

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **553**

HOUSE OF REPRESENTATIVES
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Introduced by: **REP. RAUL V. DEL MAR**

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 employee 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.



RAUL V. DEL MAR

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 553

Introduced by: **REP. RAUL V. DEL MAR**

AN ACT
TO STRENGTHEN THE OFFICE OF THE OMBUDSMAN BY ENHANCING FISCAL
AUTONOMY, UPGRADING EMPLOYEE SKILLS, AND AUGMENTING COMPENSATION,
ALLOWANCES AND BENEFITS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
6770, OTHERWISE KNOWN AS THE OMBUDSMAN ACT OF 1989, AND
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

SECTION 1. *Short Title.* This Act shall be known as "Strengthening the Office
of the Ombudsman Act".

SEC. 2. *Declaration of Policy.* The Philippines, as signatory to the United
Nations Convention Against Corruption, is obliged to implement anti-corruption
measures, through laws, institutions and practices, towards achieving national
development. As the primary anti-corruption agency of the government, the Office
of the Ombudsman is mandated to implement the provisions of the Convention.

It is hereby declared the policy of the State to strengthen the Office of the
Ombudsman by enhancing its fiscal autonomy, upgrading employee skills and

augmenting compensation, allowances, and benefits of its officials and employees in order to attract and retain the best and the brightest in the Office of the Ombudsman as an anti-corruption agency of the government for a successful investigation and prosecution of corruption cases.

SEC. 3. 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, LEGAL, CORRUPTION PREVENTION AND TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN, AS OF THE DATE OF EFFECTIVITY OF THIS ACT, SHALL RECEIVE THE SAME SALARIES, ALLOWANCES, EMOLUMENTS AND OTHER PRIVILEGES, INCLUDING THE SAME RETIREMENT AND OTHER BENEFITS, AS THOSE OF A JUSTICE OR JUDGE OF A COMPARABLE LEVEL IN ACCORDANCE WITH THE FOLLOWING TABLE:

OMBUDSMAN POSITIONS	COMPARABLE POSITIONS IN JUDICIARY
OMBUDSMAN	ASSOCIATE JUSTICE OF THE SUPREME COURT
DEPUTY OMBUDSMAN, SPECIAL PROSECUTOR	ASSOCIATE JUSTICE OF THE COURT OF APPEALS
ASSISTANT OMBUDSMAN, DEPUTY SPECIAL PROSECUTOR	REGIONAL TRIAL COURT JUDGE
MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, CORRUPTION PREVENTION AND	METROPOLITAN TRIAL COURT JUDGE

TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN WITH SALARY GRADE 28	
MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, CORRUPTION PREVENTION AND TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN WITH SALARY GRADE 27	CITY TRIAL COURT JUDGE
MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, CORRUPTION PREVENTION AND TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN, WITH SALARY GRADE 26	MUNICIPAL CIRCUIT TRIAL COURT JUDGE AND/OR MUNICIPAL TRIAL COURT JUDGE

ANY INCREASE AFTER THE APPROVAL OF THIS ACT IN THE SALARIES, ALLOWANCES OR RETIREMENT BENEFITS OR ANY UPGRADING OF THE GRADES OR LEVELS THEREOF OF ANY OR ALL OF THE JUSTICES OR JUDGES REFERRED TO HEREIN TO WHOM SAID EMOLUMENTS ARE ASSIMILATED SHALL APPLY TO THE OMBUDSMAN, DEPUTY OMBUDSMAN, SPECIAL PROSECUTOR, ASSISTANT OMBUDSMAN, DEPUTY SPECIAL PROSECUTOR, AND THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, CORRUPTION PREVENTION AND TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN.

SUBJECT TO SECTION 6-C HEREOF, THE SALARIES, ALLOWANCES AND BENEFITS MENTIONED IN THE NEXT PRECEDING PARAGRAPH SHALL BE PAID ENTIRELY OUT OF NATIONAL FUNDS AND INCLUDED IN THE ANNUAL APPROPRIATIONS OF THE OFFICE OF THE OMBUDSMAN WITHOUT PREJUDICE TO AUGMENTATION FROM OTHER SOURCES.

SEC. 4. 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:

"SEC. 6-A. RETIREMENT BENEFITS. - THE OMBUDSMAN, DEPUTY OMBUDSMAN, SPECIAL PROSECUTOR, ASSISTANT OMBUDSMAN, DEPUTY SPECIAL PROSECUTOR, AND THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, CORRUPTION PREVENTION AND TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN AS PROVIDED IN SECTION 6 HEREOF, 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.

UPON THE DEATH OF A RETIRED OFFICIAL OR EMPLOYEE RECEIVING PENSION BENEFITS UNDER THIS ACT, THE SURVIVING SPOUSE SHALL BE ENTITLED TO RECEIVE ALL THE RETIREMENT BENEFITS THAT THE DECEASED EMPLOYEE WOULD HAVE RECEIVED HAD HE/SHE NOT DIED. THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS UNTIL THE SURVIVING SPOUSE REMARRIES OR DIES.

ALL PENSION BENEFITS OF THE OMBUDSMAN, DEPUTY OMBUDSMAN, SPECIAL PROSECUTOR, ASSISTANT OMBUDSMAN, DEPUTY SPECIAL PROSECUTOR, AND THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, CORRUPTION PREVENTION AND TECHNICAL STAFF OF THE OFFICE OF THE OMBUDSMAN SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE IS AN INCREASE IN THE SALARY OF THE SAME POSITION FROM WHICH HE/SHE RETIRED.

SEC. 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 COURT OR QUASI-JUDICIAL AGENCY IN ANY CIVIL, ADMINISTRATIVE OR CRIMINAL CASE WHEREIN THE GOVERNMENT OR ANY AGENCY, SUBDIVISION OR INSTRUMENTALITY THEREOF IS AN ADVERSE PARTY, OR AGAINST ANY OF ITS LEGALLY CONSTITUTED OFFICERS, OR WHEN ANY GOVERNMENT INTEREST, NATIONAL OR LOCAL, MAY BE ADVERSELY AFFECTED BY SUCH CASE, PROVIDED, THAT THIS CONDITION DOES NOT APPLY IF THE RETIREE IS ONE CHARGED OR IMPEADED AS A PARTY.

WHEN AN OMBUDSMAN LAWYER OR TECHNICAL 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.

SEC. 6-C. PERFORMANCE-BASED SPECIAL INCENTIVE ALLOWANCES AND SPECIAL HAZARD ALLOWANCES. - TO CARRY OUT THE OBJECTIVES OF THIS ACT AND SUPPORT THE EFFORT TO FIGHT CORRUPTION, THE OMBUDSMAN, SUBJECT TO AVAILABILITY OF FUNDS AND BASED ON PERFORMANCE-DRIVEN AND RESULTS-ORIENTED METRICS TO BE ESTABLISHED BY THE OMBUDSMAN, IS AUTHORIZED TO GRANT PERFORMANCE-BASED SPECIAL INCENTIVE ALLOWANCES (PBSIA) TO OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN TO AUGMENT SALARIES AND BENEFITS. THE GRANT OF SUCH PERFORMANCE-BASED SPECIAL INCENTIVE 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; *PROVIDED FURTHER*; THAT OFFICIALS AND EMPLOYEES WHO ARE EXPOSED TO HARDSHIPS, SECURITY RISKS AND OTHER HAZARDS PECULIAR TO THEIR ASSIGNED TASKS OR INVESTIGATIONS, AS DETERMINED BY THE OMBUDSMAN, ARE ENTITLED TO BE COMPENSATED SPECIAL HAZARD ALLOWANCE (SHA) IN ADDITION TO THE SPECIAL ALLOWANCES AS PROVIDED HEREIN; *PROVIDED FINALLY* THAT THE SPECIAL HAZARD ALLOWANCE SHALL NOT EXCEED FIFTY PERCENT (50%) OF THE BASIC MONTHLY SALARY OF THE OFFICIAL/EMPLOYEE CONCERNED.

SEC. 6-D. 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 EFFECTIVE DURING 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 DEVELOPMENT AND UPGRADE THEIR KNOWLEDGE AND SKILLS. SCHOLARS UNDER THIS PROVISION SHALL BE SELECTED BASED ON A COMPETITIVE AND TRANSPARENT PROCESS SUBJECT TO GUIDELINES SET BY THE OFFICE;

(4) A PROVIDENT FUND WHICH SHALL CONSIST OF CONTRIBUTIONS BY THE OFFICE OF THE OMBUDSMAN AND BY ITS OFFICIALS AND EMPLOYEES TO A COMMON FUND WHICH MAY BE USED FOR THE COMMON BENEFIT; AND

(5) PROFESSIONAL MEMBERSHIP FEES, MANDATORY CONTINUING LEGAL EDUCATION (MCLE) SERVICE FEES AND RELATED MISCELLANEOUS EXPENSES OF EMPLOYEES HOLDING POSITIONS OR EXERCISING ACTUAL

FUNCTIONS FOR WHICH A PROFESSIONAL LICENSE IS REQUIRED.

(6) ADDITIONAL PAID CUMULATIVE RECUPERATION AND WELLNESS LEAVES OF FIFTEEN (15) DAYS A YEAR FOR ALL OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN.

(7) ALL ALLOWANCES OF OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN SHALL BE EXEMPT FROM THE APPLICABLE INCOME TAX.

SEC. 5. 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, MAY BE SOURCED FROM THE FOLLOWING:

(1) 35% OF THE VALUE OR PROCEEDS OF FORFEITED ASSETS UNDER REPUBLIC ACT NO. 1379 WHICH THE OFFICE OF THE OMBUDSMAN IS AUTHORIZED TO RETAIN AND/OR RECEIVE UPON ACTUAL RECOVERY, LIQUIDATION AND/OR DISPOSITION OF THE RECOVERED ASSETS; AND

(2) ALL OTHER INCOME, FEES AND REVENUES COLLECTED BY THE OFFICE OF THE OMBUDSMAN.

THE OMBUDSMAN IS AUTHORIZED TO DIRECTLY RETAIN AND/OR RECEIVE SUCH SHARE IN FORFEITED ASSETS AND REVENUE AS PROVIDED IN THIS SECTION AND DISBURSE SUCH FOR PURPOSES OF, AND IN ACCORDANCE WITH, THIS ACT, AS WELL AS FOR CAPITAL OUTLAY, EQUIPMENT AND TRAININGS.

THE COURT OF COMPETENT JURISDICTION HAVING JURISDICTION OVER THE FORFEITURE ACTION UNDER REPUBLIC ACT NUMBERED 1379 SHALL INCLUDE IN ITS DECISION THE IDENTIFICATION AND SEGREGATION OF THE

OMBUDSMAN'S SHARE IN THE FORFEITED ASSETS, AND SHALL AUTHORIZE ITS IMMEDIATE RELEASE."

SEC. 6. Appropriations. - There is hereby appropriated initially the sum of One Billion Eight Hundred Million Pesos (PhP 1,800,000.00) from the funds of the National Treasury not otherwise appropriated for the organization and operational expenses of the Office of the Ombudsman for a period of one year from the effectivity of this Act. The said amount shall be added to the annual budget of the Office of the Ombudsman for the following years.

SEC. 7. Rules and Regulations.— The Ombudsman shall, in consultation with the Department of Budget and Management and the Department of Finance, 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.

SEC. 8. 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.

SEC.9. 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.

SEC. 10. Effectivity. — This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,