

Summary of the Constitutional Court Ruling No. 17/2545

Dated 16th May B.E. 2545 (2002) *

Re : The National Counter Corruption Commission requests for a Constitutional Court ruling under section 295 of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997) in the case where Mr. Savet Thongrom intentionally failed to submit his account showing assets and liabilities and supporting documents.

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1. Background and summarized facts

The National Counter Corruption Commission (NCCC) submitted an application under section 295 of the Constitution, the essence of which can be summarized as follows. Mr. Savet Thongrom, the respondent, was a political official holding the position of advisor to the Deputy Minister of Agriculture and Cooperatives (Mr. Somchai Suntornwat). The respondent took office on 5th January B.E. 2541 (1998) and had to submit accounts of assets and liabilities by 3rd February B.E. 2541 (1998). Upon the vacation of office by resignation on 1st June B.E. 2541 (1998), the respondent had to submit accounts by reason of such vacation of office by 30th June B.E. 2541 (1998) and had to submit accounts by reason of the expiration of one year after the vacation of office by 30th June B.E. 2542 (1999).

The NCCC discovered in the course of their investigation that the respondent did not submit accounts on any occasion and therefore issued a letter of warning. The respondent expressed that he was not aware of the fact that accounts had to be submitted and that no account whatsoever had yet been submitted. As a result, the NCCC resolved on 15th March B.E. 2544 (2001) that the respondent intentionally failed to submit accounts disclosing assets and liabilities and supporting documents to the NCCC. An application was accordingly submitted to the Constitutional Court for a ruling under section 295 of the Constitution on the following issues:

- (1) whether or not the respondent intentionally failed to submit accounts to the NCCC;
- (2) the respondent should be prohibited from holding any political position for a period of five years as from which date?

* Published in the Government Gazette, Vol. 120, Part 3a, dated 7th January B.E. 2546 (2003)

2. The issues considered by the Constitutional Court

First issue: whether or not the respondent intentionally failed to submit accounts on the occasion of taking office.

Second issue: the respondent vacated office and was prohibited from holding any political position for a period of five years as from which date.

3. Ruling of the Constitutional Court

(1) The Constitutional Court, by the unanimous votes of 13 Constitutional Court judges, held on the first issue that, pursuant to section 295 of the Constitution, Mr. Savet Thongrom intentionally failed to submit accounts disclosing assets and liabilities and supporting documents.

(2) The Constitutional Court, by 7 Constitutional Court judges, held on the second issue that the respondent should be prohibited from holding any political position for a period of five years as from the date of vacation of office as advisor to the Deputy Minister of Agriculture and Cooperatives, being the position which was the cause for acts as from 1st June B.E. 2541 (1998).

5 Constitutional Court judges held that the respondent should be prohibited from holding any political position for a period of five years as from the date of expiration of the time limit for the submission of accounts, viz in the case of taking office, as of 3rd February B.E. 2541 (1998). One Constitutional Court judge held that the respondent should be prohibited from holding any political position for a period of five years as from the date of discovery by the NCCC, i.e. 15th March B.E. 2544 (2001)
