

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

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 417



INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

Section 1, Article XI of the 1987 Constitution provides that “[p]ublic 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.” Despite this constitutional injunction, graft and corruption seems to remain 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 suits filed against them by disgruntled litigants. Moreover, their personal safety and the safety of their family are at constant risk due to the cases they handle. Furthermore, despite the enormity of their task of battling graft and corruption, the compensation of Ombudsman officials and employees not comparable to that of their counterparts 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 graft busters will strengthen the Office of the Ombudsman as an institution in its fight against graft and corruption.

This is a refiled bill from last Congress and I earnestly request the support of the Members of Congress for the prompt and timely passage of this measure.


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

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

1 SECTION 1. Section 6 of Republic Act (RA) No. 6770 is hereby amended to read as
2 follows:

3
4 SEC. 6. Rank and Salary. – The Ombudsman and his Deputies shall have
5 the same ranks, salaries and privileges as the Chairman and members, respectively,
6 of a Constitutional Commission. Their salaries shall not be decreased during their
7 term of office.

8
9 [The members of the prosecution, investigation and legal staff of the Office of the
10 Ombudsman shall receive salaries which shall not be less than those given to
11 comparable positions in any office in the Government.]

12
13 THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL,
14 AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE
15 OMBUDSMAN SHALL HAVE THE SAME RANK, SALARIES,

1 ALLOWANCES, EMOLUMENTS, AND OTHER PRIVILEGES, INCLUDING
2 THE SAME RETIREMENT AND OTHER BENEFITS, AS THOSE OF
3 MEMBERS OF THE JUDICIARY IN ACCORDANCE WITH THE
4 FOLLOWING TABLE:
5

OFFICE OF THE OMBUDSMAN	JUDICIARY
ASSISTANT OMBUDSMAN AND OTHER PERMANENT EMPLOYEES WITH SALARY GRADE (SG) 29	REGIONAL TRIAL COURT JUDGE
GRAFT INVESTIGATION AND PROSECUTION OFFICER (GIPO) IV AND OTHER PERMANENT EMPLOYEES WITH SG 28	METROPOLITAN TRIAL COURT JUDGE
GIPO III AND OTHER PERMANENT EMPLOYEES WITH SG 27	MUNICIPAL TRIAL COURT IN CITIES JUDGE
GIPO II AND OTHER PERMANENT EMPLOYEES WITH SG 26	MUNICIPAL TRIAL COURT JUDGE

6
7 SEC. 2. The following Sections are hereby inserted between Sections 6 and 7 of RA No.
8 6770:

9 SEC. 6-A. RETIREMENT BENEFITS. – MEMBERS OF THE
10 PROSECUTION, INVESTIGATION, LEGAL, AND PERMANENT

1 ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN, AS
2 PRESENTED IN THE TABLE IN SECTION 6 HEREOF, WHO HAVE
3 RENDERED AT LEAST FIFTEEN (15) YEARS OF GOVERNMENT SERVICE,
4 THE LAST FIVE (5) OF WHICH ARE WITH THE OFFICE OF THE
5 OMBUDSMAN, AND HAVE REACHED THE AGE OF SIXTY-FIVE (65),
6 SHALL BE ENTITLED TO A RETIREMENT PENSION BASED ON THEIR
7 HIGHEST MONTHLY SALARY, PLUS THE HIGHEST MONTHLY
8 AGGREGATE OF TRANSPORTATION, LIVING, AND REPRESENTATION
9 ALLOWANCES, WHICH THEY WERE RECEIVING IMMEDIATELY PRIOR
10 TO THE TIME OF THEIR RETIREMENT.

11
12 THOSE WHO HAVE RENDERED SERVICE FOR THE SAME PERIOD AND
13 WHO HAVE REACHED THE AGE OF SIXTY (60) AND OPT TO RETIRE
14 SHALL BE ENTITLED TO THE SAME BENEFIT.

15
16 SEC. 6-B. CONDITIONS FOR ENTITLEMENT OF PENSION. – TO
17 MAINTAIN ENTITLEMENT TO THE PENSION HEREIN PROVIDED, NO
18 FORMER LAWYER OF THE OFFICE OF THE OMBUDSMAN, DURING THE
19 TIME HE OR SHE IS RECEIVING SAID PENSION, SHALL APPEAR AS
20 COUNSEL BEFORE ANY JUDICIAL OR QUASI-JUDICIAL AGENCY IN
21 ANY CIVIL CASE WHEREIN THE GOVERNMENT OR ANY AGENCY,
22 SUBDIVISION, OR INSTRUMENTALITY THEREOF IS AN ADVERSE
23 PARTY, IN ANY CRIMINAL CASE WHEREIN ANY OFFICER OR
24 EMPLOYEE OF THE GOVERNMENT IS ACCUSED OF AN OFFENSE
25 COMMITTED IN RELATION TO HIS/HER OFFICE, OR IN ANY
26 ADMINISTRATIVE PROCEEDINGS TO MAINTAIN AN INTEREST

1 ADVERSE TO THE NATIONAL OR A LOCAL GOVERNMENT OR TO ANY
2 OF ITS LEGALLY CONSTITUTED OFFICERS.

3
4 WHEN A FORMER LAWYER OR MEMBER OF THE ADMINISTRATIVE
5 STAFF OF THE OFFICE OF THE OMBUDSMAN COVERED BY AND
6 RECEIVING ANY BENEFIT UNDER THIS ACT SHALL ASSUME AN
7 ELECTIVE OR APPOINTIVE POSITION IN GOVERNMENT, HE OR SHE
8 SHALL NOT, UPON ASSUMPTION OF OFFICE AND DURING HIS/HER
9 TERM OR TENURE, RECEIVE THE MONTHLY PENSION OR ANY OF THE
10 ALLOWANCES DUE HIM/HER FROM THE OFFICE OF THE OMBUDSMAN.

11
12 SEC. 6-C. OTHER PERSONNEL BENEFITS AND PRIVILEGES. – THE
13 PROVISIONS OF OTHER LAWS TO THE CONTRARY
14 NOTWITHSTANDING, THE OFFICE OF THE OMBUDSMAN MAY PROVIDE
15 ITS EMPLOYEES WITH THE FOLLOWING BENEFITS:

16
17 A. HEALTH CARE SERVICES THROUGH A HEALTH MAINTENANCE
18 ORGANIZATION;

19
20 B. ACCIDENT INSURANCE, PROCURED BY THE OFFICE OF THE
21 OMBUDSMAN AT ITS OWN EXPENSE, DURING TRAVELS WHILE
22 IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AND
23 FUNCTIONS;

24
25 C. SCHOLARSHIPS FOR DESERVING EMPLOYEES ON OFFICIAL
26 TIME AND AT THE EXPENSE OF THE OFFICE OF THE OMBUDMAN
27 TO ENHANCE THEIR ACADEMIC GROWTH AND UPGRADE THEIR

1 KNOWLEDGE AND SKILLS; PROVIDED, THAT BENEFICIARIES
2 UNDER THIS PROVISION SHALL BE SELECTED ON THE BASIS OF
3 COMPETITIVE EXAMINATION AND SUCH OTHER GUIDELINES
4 SET BY THE OMBUDSMAN;

5
6 D. A PROVIDENT FUND, WHICH SHALL CONSIST OF
7 CONTRIBUTIONS BY THE OFFICE OF THE OMBUDSMAN AND BY
8 ITS LAWYERS AND EMPLOYEES TO A COMMON FUND WHICH
9 MAY BE USED FOR THE BENEFIT OF SUCH LAWYERS AND
10 EMPLOYEES AND THEIR HEIRS; AND

11
12 E. PROFESSIONAL MEMBERSHIP FEES, MANDATORY CONTINUING
13 LEGAL EDUCATION SERVICE FEES, AND RELATED
14 MISCELLANEOUS EXPENSES OF EMPLOYEES HOLDING
15 POSITIONS FOR WHICH A PROFESSIONAL LICENSE IS REQUIRED.

16
17 SEC. 6-D. SPECIAL ALLOWANCES. – TO CARRY OUT THE
18 OBJECTIVES OF THIS ACT AND SUPPORT THE EFFORTS TO FIGHT
19 CORRUPTION, THE OMBUDSMAN, SUBJECT TO AVAILABILITY OF
20 FUNDS, IS AUTHORIZED TO GRANT SPECIAL ALLOWANCES TO
21 OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN TO
22 AUGMENT SALARIES AND BENEFITS. THE GRANT OF SPECIAL
23 ALLOWANCES SHALL BE IN SUCH AMOUNTS AS CAN BE SUPPORTED
24 BY THE FUNDING SOURCES IDENTIFIED IN THIS LAW AS WELL AS
25 FROM THE OFFICE OF THE OMBUDSMAN'S GENERAL FUND AND
26 SAVINGS; PROVIDED, THAT SUCH ALLOWANCES SHALL NOT EXCEED

1 ONE HUNDRED PERCENT (100%) OF THE BASIC SALARY OF THE
2 OFFICIAL OR EMPLOYEE CONCERNED.

3
4 SEC. 3. Section 38 of RA No. 6770 is hereby amended to read as follows:

5
6 SEC. 38. Fiscal Autonomy. – The Office of the Ombudsman shall enjoy
7 fiscal autonomy. Appropriations for the Office of the Ombudsman may not be
8 reduced below the amount appropriated for the previous year and, after approval,
9 shall be automatically and regularly released.

10
11 THE FUNDS NECESSARY TO SUPPORT THE GRANT OF SPECIAL
12 ALLOWANCES AND BENEFITS PROVIDED HEREIN AND TO ENSURE
13 THE EFFECTIVE IMPLEMENTATION OF THIS ACT, SHALL BE TAKEN
14 FROM THE FOLLOWING:

15
16 A. THIRTY-FIVE PERCENT (35%) OF THE VALUE OR PROCEEDS OF
17 FORFEITED ASSETS UNDER REPUBLIC ACT NO. 1379. THE
18 COURT SHALL INCLUDE, IN ITS JUDGEMENT OF FORFEITURE,
19 THE SEGREGATION OF THE OFFICE OF THE OMBUDSMAN'S
20 SHARE IN THE FORFEITED ASSETS.

21
22 B. ALL OTHER INCOME, FEES, AND REVENUES COLLECTED BY THE
23 OFFICE OF THE OMBUDSMAN.

24
25 THE OMBUDSMAN IS AUTHORIZED TO RETAIN SUCH SHARES AS
26 PROVIDED IN THIS SECTION AND DISBURSE THE SAME FOR THE
27 PURPOSE OF AND IN ACCORDANCE WITH THIS ACT, AS WELL AS FOR

1 OTHER OPERATIONAL PURPOSES, INCLUDING BUT NOT LIMITED TO
2 CAPITAL EXPENDITURES, TRAININGS, AND OTHER OPERATIONAL
3 NEEDS.
4

5 SEC. 4. Implementing Rules and Regulations. – The Ombudsman shall, within ninety
6 (90) days from the effectivity of this Act, issue the necessary rules and regulation to implement
7 the provisions of this Act.
8

9 SEC. 5. Separability Clause. – If any provision of this Act is declared invalid or
10 unconstitutional, the other provisions not affected thereby shall remain in full force and effect.
11

12 SEC. 6. Repealing Clause. – All laws, decrees, orders, rules and regulations, and other
13 issuances or parts thereof that are inconsistent with the provisions of this Act are hereby repealed
14 or modified accordingly.
15

16 SEC. 7. Effectivity. – This Act shall take effect fifteen (15) days after its publication in
17 the Official Gazette or a newspaper of general circulation.

18 Approved,