AN ACT

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

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

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

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

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

(3) EXERCISE EXCLUSIVE JURISDICTION OVER CASES COGNIZABLE BY THE SANDIGANBAYAN AND, PURSUANT TO SUCH EXCLUSIVE JURISDICTION, TAKE OVER, AT ANY STAGE, FROM ANY
INVESTIGATORY AGENCY OF GOVERNMENT, THE
INVESTIGATION OF SUCH CASES, IF, IN ITS
DETERMINATION, PUBLIC INTEREST WILL BE
SERVED THEREBY;

[(2)] (4) x x x

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

[(4)] (6) x x x

[(5)] (7) x x x

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

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

[(8)] (10) Administer oaths, issue subpoena and subpoena duces tecum
[

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

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

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

[(10)] (13) x x x

[(11)] (14) Investigate and initiate the proper action for the recovery of
ill-gotten and/ or unexplained wealth amassed after February 25, 1986
and the prosecution of the parties involved therein. IN THE FILING
AND PROSECUTION OF SUCH ACTIONS, THE REPUBLIC
OF THE PHILIPPINES SHALL BE EXEMPT FROM THE
FILING OF ANY BOND OR THE PAYMENT OF ANY FEES
AND CHARGES. PROPERTIES LIQUIDATED OR SOLD BY
THE GOVERNMENT, AND THOSE RECOVERED,
FORFEITED, SURRENDERED AND TRANSFERRED TO THE
GOVERNMENT, SHALL BE EXEMPT FROM THE PAYMENT
OF ANY NATIONAL OR LOCAL TAXES.”

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

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

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

(17) CREATE AND ADMINISTER ITS OWN WITNESS
PROTECTION AND WHISTLEBLOWING PROGRAMS AND, FOR
SUCH PURPOSES, MAINTAIN ITS OWN INTELLIGENCE
ENFORCEMENT OR PROTECTIVE SERVICES UNIT FOR THE
PROTECTION OF ITS WITNESSES AND WHISTLEBLOWERS.
The Ombudsman shall give priority to complaints filed against high-ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties.

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

"Sec. 17. Immunities. – x x x

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

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

"SEC. 25. Penalties –


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

THESE PENALTIES MAY BE IMPLEMENTED DURING ELECTION PERIOD, AMENDING FOR THIS PURPOSE SECTION
261(X) OF BATAS PAMBANSA BLG. 881, OR THE OMNIBUS
ELECTION CODE.”

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

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

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

(1) X x x

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

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

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

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

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

SEC. 31-A. IMMUNITY FROM SUIT OF OMBUDSMAN
INVESTIGATORS AND PROSECUTORS. – OMBUDSMAN
INVESTIGATORS AND PROSECUTORS, INCLUDING THOSE
DEPUTIZED BY THE OMBUDSMAN PURSUANT TO SECTION 31
HEREOF, SHALL BE IMMUNE FROM CRIMINAL,
ADMINISTRATIVE OR CIVIL SUITS ARISING FROM THEIR
Mandate and the regular exercise of their official
functions.

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

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

xxxx

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

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

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

ANY PERSON GUILTY OF MISBEHAVIOR IN THE
PRESENCE OF OR SO NEAR AND OFFICER OF THE OFFICE OF
THE OMBUDSMAN AS TO OBSTRUCT OR INTERRUPT THE
PROCEEDINGS BEFORE THE SAME, INCLUDING DISRESPECT
TOWARD THE HEARING OFFICER, OFFENSIVE PERSONALITIES
TOWARD OTHERS, OR REFUSAL TO BE SWORN OR TO ANSWER
AS A WITNESS, OR TO SUBSCRIBE AN AFFIDAVIT OR
DEPOSITION WHEN LAWFULLY REQUIRED TO DO SO, MAY BE
SUMMARILY ADJUDGED IN CONTEMPT BY SUCH HEARING
OFFICER, SUBJECT TO THE APPROVAL OF THE OMBUDSMAN,
AND PUNISHED BY A FINE NOT EXCEEDING FIVE THOUSAND
PESOS (P5,000.00) OR IMPRISONMENT NOT EXCEEDING TEN (10)
DAYS WITHOUT PREJUDICE TO THE FILING OF A CRIMINAL
CASE UNDER PRESIDENTIAL DECREE NO. 1829.

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

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

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

SEC. 36-A. ILLEGAL DISCLOSURE OF INFORMATION. – IT
SHALL BE UNLAWFUL FOR ANY PERSON WHO RECEIVES A
SUBPOENA, OTHER ORDERS, OR REQUESTS FOR INFORMATION
FROM THE OFFICE OF THE OMBUDSMAN PURSUANT TO THE
EXERCISE OF THE LATTER’S POWERS UNDER SECTION 15
HEREOF TO DISCLOSE TO ANY PERSON ANY INFORMATION
CONCERNING SAID ORDERS OR REQUESTS, AND THE
PROCEEDINGS RELATING THERETO. ANY VIOLATION OF THIS
SECTION WILL SUBJECT THE OFFENDER TO IMPRISONMENT
RANGING FROM SIX (6) MONTHS AND ONE (1) DAY TO THREE
(3) YEARS, AND A FINE OF NOT LESS THAN FIFTY THOUSAND
PESOS (P50,000.00) BUT NOT MORE THAN FIVE HUNDRED
TOUSAND PESOS (P500,000.00).

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

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

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

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

Approved,