



HOUSE OF REPRESENTATIVES

H. No. 4275

BY REPRESENTATIVES DADIVAS, LIBANAN, DATUMANONG, REMULLA (J.C),
GULLAS, MACARAMBON, GOLEZ, BARINAGA, AGBAYANI AND AMIN,
PER COMMITTEE REPORT NO. 755

AN ACT AMENDING SECTIONS 15 AND 31 OF REPUBLIC ACT NO.
6770, OTHERWISE KNOWN AS "THE OMBUDSMAN ACT OF
1989", ENSURING OBJECTIVITY AND THE PROTECTION OF
WITNESSES IN THE PROSECUTION OF CASES BY THE
OMBUDSMAN, ALLOWING PRIVATE LAWYERS TO ACT AS
PROSECUTORS ON HIS BEHALF, AND FOR OTHER PURPOSES"

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

1 SECTION 1. Section 15 of Republic Act No. 6770, otherwise known as
2 "The Ombudsman Act of 1989", is hereby amended to read as follows:

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

5 "(1) x x x

6 "(2) x x x

7 "(3) x x x

1 “(4) x x x

2 “(5) x x x

3 “(6) x x x

4 “(7) x x x

5 “(8) x x x

6 “(9) x x x

7 “(10) x x x

8 “(11) x x x

9 “The Ombudsman shall give priority to complaints filed
10 against high ranking government officials and/or those occupying
11 supervisory positions, complaints involving grave offenses as well
12 as complaints involving large sums of money and/or properties. IN
13 **APPROPRIATE CRIMINAL CASES, AND WHERE THE EFFECTIVE**
14 **ADMINISTRATION OF JUSTICE SO REQUIRES, THE OMBUDSMAN**
15 **MAY PETITION THE SUPREME COURT FOR A CHANGE OF VENUE**
16 **TO ENSURE UTMOST OBJECTIVITY IN TRYING AND DECIDING THE**
17 **CASE, AND ENSURE THE PROTECTION OF WITNESSES.”**

18 SEC. 2. Section 31 of the same Act is hereby amended to read as
19 follows:

20 “SEC. 31. *Designation of Investigators and Prosecutors.* –

21 The Ombudsman may utilize [the] ANY QUALIFIED personnel of

1 his office and/or designate or deputize any [fiscal] PROVINCIAL
2 PROSECUTOR, ASSISTANT PROVINCIAL PROSECUTOR, CITY
3 PROSECUTOR, ASSISTANT CITY PROSECUTOR, state prosecutor or
4 lawyer in the government service to act as special investigator or
5 prosecutor to assist in the investigation and prosecution of certain
6 cases. Those designated or deputized to assist him AS herein
7 provided shall be under his supervision and control.

8 "The Ombudsman and his investigators and prosecutors,
9 whether regular members of his staff or [designated] DEPUTIZED
10 by him as [herein] provided IN THE IMMEDIATELY PRECEDING
11 PARAGRAPH, shall have authority to administer oaths, to issue
12 *subpoena* and *subpoena duces tecum*, to summon and compel
13 witnesses to appear and testify under oath before them and/or bring
14 books, documents and other things under their control, and to
15 secure the attendance or presence of any absent or recalcitrant
16 witness through application before the Sandiganbayan or before
17 any inferior or superior court having jurisdiction of the place where
18 the witness or evidence is found.

19 "THE OMBUDSMAN MAY ALSO DEPUTIZE PRIVATE
20 LAWYERS, WHO SHALL BE UNDER HIS DIRECT CONTROL AND

1 SUPERVISION, IN THE PROSECUTION OF CASES IN THE
2 FOLLOWING INSTANCES:

3 "(A) CASES INVOLVING FORMER IMPEACHABLE
4 CONSTITUTIONAL OFFICERS;

5 "(B) CASES INVOLVING FORMER AND INCUMBENT
6 NATIONAL AND LOCAL PUBLIC OFFICERS AND EMPLOYEES,
7 WHETHER ELECTED OR APPOINTED, INCLUDING OFFICIALS
8 HOLDING POSITIONS OF TRUST IN GOVERNMENT-OWNED AND
9 -CONTROLLED CORPORATIONS, WHERE THE PUBLIC FUNDS
10 INVOLVED AMOUNT TO AT LEAST FIVE MILLION PESOS
11 (P5,000,000.00);

12 "(C) CASES INVOLVING FORMER AND INCUMBENT
13 OFFICIALS OR PERSONS REPRESENTING GOVERNMENT INTEREST
14 IN PRIVATE CORPORATIONS;

15 "(D) CASES INVOLVING FORMER OR INCUMBENT
16 OFFICERS OF THE ARMED FORCES OF THE PHILIPPINES WITH
17 RANK OF AT LEAST FULL COLONEL OR SENIOR SUPERINTENDENT
18 IN THE PHILIPPINE NATIONAL POLICE, BUREAU OF JAIL
19 MANAGEMENT AND PENOLOGY AND BUREAU OF FIRE
20 PROTECTION;

21 "(E) CASES WHERE THE COMPLAINANT IN THE ORIGINAL
22 COMPLAINT FILED IN THE OFFICE OF THE OMBUDSMAN IS A
23 LAWYER; OR WHERE A COMPLAINANT IN THE ORIGINAL

1 COMPLAINT FILED HAS HIRED OR ENGAGED THE SERVICES OF A
2 PRIVATE COUNSEL; AND

3 "(F) CASES REQUIRING SPECIALIZED AND EXPERT
4 KNOWLEDGE AND TRAINING OF THE LAW."

5 SEC. 3. New sections 31-A, 31-B and 31-C are hereby inserted in
6 Republic Act No. 6770, otherwise known as "The Ombudsman Act of 1989",
7 to read as follows:

8 "SEC. 31-A. *PRIVATE LAWYERS; WHO MAY BE*
9 *DEPUTIZED.* - IN THE CASES ALLOWED UNDER THIS ACT, ANY
10 MEMBER OF THE INTEGRATED BAR OF THE PHILIPPINES WHO IS
11 IN GOOD STANDING MAY BE DEPUTIZED BY THE OMBUDSMAN IN
12 THE PROSECUTION OF CASES, PROVIDED, HE SATISFIES ALL THE
13 FOLLOWING CONDITIONS:

14 "(A) HE IS NOT EMPLOYED IN ANY GOVERNMENT
15 AGENCY, DEPARTMENT, OFFICE, BUREAU, LOCAL GOVERNMENT
16 UNIT, GOVERNMENT-OWNED AND/OR -CONTROLLED
17 CORPORATION, OR HIS SALARIES, EMOLUMENTS,
18 COMPENSATION, WHETHER IN FULL OR IN PART, PAID OUT OF
19 PUBLIC FUNDS;

20 "(B) HE MUST HAVE ENGAGED IN ACTIVE TRIAL FOR AT
21 LEAST FIVE YEARS; AND

1 “(C) HE SHALL EXECUTE A SWORN DECLARATION THAT
2 HE IS NOT HANDLING A CASE, OR HAS NO INTEREST IN ANY
3 MATTER PENDING BEFORE THE OMBUDSMAN WHICH IS
4 RELATED, DIRECTLY OR INDIRECTLY, TO THE CASE FOR WHICH
5 HE IS BEING DEPUTIZED.

6 “A PRIVATE LAWYER MAY BE DEPUTIZED OR HIS SERVICES
7 TERMINATED ONLY AT THE SOUND DISCRETION OF THE
8 OMBUDSMAN. HIS POSSESSION OF ALL THE FOREGOING
9 QUALIFICATIONS SHALL NOT GIVE RISE TO ANY RIGHT OR CAUSE
10 WHATSOEVER TO BE SO DEPUTIZED BY THE OMBUDSMAN IN THE
11 PROSECUTION OF CASES.

12 “AS AN OMBUDSMAN-DEPUTIZED PROSECUTOR, SAID
13 PRIVATE LAWYER SHALL HAVE THE AUTHORITY TO ENTER HIS
14 APPEARANCE AS SUCH, PARTICIPATE IN THE CONDUCT OF THE
15 TRIAL, PRESENT AND CROSS-EXAMINE WITNESSES, ARGUE ON
16 ISSUES PRESENTED, AND PREPARE, SIGN AND FILE PLEADINGS,
17 SUBJECT TO THE CONTROL AND SUPERVISION OF THE
18 OMBUDSMAN AND THE ASSIGNED OMBUDSMAN PROSECUTORS.”

19 “SEC. 31-B. *NATURE OF SERVICES OF DEPUTIZED PRIVATE*
20 *LAWYERS.* - NO GOVERNMENT FUNDS SHALL BE EXPENDED TO
21 COMPENSATE THE SERVICES RENDERED BY THE PRIVATE
22 LAWYERS UNDER AND PURSUANT TO THIS ACT: *PROVIDED,*
23 *HOWEVER,* THAT INCIDENTAL, NECESSARY AND OUT-OF-POCKET
24 EXPENSES SHALL BE FOR THE ACCOUNT OF THE OFFICE OF THE

21 consultation with the Integrated Bar of the Philippines and the Supreme Court,
22 shall issue the necessary rules and regulations for the effective implementation
23 of the provisions of this Act within sixty (60) days from approval hereof.

1 SEC. 5. *Separability Clause.* – If any of the provisions of this Act is
2 declared unconstitutional, the remainder of this Act or any provision not
3 affected thereby shall remain in force and effect.

4 SEC. 6. *Repealing Clause.* – All laws, decrees, executive orders, rules
5 and regulations, issuances, or any part or parts thereof inconsistent with this
6 Act are hereby repealed, amended or modified accordingly.

7 SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after
8 its complete publication in the *Official Gazette* or in at least two newspapers of
9 general circulation.

Approved,