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.

XAVIER JESUS D. ROMUALDO
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

AN ACT

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

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

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

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

THE MEMBERS OF THE PROSECUTION, INVESTIGATION, LEGAL, AND PERMANENT ADMINISTRATIVE STAFF OF THE OFFICE OF THE OMBUDSMAN SHALL HAVE THE SAME RANK, SALARIES,
ALLOWANCES, EMOLUMENTS, AND OTHER PRIVILEGES, INCLUDING THE SAME RETIREMENT AND OTHER BENEFITS, AS THOSE OF MEMBERS OF THE JUDICIARY IN ACCORDANCE WITH THE FOLLOWING TABLE:

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

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

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

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

SEC. 6-B. CONDITIONS FOR ENTITLEMENT OF PENSION. – TO
MAINTAIN ENTITLEMENT TO THE PENSION HEREIN PROVIDED, NO
FORMER LAWYER OF THE OFFICE OF THE OMBUDSMAN, DURING THE
TIME HE OR SHE IS RECEIVING SAID PENSION, SHALL APPEAR AS
COUNSEL BEFORE ANY JUDICIAL OR QUASI-JUDICIAL AGENCY IN
ANY CIVIL CASE WHEREIN THE GOVERNMENT OR ANY AGENCY,
SUBDIVISION, OR INSTRUMENTALITY THEREOF IS AN ADVERSE
PARTY, IN ANY CRIMINAL CASE WHEREIN ANY OFFICER OR
EMPLOYEE OF THE GOVERNMENT IS ACCUSED OF AN OFFENSE
COMMITTED IN RELATION TO HIS/HER OFFICE, OR IN ANY
ADMINISTRATIVE PROCEEDINGS TO MAINTAIN AN INTEREST
ADVERSE TO THE NATIONAL OR A LOCAL GOVERNMENT OR TO ANY
OF ITS LEGALLY CONSTITUTED OFFICERS.

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

SEC. 6-C. OTHER PERSONNEL BENEFITS AND PRIVILEGES. — THE
PROVISIONS OF OTHER LAWS TO THE CONTRARY
NOTWITHSTANDING, THE OFFICE OF THE OMBUDSMAN MAY PROVIDE
ITS EMPLOYEES WITH THE FOLLOWING BENEFITS:

A. HEALTH CARE SERVICES THROUGH A HEALTH MAINTENANCE
ORGANIZATION;

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

C. SCHOLARSHIPS FOR DESERVING EMPLOYEES ON OFFICIAL
TIME AND AT THE EXPENSE OF THE OFFICE OF THE OMBUDSMAN
TO ENHANCE THEIR ACADEMIC GROWTH AND UPGRADE THEIR
KNOWLEDGE AND SKILLS; PROVIDED, THAT BENEFICIARIES
UNDER THIS PROVISION SHALL BE SELECTED ON THE BASIS OF
COMPETITIVE EXAMINATION AND SUCH OTHER GUIDELINES
SET BY THE OMBUDSMAN;

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

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

SEC. 6-D. SPECIAL ALLOWANCES. – TO CARRY OUT THE
OBJECTIVES OF THIS ACT AND SUPPORT THE EFFORTS TO FIGHT
CORRUPTION, THE OMBUDSMAN, SUBJECT TO AVAILABILITY OF
FUNDS, IS AUTHORIZED TO GRANT SPECIAL ALLOWANCES TO
OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN TO
AUGMENT SALARIES AND BENEFITS. THE GRANT OF SPECIAL
ALLOWANCES SHALL BE IN SUCH AMOUNTS AS CAN BE SUPPORTED
BY THE FUNDING SOURCES IDENTIFIED IN THIS LAW AS WELL AS
FROM THE OFFICE OF THE OMBUDSMAN’S GENERAL FUND AND
SAVINGS; PROVIDED, THAT SUCH ALLOWANCES SHALL NOT EXCEED
ONE HUNDRED PERCENT (100%) OF THE BASIC SALARY OF THE
OFFICIAL OR EMPLOYEE CONCERNED.

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

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

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

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

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

THE OMBUDSMAN IS AUTHORIZED TO RETAIN SUCH SHARES AS
PROVIDED IN THIS SECTION AND DISBURSE THE SAME FOR THE
PURPOSE OF AND IN ACCORDANCE WITH THIS ACT, AS WELL AS FOR
OTHER OPERATIONAL PURPOSES, INCLUDING BUT NOT LIMITED TO
CAPITAL EXPENDITURES, TRAININGS, AND OTHER OPERATIONAL
NEEDS.

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

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

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

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

Approved,