

[PAGC, March 04, 2008]

RULES ON INVESTIGATION AND ADJUDICATION

Pursuant to the authority vested in the Presidential Anti-Graft Commission (the "Commission") under Executive Order No. 12, dated April 16, 2001, as amended by Executive Order Nos. 531, dated May 31, 2006, 531-A, dated August 23, 2006, 531-B, dated December 13, 2006, and 670, dated October 22, 2007, the following Rules on Investigation and Adjudication of Administrative Cases are hereby prescribed and promulgated:

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. Title - These Rules shall be known as the "Presidential Anti-Graft Commission Rules on investigation and Adjudication of Administrative Cases," and hereinafter referred to for brevity as the "Rules".

SECTION 2. Interpretation and Application - These Rules shall be liberally construed and applied to fairly and expeditiously promote accountability of public officers.

The Commission shall not be bound by strict technical rules of procedure and evidence, and may opt, in the absence of any applicable rule herein, to apply such modes of proceedings consistent with the requirements of fair play, administrative due process, and the efficient disposition of cases.

SECTION 3. Suppletory Application of Related laws - These Rules shall primarily apply in administrative proceedings before the Commission. Where these Rules are silent, the pertinent provisions of Executive Order No. 292, Series of 1987, otherwise known as the "Administrative Code of 1987," the Rules and Regulations of the Civil Service Commission (CSC), and other related laws may be applied suppletorily, unless inconsistent with the spirit and purpose thereof.

**ARTICLE II
SCOPE OF AUTHORITY**

SECTION 1. Jurisdiction - The Commission shall, upon complaint or on its own initiative, investigate or otherwise receive, gather and evaluate information and evidence, against:

(a) Presidential Appointees in the Executive Department occupying the position of Assistant Regional Director or an equivalent rank and higher, otherwise classified as Salary . Grade 26 and higher, under Republic Act No. 6758 known as the Compensation and Position Classification Act of 1989, including Officers of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) when directed by a referral or endorsement from the President;

(b) Presidential Appointees who are members of the governing board of any instrumental ity, regulatory agency or chartered institution, and Directors or Officers who are appointed or nominated by the President to government-owned and/or controlled corporations or corporations where the government has a minority interest, or who otherwise represent the interests of the government; and

(c) Other public officials and private persons who act in conspiracy, collusion or connivance with any covered Presidential Appointee.

For acts and omissions constituting violations of:

(a) Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act;"

(b) Republic Act No. 1379, on the unlawful acquisition of property by a public officer or employee;

(c) Republic Act No. 6713, otherwise known as "The Code of Conduct and Ethical Standards for Public Officials and Employees."

(d) Republic Act No. 9485, otherwise known as "The Anti-Red Tape Act of 2007;"

(e) Title Seven Book Two of Act No. 3815, as amended, otherwise known as "The Revised Penal Code;"

(f) Executive Order No. 292, series of 1987, otherwise known as "The Administrative Code of 1987," whenever acts and omissions constituting violations of any of the foregoing laws and issuances are therein defined and penalized;

(g) Rules and Regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and

(h) Other laws and issuances, violations of which by Presidential Appointees are referred by the President to the Commission.

SECTION 2. Separation from Service - The registration, retirement or separation from employment of any public official under investigation shall not divest the Commission of authority to pursue an investigation or proceeding to its logical conclusion and render a decision thereon.

ARTICLE III ADMITTANCE EVALUATION AND INVESTIGATION

SECTION 1. Complaint How initiated -The Commission shall motu proprio or upon complaint or information received or obtained in any form or from any source take cognizance of and initiate the investigation of cases against covered Presidential Appointees.

For this purpose, clippings, reproductions, recordings or transcriptions of media

reports, telephone calls, personal conversations, electronically sent or digitally conveyed messages and other forms of complaint or information, except verified, anonymously written, or signed complaints, or those referred by the President or any disciplining authority, shall be endorsed in writing by anybody from within or without the Commission to be deemed filed as a complaint.

The Management Information System (MIS) Unit shall record the complaint and transmit the same to the Complaints and Investigation Unit (CIU), which shall conduct an Evaluation to determine whether the complaint falls within the scope of the authority of the Commission, as provided in Article II of these Rules.

SECTION 2. Evaluation - if upon evaluation it is established that the complaint falls within the scope of authority of the Commission, the CIU shall within five (5) days from receipt of the recorded complaint, cause its docketing for Fact-Finding Investigation.

Otherwise, within the same period of five (5) days, the CIU shall complete the evaluation and submit a report with the appropriate recommendation to the Commission. .

Should the Commission approve a recommendation for the dismissal of the complaint for being beyond the scope of its authority, the necessary Order shall be issued accordingly within fifteen (15) days from receipt of the Evaluation Report. In addition, the Commission may, through the Executive Director, refer or endorse the dismissed complaint to the competent government agency or disciplining authority for appropriate action in accordance with Article VI Section 2 hereof, and the complainant, if known, shall be informed of the action taken.

Should the recommendation for dismissal be disapproved, the Commission shall within the same period of fifteen (15) days, remand the complaint to the CIU for Fact-Finding Investigation whereupon the same shall be docketed accordingly.

SECTION 3. Fact-Finding Investigation - For purposes of a Fact-Finding Investigation, the Head of the CIU shall designate a panel of investigators to conduct the same, using every and all reasonable means to speedily and objectively ascertain facts without strict adherence to technicalities of law or procedure, but in all instances respecting the rights of persons and observing due process. The Fact-Finding Investigation shall be completed within a period of thirty (30) days from the time the complaint was docketed for the purpose.

SECTION 4. Determination of Facts -A Fact-Finding Investigation includes, but is not limited to, examination of documents submitted by the complainant, witnesses and the person complained of, gathering of documentary evidence including documents readily available from other government offices and agencies, and interview of witnesses, for the purpose of determining the existence of a prima facie case.

For this purpose, and only insofar as a Fact-Finding Investigation is being conducted, the Commission hereby expressly delegate to the Head of the CIU, the power to administer oaths, and subpoena government officers, employees and records. The CIU, through its panel of investigators, may likewise conduct clarificatory conferences/hearings, require the complainant, witnesses and the person complained of to submit affidavits, and enlist the aid and support of any law

enforcement agency for assistance, whether for acquisition of documents and objects pertinent to the investigation or to participate in the investigation itself.

SECTION 5. Investigation Report - Within fifteen (15) days from the conclusion of the Fact-Finding Investigation, the panel of investigators shall submit its Investigation Report with the appropriate recommendation to the Head of the CIU.

If a *prima facie* case is established, in that there is probable cause to engender a belief that the allegations in the complaint may be true unless the contradictory evidence is produced, the Head of the CIU shall file the appropriate Formal Charge with the Commission.

On the other hand, if a *prima facie* case cannot be established, the Head of the CIU shall recommend to the Commission the dismissal of the complaint, within the same period of fifteen (15) days. If the Commission approves the said recommendation, the Commission shall issue the appropriate Order within fifteen (15) days from receipt of the Investigation Report. In addition, the Commission, through the Executive Director, may refer the dismissed complaint to the competent government agency or disciplining authority for appropriate action in accordance with Article VI, Section 2 of these Rules, and the complainant, if known, shall be informed of the action taken. If the Commission disapproves the recommendation, the case shall be returned by the Commission within fifteen (15) days from receipt of the Investigation Report, to the Head of the CIU for reinvestigation stating the reasons therefor, and the Head of the CIU shall immediately designate a different panel of investigators to undertake Fact-Finding Investigation in accordance with this Article.

SECTION 6. Lifestyle and Asset Consistency Checks - Even when not expressly prayed for in the complaint and except in complaints for violations of Section 5 (a) of Republic Act No. 6713 and Sections 204, 205, 206, 207, 208, 209, 234, 235, 236, 238, 239, 240, 241, 242, 243 and 245 of Title Seven Book Two of the Revised Penal Code! Lifestyle and Asset Consistency Checks shall form part of all investigations and shall, when warranted by the result, be the subject of a separate Formal Charge.

ARTICLE IV ADMINISTRATIVE ADJUDICATION:

SECTION 1. Formal Charge - The Formal Charge shall narrate the ultimate facts constituting an offense, specifying the law, issuance, rule or regulation violated and accompanied by certified true copies of testamentary and/or documentary evidence substantiating the same. Upon filing of the Formal Charge, the complaint shall be docketed as an Administrative Case for purposes of adjudication.

SECTION 2. Hearing Officer - The Commission may designate one of its Commissioners as Hearing Officer to receive documentary, testimonial and other evidence. The Hearing Officer, shall have the power to administer oaths and affirmations, receive testimonies and documents submitted in the course of the hearing, issue subpoenas duces tecum and subpoenas ad testificandum, mark exhibits, grant continuances, rule on motions, objections and other questions of procedure, and to issue interlocutory orders.

SECTION 3. Summons - Upon the filing of the Formal Charge, the corresponding