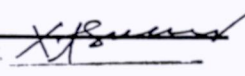


SENATE
P.S. RESOLUTION NO. 524

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RECEIVED BY: 

Introduced by Senators Pangilinan, Trillanes, Drilon,
Aquino, Hontiveros, and De Lima

**RESOLUTION EXPRESSING THE SENSE OF THE SENATE SUPPORTING THE
CONSTITUTIONAL INDEPENDENCE OF THE OFFICE OF THE OMBUDSMAN**

WHEREAS, the 1987 Constitution created the Office of the Ombudsman as an independent constitutional bodyⁱ which serves as "protectors of the people"ⁱⁱ against the inept, abusive and corrupt in the Government. Article XI Section 12 of the same Constitution further provides that the Ombudsman has the power to "investigate on its own, or on *complaint by any person*, any act or omission of *any public official*, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient." (*Emphases supplied*)

WHEREAS, "the framers of the Constitution intended that these independent bodies be insulated from political pressure to the extent that the absence of independence would result in the impairment of their core functions."ⁱⁱⁱ

WHEREAS, the independence of the Office of the Ombudsman further insulates it "from the pressures and influence of officialdom and partisan politics and from fear of external reprisal."^{iv}

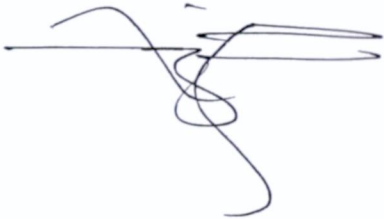
WHEREAS, the Supreme Court stated that it has maintained a policy of non-interference with the "virtually unlimited investigatory and prosecutorial powers granted by the Constitution and by law to the Ombudsman."^v

WHEREAS, the policy of non-interference was reiterated in *Quiambao v. Desierto*^{vi} where the Supreme Court stated that the Constitution and the Ombudsman Act "endowed the Ombudsman with a wide latitude of investigatory and prosecutor[ial] powers **virtually free from legislative, executive or judicial intervention.**"

WHEREAS, the proposed creation of a Commission for the sole purpose of investigating the Office of the Ombudsman would violate the Constitution and interfere with the inherent independence of the Ombudsman who, "beholden to no one, acts as the champion of the people and the preserver of the integrity of the public service."^{vii}

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Senate of the Philippines, to express its strong and unequivocal support to the constitutional independence of the Office of the Ombudsman.

Adopted,



~~Antonio~~ - ~~Santiago~~

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- ⁱ Section 5, Article XI, 1987 Constitution: There is hereby created the independent Office of the Ombudsman composed of the Ombudsman to be known as the Tanodbayan, one overall Deputy and at least one Deputy each for Luzon, Visayas and Mindanao. A separate Deputy for military establishment may likewise be appointed.”
- ⁱⁱ “Sec. 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and results thereof.”
- ⁱⁱⁱ *Emilio Gonzales III v. Office of the President of the Philippines, et al.* G.R. No. 196231, January 28, 2014 and *Wendell Barreras Sulit v. Atty. Paquito Ochoa, et al.*, G.R. No. 196232.
- ^{iv} *Ibid.*
- ^v *Ma. Chona M. Dimayuga, Felipe T. Aguinaldo, and Noel C. Inumerable vs. Office of the Ombudsman*, G.R. No. 129099, July 20, 2006.
- ^{vi} G.R. No. 149069, September 20, 2004, 438 SCRA 495.
- ^{vii} *The Presidential Ad-Hoc Fact Finding Committee on Behest Loans v. Ombudsman Aniano Desierto* (418 Phil. 715; 362 SCRA 730, 735-736 [2001]).

leiladelima
LEILA M. DE LIMA

for
10/02/17

We fully support the
independence of the
office of the ombudsman.