

[BOC MEMORANDUM, January 12, 1994]

REVISED PROCEDURES IN ADMINISTRATIVE CASES

1. References:

- a) Sections 30 and 36 of Chapter 6, Book 1V, Revised Administrative Code of 1987 (Tab 1);
- b) Rule XIV (Discipline) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws (Tab 3); and
- c) Paragraph 2 (a) (5) (6), Chapter 2 of the Operating Manual of the Bureau of Corrections (Tab 2).

2. The erring prison officials or employees may be liable criminally and/or administratively. Thus, if the act complained of is criminal and there is sufficient evidence to warrant prosecution, a criminal complaint may be filed by the concerned Penal Superintendent, upon approval of the Director of the Bureau of Corrections (DC for short), against an erring personnel before the prosecutor's office or to the Ombudsman for preliminary investigation, without prejudice to the Filing of administrative complaint against him if warranted. If the act complained of is not per se criminal but can be dealt with administratively, an administrative complaint shall be filed against him in accordance with the procedures mentioned in the next succeeding paragraph.

3. in order to streamline the bureaucracy, cut red tape and expedite the disposition of administrative cases, hereunder are the procedures that shall govern the conduct of fact-finding and formal investigation of any valid complaint against personnel of the Bureau, to wit:

a) In the case of a complaint filed by any other person, the complainant shall submit to the concerned Assistant Penal Superintendent (APS for short) or his duly authorized representative his sworn statement and those of his witnesses together with his documentary evidence.

In the case where the Bureau itself appears to be the complainant (e.g. escape of prisoners, the respondent being notoriously undesirable, anonymous complaints when there is obvious truth or merit to the allegations therein, etc.), the concerned APS or his duly authorized representatives shall conduct fact-finding investigation.

b) In both cases, or on the basis of such papers the concerned APS finds that no prima facie case exists, he shall dismiss the case subject to the approval of DC. Otherwise, he shall notify the respondent in writing of the formal charge/s against him with all the pertinent documents attached thereto, and shall require the respondent to submit his sworn written answer not later than five (5) days from