

[OTO OFFICE ORDER NO. 39-05, April 04, 2005]

**DELEGATION OF FINAL APPROVING AUTHORITY TO THE DEPUTY
OMBUDSMAN FOR THE MILITARY AND OTHER LAW
ENFORCEMENT OFFICES (MOLEO)**

In the exigency of the service, except when otherwise ordered by the Tanodbayan, the disposition of administrative and criminal cases involving any of the following officers, viz:

1. Philippine Army and Air Force Colonels and Captains of the Philippine Navy;
2. Officers of the Philippine National Police holding the rank of Senior Superintendent; and
3. Officers of the Bureau of Jail Management and Penology and the Bureau of Fire Protection holding the rank of Senior Superintendent, as the highest ranking respondent, where (a) the maximum imposable penalty for the offense charged is imprisonment for six (6) years or less, or (b) where the offense charged is Malversation of Public Funds or Property under Article 217 of the Revised Penal Code or Violation of Republic Act No. 3019, as amended, otherwise known as The Anti-Graft and Corrupt Practices Act, and the amount of the injury or damage involved is Five Hundred Thousand Pesos (P500,000.00) or less, shall be subject to the final approval of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (MOLEO).

In the foregoing dispositions that are subject to the final approval of the Deputy Ombudsman for the MOLEO, the undersigned hereby delegates to the latter further authority to approve and sign any corresponding criminal information, whether to be filed with the regular courts or the Sandiganbayan; *provided*, however, that, preparatory to the filing of the information with the Sandiganbayan, the Office of the Special Prosecutor may review and modify the same, subject to the approval of the Special Prosecutor, without departing from, or varying in any way, the contents of the basic Resolution, Order or Decision.

Copies of the Resolutions, Decision and Orders issued by the Deputy Ombudsman for the MOLEO by virtue of this Office Order shall be submitted on a monthly basis to the Tanodbayan.

This Office Order supersedes Office Order No. 03-107, dated 01 October 2003 and Office Order No. 45-04, dated 08 July 2004, insofar as it concerns the Office of the Deputy Ombudsman for the MOLEO.

This Office Order shall take effect retroactively to January 1, 2005, by virtue of which all final actions taken by the Deputy Ombudsman for the MOLEO in the interregnum on cases falling in the category prescribed herein are affirmed. It shall continue to be effective until otherwise revoked.