



Senate
Office of the Secretary

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

22 JUL 28 P5 04

RECEIVED BY: 

SENATE

S. B. NO. 928

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 1379,
OTHERWISE KNOWN AS "AN ACT DECLARING FORFEITURE
IN FAVOR OF THE STATE ANY PROPERTY FOUND TO HAVE
BEEN UNLAWFULLY ACQUIRED BY ANY PUBLIC OFFICER
OR EMPLOYEE AND PROVIDING FOR THE PROCEEDINGS
THEREFOR" AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The concept of the Ombudsman originated as a revolutionary innovation in Sweden. It was established as a watchdog that policed the government as a whole and had the power to decide and pursue the prosecution of civil servants. Due to its success, the Ombudsman model was adopted all over the world. In fact, some of the most developed countries or autonomous regions in the world have credited the Ombudsman model as one of the keys to its political success. In Sweden, the Parliamentary Ombudsman has been in the forefront of investigating over 5,000 complaints against government officials every year.

In the Philippines, the framers of the 1987 Constitution decided to adopt the model in the Philippines. However, while our Constitution has recognized the importance of an Ombudsman, the upsetting reality is that this vital institution has been long underfunded.

As the premier state anti-graft agency handling more than 10,000 cases a year, the Office of the Ombudsman should have adequate and alternative sources of funding, without relying so much on an overstretched national budget.¹

¹ Ombudsman, Office of the Ombudsman Annual Report 2019, accessible at <https://www.ombudsman.gov.ph/docs/08%20Resources/2019%20Ombudsman%20Annual%20Report.pdf> (last accessed July 27, 2022).

This bill seeks to give additional funding to the Office of the Ombudsman, and thus, further empower it to perform its mandate, by mandating that 30% of the property forfeited by the government pursuant to Republic Act No. 1379 be given to the Office. The bill also provides that in case the assets recovered are not in cash, these forfeited properties may be sold in a public auction, with 30% of the proceeds going to the Office of the Ombudsman and the remaining 70% reverting to the national treasury.

Indeed, corruption in the public service will significantly be reduced if the appropriate agencies, such as the Office of the Ombudsman, are armed with the necessary means to perform their respective mandates in fighting graft and corruption in the government. This bill is a significant step towards this direction.

The immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Joel Villanueva', with a circular monogram containing the initials 'JW' to its right.

SENATOR JOEL VILLANUEVA



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

1 **SECTION 1.** Section 6 of Republic Act No. 1379 is hereby amended to
2 read as follows:

3
4 **"Section 6. Judgment.** If the respondent is unable to show to the
5 satisfaction of the court that he has lawfully acquired the property
6 in question, then the court shall declare such property, forfeited
7 in favor of the State, and by virtue of such judgment the property
8 aforesaid shall become property of the State: *Provided*, That
9 THIRTY PERCENT (30%) OF THE VALUE OF SUCH
10 PROPERTY FORFEITED IN A FINAL AND EXECUTORY
11 ORDER OF THE COURT SHALL BE EARMARKED AS
12 ADDITIONAL FUNDING IN FAVOR OF THE OFFICE OF THE
13 OMBUDSMAN; *PROVIDED, FURTHER*, THAT IF THE
14 PROPERTY IS NOT IN CASH, THE PROPERTY SHALL BE
15 SOLD AT A PUBLIC AUCTION AND THE PROCEEDS
16 THEREOF, AFTER DEDUCTING THE THIRTY PERCENT
17 (30%) SHARE OF THE OFFICE OF THE OMBUDSMAN AS
18 PROVIDED HEREIN, SHALL ACCRUE TO THE GENERAL
19 FUND. No judgment shall be rendered within six months before
20 any general election or within three months before any special
21 election. The Court may, in addition, refer this case to the

1 corresponding Executive Department for administrative or
2 criminal action, or both."
3

4 **SEC. 2. *Implementing Rules and Regulations.*** – Within sixty (60) days
5 from the effectivity of this Act, the Office of the Ombudsman, in consultation
6 with relevant stakeholders and other concerned government agencies, shall
7 issue the rules and regulations for the effective implementation of this Act.
8

9 **SEC. 3. *Separability Clause.*** – Any portion or provisions of this Act that
10 may be declared unconstitutional or invalid shall not have the effect of nullifying
11 other portions and provisions hereof as long as such remaining portions or
12 provisions can still subsist and be given effect in their entirety.
13

14 **SEC. 4. *Repealing Clause.*** – All laws, decrees, executive orders,
15 proclamations and administrative regulations, or any parts thereof inconsistent
16 herewith are hereby revoked, repealed or modified accordingly.
17

18 **SEC. 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
19 after its publication in the Official Gazette or in at least two (2) newspapers of
20 general circulation.
21

22 **Approved,**