

[OB MEMORANDUM OF AGREEMENT, March 04, 2004]

ADMINISTRATIVE DISCIPLINARY JURISDICTION

This Memorandum of Agreement, executed this 4th day of March 2004 in Quezon City, Philippines by and between the:

OFFICE OF THE OMBUDSMAN, a government agency created under the Constitution, with principal office at the Ombudsman Building, Agham Road, Diliman, Quezon City, hereinafter referred to as the "OMBUDSMAN" and represented by the Honorable SIMEON V. MARCELO,

-- and --

CIVIL SERVICE COMMISSION, a government agency created under the Constitution, with principal office at the Constitution Hills, Diliman, Quezon City, hereinafter referred to as the "COMMISSION" and represented by its Chairman, the Honorable KARINA CONSTANTINO-DAVID,

WITNESSETH: That

WHEREAS, both the OMBUDSMAN and the COMMISSION recognize their Constitutional mandates to eradicate graft and corruption, promote morale and accountability and ensure the observance of high standards of ethics and efficiency in government;

WHEREAS, in the exercise of their administrative disciplinary jurisdiction, the OMBUDSMAN and the COMMISSION have concurrent jurisdiction over certain public officials and employees;

WHEREAS, under Section 15 of Republic Act No. 6770, the OMBUDSMAN is mandated to give priority to complaints filed against high-ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties, in the discharge of which it may request assistance from any government agency;

WHEREAS, the OMBUDSMAN and the COMMISSION deem it wise to closely coordinate their common fight against graft and corruption in the bureaucracy; and

WHEREAS, in order to avoid duplication of functions which may cause conflicting decisions and wastage of government resources, cooperation between the

OMBUDSMAN and the COMMISSION is deemed imperative.

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree as follows:

1. The COMMISSION shall take cognizance of administrative cases involving employees belonging to the first level, as defined under Section 2(a), Rule II, of the Omnibus Rules Implementing Book V of EO 292. In cases, however, of mixed first level and higher level party-respondents, preference of jurisdiction shall be enjoyed by the office that exercises authority over the highest-ranked respondent in accordance with pars. 2 and 3 hereof.
2. The OMBUDSMAN shall take cognizance of complaints involving public officials and employees belonging to the second and third level, as defined under Section 2 (b) and (c), Rule II, of the Omnibus Rules Implementing Book V of EO 292, for the following acts or omissions:

- a. Direct, indirect and qualified bribery;
- b. Frauds and illegal exactions which may include the following:
 - b.1 Demanding payment of sums different or larger than those authorized by law;
 - b.2 Failing voluntarily to issue a receipt, as provided by law, for any sum of money collected officially;
 - b.3 Using any deceitful schemes in entering into an agreement/contract with any interested party, to defraud the government;
- c. Malversation or illegal use of public funds or property where the amount involved is more than ONE HUNDRED THOUSAND PESOS (PhP100,000.00);
- d. Conflict of interest and divestment;
- e. Homicide and murder.
- f. Corrupt practices which may include the following:
 - f.1 Accepting gift, present, share, percentage or other pecuniary or material benefit for himself or for any other person;
 - f.2 Causing any undue injury to any private party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official