

[OP EXECUTIVE ORDER NO. 12, April 16, 2001]

CREATING THE PRESIDENTIAL ANTI-GRAFT COMMISSION AND PROVIDING FOR ITS POWERS, DUTIES AND FUNCTIONS AND FOR OTHER PURPOSES

WHEREAS, Article VII, Section 17 of the Constitution provides that the President shall have control of all the executive departments, bureaus, and offices;

WHEREAS, in terms of personnel and funding, the Executive Department is the largest of the three branches of government;

WHEREAS, there is a need for a commission under the Office of the President, to conduct the task of investigating and hearing administrative cases and complaints against personnel in the Executive Department;

WHEREAS, by virtue of Executive Order No. 268 dated July 18, 2000, the Presidential Commission Against Graft and Corruption was abolished and replaced with the National Anti-Corruption Commission;

WHEREAS, the National Anti-Corruption Commission was never activated;

WHEREAS, there is a need to create a new Commission to assist the President in the campaign against graft and corruption, whose jurisdiction and authority are clearly defined;

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines,

by virtue of the powers vested in me by the Constitution and the laws, do hereby order:

SECTION 1. *Creation* - The Presidential Anti-Graft Commission, hereinafter referred to as the "Commission", is hereby created under the Office of the President, pursuant to Article VII, Section 17 of the Constitution,

SEC. 2. *Composition* - The Commission shall be composed of a Chairman and two (2) Commissioners to be appointed by the President. All the members of the Commission shall serve on a full-time basis and a majority shall be members of the Philippine Bar. The Chairman shall have the rank, emoluments and privileges of a Presidential Assistant II. The Commissioners, on the other hand, shall have the rank, emoluments and privileges of a Presidential Assistant I. The Chairman shall preside over the meetings of the Commission and shall direct and supervise the implementation and execution of policies, standards, rules and regulations.

SEC. 3. *Secretariat* - The Commission shall have a Secretariat which shall provide technical and administrative support to the Commission and shall be headed by an

Executive Director. The Executive Director, under the control and supervision of the Chairman, shall execute and administer the policies and decisions of the Commission and manage the day-to-day operations thereof. The Executive Director shall be appointed by the President upon the recommendation of the Chairman. The Chairman shall have the authority to appoint, promote, and discipline the personnel of the Secretariat.

The Commission, subject to pertinent laws, rules and regulations, may create, organize and set in operation such organizational units for the enforcement of this Executive Order. Such units shall be staffed by duly qualified personnel appointed by the Chairman and those detailed to the Commission by other government entities.

The Commission shall be exempt from the prohibition against hiring of new personnel prescribed in Administrative Order No. 100 dated December 1, 1999 with regard to its initial appointments provided that the organizational structure and staffing pattern of the Secretariat shall be prepared in coordination with the Department of Budget and Management and submitted to the President for approval.

SEC. 4. Jurisdiction, Powers and Functions -

(a) The Commission, acting as a collegial body, shall, on its own or on complaint, have the power to investigate or hear administrative cases or complaints involving the possible violation of any of the following;

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

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

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

(4) Presidential Decree No. 46, making it punishable for public officials and employees to receive gifts on any occasion, including Christmas;

(5) Any provision under Title Seven, Book Two of the Revised Penal Code; and

(6) Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws or issuances.

(b) The Commission, acting as a collegial body, shall have the authority to investigate or hear administrative cases or complaints against all presidential appointees in the government and any of its agencies or instrumentalities (including members of the governing board of any instrumentality, regulatory agency, chartered institution and directors or officers appointed or nominated by the President to government-owned or controlled corporations or corporations where the government has a minority interest or who otherwise represent the interests of the government), occupying the position of assistant regional director, or an equivalent rank, and higher, otherwise classified as Salary Grade "26" and higher, of the