

[EXECUTIVE ORDER NO. 73, December 28, 2018]

**AMENDING EXECUTIVE ORDER NO. 43 (S. 2017) CREATING THE
PRESIDENTIAL ANTI-CORRUPTION COMMISSION**

WHEREAS, Section 1 of Executive Order (EO) No. 43 (s. 2017) created the Presidential Anti-Corruption Commission, hereinafter referred to as the "Commission," under the Office of the President to directly assist the President in investigating and/or hearing administrative cases primarily involving graft and corruption against all presidential appointees and to perform such other similar duties as the President may direct;

WHEREAS, Section 5 of the same EO provided for the jurisdiction, powers, and functions of the Commission, while Section 12 thereof further transferred to the Commission the investigative, recommendatory, and other incidental functions of the Office of the Deputy Executive Secretary for Legal Affairs (ODESLA), except its functions of formulating national anti-corruption plans, policies, and strategies, implementing anti-corruption initiatives of the government, and monitoring compliance therewith;

WHEREAS, presidential appointees come under the direct disciplining authority of the President and this proceeds from the well-settled principle that unless otherwise provided by the Constitution and existing laws, the power to appoint carries with it the power to discipline and remove public officials and employees;

WHEREAS, Section 17, Article VII of the 1987 Constitution provides that the President shall have control of all the executive departments, bureaus, and offices, and that he shall ensure that the laws be faithfully executed; and

WHEREAS, Section 31, Chapter 10, Title III, Book III of EO No. 292 (s. 1987), or the Administrative Code of 1987, gives the President a continuing authority to reorganize the administrative structure of the Office of the President;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and the laws, do hereby order:

SECTION 1. Section 5 of EO No. 43 is hereby amended to read as follows:

"SECTION 5. Jurisdiction, Powers, and Functions. -

(a) The Commission shall have the power, on complaint or motu proprio, and concurrently with the Office of the Ombudsman, to hear, investigate, receive, gather, and evaluate evidence, intelligence reports, and information on administrative cases against all presidential appointees in the Executive Branch of the government and any of its agencies or

instrumentalities occupying the position of Assistant Regional Director or an equivalent rank and higher, otherwise classified as Salary Grade '26' and higher under RA No. 6758 (Compensation and Position Classification Act of 1989), including members of the governing board of any instrumentality, regulatory agency, chartered institution, and directors or officers, appointees or nominated by the President to government-owned or - controlled corporations, or who otherwise represent the interests of the government, for acts or omissions constituting violations of any of the following:

1) RA No. 3019, as amended;

2) RA No. 1379 on the unlawful acquisition of property by a public officer or employee;

3) RA No. 6713;

4) Provisions under Title Seven, Book Two of the Revised Penal Code;

5) EO No. 292 (s. 1987) whenever it defines and imposes administrative sanctions on acts and omissions constituting violations of the foregoing laws and issuances;

6) Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and

7) Other violations as may be referred to the Commission by the President.

(b) Upon instructions of the President, the Commission may investigate presidential appointees in the Armed Forces of the Philippines and the Philippine National Police whenever he deems it necessary or appropriate.

(c) Upon instructions of the President, or motu proprio, the Commission may also conduct lifestyle checks and fact-finding inquiries on acts or omissions of all presidential appointees, including those outside the Executive Branch of government, which may be violative of the Constitution, or contrary to law, rules and regulations, and/or constitute serious misconduct tantamount to betrayal of public trust. On the basis of such fact-finding inquiries, the Commission shall submit its report and recommended courses of action to the President.

(d) Recommend to the Anti-Red Tape Authority, for investigation, violations of RA No. 9485, otherwise known as the Anti-Red Tape Act of 2007, as amended, and its Implementing Rules and Regulations.