

National Laws and Regulations Relevant to Integrity



Integrity in politics is a rare find. In an environment of systemic non-integrity, politicians who aspire to live up to high standards of accountability often do not last—either they shy away from politics or bail out when their non-negotiables are compromised or they just let go and succumb to the system.

To combat systemic corruption, relying on a few politicians with personal integrity is not the solution. Institutionalizing transparency and accountability, with rules in place that pertain to full disclosure, freedom of information, public declaration of personal assets, and open invitation to public scrutiny is the better and doable alternative.

The Philippine laws are not wanting in putting in place good governance and integrity in public service. There has been effort on this matter since 1930.

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Revised Penal Code: Title VII

Crimes Committed by Public Officers (1930)

This law forewarns any public officer – elected or appointed by competent authority, who performs public functions and duties in the Philippine government and its branches as an employee, agent or subordinate official, of any rank or class.

It speaks of crimes this public officer must be aware of to protect himself/herself from being trapped into committing any of them. It's a provision that specifically puts a public officer's integrity to test. Lack of integrity means lost of trust; public office operates primarily on public trust.

In this law, no excuse is given for non-intentional commission of illegal acts. For instance, bribery is defined comprehensively and that there are two kinds:

- direct, agreeing to perform official duties and functions in consideration of any offer, promise, gift or present; and
- indirect, accepting gifts offered by reason of his office. It also enumerated a litany of corrupt practices, among them:
 1. Malversation and presumption of malversation of public funds or property
 2. Failure of accountable officer to render accounts
 3. Frauds and illegal exactions and transactions
 4. Taking advantage of one's official position to facilitate prohibited transactions
 5. Removal, concealment or destruction of documents or papers officially entrusted to the officer

6. Usurpation of legislative powers as in the case when s/he makes general rules or regulations beyond the scope of his/her authority, or by attempting to repeal a law or suspend its execution
7. Unlawful appointments, when a public officer knowingly nominate or appoint to any public office any person lacking legal qualifications.

R.A. No. 1379

An Act Declaring Forfeiture in Favor of the State Any Property Found to have been Unlawfully Acquired by Any Public Officer or Employee (1955)

This defines what a public officer's "legitimately acquired property" is, as against what s/he has "unlawfully acquired." The former refers to any real or personal property, money or securities which the public officer has at any time acquired by virtue of inheritance and his/her income prior to becoming a public officer or employee, or gains from the income of his/her spouse. As such, whenever any public officer or

employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his/her salary as public officer or employee and those of his/her other lawful income and the income from legitimately acquired property, the newly acquired property shall be presumed prima facie to have been unlawfully acquired.





R.A. No 3019

Anti-Graft and Corrupt Practices Act (1960)

While it is a Filipino practice to gift a person as a matter of showing appreciation of the good things done for him/her or building good relations, receiving gifts under this provision can be construed as a corrupt practice. As stated:

“Receiving any gift” includes the act of accepting directly or indirectly a gift from a person other than a member of the public officer’s immediate family, in behalf of himself or of any member of his family or relative within the fourth civil degree, either by consanguinity or affinity, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is under the circumstances manifestly excessive.

Another factor that warrants graft and corrupt practices is using the public servant’s office for personal purposes or gains.



P.D. No. 46

Making It Punishable for Public Officials and Employees to Receive, and for Private Persons to Give Gifts on any Occasion, including Christmas (1972)

Under Marcos’ New Society program, the practice of gift-giving to government men was strictly prohibited to wipe out all conceivable forms of graft and corruption in the public service; hence, requiring public servants not only to be honest, but above suspicion and reproach.

P.D. No. 749

Granting Immunity from Prosecution to Givers of Bribes and other Gifts and to their Accomplices in Bribery and other Graft Cases Against Public Officers (1975)

While this decree protects the briber from prosecution should s/he decide to be an informant or witness of the gift or bribe-giving, this does not prevent the denounced public servant and his/her supposed accomplice for the act from taking action, civil or criminal, against said informant or witness.

1987 Philippine Constitution: Article XI Accountability of Public Officers

Because public office is a public trust, “all 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.” Those, knowingly or unknowingly breach this trust, will be removed from office by impeachment (for high officials of the land) or as provided by law (for all other public officers and employees) for and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.

R.A. No. 6713

An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, To Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violators Thereof and Other Purposes (1989)

A code of conduct and ethical standards for public officials and employees puts in place efforts in upholding integrity in public office. There's no reason therefore, for public servants to unknowingly commit violations in the exercise of their duties and functions nor claim that integrity in public service is just a concept, a mere aspiration difficult to concretize, more so impose and uphold.





R.A. No. 7080

An Act Defining and Penalizing the Crime of Plunder (1991)

The matter about commission of plunder is explicitly defined in this law, leaving no room for misinterpretation. The operative idea here is amassing, accumulating, or acquiring ill-gotten wealth through a combination or series of overt or criminal acts as:

1. Misappropriation, conversion, misuse, or malversation of public funds or raids on the public treasury
2. Receiving, directly or indirectly, any commission, gift, share, percentage, kickbacks or any other form of pecuniary benefit from any person and/or entity in connection with any government contract or project or by reason of the office or position of the public officer concerned
3. Illegal or fraudulent conveyance or disposition of assets belonging to the National Government or any of its subdivisions, agencies or instrumentalities or government-owned or -controlled corporations and their subsidiaries
4. Obtaining, receiving or accepting directly or indirectly any shares of stock, equity or any other form of interest or participation including the promise of future employment in any business enterprise or undertaking
5. Establishing agricultural, industrial or commercial monopolies or other combinations and/or implementation of decrees and orders intended to benefit particular persons or special interests
6. Taking undue advantage of official position, authority, relationship, connection or influence to unjustly enrich self or selves at the expense and to the damage and prejudice of the Filipino people and the Republic of the Philippines



R.A. No. 9160

An Act Defining the Crime of Money Laundering, Providing Penalties Therefor and For Other Purposes (2001)

This law defines money laundering as “a crime whereby the proceeds of an unlawful activity are transacted, thereby making them appear to have originated from legitimate sources. It is committed by the following:

1. Knowing that any monetary instrument or property represents, involves, or relates to, the proceeds of any unlawful activity, transacts or attempts to transact said monetary instrument or property.
2. Knowing that any monetary instrument or property involves the proceeds of any unlawful activity, performs or fails to perform any act as a result of which he facilitates the offense of money laundering
3. Knowing that any monetary instrument or property is required under this Act to be disclosed and filed with the Anti-Money Laundering Council (AMLC), but fails to do so.

'Unlawful activity' refers to any act or omission of series or combination thereof involving or having relation to the following:

- a. Kidnapping for ransom
- b. Drug trafficking
- c. Ill-gotten wealth
- d. Plunder
- e. Robbery and extortion
- f. Illegal gambling
- g. Piracy on the high seas
- h. Qualified theft
- i. Swindling
- j. Smuggling
- k. Violations of the Electronic Commerce Act of 2000
- l. Hijacking , destructive arson and murder, including those perpetrated by terrorists against non-combatant persons and similar targets
- m. Fraudulent practices and other violations of the Securities Regulation Code of 2000
- n. Felonies or offenses of a similar nature punishable under the penal laws of other countries



R.A. No. 9485

An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption, and Providing Penalties (2007)

This law obliges all government offices and agencies including LGUs and government-owned or –controlled corporations (GOCCs) that provide frontline services to simplify their procedures that will reduce red tape and expedite their transactions. Such measure should promote integrity, accountability, proper management of public affairs and public property, as well as establish effective practices aimed at preventing graft and corruption.



R.A. No. 10365

An Act Further Strengthening the Anti-Money Laundering Law, Amending for the Purpose Republic Act No. 9160, otherwise known as the Anti-money Laundering Act of 2001”, as amended (2013)

The following were added to the list of ‘unlawful activity’:

1. Terrorism and conspiracy to commit terrorism
2. Financing of terrorism
3. Bribery
4. Frauds and illegal exactions and transactions
5. Malversation of public funds and property

6. Forgeries and counterfeiting
7. Trafficking of persons
8. Violations of the Revised Forestry Code of the Philippines
9. Violations of the Philippine Fisheries Code of 1998
10. Violations of the Philippine Mining Act of 1995
11. Violations of the Wildlife Resources Conservation and Protection Act
12. Violation the National Caves and Cave Resources Management Protection Act
13. Violation of the Anti-Carnapping Act of 2002, as amended
14. Violations of the decree Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing In, Acquisition or Disposition of Firearms, Ammunition or Explosives
15. Violations of Presidential Decree No. 1612, known as the Anti-Fencing Law
16. Violations of Section 6 of Republic Act No. 8042, known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022
17. Violations of Republic Act No. 8293, known as the Intellectual Property Code of the Philippines
18. Violations of Section 4 of Republic Act No. 9995, known as the Anti-Photo and Video Voyeurism Act of 2009
19. Violations of Section 4 of Republic Act No. 9775, known as the Anti-Child Pornography Act of 2009
20. Violations of Sections 5, 7, 8, 9, 10(c), (d) and (e), 11, 12 and 14 of Republic Act No. 7610, known as the Special Protection of Children Against Abuse, Exploitation and Discrimination.