

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

SEVENTEETH CONGRESS  
First Regular Session

HOUSE BILL NO. 2138

HOUSE OF REPRESENTATIVES

**RECEIVED**

01 AUG 2016

DATE:

TIME:

BY:

REGISTRATION UNIT  
BILLS AND INDEX SERVICE

**Introduced by Rep. Florida P. Robes**

**EXPLANATORY NOTE**

As provided under the 1987 Constitution, every member of the Congress of the Philippines, both House of Representatives and Senate, enjoys two parliamentary immunities: immunity from arrest and privilege of speech and debate. Parliamentary immunity from arrest means that a member shall not be arrested while the Congress is in session for offenses that are punishable by not more than six years while privilege of speech and debate allows the legislator to articulate his views on issues and concerns affecting the public, specifically his/her constituent, without fear of accountability provided his statements are supported with evidence required in the court of justice. These immunities shield him/her from factors that deter the performance of his/her duties and responsibilities. However, more often than not, many members of Congress are immediately persecuted when cases related to the conduct of their office are filed and brought to the Ombudsman or Sandiganbayan. Without due process, they are presumed guilty notwithstanding the fact that such cases could have been maliciously filed to discredit them or are political machinations employed by their opponents vent on destroying them. At times, media would pick up the story and sensationalize it. Immediately, they become victims of trial by publicity. Nowadays, with the popularity of social media and citizen journalism, all public officials would go through baseless scrutiny, aggravated by the memes created or the blogs published by unknown writers which purport to be factual even as they claim to be satirical.

Although the rules adopted by the Ombudsman and Sandiganbayan provide that complaints lodged before it are properly evaluated and if found wanting of merit shall be dismissed, the verdict of guilty has already been passed on by the public. Even when the order of dismissal is issued, the harm has already been done. It would then be difficult for the legislator to rectify his/her name and reputation

which has already been tarnished. This is the reason why the Rules of Procedure adopted by Congress has afforded a mechanism to investigate and to discipline erring members through the creation of the Committee on Ethics and Privileges. The Committee has jurisdiction over all matters directly and principally relating to the duties, conduct, rights, privileges and immunities, dignity, integrity and reputation of the members of Congress.

Within this purview, the proposal is also in consonance with other existing laws that require exhaustion of possible means and remedies to redress a wrong or grievance against a public official, in this case, a member of Congress. The passage or approval of this measure would warrant proper recognition to any investigation conducted by the said Committee on complaints filed against the members. Any findings must be given due weight. Nevertheless, this does not aim to circumvent or cover up issues or salvage a member who has obviously violated his/her oath of office. It is also initiated in the name of justice and fair play.

Considering the aforementioned, the approval of this bill is earnestly sought.

  
**FLORIDA P. ROBES**

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

SEVENTEETH CONGRESS  
First Regular Session

HOUSE BILL NO. 2188

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Introduced by Rep. Florida P. Robes

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**AN ACT PROVIDING AN ADDITIONAL REQUISITE FOR FILING OF  
COMPLAINTS AGAINST MEMBERS OF CONGRESS IN RELATION TO  
THEIR OFFICE**

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

**SECTION. 1. Declaration of Policy.-** It is hereby a declared policy of the State to make public officials, elective or appointed, accountable to the people in the discharge of their duties through the adoption of a high standard of ethics in public service. Anent thereto, the State shall also guarantee that said public officials shall be protected from any malicious imputation against their person and office.

**SEC. 2. Additional Requisite.-** No complaint or information filed or initiated against any Member of Congress for an offense in violation of Republic Act No. 3019, as amended, Republic Act No. 1379 as amended, Republic Act No. 6713, Revised Penal Code Title VII and for such other offenses committed by public officers in relation to his/her official function shall be brought to the Office of the Ombudsman and Sandiganbayan unless a conclusive finding which determines the culpability or non-culpability of the member shall have been made by the Committee on Ethics and Privileges of the House of Representatives and Senate without prejudice to other requisites provided by rules of court procedure and other existing laws.

**SEC. 3. Ground for Dismissal. -** The conclusive finding of the Committee on Ethics, evidenced by a resolution adopted for the purpose, shall be deemed a condition sine qua non for elevating the case to the proper courts. Absence of which shall be a ground for the dismissal of the complaint.

**SEC. 4. Repealing Clause. -**All laws, ordinances, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified.

**SEC. 5. Separability Clause. -** If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions thereof, shall not be repealed or modified.

**SEC. 6. Effectivity. -** This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in any two newspapers of general circulation.

Approved,