

Republic of the Philippines
HOUSE OF REPRESENTATIVES
CONGRESS OF THE PHILIPPINES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1235

HOUSE OF REPRESENTATIVES

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Introduced by Honorable REYNALDO V. UMALI

EXPLANATORY NOTE

This bill seeks to ensure that the Ombudsman in the exercise of his mandate as the protector of the people is properly guided by the principles of due process as enshrined in our Constitution.

The argument that since preventive suspension is not penal in nature and, therefore, notice and hearing is dispensable should not be acceptable.

Preventive suspension entails curtailment of one's profession which will result negatively, to the least, on his social and financial aspects of life and with a great blow on one's morale. Therefore, extreme caution must be observed prior the imposition. As a safeguard thereof, one must be given a mandatory opportunity to defend himself against the impending imposition of the same.

In line of the foregoing it is thus proposed to reduce the period of suspension from six (6) months to three (3) months so as to promote the speedy resolution of the investigation being conducted against the person subject of the same. On the part of the respondent, the shortened period of suspension will be less prejudicial. Furthermore, in consonance with the principle of equity, in the event of acquittal it is but rightful to return what respondent should have received were it not for the imposition of preventive suspension.

In view thereof, early consideration and approval of this bill is earnestly sought.


REYNALDO V. UMALI

Representative
Second District, Province of Oriental Mindoro

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**AN ACT AMENDING SECTION 24 OF REPUBLIC ACT NO. 6770 OTHERWISE
KNOWN AS "THE OMBUDSMAN ACT OF 1989" TO ENSURE THAT THE
FUNDAMENTAL PRINCIPLES OF DUE PROCESS AND EQUITY ARE STRICTLY
OBSERVED BY THE OMBUDSMAN IN RELATION TO THE IMPOSITION OF
PREVENTIVE SUSPENSION**

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

Section 1: Section 24 of Republic Act No. 6770 is hereby amended as follows:

SECTION 24. PREVENTIVE SUSPENSION. – The Ombudsman or his Deputy may preventively suspend any officer or employee under his authority pending an investigation *AFTER CONDUCTING A MANDATORY HEARING WHICH WOULD DETERMINE WHETHER OR NOT THE PERSON SUBJECT OF THE INVESTIGATION IS HIGHLY PROBABLE TO INFLUENCE, INTERFERE, PREVENT OR DELAY THE INVESTIGATION;*

In the event the person subject of the investigation is preventively suspended, the preventive suspension shall continue until the case is terminated by the Office of the Ombudsman *BUT NOT MORE THAN THREE (3) MONTHS*, without pay, excluding bonuses and other similar benefits, except when the delay in the disposition of the case by the Office of the Ombudsman is due to the fault, negligence or petition of the respondent, in which case the period of such delay shall not be counted in computing the period of suspension herein provided. *HOWEVER, IN CASE OF ACQUITTAL, THE ACCUSED SHALL BE ENTITLED TO THE SALARY THAT HE SHOULD HAVE RECEIVED DURING THE PERIOD OF HIS PREVENTIVE SUSPENSION;*

SECTION 2. *Repealing Clause.* - All laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act are hereby amended, modified, superseded or repealed accordingly.

SECTION 3. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved.