

**[OB ADMINISTRATIVE ORDER NO. 21, S. OF 2009,
July 28, 2009]**

REVISED RULES OF THE INTERNAL AFFAIRS BOARD

Pursuant to the powers vested in the Office of the Ombudsman under Sections 11 and 18 of Republic Act No. 6770, otherwise known as the "Ombudsman Act of 1989," and in order to simplify and clarify the existing Internal Affairs Board as contained in Administrative Order No. 16, series of 2003, the Office of the Ombudsman deems it best to revise/amend the existing rules. Accordingly, the Office hereby revises/amends the following rules and guidelines:

I. COMPOSITION OF THE INTERNAL AFFAIRS BOARD AND STAFFS

The Internal Affairs Board (IAB) shall be composed of six (6) members with the only qualification that they shall at least be an Assistant Ombudsman. They shall be designated by the Ombudsman for a term of two years.

The Chairman and the Vice Chairman of the IAB shall be designated by the Ombudsman from among the members of the IAB for a term of two years.

The IAB Program Staff, IAB Investigating Staff and IAB Administrative Office shall, likewise, be designated by the Ombudsman for a term of two years.

All of the above may be redesignated at the discretion of the Ombudsman.

II. PROCEDURES IN HANDLING COMPLAINTS

Assignment of Complaints for Evaluation. Upon receipt of the complaint, **the IAB Chairman**, with the assistance of the IAB Administrative Officer, **shall assign the case by raffle** to a member of the IAB-IS, for the conduct of an initial evaluation.

Conduct of Evaluation. Upon receipt of the complaint, the investigator shall evaluate the complaint and submit to the IAB Chairman, within five (5) days from receipt thereof, an evaluation report, **without indicating his/their name(s)**, which shall contain, among others, the following:

Action on the Evaluation Report

Item No. 3. should read, as follows:

The IAB Chairman shall approve/disapprove the recommendation to conduct an intelligence operation, fact-finding investigation, preliminary investigation and/or

administrative adjudication, regardless of the rank of the respondent or highest ranking respondent.

Item No. 4. should read, as follows:

The preventive suspension order, when proper, shall be approved by the IAB Chairman regardless of the rank of the respondent or highest ranking respondent. The preventive suspension order shall be immediately executory even pending appeal. Only a Temporary Restraining Order (TRO) or a Writ of Preliminary Injunction, duly issued by a court of competent jurisdiction, stays the immediate implementation of the said order.

Item No. 5 should read as follows:

Where the evaluation report recommend any action other than the conduct of preliminary investigation and/or administrative adjudication or fact-finding investigation/ intelligence operation, only the approval of the IAB Chairman is required regardless of the rank of the respondent or highest ranking respondent.

Conduct of Fact-Finding Investigation or Intelligence Operation

Item No. 1 should read, as follows:

Where the conduct of a fact-finding investigation or intelligence operation is found to be proper on the basis of a complaint, the IAB Chairman, with the assistance of the IAB Administrative Officer, shall assign the case by raffle to an IAB-IS investigator or to a panel of IAB-IS investigators.

Action on the Intelligence or Fact-Finding Investigation Report

Item No. 1 should read, as follows

Where the Intelligence or Fact-Finding Report recommends the conduct of a preliminary investigation and/or administrative adjudication against an official or employee of the Office of the Ombudsman, the IAB Chairman shall approve the same and direct the investigator or panel of IAB-IS investigators to prepare the necessary complaint. The case shall be immediately docketed and assigned by raffle, with the assistance of the IAB Administrative Officer, to another IAB investigator or panel.

Item No. 2 should read, as follows:

The IAB Chairman shall approve/disapprove the recommendation to conduct preliminary investigation and/or administrative adjudication, regardless of the rank of the respondent or highest ranking respondent.

Assignment of Cases by Raffle