

Congress of the Philippines)
:)
Second Regular Session)

7080
SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: DEC 8 1988
TIME: 5:30 PM BY: [Signature]

3

S E N A T E

COMMITTEE REPORT NO. 451

Submitted by the Committee on Constitutional Amendments and
Revision of Codes and Laws on DEC 8 1988, 1988.

Re: Senate Bill No. 733

Recommending its approval with Committee amendments.

SPONSORS: Senators Salonga, Saguisag, Romulo, Guingona,
Mercado and Tañada

MR. PRESIDENT:

The Committee on Constitutional Amendments and Revision
of Codes and Laws to which was referred Senate Bill No. 733,
introduced by Senators Salonga, Saguisag, Romulo, Guingona,
Mercado and Tañada, entitled:

AN ACT
DEFINING AND PENALIZING THE OFFENSE [CRIME]
OF PLUNDER

has considered the same and has the honor to report it back
to the Senate with the recommendation that the bill be
approved with Committee amendments.

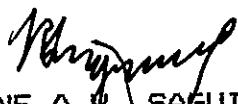
Attached is a copy of the bill with Committee amend-
ments.

Respectfully submitted:


GILBERTO E. TANADA
Chairman




Committee Report No. _____
Senate Bill No. 733


RENE A. P. SAGUISAG
Vice-Chairman

MEMBERS:


NERTA A. GONZALES


SOTERO H. LAUREL


AQUILINO G. PIMENTEL, JR.

EX-OFFICIO MEMBERS:


TEOFISTO T. GUINGONA, JR.

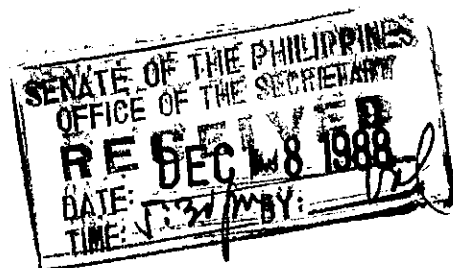

ORLANDO S. MERCADO


JUAN PONCE ENRILE (with reservation)



The Honorable
Senate President
M a n i l a

Congress of the Philippines)
:)
Second Regular Session)



SENATE

S. No. 733

(With Committee Amendments)

Introduced by Senators Salonga,
Saguisag, Romulo, Guingona, Jr., Mercado,
and Taffada

AN ACT
DEFINING AND PENALIZING THE OFFENSE [CRIME] OF PLUNDER

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

1 SECTION 1. Definition of Terms. -- As used in THIS ACT
2 the term --

3 (a) "Public official" means any person holding any
4 public office in the Government of the Republic of the
5 Philippines by virtue of an election, appointment, or
6 contract.

7 (b) "Government" includes the National Government [all
8 other] AND ANY OF ITS SUBDIVISIONS, agencies or instrument-
9 alities, including LOCAL GOVERNMENTS AND government-owned or
10 controlled corporations and their subsidiaries.

11 (c) "Person" includes ANY natural [and] OR juridical
12 person, unless the context indicates otherwise.

13 (d) "Ill-gotten wealth" means any asset, property,
14 business enterprise or material possession of ANY person
15 within the purview of Section Two hereof, acquired directly,
16 or indirectly through dummies, nominees, agents,
17 subordinates or business associates by any of the following
18 means:

1 (1) Through misappropriation, conversion, misuse or
2 malversation of public funds, or raids on the public
3 treasury;

4 (2) BY RECEIVING [Through receipt], directly or
5 indirectly, [of] any commission, gift, share, percentage,
6 kickbacks, or any other form of pecuniary benefit from any
7 person or entity in connection with any government contract
8 or project, or by reason of the office or position of the
9 PUBLIC official concerned;

10 (3) By illegal or fraudulent conveyance or disposition
11 of assets belonging to the National Government or any of its
12 subdivisions, agencies or instrumentalities, including
13 government-owned or controlled corporations AND THEIR
14 SUBSIDIARIES;

15 (4) By obtaining, receiving or accepting, directly or
16 indirectly, any shares of stock, equity or any other form of
17 interest or participation, in any business enterprise or
18 undertaking;

19 (5) BY ESTABLISHING [Through the establishment of]
20 agricultural, industrial or commercial monopolies or other
21 combinations, or by implementing decrees or orders intended
22 to benefit particular persons or special interests; or

23 (6) By taking undue advantage of official position,
24 authority, relationship, connection or influence to unjustly
25 enrich ONESELF [themselves] at the expense or to the damage
26 and prejudice of the Filipino people and the Republic of the
27 Philippines.

28 SEC. 2. Definition of the OFFENSE [Crime] OF PLUNDER
29 and]; Penalty. - Any public OFFICIAL [officer] who, by him-
30 self or in connivance with [other persons, whether] members

1 of his family, relatives, business associates, subordinates
2 or other PERSONS, for [the] HIS benefit [of himself] OR FOR
3 THE BENEFIT OF MEMBERS OF HIS FAMILY, HIS RELATIVES, BUSINESS
4 ASSOCIATES, SUBORDINATES OR OTHER PERSONS, [shall] through a
5 [systematic or methodical] scheme or conspiracy consummated
6 by a series of overt or criminal acts, such as bribery,
7 extortion, malversation of public funds, swindling,
8 falsification of public documents, coercion, theft, frauds
9 and illegal exactions, AND [violations of the Anti-] graft
10 OR [and] corrupt practices [Act (R.A. 3019, as amended) and
11 like offenses], SHALL amass, accumulate or acquire ill-
12 gotten wealth [as defined in Section one hereof], IN THE
13 AGGREGATE AMOUNT OR TOTAL VALUE OF ONE HUNDRED MILLION PESOS
14 (P100,000,000.00) OR MORE shall be guilty of the OFFENSE
15 [crime] of plunder, [provided that the total amount is not
16 less than One hundred million pesos (P100,000,000.00).] and
17 shall be punished by life imprisonment and perpetual dis-
18 qualification from HOLDING ANY public office. [Such public
19 officer or persons who schemed, conspired or knowingly
20 benefitted from the aforesaid acts or conspiracy shall be
21 found guilty of the crime of plunder.] ANY PERSON WHO
22 SCHEMED OR CONSPIRED WITH THE SAID PUBLIC OFFICIAL IN THE
23 COMMISSION OF PLUNDER OR KNOWINGLY BENEFITTED FROM THE PRO-
24 CEEDS OF THE SAID OFFENSE SHALL LIKEWISE BE PUNISHED BY LIFE
25 IMPRISONMENT. [Furthermore,] The court shall declare any and
26 all ill-gotten wealth [accumulated or amassed by them
27 escheated or] forfeited in favor of the State [in an amount
28 equivalent to double the value of the assets illegally
29 accumulated].

30 SEC. 3. Competent Court. -- Until otherwise provided

1 by law, all prosecutions under this Act shall be within the
2 original jurisdiction of the Sandiganbayan.

3 SEC. 4. Rule of Evidence. -- For purposes of
4 establishing the OFFENSE [crime] of plunder, it shall not be
5 necessary to prove each and every criminal act done by the
6 accused in furtherance of the scheme or conspiracy to amass,
7 accumulate or acquire ill-gotten wealth, it being sufficient
8 to establish beyond reasonable doubt a pattern of overt or
9 criminal acts indicative of the overall unlawful scheme or
10 conspiracy.

11 SEC. 5. Suspension and Loss of Benefits. -- Any public
12 OFFICIAL [officer] against whom any criminal prosecution
13 under a valid information under this Act [in whatever stage
14 of execution and mode of participation] is pending in court,
15 shall be suspended from office. Should he be convicted by
16 final judgment, he shall lose all retirement or gratuity
17 benefits under any law, but if he is acquitted, he shall be
18 entitled to reinstatement and to the salaries and OTHER
19 benefits which he failed to receive during HIS suspension,
20 unless in the meantime, administrative proceedings have been
21 filed against him.

22 SEC. 6. Prescription of Offense. - The OFFENSE [crime]
23 punishable under this Act shall be imprescriptible.

24 SEC. 7. Separability of Provisions. -- If any
25 provision of this Act or the application to any person or
26 circumstances is held invalid, the remaining provisions and
27 the application of such provisions to other persons or
28 circumstance shall not be affected thereby.

29 SEC. 8. SCOPE. -- This Act shall not apply to or
30 affect pending prosecutions or proceedings, or those which

1 may be instituted under Executive Order No. 1 issued and
2 promulgated on February 28, 1986.

3 SEC. 9. Effectivity. -- This Act shall take effect
4 after fifteen (15) days FOLLOWING [from] its publication in
5 the Official Gazette, OR [and] in a newspaper of general
6 circulation AS CERTIFIED TO BY THE EXECUTIVE SECRETARY.

Approved,



Senate Archives (LRAS)