

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

Eighteenth Congress  
First Regular Session

House Bill No. 4515



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Introduced by: Hon. Jericho Jonas B. Nograles

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**EXPLANATORY NOTE**

This bill seeks to amend Republic Act. No. 3019, also known as the "*Anti-Graft and Corrupt Practices Act*", which was enacted to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto, in line with the principle that's a public office is a public trust.

The mandate of Section 13 of the Anti-Graft and Corrupt Practices Act is that preventive suspension must be imposed upon any public officer who is charged with violation of the Anti-Graft and Corrupt Practices Act. The law imposes a preventive measure that arises from the legal presumption that unless the accused is suspended, the accused may frustrate the prosecution of commit further acts of malfeasance or do both.

This bill intends to provide an exception to the imposition of preventive suspension as provided under Section 13 of the Anti-Graft and Corrupt Practices Act. The exception is applicable to public officers who are no longer connected with the office wherein the offense charged was committed. As preventive suspension is imposed to prevent the accused public officer from frustrating or hampering his prosecution by intimidating or influencing witnesses or tampering with documentary evidence, the change in circumstances of the accused public officer effectively removes this threat, hence the proposed exception.

This proposed measure also seeks to explicitly provide that the preventive suspension shall only be for a period not exceeding ninety (90) days in consonance with the Administrative Code of 1987 and with the rule laid down by the Supreme Court on the imposition of preventive suspension against those charged with violation of the Anti-Graft and Corrupt Practices Act.

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

  
JERICHO JONAS B. NOGRALES

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**AN ACT**  
**AMENDING SECTION 13 OF REPUBLIC ACT NO. 3019, AS AMENDED, ENTITLED**  
**THE "ANTI-GRAFT AND CORRUPT PRACTICES ACT"**

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

**SECTION 1.** Section 13 of Republic Act No. 3019, as amended, is hereby further amended to read as follows:

"SECTION 13. Suspension and loss of benefits. – Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as a complex offense and in whatever stage of execution and mode of participation, is pending in court, shall be suspended from office **FOR A PERIOD NOT EXCEEDING NINETY (90) DAYS: PROVIDED, THAT IN CASE SUCH ELECTED PUBLIC OFFICER IS NO LONGER CONNECTED WITH THE OFFICE WHEREIN THE OFFENSE CHARGED WAS COMMITTED, THE PREVENTIVE SUSPENSION ORDER SHALL NO LONGER BE IMPLEMENTED.**

"Should [he] **THE INCUMBENT PUBLIC OFFICER** be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

"In the event that such convicted officer, who may have already been separated from the service, has already received such benefits, he shall be liable to restitute the same to the government."

SEC. 2. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,