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LAWNUM: RA07080  
DATE : 07/12/91  
TITLE : AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER

TEXT :

S. No. 733  
H. No. 22752

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fourth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of  
July,  
nineteen hundred and ninety.

[REPUBLIC ACT No. 07080]

AN ACT DEFINING AND PENALIZING THE CRIME OF  
PLUNDER

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

SECTION 1. Definition of Terms. - As used in this Act, the term

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a) "Public Officer" means any person holding any public office  
in the Government of the Republic of the Philippines by virtue of  
an appointment, election or contract.

b) "Government" includes the National Government, and any of its  
subdivisions, agencies or instrumentalities, including  
government-owned or -controlled corporations and their  
subsidiaries.

c) "Person" includes any natural or juridical person, unless the  
context indicates otherwise.

d) "Ill-gotten wealth" means any asset, property, business  
enterprise or material possession of any person within the purview  
of Section Two (2) hereof, acquired by him directly or indirectly  
through dummies, nominees, agents, subordinates and/or business  
associates by any combination or series of the following means or  
similar schemes:

1) Through misappropriation, conversion, misuse, or malversation of public funds or raids on the public treasury;

2) By 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) By the 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) By 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) By establishing agricultural, industrial or commercial monopolies or other combinations and/or implementation of decrees and orders intended to benefit particular persons or special interests; or

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

SEC. 2. Definition of the Crime of Plunder; Penalties. - Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1 (d) hereof, in the aggregate amount or total value of at least Seventy-five million pesos (P75,000,000.00), shall be guilty of the crime of plunder and shall be punished by life imprisonment with perpetual absolute disqualification from holding any public office. Any person who participated with the said public officer in the commission of plunder shall likewise be punished. In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances shall be considered by the court. The court shall declare any and all ill-gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof forfeited in favor of the State.

SEC. 3. Competent Court. - Until otherwise provided by law, all prosecutions under this Act shall be within the original jurisdiction of the Sandiganbayan.

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

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

SEC. 5. Suspension and Loss of Benefits. - Any public officer against whom any criminal prosecution under a valid information under this Act in whatever stage of execution and mode of participation, is pending in court, shall be suspended from office. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and other benefits which he failed to receive during suspension, unless in the meantime, administrative proceedings have been filed against him.

SEC. 6. Prescription of Crimes. - The crime punishable under this Act shall prescribe in twenty (20) years. However, the right of the State to recover properties unlawfully acquired by public officers from them or from their nominees or transferees shall not be barred by prescription, laches, or estoppel.

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

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

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

Approved,

RAMON V. MITRA  
Speaker of the House  
of Representatives

JOVITO R. SALONGA  
President of the Senate

This bill which is a consolidation of Senate Bill No. 733 and House Bill No. 22752, was finally passed by the Senate and the House of Representatives on May 27, 1991 and May 29, 1991, respectively.

CAMILO L. SABIO  
Secretary General  
House of Representatives

EDWIN P. ACOBA  
Secretary of the Senate

Approved: July 12, 1991

CORAZON C. AQUINO  
President of the Philippines