

Venezuela: National Assembly reforms law against corruption

In brief

On 2 May 2022, the National Assembly published the Partial Reform Law with the Rank, Value and Force of Law Against Corruption ("**Reform**").¹

The Reform introduced, among others: (i) a broader definition of "Public Patrimony"; (ii) the obligation for electronic filing of the Sworn Statement of Net Worth through the creation of an automated system under the direction of the Office of the General Comptroller of the Republic; (iii) the annual update of the Affidavit; (iv) an increase in the sanctions by changing the Tax Unit (TU)² for the official exchange rate of the currency of the highest value published by the Central Bank of Venezuela at the time of the payment; and (v) the unpaid suspension term for public officers who incur on the cases detailed below.

The Reform entered into force on 2 May 2022 and partially repealed the Reform Law of the Law Against Corruption published on 19 November 2014 ("**Law**").³

In more detail

Below is a comparative table showing the details of the amendments and new articles introduced by the Reform (highlighted in red):

Law	Reform
Purpose	
<p>Article 1. The purpose of this Decree with Rank, Value and Force of Law is the establishment of rules governing the conduct to be assumed by the persons subject to it, for the purpose of safeguarding the public patrimony, guaranteeing the adequate and transparent management of public resources, based on the principles of honesty, transparency, participation, efficiency, effectiveness, legality, accountability, responsibility and co-responsibility enshrined in the Constitution of the Bolivarian Republic of Venezuela, as well as the classification of crimes against the public patrimony and the sanctions to be applied to those who violate these provisions.</p>	<p>Article 1. The purpose of this Law is to establish the principles, duties and rights to prevent administrative corruption and to promote education, both for private citizens and public officials, to guarantee the safeguarding of the public patrimony, as well as to regulate the powers and duties of the bodies in charge of exercising control in matters of corruption and to define administrative sanctions and crimes committed against public assets and the administration of justice, including the procedures and preventive measures to be applied.</p>

¹ Partial Reform Law with the Rank, Value and Force of Law Against Corruption, Official Gazette No. 6,699 Ext., published on 2 May 2022

² 1 TU = VEB. 0.40.

³ Decree with Rank, Value and Force of Reform Law of the Law Against Corruption, Official Gazette No. 6,155 Ext., published on 19 November 2014.



Public Employees or Officials

Article 3. Without prejudice to the provisions of the Law establishing the Civil Service Statute, for the purposes of this Decree with Rank, Value and Force of Law, the following are considered public officials or employees:

1. Those who are vested with public functions, permanent or transitory, remunerated or free, originating by election, by appointment or contract granted by the competent authority, in the service of the Republic, of the states, of the federal territories and dependencies, of the districts, of the metropolitan districts or of the municipalities, of the national, state, district and municipal autonomous institutes, of the public universities, of the Central Bank of Venezuela or of any of the organs or entities exercising the Public Power.
2. The directors and administrators of civil and commercial corporations, foundations, civil associations and other institutions incorporated with public resources or directed by some of the persons referred to in Article 4 of this Decree with Rank, Value and Force of Law, or when the totality of the budgetary contributions or contributions in a fiscal year coming from one or several of these persons represents fifty percent (50%) or more of their budget or equity; and the directors appointed in representation of said organs and entities, even when the participation is less than fifty percent (50%) of the capital or equity.
3. Any other person in the cases provided for in this Decree with Rank, Value and Force of Law. For the purposes of this Decree with Rank, Value and Force of Law, directors and administrators are those who perform functions such as:
 1. Directive, managerial, supervisory, controlling and auditing functions.
 2. Participation with say and vote in committees of: purchases, biddings, contracts, business, donations or of any other nature, whose performance may compromise the public patrimony.
 3. Management or keeping custody of warehouses, workshops, deposits and, in general, decide on the receipt, supply and delivery of movable assets of the entity or organization, for consumption.
 4. Mobilizing funds of the entity or organism deposited in bank accounts.
 5. Representing the entity or organism with authority to commit the entity.
 6. Making commitments on behalf of the entity or body or authorizing the corresponding payments.
 7. Dictating acts that affect the rights or obligations of individuals or the powers and duties of the State.

Article 3. Without prejudice to the provisions of the Law establishing the Civil Service Statute **or other laws**, for the purposes of this Decree with Rank, Value and Force of Law, the following are considered public officials or employees:

1. **The persons** who are vested with public functions, permanent or transitory, remunerated or free, originating by election, by appointment or contract granted by the competent authority, in the service of the Republic, of the states, of the federal territories and dependencies, of the districts, of the metropolitan districts or of the municipalities, of the national, state, district and municipal autonomous institutes, of the public universities, of the Central Bank of Venezuela or of any of the organs or entities exercising the Public Power.
2. The directors and administrators of civil and commercial corporations, foundations, civil associations and other institutions incorporated with public resources or directed by some of the persons referred to in Article 4 of this Decree with Rank, Value and Force of Law, or when the totality of the budgetary contributions or contributions in a fiscal year coming from one or several of these persons represents fifty percent (50%) or more of their budget or equity; and the directors appointed in representation of said organs and entities, even when the participation is less than fifty percent (50%) of the capital or equity.
3. Any other person in the cases provided for in this Decree with Rank, Value and Force of Law. For the purposes of this Decree with Rank, Value and Force of Law, directors and administrators are those who perform functions such as:
 1. Directive, managerial, supervisory, controlling and auditing functions.
 2. Participation with say and vote in committees of: purchases, biddings, contracts, business, donations or of any other nature, whose performance may compromise the public patrimony.
 3. Management or keeping custody of warehouses, workshops, deposits and, in general, decide on the receipt, supply and delivery of movable assets of the entity or organization, for consumption.
 4. Mobilizing funds of the entity or organism deposited in bank accounts.
 5. Representing the entity or organism with authority to commit the entity.
 6. Making commitments on behalf of the entity or body or authorize the corresponding payments.
 7. Dictating acts that affect the rights or obligations of individuals or the powers and duties of the State.



<p>The provisions of this Decree with Rank, Value and Force of Law apply to the persons indicated in this article, even when they perform functions or activities outside the territory of the Bolivarian Republic of Venezuela.</p>	<p>The provisions of this Decree with Rank, Value and Force of Law apply to the persons indicated in this article, even when they perform functions or activities outside the territory of the Bolivarian Republic of Venezuela.</p>
<p>Public Patrimony</p>	
<p>Article 4. Public Patrimony is considered to be that which corresponds by any title to:</p> <ol style="list-style-type: none"> 1. The organisms and entities in charge of the exercise of the National Public Power 2. The organs and entities in charge of the exercise of the State Public Power 3. The organisms and entities in charge of the exercise of the Public Power in the metropolitan districts and districts. 4. The bodies in charge of the exercise of the Municipal Public Power and in the other local entities provided for in the Organic Law of the Municipal Regime. 5. The organs and entities in charge of the exercise of the Public Power in the federal territories and dependencies. 6. The national, state, district and municipal autonomous institutes. 7. The Central Bank of Venezuela. 8. Public universities. 9. Other national, state, district and municipal public law entities. 10. Corporations of any nature in which the people referred to in the preceding paragraphs have a participation in their share capital, as well as those that are constituted with the participation of the former. 11. Foundations and civil associations and other institutions created with public funds or which are directed by the persons referred to in the preceding paragraphs, or in which such persons designate their authorities, or when the budgetary contributions or contributions made in a budgetary period by one or several of the persons referred to in the preceding paragraphs represent fifty percent (50%) or more of their budget. <p>The resources delivered to private individuals by the public sector entities mentioned in the preceding article, by means of transfers, contributions, subsidies or any other similar modality for the fulfillment of purposes of public interest or utility, until the achievement of such purposes is demonstrated, shall also be considered public patrimony. The individuals who administer such resources shall be subject to the sanctions and other actions and measures provided for in this Decree with Rank, Value and Force of Law and in the Organic Law of the Comptroller General of the Republic and of the National Tax Control System.</p>	<p>Article 4. Public Patrimony is considered to be all assets, rights, resources and legal and economic instruments which, by whatever title, correspond to:</p> <ol style="list-style-type: none"> 1. The organisms and entities in charge of the exercise of the National Public Power. 2. The organism and entities in charge of the exercise of the State Public Power. 3. The organisms and entities in charge of the exercise of the Public Power in the metropolitan districts and districts. 4. The bodies in charge of the exercise of the Municipal Public Power and in the other local entities provided for in the Organic Law of the Popular Power. 5. The organs and entities in charge of the exercise of the Public Power in the federal territories and dependencies. 6. The national, state, district and municipal autonomus institutes. 7. The Central Bank of Venezuela. 8. Public universities. 9. Other national, state, district and municipal public law entities. 10. Corporations of any nature in which the people referred to in the preceding paragraphs have a participation in their share capital, as well as those that are constituted with the participation of the former. 11. Foundations and civil associations and other institutions created with public funds or which are directed by the persons referred to in the preceding paragraphs, or in which such persons designate their authorities, or when the budgetary contributions or contributions made in a budgetary period by one or several of the persons referred to in the preceding paragraphs represent fifty percent (50%) or more of their budget. <p>The resources delivered to private individuals by the public sector entities mentioned in the preceding article, by means of transfers, contributions, subsidies or any other similar modality for the fulfillment of purposes of public interest or utility, until the achievement of such purposes is demonstrated, are to be considered as public patrimony. The individuals who administer such resources shall be subject to the sanctions and other actions and measures provided for in this Decree with Rank, Value and Force of Law and in the Organic Law of the Comptroller General of the Republic and of the National Tax Control System.</p>



Guiding Principles	
<p>Article 6. In the administration of public goods and resources, public officials and employees shall be governed by the principles of honesty, transparency, participation, efficiency, effectiveness, legality, accountability and responsibility.</p>	<p>Article 6. The guiding principles for the administration, management, custody and safeguarding of the public capital are: honesty, probity, decency, honesty, transparency, citizen participation, effectiveness, efficiency, legality, collaboration, accountability, responsibility and co-responsibility.</p>
Public Policies (This new article is added after Article 7)	
	<p>Article 8. The Government must design, implement and evaluate public educational, economic, legal and any other kind of policies it deems appropriate and convenient to ensure the prevention, combat and eradication of corruption arising from activities related to the administration, management and custody of the public patrimony.</p> <p>For such purposes, the different organs and entities of the Public Power, at their different levels, must develop educational plans for the prevention of corruption, aimed at public servants and the general population.</p>
Public Nature of the Information	
<p>Article 8. All information on the administration of the public patrimony that corresponds to the persons indicated in Articles 4 and 5 of this Decree with Rank, Value and Force of Law shall be of a public nature, except for the exceptions expressly established by law for reasons of security and defense of the Nation.</p>	<p>Article 9. All information related to the administration, management and custody of the public patrimony that corresponds to the persons subject to this Law shall be of a public nature, except for the exceptions expressly established by Law for reasons of National Security.</p>
Citizen Participation in Budget Formulation, Oversight and Control	
<p>Article 12. Individuals and civil society organizations have the right to participate in the formulation, evaluation and execution of the budget in accordance with the corresponding territorial political level, in accordance with the Constitution of the Bolivarian Republic of Venezuela and the Law.</p> <p>To this effect, the National Budget Office shall periodically submit for public consultation, the design of the management indicators referred to in Section Seven of Chapter II, Chapter II, Title II of the Organic Law of Financial Administration of the Public Sector, in accordance with the procedure established in Title VI of the Organic Law of Public Administration.</p>	<p>Article 13. Individuals, communal councils, communes and other instances and popular organizations of Popular Power have the right to participate in the formulation, evaluation and execution of the budget in accordance with the corresponding territorial political level, in accordance with the Constitution of the Bolivarian Republic of Venezuela and the Law.</p> <p>To this effect, the National Budget Office shall periodically submit for public consultation, the design of the management indicators referred to in Section Seven of Chapter II, Chapter II, Title II of the Organic Law of Financial Administration of the Public Sector, in accordance with the procedure established in Title VI of the Organic Law of Public Administration.</p>
Administration of the Public Capital	
<p>Article 17. Public officials and employees shall administer public goods and resources, using the criteria of rationality and efficiency, seeking to reduce expenses and the best use of available resources for public purposes.</p>	<p>Article 18. Public officials and employees shall administer public goods and resources, using the criteria of rationality and efficiency, seeking to reduce expenses and the best use of available resources for public purposes.</p>



Automated System (This article is added to the new Chapter II, Section I after Article 23)	
	<p>Article 24. The presentation of the Sworn Statement of Net Worth must be prepared and registered in electronic format through an automated system, which for such purpose shall be under the control and conditions established by the Office of the Comptroller General of the Republic.</p>
Incorporation to the Automated System (This article is added to the new Chapter II, Section I after Article 24)	
	<p>Article 25. The persons in charge of the Human Resources area of the organs and entities indicated in numbers 1 to 11 of Article 9 of the Organic Law of the Office of the Comptroller General of the Republic and of the National Tax Control System are obligated to incorporate into the Automated System of Registration of Organs and Entities of the Public Sector, the information related to the entry, termination or end of exercise of the functions or jobs of the personnel, within five (5) working days of their occurrence, even when they are on secondment. Likewise, they must incorporate the information related to the highest authorities and high level and trust personnel, and they must keep said system updated.</p>
Fidelity of the Net Worth Affidavit (This article is added to the new Chapter II, Section II after Article 26)	
	<p>Article 27. The Sworn Statement of Net Worth must be a faithful and accurate expression of the truth of the data corresponding to the net worth situation of the public servant who has the duty to prepare and submit it.</p>
Annual Update of Net Worth Affidavit (This article is added to the new chapter II, Section II added after Article 29)	
	<p>Article 30. The highest authorities, public officers and public officials who hold high-level and trust positions in the organs and entities indicated in numbers 1 to 11 of Article 9 of the Organic Law of the Comptroller General of the Republic and of the National Tax Control System must annually update their sworn statement of net worth.</p> <p>The period to comply with this obligation shall be established by means of a resolution issued by the Comptroller General of the Republic for such purpose.</p> <p>The Comptroller General of the Republic may extend, by means of a resolution, the term established for the presentation of the updated sworn statement of net worth. The request for extension must be filed before the expiration of such period.</p>
Requirement of the Electronic Certificate of Receipt of the Net Worth Affidavit	
<p>Article 26. The sworn statement of net worth shall comply with the requirements established in the Organic Law of the Comptroller General of the Republic and the National Tax Control System and</p>	<p>Article 31. Those responsible for human resources of the organs and entities indicated in numbers 1 to 11 of Article 9 of the Organic Law of the Comptroller General of the Republic and of the National System of Fiscal Control must request from the officers and</p>



those indicated by Resolution of the Comptroller General of the Republic, in accordance with the provisions of said Law.

Those responsible for the human resources area of the entities or bodies referred to in Article 4 of this Decree with Rank, Value and Force of Law, are obliged to request from the public officers or employees, a copy of the voucher evidencing the presentation of the sworn statement of net worth before the competent official. Said copy shall be included in the file of the declarant at the Human Resources Directorate or at the agency with competence in such matter.

employees a copy of the Electronic Certificate of Receipt of the Sworn Statement of Net Worth, stating compliance with such obligation. Said copy must be included in the file of the declarant in the human resources unit or in the unit with competence in the matter.

Cooperation with the procedures for the verification of the Net Worth Affidavit

Article 27. The people obliged to file a sworn statement of net worth shall provide the necessary cooperation to verify the sincerity of such statements. To that effect, they shall allow the competent officials to inspect books, bank accounts, documents, invoices, bills, bills of lading and other elements that tend to verify the content of the declaration.

The same obligation shall be incumbent upon public officials or employees and private persons or legal entities that have such documents in their possession, who shall be obliged to send them to the Office of the Comptroller General of the Republic, within ten (10) days following the requirement of the same and subject to the sanction provided in this Decree with Rank, Value and Force of Law, in case of non-compliance with such obligation.

The Office of the Comptroller General of the Republic may order any agency or entity of the public sector to carry out specific actions in order to verify the content of the sworn statements of net worth.

Article 32. The people obliged to file a sworn statement of net worth must cooperate by providing the necessary cooperation to verify their sincerity. To that effect, they shall allow the competent officials to inspect books, bank accounts, documents, invoices, bills, bills of lading and other elements that tend to verify the content of the declaration.

The same obligation shall be incumbent upon public officials or employees and private persons or legal entities that have such documents in their possession, who shall be obliged to send them to the Office of the Comptroller General of the Republic, within ten (10) days following the requirement of the same and subject to the sanction provided in this Decree with Rank, Value and Force of Law, in case of non-compliance with such obligation.

The Office of the Comptroller General of the Republic may order any agency or entity of the public sector to carry out specific actions in order to verify the content of the sworn statements of net worth.

The data, records, reports or documents must be provided in the terms and conditions required by the Office of the Comptroller General of the Republic, duly certified and accompanied by the supports or backups that justify the information contained therein, in a truthful, complete and accurate manner, demonstrating the economic, financial and any other type of operations or transactions.

Veracity Verification of the Net Worth Affidavit

Article 29. The Office of the Comptroller General of the Republic, upon receipt of the sworn statement of net worth, shall proceed to verify the veracity of the same and to compare it, if applicable, with the previous statement.

The Comptroller General of the Republic may directly request the respective embassies, in accordance with the international conventions and treaties signed and ratified by the Bolivarian Republic of Venezuela on the matter, to provide them with the evidentiary elements required for the verification procedure of the sworn statements of net worth.

In addition, when verifying the sworn statement of net worth of an official who has ceased to perform his duties, he may request the presentation of a new statement of net worth, even if he is not active in the public service.

The reports of asset audits, as well as the evidence obtained by the Office of the Comptroller General of the Republic to verify and compare the sworn statements of assets, shall have probative force as long as they are not refuted in the judicial debate.

Article 34. The Office of the Comptroller General of the Republic, upon receipt of the sworn statement of net worth in electronic format, shall proceed, within the framework of the patrimony audit, to verify the veracity of the same and to compare it, if applicable, with the previous statement.

he Comptroller General of the Republic may directly request the respective embassies, in accordance with the international conventions and treaties signed and ratified by the Bolivarian Republic of Venezuela on the matter, to provide them with the evidentiary elements required for the verification procedure of the sworn statements of net worth.

In addition, when verifying the sworn statement of net worth of an official who has ceased to perform his duties, he may request the presentation of a new statement of net worth, even if he is not active in the public service or public employment within one year after leaving office.

The reports of asset audits, as well as the evidence obtained by the Office of the Comptroller General of the Republic to verify and compare the sworn statements of assets, shall have probative force as long as they are not refuted in the judicial debate.



<p>The Office of the Comptroller General of the Republic may verify ex officio the net worth situation of those who are obliged to submit their sworn statement of net worth but fail to do so.</p>	<p>The Office of the Comptroller General of the Republic may verify ex officio the net worth situation of those who are obliged to submit their sworn statement of net worth but fail to do so.</p>
<p>Elaboration of the File</p>	
<p>Article 32. Of the actions carried out in connection with the asset verification procedure provided for in this Decree with Rank, Value and Force of Law, a file shall be prepared and the results shall be recorded in a report, based on which the Office of the Comptroller General of the Republic, by means of a reasoned order, shall decide whether or not to admit the sworn statement of assets, proceeding to that effect in the following manner:</p> <ol style="list-style-type: none"> 1. If the analysis concludes that the information contained in the sworn statement of net worth is true, it shall be admitted and the file shall be ordered to be filed. 2. If, on the other hand, it is determined that the sworn statement of net worth is not truthful because there is a discrepancy between the declared amount and the result of the net worth audit, the Office of the Comptroller General of the Republic shall forward the proceedings to the Public Prosecutor's Office so that pertinent action may be taken, in order to enforce the responsibility of the declarant. 3. If the Public Prosecutor's Office deems it necessary to carry out other procedures in addition to those carried out by the Office of the Comptroller General of the Republic, it may commission the latter to do so, in which case it shall act under the supervision and direction of the Public Prosecutor's Office. 	<p>Article 37. Of the actions carried out in connection with the asset verification procedure provided for in this Law, a file shall be prepared and the results shall be recorded in a report, based on which the Office of the Comptroller General of the Republic, by means of a reasoned order, shall decide whether or not to admit the sworn statement of assets, proceeding to that effect in the following manner:</p> <ol style="list-style-type: none"> 1. If the analysis concludes that the information contained in the sworn statement of net worth is true, it shall be admitted and the file shall be ordered to be filed. 2. If, on the other hand, it is determined that the sworn statement of net worth is not truthful because there is a discrepancy between the declared amount and the result of the net worth audit, the Office of the Comptroller General of the Republic shall forward the proceedings to the Public Prosecutor's Office so that pertinent action may be taken, in order to enforce the responsibility of the declarant. 3. If the Public Prosecutor's Office deems it necessary to carry out other procedures in addition to those carried out by the Office of the Comptroller General of the Republic, it may commission the latter to do so, in which case it shall act under the supervision and direction of the Public Prosecutor's Office.
<p>Sanctions</p>	
<p>Article 33. Regardless of the civil, criminal, administrative or disciplinary liability, the following shall be sanctioned with a fine ranging from fifty (50 TU) to five hundred tax units (500 TU):</p>	<p>Article 38. Regardless of the civil, criminal, administrative or disciplinary liability, the following shall be sanctioned with a fine ranging from one hundred (100) to one thousand (1,000) units of the official exchange rate of the currency of the highest value published by the Central Bank of Venezuela in force at the time of payment:</p>



<ol style="list-style-type: none"> 1. Those who fail to file the sworn statement of net worth within the term provided for such purpose. 2. Those who fail to submit, within the term agreed upon, the documents requested in connection with the asset verification procedure. 3. Those who are required by resolution to submit the sworn statement of net worth and fail to do so. 4. Those who do not participate in the appointments, designations, taking possession, removals or dismissals. 5. Those responsible for human resources when they do not demand from the public official the proof of compliance of having filed the sworn statement of net worth. 6. The highest authorities who have been requested to apply preventive measures and fail to do so or who have been entrusted with their application. 7. Public officials who order the cancellation of social benefits or other concepts due to the termination of public functions due to resignation, dismissal or because they are granted the benefit of retirement, without first having demanded a copy of the voucher stating the presentation of the sworn statement of net worth. 8. Anyone who in any way hinders or obstructs the execution of any procedure to be carried out in connection with the audit of assets. 9. Any person who falsifies or conceals the data contained or to be contained in his net worth statement or the information or data that may be required of him on the occasion of its verification. 10. The heads of the organs and entities referred to in Articles 4 and 5 of this Decree with Rank, Value and Force of Law, who do not publish and make available the report referred to in Article 9. 11. Those who have been ordered by the Office of the Comptroller General of the Republic to carry out specific actions in order to verify the content of the sworn statement of net worth and fail to do so. 	<ol style="list-style-type: none"> 1. Those who fail to file the sworn statement of net worth within the term provided for such purpose. 2. Those who fail to submit, within the term agreed upon, the documents requested in connection with the asset verification procedure. 3. Those who are required by resolution to submit the sworn statement of net worth and fail to do so. 4. Those who do not participate in the appointments, designations, taking possession, removals or dismissals. 5. Those responsible for human resources when they do not demand from the public official the proof of compliance of having filed the sworn statement of net worth. 6. The highest authorities who have been requested to apply preventive measures and fail to do so or who have been entrusted with their application. 7. Public officials who order the cancellation of social benefits or other concepts due to the termination of public functions due to resignation, dismissal or because they are granted the benefit of retirement, without first having demanded a copy of the voucher stating the presentation of the sworn statement of net worth. 8. Anyone who in any way hinders or obstructs the execution of any procedure to be carried out in connection with the audit of assets. 9. Any person who falsifies or conceals the data contained or to be contained in his net worth statement or the information or data that may be required of him on the occasion of its verification. 10. The heads of the organs and entities referred to in Articles 4 and 5 of this Decree with Rank, Value and Force of Law, who do not publish and make available the report referred to in Article 9. 11. Those who have been ordered by the Office of the Comptroller General of the Republic to carry out specific actions in order to verify the content of the sworn statement of net worth and fail to do so
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Request for Preventive Measures

<p>Article 37. The Comptroller General of the Republic shall request the highest authority of the entity or organism in question to apply preventive measures in order to ensure the presentation of the sworn statement of net worth and/or the documents required in the verification of net worth procedure.</p> <p>The highest authority shall apply the preventive measure required upon receipt of the request and shall participate in its execution to the Office of the Comptroller General of the Republic within a period not to exceed three (3) working days.</p>	<p>Article 42. The Comptroller General of the Republic shall request the highest authority of the entity or organism in question to apply preventive measures in order to ensure the presentation of the sworn statement of net worth and/or the documents required in the verification of net worth procedure or in any other administrative proceeding carried out for such purpose in connection with the sworn statement of net worth.</p> <p>The highest authority shall apply the preventive measure required upon receipt of the request and shall participate in its execution to the Office of the Comptroller General of the Republic within a period not to exceed three (3) working days.</p>
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Unpaid Suspension

Article 38. Without prejudice to other appropriate sanctions, the following shall be suspended without pay for a period of up to twelve (12) months:

1. An official who does not submit the sworn statement of net worth, until they demonstrate that they have complied with the obligation.
2. A public official who does not provide the documents required by the Office of the Comptroller General of the Republic, in the patrimony audit.
3. A public official who does not execute the suspension agreed upon by the Comptroller General of the Republic.
4. An official who in any way hinders or obstructs the execution of any procedure that must be carried out in connection with the patrimony audit.

Article 43. Without prejudice to other appropriate sanctions, the following shall be suspended without pay for a period of up to **eighteen (18) months**:

1. An official who does not submit the sworn statement of net worth, until they demonstrate that they have complied with the obligation.
2. A public official who does not provide the documents required by the Office of the Comptroller General of the Republic, in the patrimony audit **or any other administrative proceeding carried out for such purpose in connection with the sworn statement of net worth.**
3. A public official who does not execute the suspension agreed upon by the Comptroller General of the Republic.
4. An official who in any way hinders or obstructs the execution of any procedure that must be carried out in connection with the patrimony audit **or any other administrative proceeding carried out for such purpose in connection with the sworn statement of net worth.**

Duties and Attributions of the Office of the Comptroller General of the Republic in Corruption Matters

Article 41. Without prejudice to the provisions of the law governing its functions, the Office of the Comptroller General of the Republic shall have the following duties and powers in matters of corruption:

1. To receive, admit, study, collate, verify, order and file the sworn statements of net worth submitted to it.
2. To demand the formulation and presentation of the sworn statement of net worth from the persons who must do so, in the opportunity and under the conditions it deems necessary, in accordance with the law.
3. To send to the Attorney General of the Republic or to the competent courts all the documents or elements that they may require, as well as the results of the investigations that it may carry out, on any action or omission that may produce a damage to the public capital or may compromise the civil or criminal liability of the persons subject to this Decree with Rank, Value and Force of Law.
4. To investigate the legal persons that contract with any of the entities or organs indicated in Articles 4 and 5 of this Decree with Rank, Value and Force of Law, when any official participates in their capital, directly or through an intermediary, in contravention of the provisions of Article 145 of the Constitution of the Bolivarian Republic of Venezuela.
5. To carry out the pertinent investigations when it is reasonably presumed that any of the persons subject to this Decree with Rank, Value and Force of Law, even though interposed parties, have made remittances of funds abroad for the purpose of hiding their illicit enrichment.

Article 46. Without prejudice to the provisions of the law governing its functions, the Office of the Comptroller General of the Republic shall have the following duties and powers in matters of corruption:

1. **To establish and maintain automated information systems to receive, store and process the sworn statement of net worth in electronic format.**
2. To demand the formulation and presentation of the sworn statement of net worth from the persons who must do so, in the opportunity and under the conditions it deems necessary, in accordance with the law.
3. To send to the Attorney General of the Republic or to the competent courts all the documents or elements that they may require, as well as the results of the investigations that it may carry out, on any action or omission that may produce a damage to the public capital or may compromise the civil or criminal liability of the persons subject to this Decree with Rank, Value and Force of Law.
4. To investigate the legal persons that contract with any of the entities or organs indicated in Articles 4 and 5 of this Decree with Rank, Value and Force of Law, when any official participates in their capital, directly or through an intermediary, in contravention of the provisions of Article 145 of the Constitution of the Bolivarian Republic of Venezuela.
5. To carry out the pertinent investigations when it is reasonably presumed that any of the persons subject to this Decree with Rank, Value and Force of Law, even though interposed parties, have made remittances of funds abroad for the purpose of hiding their illicit enrichment.



Referral to the Public Prosecutor's Office

Article 44. When the Office of the Comptroller General of the Republic determines the administrative liability of a public official in accordance with this Decree with Rank, Value and Force of Law, it shall forward the result of its actions to the Public Prosecutor's Office so that it may exercise the corresponding actions.

Article 49. When the Office of the Comptroller General of the Republic determines the administrative liability of a public official in accordance with this Decree with Rank, Value and Force of Law, it shall forward the result of its actions to the Public Prosecutor's Office so that it may exercise the corresponding actions.

Profit, Advantage or Economic benefit

Article 82. Public officials shall be punished with imprisonment from three (3) months to one (1) year when:

1. By themselves or through an interposed person, they procure any profit, advantage or economic benefit on the administrative offenses provided for in Article 94 of the Organic Law of the Office of the Comptroller General of the Republic and of the National Fiscal Control System.
2. They order payments for works or services not performed or defectively performed.
3. They certify completion of works or rendering of non-existent services or of qualities or quantities inferior to those contracted, without leaving a record of these facts.

Article 87. Public officials shall be **sanctioned with imprisonment from three (3) to six (6) years when:**

1. By themselves or through an interposed person, they procure any profit, advantage or economic benefit **based on the assumptions that generate administrative liability as provided in Articles 91 and 92 of the Organic Law of the Comptroller General of the Republic and of the National Fiscal Control System.**
2. They order payments for works or services not performed or defectively performed.
3. They certify completion of works or rendering of non-existent services or of qualities or quantities inferior to those contracted, without leaving a record of these facts.

Transitional Provisions

First. The Republican Moral Council shall adapt the Code of Ethics for Public Officials, issued by the Office of the Comptroller General of the Republic through Resolution No. 000019 dated May 12, 1997, and published in the Official Gazette of the Republic of Venezuela No. 36,268 of August 13, 1997, which shall develop the principles and values enshrined in the Constitution of the Bolivarian Republic of Venezuela.

Second. The Government shall create a national body of prevention, analysis, intelligence and investigation against corruption, hierarchically dependent on the President of the Republic, to prevent, specify, combat and neutralize the crimes derived from and related to the phenomenon of corruption and others to the detriment of the national treasury, linked to organized crime, in all instances of the Public Power, the popular power and the private sector.

SINGLE. The criminal types contained in this Law shall be subject to codification, without this implying the alteration of the spirit, purpose and reason of this Law, and shall remain in force upon the enactment of the new Venezuelan Organic Criminal Code.



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