

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2249

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

AN ACT
STRENGTHENING THE INSTITUTIONAL CAPACITY OF THE OFFICE OF THE
OMBUDSMAN BY AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO.
6770, OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF 1989," AND
PROVIDING FUNDS THEREFOR

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

1 **SECTION 1.** Section 15 of R.A. No. 6770 is hereby amended to read as follows:

2 “SEC. 15. *Powers, Functions and Duties.* – The Office of the
3 Ombudsman shall have the following powers, functions and duties:

4 (1) Investigate and prosecute on its own or on complaint by any
5 person, any act or omission of any public officer or employee,
6 office or agency, when such act or omission appears to be illegal,
7 unjust, improper or inefficient; [It has primary jurisdiction over
8 cases cognizable by the Sandiganbayan and, in the exercise of this
9 primary jurisdiction, it may take over, at any stage, from any
10 investigatory agency of Government, the investigation of such
11 cases;]

12 (2) **EMPLOY WIRETAPPING AS AN INVESTIGATIVE**
13 **TECHNIQUE WHEN THE CIRCUMSTANCES OF A CASE**
14 **SO WARRANT AFTER AN APPLICATION FOR AND**
15 **GRANT OF A JUDICIAL AUTHORITY.**

16 (3) **EXERCISE EXCLUSIVE JURISDICTION OVER CASES**
17 **COGNIZABLE BY THE SANDIGANBAYAN AND,**
18 **PURSUANT TO SUCH EXCLUSIVE JURISDCITION,**
19 **TAKE OVER, AT ANY STAGE, FROM ANY**

1 **INVESTIGATORY AGENCY OF GOVERNMENT, THE**
2 **INVESTIGATION OF SUCH CASES, IF, IN ITS**
3 **DETERMINATION, PUBLIC INTEREST WILL BE**
4 **SERVED THEREBY;**

5 [(2)] (4) x x x

6 [(3)] (5) Direct the [officer] concerned **HEAD OF AGENCY OR**
7 **OFFICIAL** to take appropriate action against a public officer or
8 employee at fault or who neglects to perform an act or discharge a duty
9 required by law, and [recommend], **FOR SUCH PURPOSE, ORDER**
10 **SAID HEAD OF AGENCY OR OFFICIAL TO IMPLEMENT AN**
11 **ORDER FOR [his] THE SAID PUBLIC OFFICER OR**
12 **EMPLOYEE'S** removal, suspension, demotion, fine, censure, or
13 prosecution [and ensure compliance therewith; or enforce] **IN LINE**
14 **WITH** its disciplinary authority as provided in Section 21 of this Act:
15 *Provided*, That the refusal by any officer without just cause to comply
16 with an order of the Ombudsman to remove, suspend, demote, fine,
17 censure, or prosecute an officer or employee who is at fault or who
18 neglects to perform an act or discharge a duty required by law shall be
19 a ground for disciplinary action against said officer;

20 [(4)] (6) x x x

21 [(5)] (7) x x x

22 [(6)] (8) Publicize matters covered by its investigation of the matters
23 mentioned in paragraphs (1), (2), [(3) and] (4), (5), (6) and (7) hereof,
24 when circumstances so warrant and with due prudence: *Provided*, That
25 the Ombudsman under its rules and regulations may determine what
26 cases may not be made public: *Provided, further*, That any publicity
27 issued by the Ombudsman shall be balanced, fair and true;

28 [(7)] (9) Determine the causes of inefficiency, red tape,
29 mismanagement, fraud, and corruption in the Government, and make
30 recommendations for their elimination and the observance of high
31 standards of ethics and efficiency;

32 [(8)] (10) Administer oaths, issue *subpoena* and *subpoena duces tecum*
33 [,] **TO COMPEL AND SECURE THE COMPULSORY**

1 ATTENDANCE OF ANY WITNESS OR THE PRODUCTION
2 OF EVIDENCE WHEREVER THE SAME MAY BE FOUND, and
3 take testimony AT ANY STAGE OF [in] any investigation or inquiry,
4 PROVIDED, THAT IN THE COURSE OF SUCH
5 INVESTIGATION OR INQUIRY, THE OMBUDSMAN SHALL
6 HAVE [including] the power to examine and access to bank AND
7 NON-BANK accounts, records AND TRANSACTIONS, SUCH AS
8 DEPOSITS, TRUSTS, INVESTMENTS, EVEN PRIOR TO THE
9 FILING OF A CASE BEFORE A COURT OF COMPETENT
10 JURISDICTION, NOTWITHSTANDING THE PROVISIONS OF
11 REPUBLIC ACT NO. 1405, AS AMENDED; REPUBLIC ACT
12 NO. 6426, AS AMENDED; REPUBLIC ACT NO. 8791 AND
13 REPUBLIC ACT NO. 9160 AS AMENDED, AND OTHER
14 LAWS;

15 (11) ENTER, VISIT, INSPECT, OR IF CIRCUMSTANCES
16 REQUIRE, BREAK INTO, ANY GOVERNMENT OFFICE OR
17 ANY PUBLIC PREMISES, STRUCTURE OR
18 ESTABLISHMENT, IN THE LAWFUL COURSE OF AN
19 ONGOING CRIMINAL OR ADMINISTRATIVE
20 INVESTIGATION, AND SEIZE ANY OBJECT OR ARTICLE
21 FOUND THEREIN WHICH MAY BE USED IN THE SAID
22 INVESTIGATION, OR DIRECT ANY PUBLIC OFFICER TO
23 DELIVER SUCH OBJECT OR ARTICLE, PURSUANT TO
24 SUCH RULES AND REGULATIONS THAT THE OMBUDSMAN
25 MUST PROMULGATE TO GOVERN THE EXERCISE OF THE
26 FOREGOING POWER;

27 [(9)] (12) Punish for contempt in accordance with [the Rules of Court]
28 ITS OWN RULES and [under the same procedure] with the [same]
29 penalties provided [therein] UNDER SECTION 36 OF THIS ACT.

30 [(10)] (13) x x x

31 [(11)] (14) Investigate and initiate the proper action for the recovery of
32 ill-gotten and/ or unexplained wealth amassed after February 25, 1986
33 and the prosecution of the parties involved therein. IN THE FILING

1 AND PROSECUTION OF SUCH ACTIONS, THE REPUBLIC
2 OF THE PHILIPPINES SHALL BE EXEMPT FROM THE
3 FILING OF ANY BOND OR THE PAYMENT OF ANY FEES
4 AND CHARGES. PROPERTIES LIQUIDATED OR SOLD BY
5 THE GOVERNMENT, AND THOSE RECOVERED,
6 FORFEITED, SURRENDERED AND TRANSFERRED TO THE
7 GOVERNMENT, SHALL BE EXEMPT FROM THE PAYMENT
8 OF ANY NATIONAL OR LOCAL TAXES.”
9

10 SEC. 2. Insert new paragraphs (15), (16) and (17) to Section 15 of RA No. 6770 to
11 read as follows:

12 (15) REPRESENT ITSELF, THE REPUBLIC OF THE
13 PHILIPPINES, OR THE PEOPLE OF THE PHILIPPINES IN ANY
14 JUDICIAL, ADMINISTRATIVE, CIVIL OR OFFICIAL
15 PROCEEDING INVOLVING CASES WITHIN ITS JURISDICTION
16 BEFORE ANY COURT, TRIBUNAL, AGENCY, OR OFFICE
17 WITHOUT NEED OF PRIOR CLEARANCE, AUTHORITY OR
18 DEPUTATION FROM ANY OTHER OFFICE OR AGENCY,
19 INCLUDING THE OFFICE OF THE SOLICITOR GENERAL;

20 (16) DEPUTIZE PRIVATE LAWYERS TO ACT AS
21 INVESTIGATORS OR PROSECUTORS TO ACT UNDER THE
22 DIRECT CONTROL AND SUPERVISION OF THE OMBUDSMAN IN
23 CASES BEING HANDLED BY THE OFFICE, WHEN SPECIAL AND
24 MERITORIOUS CIRCUMSTANCES SO WARRANT, SUBJECT TO
25 SUCH RULES AND REGULATIONS, INCLUDING PROVISIONS FOR
26 REASONABLE COMPENSATION AND REIMBURSEMENT FOR
27 REASONABLE EXPENSES, AS THE OMBUDSMAN WILL
28 PROMULGATE; AND

29 (17) CREATE AND ADMINISTER ITS OWN WITNESS
30 PROTECTION AND WHISTLEBLOWING PROGRAMS AND, FOR
31 SUCH PURPOSES, MAINTAIN ITS OWN INTELLIGENCE
32 ENFORCEMENT OR PROTECTIVE SERVICES UNIT FOR THE
33 PROTECTION OF ITS WITNESSES AND WHISTLEBLOWERS.

1 The Ombudsman shall give priority to complaints filed against high
2 ranking government officials and/ or those occupying supervisory positions,
3 complaints involving grave offenses as well as complaints involving large
4 sums of money and/ or properties.
5

6 **SEC. 3.** Section 17 of R.A. No. 6770 is hereby amended to read as follows:

7 “Sec. 17. *Immunities.* – x x x
8

9 Under such terms and conditions as it may determine, [taking into
10 account the pertinent provisions of the Rules of Court] the Ombudsman may
11 grant immunity from criminal prosecution to any person whose testimony or
12 whose possession and production of documents or other evidence may be
13 necessary to determine the truth in any hearing, inquiry or proceeding being
14 conducted by the Ombudsman or under its authority, in the performance or in
15 the furtherance of its constitutional functions and statutory objectives. The
16 immunity granted under this and the immediately preceding paragraph shall
17 not exempt the witness from criminal prosecution for perjury or false
18 testimony nor shall he be exempt from demotion or removal from office.
19

20 **SEC. 4.** Section 25 of R.A. No. 6770 is hereby amended to read as follows:

21 “SEC. 25. *Penalties* –

22 (1) In administrative proceedings under [Presidential Decree No.
23 807] **EXECUTIVE ORDER NO. 292, THE OFFENSES DEFINED AND**
24 **THE PENALTIES** [and rules] provided therein shall be applied.

25 (2) In other administrative proceedings, the penalty ranging from
26 suspension without pay for one (1) year to dismissal with forfeiture of benefits
27 or a fine ranging from Five Thousand Pesos (P5,000.00) to twice the amount
28 malversed, illegally taken or lost, or both at the discretion of the Ombudsman,
29 taking into consideration circumstances that mitigate or aggravate the liability
30 of the officer or employee found guilty of the complaint or charges.
31

32 **THESE PENALTIES MAY BE IMPLEMENTED DURING**
33 **ELECTION PERIOD, AMENDING FOR THIS PURPOSE SECTION**

1 **261(X) OF BATAS PAMBANSA BLG. 881, OR THE OMNIBUS**
2 **ELECTION CODE.”**
3

4 **SEC. 5.** Section 27 of R.A. No. 6770 is hereby amended to read as follows:

5 “SEC. 27. *Effectivity and Finality of Decisions.* – (1) All provisional
6 orders of the Office of the Ombudsman are immediately effective and
7 executor.

8 A motion for reconsideration of any order, directive or decision of the
9 Office of the Ombudsman must be filed within five (5) days after receipt of
10 written notice and shall be entertained only on any of the following grounds:

11 (1) X x x

12 (2) Errors of law or irregularities have been committed prejudicial
13 to the interest of the movant. [The motion for reconsideration shall be resolved
14 within three (3) days from filing: *Provided, That*] **ONLY** one motion for
15 reconsideration shall be entertained.

16
17 Findings of fact by the Office of the Ombudsman when supported by
18 substantial evidence are conclusive. Any order, directive or decision imposing
19 the penalty of public censure or reprimand, suspension of not more than one
20 (1) **MONTH AND FINE OF NOT MORE THAN ONE (1) MONTH’S**
21 **SALARY** shall be final and unappealable.

22
23 In all administrative disciplinary cases, orders, directives, or decisions
24 of the Office of the Ombudsman may be appealed to the **COURT OF**
25 **APPEALS ON A VERIFIED PETITION FOR REVIEW UNDER RULE**
26 **43 OF THE RULES OF COURT. AN APPEAL SHALL NOT STOP THE**
27 **DECISION FROM BEING EXECUTORY**

28 The above rules may be amended or modified by the Office of the
29 Ombudsman as the interest of justice may require.”
30

31 **SEC. 6.** Insert a new Section 31-A to R.A. No. 6770 to read as follows:

32 **SEC. 31-A. IMMUNITY FROM SUIT OF OMBUDSMAN**
33 **INVESTIGATORS AND PROSECUTORS. – OMBUDSMAN**

1 INVESTIGATORS AND PROSECUTORS, INCLUDING THOSE
2 DEPUTIZED BY THE OMBUDSMAN PURSUANT TO SECTION 31
3 HEREOF, SHALL BE IMMUNE FROM CRIMINAL,
4 ADMINISTRATIVE OR CIVIL SUITS ARISING FROM THEIR
5 MANDATE AND THE REGULAR EXERCISE OF THEIR OFFICIAL
6 FUNCTIONS.

7
8 SEC. 7. Section 32, paragraph (3) of R.A. No. 6770 is hereby amended to read as
9 follows:

10 "SEC. 32. *Rights and Duties of Witness.* –

11 X X X X

12 (3) If a refuses to respond to the Ombudsman's or his Deputy's
13 *subpoena*, or refuses to be examined, or engages in obstructive conduct, the
14 Ombudsman or his Deputy shall issue an order directing the person to appear
15 before him to show cause why he should not be punished for contempt. [The
16 contempt proceedings shall be conducted pursuant to the provisions of the
17 Rules of Court.]”

18
19 SEC. 8. Section 36 of R.A. No. 6770 is hereby amended to read as follows:

20 "SEC. 36. *Penalties for Obstruction.* – Any person who wilfully
21 obstructs or hinders the proper exercise of the functions of the Office of the
22 Ombudsman, or who wilfully misleads or attempts to mislead the
23 Ombudsman, his Deputies, and the Special Prosecutor in replying to their
24 inquiries shall be punished by a fine of not exceeding Five thousand pesos
25 (P5,000.00).

26
27 ANY PERSON GUILTY OF MISBEHAVIOR IN THE
28 PRESENCE OF OR SO NEAR AND OFFICER OF THE OFFICE OF
29 THE OMBUDSMAN AS TO OBSTRUCT OR INTERRUPT THE
30 PROCEEDINGS BEFORE THE SAME, INCLUDING DISRESPECT
31 TOWARD THE HEARING OFFICER, OFFENSIVE PERSONALITIES
32 TOWARD OTHERS, OR REFUSAL TO BE SWORN OR TO ANSWER
33 AS A WITNESS, OR TO SUBSCRIBE AN AFFIDAVIT OR

1 DEPOSITION WHEN LAWFULLY REQUIRED TO DO SO, MAY BE
2 SUMMARILY ADJUDGED IN CONTEMPT BY SUCH HEARING
3 OFFICER, SUBJECT TO THE APPROVAL OF THE OMBUDSMAN,
4 AND PUNISHED BY A FINE NOT EXCEEDING FIVE THOUSAND
5 PESOS (P5,000.00) OR IMPRISONMENT NOT EXCEEDING TEN (10)
6 DAYS WITHOUT PREJUDICE TO THE FILING OF A CRIMINAL
7 CASE UNDER PRESIDENTIAL DECREE NO. 1829.

8
9 ANY IMPROPER CONDUCT TENDING, DIRECTLY OR
10 INDIRECTLY, TO IMPEDE, OBSTRUCT, OR DEGRADE THE
11 ADMINISTRATION OF JUSTICE, OR ANY INVESTIGATION BEING
12 CONDUCTED BY THE OFFICE OF THE OMBUDSMAN SHALL
13 CONSTITUTE AS INDIRECT CONTEMPT, AND SHALL, AFTER
14 NOTICE AND HEARING, BE PUNISHED WITH THE SAME
15 PENALTIES AS DIRECT CONTEMPT.

16
17 TO ENFORCE THE PROVISIONS OF THIS SECTION, THE
18 OFFICE OF THE OMBUDSMAN MAY, IF NECESSARY, REQUEST
19 THE ASSISTANCE OF ANY LAW ENFORCEMENT OFFICE OR
20 DEPUTIZE ANY LAW ENFORCEMENT OFFICER TO ASSIST IN
21 THE EXECUTION OF ANY ORDER ISSUED FOR SAID PURPOSE.”

22
23 SEC. 9. Insert a new Section 36-A to R.A. No. 6770 to read as follows:

24 SEC. 36-A. *ILLEGAL DISCLOSURE OF INFORMATION.* – IT
25 SHALL BE UNLAWFUL FOR ANY PERSON WHO RECEIVES A
26 *SUBPOENA*, OTHER ORDERS, OR REQUESTS FOR INFORMATION
27 FROM THE OFFICE OF THE OMBUDSMAN PURSUANT TO THE
28 EXERCISE OF THE LATTER’S POWERS UNDER SECTION 15
29 HEREOF TO DISCLOSE TO ANY PERSON ANY INFORMATION
30 CONCERNING SAID ORDERS OR REQUESTS, AND THE
31 PROCEEDINGS RELATING THERETO. ANY VIOLATION OF THIS
32 SECTION WILL SUBJECT THE OFFENDER TO IMPRISONMENT
33 RANGING FROM SIX (6) MONTHS AND ONE (1) DAY TO THREE

1 **(3) YEARS, AND A FINE OF NOT LESS THAN FIFTY THOUSAND**
2 **PESOS (P50,000.00) BUT NOT MORE THAN FIVE HUNDRED**
3 **TOUSAND PESOS (P500,000.00).**

4 **SEC. 10. *Rules and Regulations.*** – The Ombudsman shall issue, within ninety (90)
5 days after the approval of this Act, the necessary rules and regulations relating to the
6 administrative aspects of the provisions of this Act.

7
8 **SEC. 11. *Separability Clause.*** – If, for any reason, any section or provision of this
9 Act is declared invalid or unconstitutional, the remaining part or provisions not otherwise
10 affected shall remain in force.

11
12 **SEC. 12. *Repelaing Clause.*** – Any law, decree, ordinance, administrative circulars
13 not consistent with any provision of this Act is hereby amended, repealed or modified
14 accordingly.

15
16 **SEC. 13. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
17 complete publication in the Official Gazette or in at least two (2) newspapers of general
18 circulation.

Approved,