

HOUSE OF REPRESENTATIVES

H. No. 22752

INTRODUCED BY CONGRESSWOMAN VERANO-YAP, CONGRESSMEN
MONFORT, ROMERO, YAP (J.) AND CONGRESSWOMAN
PLAZA (C.)

AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER

*Be it enacted by the Senate and House of Representatives of the Phil-
ippines in Congress assembled:*

1 SECTION 1. *Definition of Terms.* - As used in this Act the
2 term:

3 (a) "Public official" means any person holding any public
4 office in the Government of the Republic of the Philippines by
5 virtue of an appointment, election or contract;

6 (b) "Government" includes the National Government, local
7 government, government-owned or government-controlled corpora-
8 rations and all other instrumentalities or agencies of the Republic of
9 the Philippines and their branches;

10 (c) "Person" includes natural and juridical persons, unless
11 the context indicates otherwise; and

12 (d) "Ill-gotten wealth" means any asset, property, business

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1 enterprise or material possession of persons within the purview of
2 Section Two hereof, acquired by them directly, or indirectly through
3 dummies, nominees, agents, subordinates, and/or business associ-
4 ates by any of the following means or similar schemes:

5 (1) Through misappropriation, conversion, misuse, or mal-
6 versation of public funds or raids on the public treasury;

7 (2) Through the receipt, directly or indirectly, of any commis-
8 sion, gift, share, percentage, kickbacks or any other form of pecuni-
9 ary benefit from any person and/or entity in connection with any
10 government contract or project or by reason of the office or position
11 of the official concerned;

12 (3) By the illegal or fraudulent conveyance or disposition of
13 assets belonging to the National Government or any of its subdivi-
14 sions, agencies, or instrumentalities or government-owned or con-
15 trolled corporations;

16 (4) By obtaining, receiving, or accepting directly or indirectly
17 any share of stock, equity or any other form of interest or participa-
18 tion in any business enterprise or undertaking;

19 (5) Through the establishment of agricultural, industrial or
20 commercial monopolies or other combinations and/or implementa-
21 tion of decrees and orders intended to benefit particular persons or

1 special interests; or

2 (6) By taking undue advantage of official position, authority,
3 relationship, connection or influence to unjustly enrich themselves
4 at the expense and to the damage and prejudice of the Filipino
5 people and the Republic of the Philippines.

6 SEC. 2. *Definition of the Crime and Penalty.* - The crime of
7 plunder is committed by any public officer who, by himself or in
8 connivance with other persons, whether members of his family,
9 relatives, business associates, subordinates and others, for the
10 benefit of himself, his family or his relatives, a series of overt or
11 criminal acts, amassed, accumulated or acquired ill-gotten wealth as
12 defined in Section One hereof, provided that the total amount is not
13 less than One hundred million pesos (P 100,000,000.00).

14 The crime of plunder is punishable with life imprisonment and
15 perpetual disqualification from public office. Furthermore, the
16 court shall declare any and all ill-gotten wealth so acquired, accu-
17 mulated or amassed escheated or forfeited in favor of the State.

18 SEC. 3. *Competent Court.* - Until otherwise provided by law,
19 all prosecutions under this Act shall be within the original jurisdic-
20 tion of the Sandiganbayan.

21 SEC. 4. *Rule of Evidence.* - For purposes of establishing the

1 crime of plunder, it shall not be necessary to prove each and every
2 criminal act done by the accused in furtherance of the scheme or
3 conspiracy to amass, accumulate or acquire ill-gotten wealth, it
4 being sufficient to establish beyond reasonable doubt a pattern of
5 overt or criminal acts indicative of the overall unlawful scheme or
6 conspiracy.

7 SEC. 5. *Suspension and Loss of Benefits.* - Any public officer
8 against whom any criminal prosecution under a valid information
9 under this Act is pending in court shall be suspended from office.
10 Should he be convicted by final judgment, he shall lose all retire-
11 ment or gratuity benefits under any law but, if he is acquitted, he
12 shall be entitled to reinstatement and to the salaries and benefits
13 which he failed to receive during suspension unless, in the mean-
14 time, administrative proceedings have been filed against him.

15 SEC. 6. *Prescription of Offenses.* - The crime punishable
16 under this Act shall prescribe in twenty (20) years.

17 SEC. 7. *Separability of Provisions.* - If any provision of this
18 Act or the application to any person or circumstance is held invalid,
19 the remaining provisions of this Act and the application of such
20 provisions to other persons or circumstances shall not be affected
21 thereby.

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1 SEC. 8. *Scope.* - This Act shall not apply to or affect pending
2 prosecutions or proceedings, or those which may be instituted under
3 Executive Order No. 1, issued and promulgated on February 28,
4 1986.

5 SEC. 9. *Effectivity.* - This Act shall take effect after fifteen
6 (15) days from its publication in the *Official Gazette* and in a news-
7 paper of general circulation.

Approved,

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