

25 JUL -8 P 6 :04

SENATE

S. No. 280

REC'D



Introduced by **Senator Francis G. Escudero**

AN ACT
ALLOCATING A FIXED PERCENTAGE OF THE PROCEEDS FROM THE
DISPOSITION OF FORFEITED PROPERTIES IN CORRUPTION CASES TO THE
OFFICE OF THE OMBUDSMAN, AMENDING FOR THE PURPOSE SECTION 6
OF REPUBLIC ACT NO. 1379, OTHERWISE KNOWN AS THE FORFEITURE
LAW

EXPLANATORY NOTE

Lack of funding limits the Office of the Ombudsman's ability to fulfill its mandate to combat corruption. The budget of the Office of the Ombudsman pales in comparison with its international counterparts. Consequently, corruption goes unhampered eventually leading to massive losses in government revenues, further draining our coffers.

This bill intends to augment the financial resources of the Ombudsman by giving it a share in any property forfeited in favor of the State under Republic Act No. 1379, otherwise known as the Forfeiture Law; and thus increase its funding. This bill provides a mechanism wherein thirty (30%) of the value of forfeited assets shall be used as funding for the Ombudsman which will assist the continued progress of cases. This method therefore ensures additional funding to the Ombudsman, and eliminates the need to reallocate funding from a stretched national budget.

The passage of this bill therefore is earnestly sought.


FRANCIS G. ESCUDERO

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

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

3 "Sec. 6. *Judgment.* – If the respondent is unable to show to the
4 satisfaction of the court that he **OR SHE** has lawfully acquired the
5 property in question, then the court shall declare such property, forfeited
6 in favor of the State, and by virtue of such judgment the property
7 aforesaid shall become property of the State: *Provided,* That **UPON**
8 **THE PROMULGATION OF A FINAL AND EXECUTORY ORDER OF**
9 **THE COURT, ALL NON-CASH PROPERTY SUBJECT OF SUCH**
10 **RULING SHALL BE SOLD AT A PUBLIC AUCTION: *PROVIDED,***
11 ***FURTHER,* THAT THE PROCEEDS FROM SUCH AUCTION OF**
12 **FORFEITED PROPERTIES SHALL BE EARMARKED AS FOLLOWS:**
13 **THIRTY PERCENT (30%) SHALL BE EARMARKED AS**
14 **ADDITIONAL FUNDING FOR THE OFFICE OF THE OMBUDSMAN,**
15 **AND SEVENTY PERCENT (70%) SHALL ACCRUE TO THE**

1 **GENERAL FUND: PROVIDED, FINALLY, THAT** no judgment shall be
2 rendered within six **(6)** months before any general election or within
3 three **(3)** months before any special election. The Court may, in
4 addition, refer this case to the corresponding Executive Department for
5 administrative or criminal action, or both.”

6 *Sec. 2. Repealing Clause.* – All laws, presidential decrees, executive orders,
7 rules and regulations, or parts thereof which are inconsistent with the provisions of
8 this Act are hereby repealed, amended, or modified accordingly.

9 *Sec. 3. Effectivity.* – This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,