

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 582



Introduced by CIBAC Party-List Representatives
Eduardo 'Bro. Eddie' C. Villanueva and Domingo C. Rivera

**AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379,
OTHERWISE KNOWN AS "AN ACT DECLARING FORFEITURE IN
FAVOR OF THE STATE ANY PROPERTY FOUND TO HAVE BEEN
UNLAWFULLY ACQUIRED BY ANY PUBLIC OFFICER OR
EMPLOYEE AND PROVIDING FOR THE PROCEEDINGS
THEREFOR" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The concept of the Ombudsman originated as a revolutionary innovation in Sweden. It was established as a watchdog that policed the government as a whole and had the power to decide and pursue the prosecution of civil servants. Given its success, many countries have adopted the Ombudsman model. It is, in fact, being credited by some of the most developed countries or autonomous regions in the world as one of the keys to their political success.

The Philippines, through the framers of the 1987 Constitution, has also espoused the same model. Yet, while our Constitution recognizes the importance of the Ombudsman, the upsetting reality is that this vital institution has long been underfunded.

To address this problem, this bill seeks to provide additional funding to the Office of the Ombudsman by giving it a 30% share of all properties forfeited by the government pursuant to Republic Act No. 1379. As the premier state anti-graft agency handling more than 10,000 cases a year, it is a must that the Office of the Ombudsman

has adequate sources of funding, without relying so much on an already overstretched national budget.

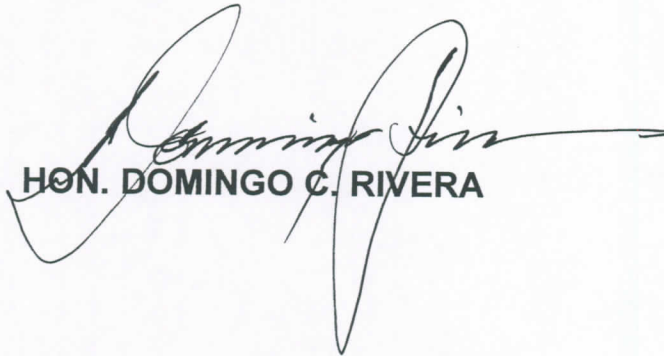
Forfeited *properties* (that is, recovered assets not in cash) may be sold in public auction, with 30% still going to the Office of the Ombudsman and the remaining 70% to the national treasury.

In the belief that corruption in the government will significantly be reduced when the appropriate agencies, such as the Office of the Ombudsman, are armed with the necessary means to perform their respective mandates, this bill is being proposed.

Thus, the immediate passage of this bill is earnestly sought.



HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA



HON. DOMINGO C. RIVERA

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7
8

9 *Be it enacted by the Senate and House of Representatives of the Philippines in*
10 *Congress assembled:*
11

12
13 **SECTION 1.** Section 6 of Republic Act No. 1379 is hereby amended to read as follows:
14

15 "Section 6. Judgment. If the respondent is unable to show to the
16 satisfaction of the court that he has lawfully acquired the property in
17 question, then the court shall declare such property, forfeited in favor
18 of the State, and by virtue of such judgment the property aforesaid
19 shall become property of the State: Provided, That THIRTY PERCENT
20 (30%) OF THE VALUE OF SUCH PROPERTY FORFEITED IN A
21 FINAL AND EXECUTORY ORDER OF THE COURT SHALL BE
22 EARMARKED AS ADDITIONAL FUNDING IN FAVOR OF THE
23 OFFICE OF THE OMBUDSMAN; PROVIDED, FURTHER, THAT IF
24 THE PROPERTY IS NOT IN CASH, THE PROPERTY SHALL BE
25 SOLD AT A PUBLIC AUCTION AND THE PROCEEDS THEREOF,
26 AFTER DEDUCTING THE THIRTY PERCENT (30%) SHARE OF THE
27 OFFICE OF THE OMBUDSMAN AS PROVIDED HEREIN, SHALL

1 ACCRUE TO THE GENERAL FUND. No judgment shall be rendered
2 within six months before any general election or within three months
3 before any special election. The Court may, in addition, refer this case
4 to the corresponding Executive Department for administrative or
5 criminal action, or both."
6

7 **SECTION 2. Implementing Rules and Regulations.** – Within sixty (60) days from
8 the implementation of this Act, the Office of the Ombudsman, in consultation with
9 relevant stakeholders and other concerned government agencies, shall issue the rules
10 and regulations for the effective implementation of this Act.
11

12 **SECTION 3. Separability Clause.** – Any portion or provisions of this Act that may be
13 declared unconstitutional or invalid shall not have the effect of nullifying other portions
14 and provisions hereof as long as such remaining portions or provisions can still subsist
15 and be given effect in their entirety.
16

17 **SECTION 4. Repealing Clause.** – All laws, decrees, executive orders, proclamations
18 and administrative regulations, or any parts thereof inconsistent herewith are hereby
19 revoked, repealed or modified accordingly.
20

21 **SECTION 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
22 publication in at least two (2) national papers of general circulation.
23
24

25 Approved,