

[PRESIDENTIAL DECREE NO. 1487, June 11, 1978]

CREATING THE OFFICE OF THE OMBUDSMAN, TO BE KNOWN AS TANODBAYAN.

To give effect to the constitutional right of the people to petition the government for redress of grievances and to promote higher standards of integrity and efficiency in the government service, **I, FERDINAND E. MARCOS**, President of the Philippines, by virtue of the powers vested in me under the Constitution and pursuant to Proclamation No. 1081, dated 21 September 1972, hereby order and decree as part of the law of the land:

SECTION 1. *Short title.*—This Decree may be cited as the *Tanodbayan* Decree of 1977.

SEC. 2. *Establishment of office.*—An independent Office of the ombudsman, to be called the *Tanodbayan*, is hereby established. The *Tanodbayan* shall have two Deputies for Luzon, one for the Visayas and one for Mindanao.

SEC. 3. *Appointment.*—The President shall appoint the *Tanodbayan* and his Deputies.

SEC. 4. *Qualifications.*—The *Tanodbayan* and his Deputies shall be members of the bar, well equipped to analyze problems of law, administration, and public policy, and shall not have been actively involved in partisan affairs.

SEC. 5. *Disqualifications.*—The *Tanodbayan* and his Deputies shall not, during their tenure in office, engage in the practice of any profession or in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof including government-owned or controlled corporations.

SEC. 6. *Term of Office.*—

- a. The *Tanodbayan* and his Deputies shall serve for a term of seven years without re-appointment unless removed by the President upon his determination that the *Tanodbayan* or any of his Deputies has become incapacitated or has been guilty of neglect of duty, or misconduct.
- b. If the Office of *Tanodbayan* becomes vacant for any cause, the Senior Deputy *Tanodbayan* shall serve as Acting *Tanodbayan* until the *Tanodbayan* shall have been appointed for a full term.

SEC. 7. *Salary.*—Unless otherwise provided by law, the *Tanodbayan* and each Deputy *Tanodbayan* shall receive an annual salary of sixty thousand pesos and fifty thousand pesos, respectively, which shall not be decreased during their continuance in office.

SEC. 8. *Organization of Office.*—

- a. The *Tanodbayan* may select, appoint, and compensate in accordance with the Civil Service Law and within the amount available by appropriation, such

assistants and employees in the national and local offices as he may deem necessary to discharge his responsibilities under this Decree;

- b. The *Tanodbayan* shall designate one of his Deputies to be the *Senior Deputy Tanodbayan*, with authority to act in his stead when he himself is disabled or protractedly absent;
- c. The *Tanodbayan* may delegate to other members of his staff any of his authority or duties under this Decree except this power of delegation and the duty of formally making recommendations to administrative agencies or reports to the President or the National Assembly.

SEC. 9. Definitions.—As used in this Decree, the term

- a. "Administrative agency" means any department or other governmental unit including any government-owned or controlled corporation, any official, or any employee acting or purporting to act by reason of connection with the government but it does not include (1) any court or judge, or appurtenant judicial staff, (2) the members, committees or staffs of the National assembly, or (3) the President or his personal staff, or (4) the members of the Constitutional Commissions and their personal staffs.
- b. "Administrative act" refers to any action including decisions, omissions, recommendations, practices, or procedures of an administrative agency.
- c. "Failure of justice" refers to the defeat of a particular right, or the failure of reparation for a particular wrong, from the lack or inadequacy of a legal remedy for the enforcement of the one or the redress of the other.

SEC. 10. Powers.—The *Tanodbayan* shall have the following powers:

- a. He may investigate, on complaint, any administrative act of any administrative agency including any government-owned or controlled corporation;
- b. He may prescribe the methods by which complaints are to be made, received, and acted upon; he may determine the scope and manner of investigations to be made; and, subject to the requirements of this Decree, he may determine the form, frequency, and distribution of his conclusions and recommendations;
- c. He may request and shall be given by each administrative agency the assistance and information he deems necessary for the discharge of his responsibilities; he may examine the records and documents of all administrative agencies; and he may enter and inspect premises within any administrative agency's control, provided, however, that where the President in writing certifies that such information, examination or inspection might prejudice the national interest, the *Tanodbayan* shall desist. All information so obtained shall be confidential, unless the President, in the interest of public service, decides otherwise;
- d. He may issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence the *Tanodbayan* deems relevant to a matter under his inquiry;
- e. He may undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if he believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies.

SEC. 11. Matters appropriate for investigation.—