDERED SERVICE FOR THE SAME PERIOD AND WHO HAVE REACHED THE AGE OF SIXTY (60) AND OPT TO RETIRE SHOULD BE ENTITLED TO THE SAME BENEFIT.

SECTION 6-B. *CONDITIONS FOR ENTITLEMENT OF PENSION.* - TO MAINTAIN ENTITLEMENT TO THE PENSION HEREIN PROVIDED, NO OMBUDSMAN LAWYER, DURING THE TIME HE/SHE IS RECEIVING SAID PENSION, SHALL APPEAR AS COUNSEL BEFORE ANY JUDICIAL OR QUASI-JUDICIAL AGENCY IN ANY CIVIL CASE WHEREIN THE GOVERNMENT OR ANY AGENCY, SUBDIVISION, OR INSTRUMENTALITY THEREOF IS AN ADVERSE PARTY, IN ANY CRIMINAL CASE WHEREIN ANY OFFICER OR EMPLOYEE OF THE GOVERNMENT IS ACCUSED OF AN OFFENSE COMMITTED IN RELATION TO HIS/HER OFFICE, OR IN ANY ADMINISTRATIVE PROCEEDINGS TO MAINTAIN AN INTEREST ADVERSE TO THE NATIONAL OR LOCAL GOVERNMENT OR TO ANY OF ITS LEGALLY CONSTITUTED OFFICERS.

WHEN AN OMBUDSMAN LAWYER OR ADMINISTRATIVE STAFF COVERED BY AND RECEIVING ANY BENEFIT UNDER THIS ACT SHALL ASSUME AN ELECTIVE OR APPOINTIVE POSITION IN GOVERNMENT, HE/SHE SHALL NOT, UPON ASSUMPTION OF OFFICE AND DURING HIS/HER TERM OR TENURE, RECEIVE THE MONTHLY PENSION OR ANY OF THE ALLOWANCES DUE HIM/HER.

SECTION 6-C. *OTHER PERSONNEL BENEFITS AND PRIVILEGES.* THE PROVISIONS OF OTHER LAWS TO THE CONTRARY NOTWITHSTANDING, THE OFFICE OF THE OMBUDSMAN MAY PROVIDE ITS EMPLOYEES WITH THE FOLLOWING BENEFITS:

- (1) HEALTH CARE SERVICES THROUGH A HEALTH MAINTENANCE ORGANIZATION (HMO);
- (2) ACCIDENT INSURANCE POLICIES PROCURED BY THE OFFICE AT ITS OWN EXPENSE DURING TRAVELS WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AND FUNCTIONS;

- (3) SCHOLARSHIPS FOR DESERVING EMPLOYEES ON OFFICIAL TIME AND AT THE EXPENSE OF THE OFFICE OF THE OMBUDSMAN TO ENHANCE THEIR ACADEMIC GROWTH AND UPGRADE THEIR KNOWLEDGE AND SKILLS. SCHOLARS UNDER THIS PROVISION SHALL BE SELECTED ON THE BASIS OF COMPETITIVE EXAMINATION AND SUCH OTHER GUIDELINES SET BY THE OFFICE;
- (4) A PROVIDENT FUND WHICH SHALL CONSIST OF CONTRIBUTIONS BY THE OFFICE OF THE OMBUDSMAN AND BY ITS LAWYERS AND EMPLOYEES TO A COMMON FUND WHICH MAY BE USED FOR THE BENEFIT OF SUCH LAWYERS AND EMPLOYEES, AND THEIR HEIRS; AND
- (5) PROFESSIONAL MEMBERSHIP FEES, MANDATORY CONTINUING LEGAL EDUCATION (MCLE) SERVICE FEES AND RELATED MISCELLANEOUS EXPENSES OF EMPLOYEES HOLDING POSITIONS FOR WHICH A PROFESSIONAL LICENSE IS REQUIRED.

SECTION 6-D. *SPECIAL ALLOWANCES.* TO CARRY OUT THE OBJECTIVES OF THIS ACT AND SUPPORT THE EFFORT TO FIGHT CORRUPTION, THE OMBUDSMAN, SUBJECT TO AVAILABILITY OF FUNDS, IS AUTHORIZED TO GRANT SPECIAL ALLOWANCES TO OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN TO AUGMENT SALARIES AND BENEFITS. THE GRANT OF SPECIAL ALLOWANCES SHALL BE IN SUCH AMOUNTS AS CAN BE SUPPORTED BY THE FUNDING SOURCES IDENTIFIED IN THIS LAW AS WELL AS FROM ITS GENERAL FUND AND SAVINGS; PROVIDED THAT SUCH ALLOWANCES SHALL NOT EXCEED ONE HUNDRED PERCENT (100%) OF THE BASIC SALARY OF THE OFFICIAL OR EMPLOYEE CONCERNED.

SECTION 3. Section 38 of R.A. No. 6770 is hereby amended to read as follows:

SEC. 38. *Fiscal Autonomy.* The Office of the Ombudsman shall enjoy fiscal autonomy. Appropriations for the Office of the Ombudsman may not be reduced below the amount appropriated for the previous years and, after approval, shall be automatically and regularly released. THE FUNDS NECESSARY TO SUPPORT THE GRANT OF SPECIAL ALLOWANCES AND BENEFITS PROVIDED HEREIN AND TO ENSURE THE EFFECTIVE IMPLEMENTATION OF THIS ACT SHALL BE TAKEN FROM THE FOLLOWING:

- (1) 35% OF THE VALUE OR PROCEEDS OF FORFEITED ASSETS UNDER REPUBLIC ACT NO. 1379; AND
- (2) ALL OTHER INCOME, FEES AND REVENUES COLLECTED BY THE OFFICE OF THE OMBUDSMAN.

THE OMBUDSMAN IS AUTHORIZED TO RETAIN SUCH SHARES AS PROVIDED IN THIS SECTION AND DISBURSE SUCH FOR THE PURPOSE OF AND IN ACCORDANCE WITH THIS ACT AS

WELL AS FOR OTHER OPERATIONAL PURPOSES INCLUDING BUT NOT LIMITED TO CAPITAL EXPENSES, TRAININGS AND OTHER OPERATIONAL NEEDS. THE COURT OF COMPETENT JURISDICTION SHALL INCLUDE IN ITS DISPOSITION THE SEGREGATION OF THE OMBUDSMAN'S SHARE IN THE FORFEITED ASSETS.

SECTION 4. *Rules and Regulations.*— The Ombudsman shall issue, within ninety (90) days after the effectivity of this Act, the necessary rules and regulation relating to the administrative aspects of the provisions of this Act.

SECTION 5. *Separability Clause.*— If for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 6. *Repealing Clause.*— All laws, decrees, orders or rules and regulations, and other issuances which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 7. *Effectivity.*— This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,