

[ DOJ, November 20, 1997 ]

**INTERNAL RULES OF PROCEDURE GOVERNING ADMINISTRATIVE INVESTIGATIONS ON LAND FRAUD CASES**

Pursuant to Department Order No. 333-A dated October 6, 1997 creating the Task Force on Land Fraud, the Administrative Cases Group of that Task Force hereby adopts the following rules of internal operating procedure governing the investigation of administrative cases involving officers and employees of the Department of Justice and/or the Land Registration Authority implicated in land fraud cases, particularly those involving the issuance of fake titles or irregularly issued titles.

*SECTION 1. Group Set-up.* — The Administrative Cases Group, which is composed of a Chairman and four members, shall sit in two divisions, each division composed of two members, to wit:

**First Division :** Atty. Pastor J. Benavidez  
Atty. Edilberto Feliciano  
**Second Division :** Atty. Claro B. Flores  
Atty. Enrique Basa

The Chairman of the Administrative Cases Group shall be the common chairman of the two divisions aforementioned.

*SECTION 2. Investigation and Hearing.* — All complaints referred to the Administrative Cases Group shall be investigated and heard in division. The Chairman shall assign the cases evenly to the two divisions, the First Division getting the initial assignment, followed by the Second Division, and so on, alternately.

*SECTION 3. Action on Complaint.* — Upon receipt of the complaint, the Division concerned shall evaluate it. If the complaint, on its face, is unmeritorious or charges no offense, it shall recommend outright dismissal of the complaint. If the Chairman concurs, the recommendation shall be forwarded to the Secretary of Justice for approval. The complainant shall be given notice of the dismissal of his complaint. If the Chairman disagrees with the recommendation of dismissal, and she is sustained by the Secretary of Justice, the complaint shall be re-assigned to the other division for investigation.

If the complaint is prima facie meritorious, the respondent shall be notified in writing of such complaint furnishing him with copies thereof and other supporting

documents, and shall be ordered to forthwith submit his answer within five (5) days from receipt of the notice, which period shall not be extended except for extremely meritorious reasons and in no case beyond five (5) days. The respondent shall be informed that he has a right to avail of the services of counsel in the preparation of his answer or defense and may elect a formal investigation, if he so wishes.

An anonymous or unsworn complaint may be given due course if, on the basis of the documents submitted, there is obvious truth or merit to the allegations thereof.

If the complaint is anonymous but meritorious, filing of the charges shall be recommended by the Division, and if the Chairman concurs, such recommendation shall be submitted to the Secretary for approval. If approved by the Secretary, the respondent shall be informed of the charges against him and shall be ordered to file his answer within the period aforesaid indicating therein that he has a right to counsel and may elect a formal investigation.

If the complaint is meritorious, but not under oath, the complainant shall be required to submit a sworn complaint within three (3) days from receipt of notice, otherwise, the complaint shall be dismissed outright.

*SECTION 4. Effect of Withdrawal of Complaint.* — The withdrawal of the charges by the complainant shall not ipso facto result in the closure of the case. Administrative investigation may proceed on the basis of the evidence available and those which may be obtained.

*SECTION 5. Effect of Failure to File Answer.* — Should respondent fail to file an answer within the prescribed period, he shall be considered to have waived such right and the administrative investigation shall proceed as a matter of course.

*SECTION 6. Preventive Suspension.* — The Chairman shall, on the basis of the initial evaluation of the complaint by the Division concerned, recommend to the Secretary the preventive suspension of the respondent if the charge against him involves dishonesty, oppression or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service. The preventive suspension order shall state the ground or grounds therefor and the date of effectivity thereof. The preventive suspension shall be automatically lifted if the administrative case has not been decided earlier than ninety (90) days after the date of suspension of the respondent, without prejudice to the continuation of the proceedings.

*SECTION 7. Preliminary Conference; Contents of Order.* — When the respondent elects a formal investigation or hearing, or when from the allegations of the complaint and the answer, including the supporting documents, the merits of the case cannot be decided judiciously without conducting such an investigation or hearing, the parties shall be summoned to a preliminary conference for determination of the nature of the charges, stipulation of facts, simplification of issues, identification and marking of exhibits, limitation of number of witnesses, waiver of objections to admissibility of evidence, specification of the dates of subsequent hearing, and consideration of such other matters as would expedite the proceedings.

All matters taken up during the conference shall be indicated in an order which shall