

OBJECTIVES OF THE STUDY

As provided for in the Terms of Reference (TOR), this Rapid Appraisal aims to:

- Gather and establish baseline information on the level of functioning of the Office of the Ombudsman;
- Validate the findings of the Needs Assessment earlier conducted by the OMB;
- Identify the core competencies and areas for improvement of the Office of the Ombudsman in the light of its thrusts in fighting and preventing corruption; and
- Serve as an input in the preparation of a comprehensive proposal for consideration of the United Nations Development Programme (UNDP), Manila and other donor agencies

SCOPE AND LIMITATIONS

The study is system-wide in scope, covering the six (6) sectoral and/or regional offices that comprise the Office of the Ombudsman, which are:

- The Office of the Ombudsman Central Office (Manila)
- The Office of the Deputy Ombudsman for Luzon
- The Office of the Deputy Ombudsman for Visayas
- The Office of the Deputy Ombudsman for Mindanao
- The Office of the Deputy Ombudsman for the Military
- The Office of the Special Prosecutor

Despite repeated follow-ups, the return rate on the questionnaires and survey forms was not as high as desired. The availability of certain documents and of some of the pre-selected interviewees was also a problem in some of the OMB offices, particularly those located in Metro Manila.

SUMMARY OF MAJOR FINDINGS

Below are the major findings of the study. They are considered major in the sense that they appear most often in the responses to the questionnaires and interviews.

1. Organizational/Structural

- There are deviations from the formal structure and staffing pattern resulting in unclear lines of supervision, and weak mechanisms for monitoring and control

2. Systems and Procedures

- Lack of pro-active coordination between the offices handling investigation and prosecution functions resulting in poor quality of cases/information filed, and subsequently dismal conviction rate
- Absence of case-tracking system leading to non-transparent case flow
- Absence of operating manuals

3. Personnel

- Recruitment and career development are biased against non-lawyers
- There is limited career growth, particularly for non-lawyers
- There is lack of formal orientation and responsive training
- Insufficient number, and in some cases, maldistribution of personnel (e.g., stenographic reporters)
- Ineffective performance evaluation system
- Absence of a Human Resource Development/Personnel unit in some offices

4. Facilities, Equipment and Other Physical Resources

- Poor records and data management: in some offices retrieval of cases is solely based on employee's memory
- Insufficient number of computers and printers (some of the existing computers are still running on Wordstar and Wordperfect software)
- Some offices do not have LANs and Internet access. None of the OMB offices have Websites
- The working environment in most OMB offices is not conducive to productive work (e.g. cramped and poorly lighted rooms)
- Insufficient and outdated library collections (books, materials needed for investigation and prosecution, e.g., lex libris)

The findings outlined above are discussed in more detail in the succeeding sections dealing with each of the six regional and/or sectoral offices or units of the OMB.

RECOMMENDATIONS

To address the aforementioned problems, the following capacity-building measures need to be undertaken:

1. Comprehensive Management Study;
2. Preparing for Leadership/Management Change Through Organizational Action Planning;
3. Career and Personnel Development;
4. Development of Interactive Web-Site and ICT Capability Building;
5. Enhancing the Collaboration and Interface among Government Agencies and Civil Society;

6. Development of Performance Standards and Evaluation System;
7. Basic and Policy Research Program.

A detailed discussion of the rationale, significance and main features of these recommendations is found in the comprehensive proposal submitted by UP-NCPAG to the UNDP on 31 January 2002 (the submission of which was advanced in order to conform with the financial cycle of the UNDP), which is appended in this report.

THE OFFICE OF THE OMBUDSMAN – CENTRAL OFFICE

METHODOLOGY

This study aims to determine the capability building requirements of the Central Office of the OMB through a review of its structures, processes, programs, resources and other subsystems. More specifically it aims to determine the functionality of its offices through the appraisal of the following:

- § Management structures, systems, processes and procedures
- § Required managerial and technical competencies of the OMB personnel
- § Policy changes and institutional reforms

To achieve these objectives, the team gathered, reviewed and analyzed OMB documents, such as annual reports, OMB functions, organizational structure, duties and responsibilities of organizational units, manpower distribution or *plantilla*, and position description and qualification standards.

The research team also administered three sets of survey forms. One survey determines the personnel profile of the OMB which includes their name, position, age, status, educational background, civil service eligibility, work experience, trainings undergone, and training needed. 140 respondents answered this survey. The second survey was administered to the directors of each of the offices of the OMB which gives a detailed picture of the organizational set up of their office, their functions, systems, processes, personnel and other activities. This was answered by ten directors of the offices. The last survey was given to the technical and rank and file staff of the offices. This determines their functions and activities and their personnel needs. Only 23 responded to this survey.

The team gathered the answers of the directors and staff of the Offices and compiled and analyzed them. Findings on the organizational structure, functions of the offices, personnel needs, reforms and information and communication technology use became the basis for the recommendations of the study.

AGENCY PROFILE

Organization and Functions

The Central Office of the Office of the Ombudsman (OMB) is the main implementing agency that looks into and maintains the integrity and honesty of the public office. It is the central agency that serves as the watchdog, mobilizer, official critic and dispenser of justice. Aside from carrying out its mandate, it also oversees and coordinates the functions and activities of other Offices of the Ombudsman in Luzon, Visayas and Mindanao. Thus, the role of the Central Office is critical in performing the functions of the Office of the Ombudsman.

The Office of the Ombudsman (OMB) Manila is headed by the Ombudsman and assisted by an Overall Deputy Ombudsman. The basic functions of the office as provided by RA 6770 are:

- § Public assistance
- § Graft prevention
- § Investigation
- § Prosecution
- § Administrative Adjudication

The different line offices and bureaus of the OMB carry out these functions. These are the (1) Public Assistance and Corruption Prevention Office (PACPO) and its two attached bureaus: Public Assistance Bureau (PAB) and Community Coordination Bureau (CCB); (2) Fact Finding , Investigation and Research Office (FIRO) and its two bureaus: Fact-Finding and Investigation Bureau (FFIB) and Research and Special Studies Bureau (RSSB); and the (3) Preliminary Investigation, Administrative Adjudication and Monitoring Office (PAMO) and its three bureaus: Bureau of Resident Ombudsman (BRO), Evaluation, Preliminary Investigation Bureau (EPIB) and Administrative Adjudication Bureau (AAB). Each of the three offices is headed by an Assistant Ombudsman while each bureau is headed by a director. . The Office of Legal Affairs (OLA) and the Finance and Administrative Office (FAO) provide in-house services in support of the operations or major functions of the OMB. The heads of these offices are likewise Assistant Ombudsmen. Under the former is the Office of the Chief Legal Counsel headed by a director while under the latter are the Finance and Management Services (FMS) and Central Administrative Service (CAS), both of which are headed by a director.

The following offices perform line functions which are crucial to the mandate of the OMB:

The PAMO. The functions of the PAMO are performed by its three bureaus: AAB, which provides assistance in deciding on administrative complaints; EPIB, which provides assistance in the conduct of preliminary investigation of criminal complaints; and BRO which oversees the resident ombudsmen who act as watchdogs in the various government departments/ agencies where they are assigned.

The PACPO. The functions of the PACPO are carried out by the PAB, which provides direct assistance to parties seeking intervention of the OMB regarding their grievances and the CCB, which organizes corruption prevention units and junior graftwatch units and spearheads information and educational campaign related to corruption prevention.

The FIRO is comprised of two bureaus. The FFIB, which conducts fact-finding and intelligence activities, and the RSSB, which conducts research services.

The OLA assists the Ombudsman in the areas of legal review, and appeals to decisions of the OMB.

The FAO has two sub-units, called CAS and FMS. The former is in the charge of keeping central records and provides general services relating to property management, building administration, supervision of janitorial services and other administrative matters. It also serves as the human resource management office of the organization. The FMS, on the other hand is tasked with budgeting, accounting, monitoring and EDP (electronic data processing) services.

Below is the organizational structure of the Central Office of the OMB (Chart 1).

Personnel Profile

As of 2000, the Central Office of the Ombudsman had 460 employees, 129 of which were lawyers and the rest non-lawyers (OMB Annual Report, 2000).

To characterize the profile of these employees, a survey was conducted in which 140 of the 460 employees of the Central Office of OMB responded. The Offices that were able to answer the survey were the EPIB, RSSB, FFIB, PAMO, OODO, CCB, AAB and CAS.

The survey revealed that Ombudsman personnel were mostly of male. (sixty percent). Most of the personnel are also married and in their thirties (31-40). Half of the respondents are still relatively new in OMB since most of them have only worked and stayed in the Office for a maximum of five years.

With regard to educational qualifications of the personnel, many earned their college degrees mostly in law, commerce or business administration and political science. A few pursued graduate studies, predominantly in public administration and management.

On their professional eligibility, all lawyer-respondents have taken and passed their bar exams. Most of them have previous experiences in the law profession where they worked as legal advisers, counsels, or lawyers in other offices. There are also lawyers who started in administrative work in the Ombudsman but have pursued their law studies and got promoted as graft investigators.

Most non-lawyer personnel have passed the Civil Service Eligibility Exams for Professionals. Some have also taken exams for secretaries, stenographers, accountants, and engineers. However, it must be noted that some respondents who are mostly occupying administrative positions have not taken Eligibility Exams even for Sub-professionals. Some of them have already been working in the Ombudsman for more than five years.

With regard to the training of OMB staff, many have participated in seminars or training courses on law, records management and information technology.

As previously noted, OMB personnel consist mostly of non-lawyers rather than lawyers. Only 26 percent of the OMB central office personnel are lawyers. This is a small work force for an agency which is involved in pursuing corrupt and erring public officials. Thus, there is really a need to recruit and attract lawyers in the OMB to handle the thousands of cases that Office annually handles.

Findings also imply that there is more rigidity in the recruitment of graft investigators or lawyers than those positions that are non-lawyers. While it is good that the Ombudsman adheres to standards when it comes to hiring lawyers, most of the work also depend on the services that administrative personnel give to support the work of the graft investigators and directors. Thus, there should be strict compliance with the qualification standards and guidelines that OMB has set for its employees.

FINDINGS

1. Organization

§ Plans and Targets

The respondents from the various functional offices of the OMB revealed that they have plans and targets which are reviewed and if necessary reformulated (revised) annually

through a planning session. The presence of plans and targets is an indication of good management in the agency. It means that offices are aware of what they should accomplish for a given period and this could be a basis for evaluating the performance of the each office and the agency as a whole.

§ Coordination Problems

Problems on coordination occur in some but not in all offices. One concrete case where there is coordination problem is that between the EPIB and FFIB. Sometimes, disagreements on fact-finding (investigation) procedures occur between them and this problem can be traced to the absence of clear delineation of functions. Nonetheless, such disagreements are normally resolved through meetings between the two and also with the Ombudsman himself. Other offices like the CAS and RSSB indicated no problems as far as coordination with other offices is concerned. Corollarily, it was also mentioned that coordination becomes effective if there is proper communication between/among concerned parties and if there is an issuance of Office Order directing such coordination (Atty. Arthur Carandang).

§ Effective Supervision of lower units

Based on the results of the rapid appraisal, there seems to be no problem regarding supervision rendered by higher offices to lower units. All the responses indicate good relationship between the supervisor and the supervisee.

2. Functions

§ Assessment on Performance of Functions Varies

The respondents indicated varying perceptions regarding the performance of their functions. EPIB rated its investigation function as highly effective though it admitted there is still room for improvement in the area of evidence determination and coordination with FFIB. Likewise, FIRO assessed its performance positively saying that the performance of its functions contribute well to the mandates of the OMB. It is, for instance (through its RSSB), currently installing mechanisms that would ensure sustained graft prevention campaign throughout the year and in all government agencies. OLA also has a favorable assessment of its performance rating as satisfactory and responsive. FFIB, on the other hand, rated its performance as not fully effective since the quality/quantity of the necessary evidence are not always gathered. It is said that with this situation successful prosecution is not assured. CCB said that its performance is constrained by inadequate number of lawyers; Office No. 151 s. of 2001 has since created a task group to address this problem.

§ Recommendations to Improve Performance of Functions

While in general, the respondents gave a positive assessment of their offices' performance of functions, they also put forward some recommendations to further improve it. Among others, EPIB suggested the need to institute a monitoring mechanism on the status of their cases filed with the Department of Justice, the need to add prosecution in their functions to have continuity in the monitoring of cases; the need to improve prosecution skill of the staff. OLA mentioned the need for staff and equipment augmentation. Similarly, FIRO suggested additional logistics. RSSB, on the other

hand, suggested that its performance can be improved further if it is fully supported by management through swift actions on its proposals and recommendations.

§ Presence of Operational Manuals but Perceptions on their Adequacy Vary

Respondents disclosed that operational manuals do exist although they have different perceptions concerning the adequacy of these manuals. FFIB perceives that the manual is not sufficient and that there are incidents of “cutting corners”, meaning the procedures in the manual are not strictly followed. On the other hand, EPIB thinks that the procedures are effective and so do the FMS and OLA think. FIRO has the same view although it revealed that the procedures are not strictly followed since the researcher/investigator is given the leeway to decide depending on the circumstances surrounding the assigned activity.

§ Methods and Procedures that Measure Quality of Performance of Service in Office

There exists methods/procedures or benchmarks that measure performance of the office. EPIB uses the number of cases resolved. The benchmark is six per month per Graft Investigation Officer (GIO). For FFIB, the rate of success of prosecuting cases filed by them is used as a yardstick of performance. For the FMS, they adopted the Personnel Evaluation Sheet (PES) designed by respective chiefs of division/directors of finance and approved by the Civil Service Commission, to compare actual performance and standard or expected output for each position. OLA said that an established office-wide regular rating system measures quality of performance. RSSB, on the other hand, thinks that although there are methods and procedures, this mechanism is not yet adequate to measure quality of performance.

§ Skills/competencies necessary to effective and efficient performance of functions

Some of the knowledge, skills/competencies needed that have been mentioned are in the areas of information technology including electronic surveillance, resolution writing, evidence appreciation and gathering, trial techniques, research, technical writing, legal, prosecution and investigation work.

§ Organizational Weaknesses/Factors that Hinder Effective Performance of Functions

Lack of administrative support was cited by EPIB as a constraining factor. Inadequate office space and support personnel were mentioned by FMS and FIRO. OLA has the view that one organizational weakness is the lack of efficient recruitment procedure for competent personnel. This stunts the expansion of the office, OLA believes. Moreover, it also cited insufficient office space and overworked personnel as constraints to effective performance. FFIB pointed to individual differences among employees as a constraint. CAS cited the tall structure (too many layers) of the OMB as one constraint as well as the differing supervision styles of managers: some are lax in the implementation of office rules and regulations like punctual attendance, performance appraisals. Also it pointed out the dichotomy between what the OMB teaches and practices of some of its officials and employees

§ Specific Needs to be Addressed if Capacity Building Program were to be Addressed

The primary needs to be addressed if capacity building program is to be addressed can be categorized into two: (1) human resource management concerns and (2) physical/material concerns. The former, include the need for well-trained, dedicated,

incorruptible investigators according to the FFIB, recruitment of qualified personnel to fill up vacancies and recall of detailed personnel to complete the human resource requirement according to FIRO. Also, OLA wants an expansion which entails recruitment of additional personnel. The latter concerns cover the need to acquire state of the art office equipment especially IT equipment like computers according to EPIB and FMS. CAS emphasized the need to establish not just any capacity building program but something that is cost-effective.

3. Personnel

§ Insufficient Personnel (Understaffing)

This problem is organization wide. All the respondents stated that they have insufficient number of personnel. For the FMS, it is the Accounting Division where the problem is most pronounced. For the EPIB, it lacks administrative support staff. OLA lacks not only administrative support staff but also technical staff particularly lawyers. FFIB needs more investigators while BRO did not specify what type of staff it needs. CCB specified that it needs additional personnel who would facilitate and monitor CPU and JGU assisted/filed RAS, CPL cases. The CAS mentioned that opinions on the sufficiency or insufficiency of personnel may be considered subjective.

§ Ways by which office was able to perform its functions despite insufficiency of personnel

The ways by which the OMB was able to cope with insufficient personnel reflect its resourcefulness and flexibility. CCB, for instance, resorts to multi-tasking, saying that each staff is trained to perform functions other than his own. EPIB, FMS resort to rendering overtime services while RSSB's personnel work double time. OLA not only works overtime but it also delegates other tasks to other offices or bureau of the OMB. CAS pointed out that if insufficiency of personnel in the OMB is assumed, functions may still be performed effectively by maximizing utilization of personnel and minimizing the personnel's use of coffee and lunch breaks.

§ Presence of least needed positions

Almost all of the respondents revealed that there are no least needed positions in their offices except that of the FFIB and FMS. FFIB said that lower Assistant Graft Investigation Officer (AGIO) positions are least needed while some accountant positions are perceived by the FMS respondent to be least needed since these require stringent qualification standards while pay is not commensurate. As such, vacancy for these positions occurs most of the time.

§ Positions that need modification

In relation to the above, FMS suggests that the accountant and programmer positions should be modified to be at par with the private sector. According to the FFIB, the AGIO III and IV positions should be modified in terms of higher compensation. The BRO suggested that the GIO and AGIO positions with no legal function should be modified because their positions do not reflect their actual responsibilities.

§ Adequate span of control

In general all respondents think that they have adequate span of control. However, for the CCB, it clarified that it has control problem with the CPU and JGU volunteers considering that they are so many. The EPIB respondent also wishes to have an assistant who would help him in the review of cases.

§ Presence of effective performance appraisal system

All respondents except two (from FFIB and RSSB) agree that the OMB has an effective performance appraisal system.

§ Level of skills and competencies of personnel adequate to perform functions of office

As far as the level of skills and competencies of personnel to carry out office functions is concerned, the respondents gave varying perceptions. At least two respondents categorically said that the level of skills/competencies is not adequate. Most of them said it is adequate but needs upgrading especially that on IT.

4. Reforms

§ Past Efforts to Introduce Reforms in the Office

There were past efforts to introduce reforms in the OMB. This was the unanimous reply of all the respondents. Some of these reforms dealt with refocusing of functions with some organizational changes. Others included the introduction of Annual Procurement Program for Supplies and Materials; conduct of human resource management studies (upgrading of certain positions to make operations more effective; improvement of fiscal discipline by implementing rules and regulations as to the time frame of liquidating cash advances; conduct of teambuilding exercises and value orientations to name some).

§ Outcome of reform efforts/assessment of their impact

As to the outcome of the past reform efforts, responses varied. Some said that certain reforms in the areas of materials, manpower and expenditures were implemented and resulted to positive impact. In particular, the improved fiscal discipline resulted in the generation of savings enough to support other programs and projects of the OMB.

It was also mentioned that teambuilding resulted in better working relationships as differences were settled and teamwork was established. Some said that the previous reform efforts remained in the dustbin and the others mentioned that not all reform efforts were implemented.

§ Further reforms necessary to help office perform effectively

More reforms are believed to be necessary to help the OMB perform effectively. CAS suggests that organizational reforms in the areas of enhancing the professional conduct of officials and employees; enhancing coherence between what the organization espouses and practices and lifestyle of officials and employees; enhancing supervisory and managerial capabilities; more professional treatment of performance evaluation; conscious efforts towards unity in the perspectives of top officials; more professionalism in the pursuit of organizational and policy reforms; strict adherence to rules and regulations are needed. The others suggested that there should be additional *plantilla* positions and more trainings. Also the revision of performance indicators to improve integrity in the bureaucracy by creating a responsive, transparent, effective, efficient,

accountable, ethical delivery of public service was recommended. Only one said that no further organizational reforms are needed but maybe there should be a monitoring of cases filed by the OMB.

5. Use of Technology

§ ICT technologies used in the Office

The common ICT equipment used in the various offices are computers, fax machines, printers, scanners, photocopiers. They also make use of the internet.

The computers are mostly used for word processing although some offices also use other computer applications or programs like spreadsheet, database, graphic illustrations and presentations and communication through the internet. Fax machines are basically used for transmission of messages.

§ Technologies helpful in the efficient performance of the Office

All respondents recognize the helpfulness of these technologies in the performance of the OMB. Computer technology they said, has made information retrieval faster and more efficient. It has made the preparation and production of outputs faster.

§ Adequacy of ICT vis-à-vis no. of personnel and functions

ICT and its facilities appear to be inadequate in all offices considering the number of personnel and functions of the OMB. This was the common response of all the respondents. The acquisition of more computers, they said, is necessary.

§ State of Preparedness for ICT Technologies Varies among Offices

Varying responses were gathered on the issue of preparedness of the offices for ICT technologies. One said that his office is prepared because softwares are user-friendly. Others said that their offices are either fairly prepared, if not adequately prepared, but almost all employees, are willing to enhance their knowledge on this.

§ The Uses of Internet needs improvement

All respondents from the different offices are one in their suggestion that the use of internet in their offices should be improved.

RECOMMENDATIONS

1. *On Organization.* Create mechanisms for effective coordination and communication between such mechanisms include: monthly staff meetings, coordination meetings among offices.

2. On Functions

§ Institute a monitoring mechanism on the status of the cases filed with the Department of Justice,

§ Add prosecution to the functions of EPIB to have continuity in the monitoring of cases; Improve prosecution skill of the staff.

§ Improvements in staff recruitment and equipment augmentation.

§ Management should fully support proposals and recommendations for reform by acting on them swiftly and seriously.

§ Revision and strict implementation of operational manuals and performance measures,

§ Training on: information technology, resolution writing, evidence appreciation and gathering, trial techniques, research, technical writing, prosecution and investigation.

3. On Personnel

Conduct job audit to review the needs for staff and competencies, skills and knowledge, and upgrade the skills and competencies of existing staff especially on IT, prosecution and investigation. Details of the needed skills and competencies are as follows:

- BRO- prosecution, intelligence operation/discreet investigation
- EPIB, FMS, CCB - IT skills and knowledge
- FMS- IT
- RSSB, CCB- writing , analytical , training skills
- CAS- mastery of CSC, DBM, COA, Records Mgt & Archives Office rules and regulations , mastery of Book V of the Administrative Code of 1987, RA 6770, RA 6713, RA 3019, first aid, fire drills, earthquake drills, report writing , oral and \written communications, supervisory, managerial coordinative skills, human relations, computer literacy
- FFIB- Evidence gathering
- OLA- all legal related skills and competencies are welcome, for administrative – clerical and administrative matters

4. On Organizational Reforms

Reforms should be made in the areas of:

- Enhancing the professional conduct of officials and employees;
- Enhancing coherence between what the organization espouses and the practices and lifestyle of officials and employees;
- Enhancing supervisory and managerial capabilities;
- More professional treatment of performance evaluation;
- Conscious efforts towards unity in the perspectives of top officials;
- More professionalism in the pursuit of organizational and policy reforms;
- Strict adherence to rules and regulations ;
- Additional plantilla positions and more trainings;
- Revision of performance indicators to improve integrity in the bureaucracy by creating a responsive, transparent, effective, efficient, accountable, ethical delivery of public service; and
- Monitoring of cases filed by the OMB.

5. On the Use of Technology

Procure adequate facilities and manpower to support ICT activities. More computers should be bought, internet use should be maximized, and staff should be trained on how to use computer programs and the internet.

OFFICE OF THE DEPUTY OMBUDSMAN FOR LUZON

METHODOLOGY

This report is based on questionnaires retrieved from the various divisional offices under the Office, documents furnished the researchers, and interviews conducted with officials from the said Office. Data gathering was originally scheduled for completion in December 2001, but given the increased activities of the Office before the holiday season, the Office requested that this be deferred for January this year. Data gathering was only completed in early February. Not all questionnaires distributed were retrieved, as some personnel did not bother to answer them for reasons only they themselves know.

AGENCY PROFILE

The Office is formally structured into the Evaluation and Investigation Office, Public Assistance and Corruption Prevention Office and the Finance and Administrative Office.

The Finance and Administrative Office handles the administrative, accounting, budgeting, cashiering, supply and property management, and human resource management functions.

The prosecution office has yet to be formally organized. At present, this function is carried out in collaboration with the field prosecutors of the Department of Justice.

Given the limited number of personnel, the divisional offices for public assistance/corruption prevention and evaluation and investigation have been merged operationally, such that personnel from both offices are now divided into two teams (A and B). Operationally, both teams handle investigation and evaluation of graft cases, although Team B has the additional functions of conducting public assistance activities and promoting other graft prevention and anti-corruption programs of the Office. This operational integration, borne out of the problem of limited personnel, has yielded positive benefits in terms of developing personnel capacity in the various aspects of graft prevention, case assessment and investigation.

FINDINGS

1. Evaluation and Investigation

Table 1. Cases Received, Total Workload, and Cases Disposed

Year	Cases Received (A)	Pending from Last Year (B)	Total Workload (A+B)	Cases Disposed of
1	2,09	2,5	4,67	2,01

9 9 6	2	81	3	2
1 9 9 7	2,23 2	2,6 61	4,89 3	3,21 8
1 9 9 8	2,39 9	1,6 75	4,07 4	3,34 4
1 9 9 9	2,58 2	1,0 91	3,67 3	2,80 8
2 0 0 0	3,27 7	1,0 43	4,32 0	3,51 5

Source: Office of the Deputy Ombudsman for Luzon Performance Report, 2000

Table 2. Case Disposition Performance

Year	Cases Disposed of as Percent of	
	Cases Received for the Year	Total Workload
1996	96.18	43.06
1997	144.18	65.76
1998	139.39	82.08
1999	108.75	76.45
2000	107.26	81.37

Source: Office of the Deputy Ombudsman for Luzon Performance Report, 2000

Tables 1 and 2 show OMB-Luzon's comparative performance based on current year's caseload and total workload, which includes cases pending from prior years. Table 1 shows the rising number of cases received by the Office and the declining number of pending cases. Table 2 on the other hand, shows the comparative performance based on current year's caseload and combined workload. It shows how the office has consistently improved in its case disposition performance since 1996. Since 1997, the Office has been able to act on the cases received for the year while managing to slice off

the backlog that has built up from the past years. Thus, the ability to dispose of cases has improved per year and at the same time, the number of pending cases has been reduced gradually.

Of the 805 pending cases as of the end of CY 2000, 98 percent (792) are current year cases, meaning that they were received in the same year. Twelve cases are pending from last year, while only 1 (an administrative case) is still pending from 1998.

The improved performance is attributed to the leadership of the present Deputy Ombudsman, and to a slightly different system for case handling and decision. Divisional officers acknowledge the leadership and management skills of the present Deputy Ombudsman. He was said to have instituted a number of reforms in the Office, such as doing away with the quota system, and personally following up the performance of the personnel, particularly those assigned to evaluation and investigation of cases.

A slightly different system of case handling is also being followed in the Office. In other offices within the Ombudsman, the preliminary appraisal of a case and recommendations for its disposition rests with the graft investigator. In the Office's system, all cases go through the Divisional Directors (of Evaluation and Investigation, and of Public Assistance/Corruption Prevention) first for preliminary evaluation. The Directors issue a memorandum to the assigned investigator outlining the possible alternatives and courses of action, or even a decision on the case. This provides the investigator with a possible guide on how to understand the case and how to assess its merits. Investigators are free, however, to look and argue on the case as they see fit. Under this set-up, time is saved. Investigators are able to hone their skills by trying to understand why a case must be assessed in a particular way. The set-up, however, places great responsibility on the judgment and wisdom of the Divisional Directors, and requires their substantial time and concentration.

2. Graft Prevention and Public Assistance

As part of the Ombudsman's graft prevention approach, it has established Corruption Prevention Units (CPUs) at the community level. In support of this approach, the Office the Deputy Ombudsman for Luzon has accredited four CPUs in 2000. With their accreditation, the total number of active CPUs in Luzon has reached 11.

What equally occupies the Office are its own, internally conceptualized projects called Revival and Talima. Revival is a shorthand for "Reminding: Virtues and Values in Luzon." It is designed as a graft prevention program to be carried out through seminars-workshops where values and virtues essential to the moral development of a person are emphasized. As of the year 2000, six (6) Revival seminar-workshops had been conducted. Talima, on the other hand, stands for "Taos-Pusong Lingkod sa Mamamayan." It is aimed at enhancing the public assistance function of the Office by developing a Talima Office and designating a Talima Officer in a province, city, municipality, government office or public school. The Talima office, through the Talima Officer, shall receive, act on and monitor complaints, requests and representations concerning the delivery of essential services. The Deputy Ombudsman for Luzon shall appoint the Talima Officer. Crucial to the project is the Talima Officer, who should be a person of probity and recognized in the community as committed to public service.

As of the year 2000, a total of 667 Talima Officers have been designated. They include governors and mayors, and officials from state colleges and universities. Three (3) seminar-workshops were also conducted to explain the Talima project.

While the above projects are noteworthy and relevant, their implementation raises the question of how they can be integrated with the mainstream anti-corruption and graft prevention programs of the central office, such as the CPUs, and which of these programs would be given emphasis given the limited number of personnel, resources and time of the Office.

3. Personnel

There is a prevalent opinion that the current number of personnel in the Office is becoming inadequate due to the increasing workload of the Office. Tables 1 and 2 show how the caseload of the Office has risen over the years. In finance and administration, the application of a decentralized accounting system requires additional personnel. As indicated in the discussion of findings, the limited number of personnel has given rise to ad hoc arrangements such as the creation of teams and the use of contractual employees. The Office also has to prepare for its prosecution function. While the plantilla provides for positions for special prosecutors, these have remained unfilled.

4. Physical Layout and Office Environment

At its present location, the Office suffers along with the other units of the Office of the Ombudsman from cramped space and ill-fitted office layout. But this problem is about to be solved with the near completion of the Ombudsman building in Quezon City.

What could be a persistent issue regarding space is the responsibility of the Office to maintain for safekeeping all docketed cases and their related documents (including pleadings, affidavits, memoranda, motions, letters, reports of fact-finding investigations, transcripts of stenographic notes, recommendations, resolutions, communications, and so on). Based on records, the Office is already maintaining case folders for 14,710 cases from 1989 to 1999. An additional 3, 277 cases received in year 2000 would bring the number of case folders under safekeeping to 17,987. Add to these the statement of assets, liabilities and net worth (SALNs) of regional government personnel, local elective and appointive officials and employees, and personnel of government corporations throughout Luzon. Per the report of the administrative office, about 6.7 million have been received by the Office from 1989 to 1999. Given that cases had been filed against those who did not submit their SALNs, the administrative office expects an increase in the number of statements filed for safekeeping. The load of docketed cases and SALNs under safekeeping by the Office is far more than those of the Central Office and other sectoral offices of the Office of the Ombudsman.

As legal documents, they will have to be maintained or archived for a long period. For example, the case records can only be disposed of after 15 years from the time they were dismissed in the court. In the case of records resulting in conviction, they will have to be maintained for life. SALNs have to be kept up to 10 years from the time they were filed. Thus, the need to allocate space for future expansion of the storage area in the new building or to explore how information technology applications such as scanning, bar code technology, and digital encoding and processing could be used to improve the current system and maximize storage space.

Recommendations

The foregoing findings point to the following capacity-building needs of OMB-Luzon:

1. Development of institutional capacity for a multi-disciplinary approach to evaluation and investigation of graft cases

The Office recognizes that graft investigation can be enhanced by a multidisciplinary approach, where legal expertise is combined with technical expertise from disciplines other than law. An example mentioned was that of investigating the quality of a road project. Engineering expertise can greatly help in establishing whether the thickness and quality of the concrete was up to or below standards. While such technical questions can be referred to professional engineering associations, what is envisioned is to develop the Office's in-house capacity, thus ensuring that the Ombudsman's institutional independence is preserved. Such move might require amending the qualification standards particularly for higher positions (and amending the pay scale as well) to allow the Office to hire competent personnel with non-legal technical expertise. Or the expertise might be built up through a focused and targeted training of present personnel.

2. Adoption and implementation of a more responsive performance appraisal system

The case of OMB-Luzon disregarding the quota system suggests the need to develop a more responsive system of appraising the performance of graft investigators and prosecutors. The inherent weakness of the quota system has been pointed out in an earlier analysis (Balgos 1998), which suggested that it might have led to inefficiency and increase in the backlog of cases. As pointed out in one of the interviews for this report, imposing a quota leads to an inefficient mindset—an investigator would likely select the easy cases to handle first than the more difficult ones. Once an investigator reaches his/her quota, he/she would likely take it easy. Any case acted on beyond the quota for the month will simply be on reserve, ready for reporting for the next month's requirement.

There were also suggestions to include other activities such as hearings conducted as part of the bases for assessment, and the difficulty of cases being handled. At present, more weight is given to the disposition of cases, indicating the primacy of the investigation and adjudication functions, compared to the other functions of the Ombudsman.

3. Greater use of information technology to support and improve performance

At present, the Office uses computers to support its functions, particularly in accounting, records keeping, and investigation. Computer use is mainly on a stand-alone basis. System integration and networking can enhance the Office's performance. Technological solutions in data storage, file maintenance and inventory can support attempts to streamline the Office's records-keeping function and make it better prepared to deal with increasing document workload. Computer-aided information systems (such as Lex Libris and digital archives of Supreme Court decisions) will be particularly useful to lawyers and those involved in evaluation and investigation.

4. Strengthening of other functions

The investigation, prosecution and adjudication functions of the Ombudsman place primacy on the legal and punitive aspects of combating graft and corruption. In the workplace, this has led to the predominance of the legal approach and to the primacy of

lawyers and, necessarily, to the neglect of the non-legal aspects and of non-lawyers. All this is, of course, inevitable and to an extent even necessary. But the legal function or approach should perhaps be complemented by efforts to develop a multidisciplinary perspective. This was recognized by no less than the Deputy Ombudsman himself during the presentation of the project design. Institutional capacity to promote graft prevention activities, including public assistance and education, should be promoted with equal vigor as well.

The administrative functions of the Office should be given their rightful attention as well. To strengthen its records-keeping function and to systematize records- management, a new division devoted solely to records-keeping should be established.

In line with the foregoing needs, the following specific skills enhancement programs have been identified as perhaps most relevant to the needs of OMB-Luzon:

- Training on procurement, supply and records management that is specific and oriented to case management
- Updates and in-depth training for lawyers to keep them abreast of developments in jurisprudence
- Skills training on transcription, stenography and typing, computer operations
- Skills training on writing legal briefs (e.g., resolutions), public speaking
- Focused training on intelligence gathering, surveillance and investigation
- Training on management and administration

A more in-depth study is, however, required to identify specific training needs and the courses that have already been undertaken in order to pinpoint exactly the training needs of OMB-Luzon.

Perceived Training Requirements Survey Results- OMB Luzon

Table 3. Administrative Staff

Training Required	Steno Reporter	Clerk	Ca-shier	Book-keeper
Computer Training	7	3		1
Dictation and Transcription	1	1		
Records Management	1	3		
Procurement/Disposition		1		
Managerial and Budget Mgt.				
Fact Finding Investigation			1	
Rescue Services			1	

Self-Defense			1	
Machine Steno/Short Hand	6	1		
English Proficiency	1			

Table 4. Technical Staff

Training Required	AGIO	GIO	GPO
Trial Techniques		3	
Jurisprudence		4	
Law on Procedures		4	
Resolution Technical Writing	2	4	2
Adm/Criminal/Civil Law		4	
Effective Investigation	3	3	2
Legal Education		1	
Value and Moral Recovery		1	
Maintaining a Simple Lifestyle		1	
Filing of Administrative Case	1		
Rules on Summary Procedures	1		
Remedial Law		3	
Administrative Adjudication		1	
Leadership Training	1		

THE OFFICE OF THE DEPUTY OMBUDSMAN FOR VISAYAS

METHODOLOGY

The team initially examined the materials and documents submitted by the Office of the Deputy Ombudsman for the Visayas. These materials/documents included the: plantilla of personnel, organizational charts, and the filled-up questionnaire/personnel profile. Interviews with 12 Directors/Heads of Units were also conducted. Questionnaires to 33 technical and administrative staff were administered and retrieved.

The team also attended the consultative assembly of OMB Visayas personnel called and presided by the Deputy Ombudsman. Likewise, a one-day Seminar on Public Corruption, Ethics and the Conduct of a Fact-Finding Investigation for 97 Resident Ombudsmen, Corruption Prevention Units and Other Government Agencies held at the Diplomate Restaurant, Cebu City was attended and observed.

AGENCY PROFILE

The Office of the Deputy Ombudsman for the Visayas (OMB Visayas) was established pursuant to Section 12 of Republic Act 6770 (the Ombudsman Act of 1989) mandating the establishment of regional offices/stations or the Deputies for the Armed Forces, Luzon, Visayas, and Mindanao. Initially, OMB Visayas was housed at the Bureau of Agriculture Extension (BAEX) Building, Capitol Hills , Cebu City with only 2 personnel. Presently, the office is located at the Chief Justice Fernan Memorial Hall of Justice, Capitol Hills, Cebu City. As mandated, the Ombudsman may transfer the office within the region , if public interests require.

The first Deputy Ombudsman (DO) for the Visayas was Honorable Juan M. Hagad appointed in July 1988. In 1993, Deputy Ombudsman Hagad was replaced by Honorable Arturo C. Mojica. His term, however, was cut short because of an administrative case filed against him. Assistant Ombudsman Nicanor C. Cruz was designated Officer-in-Charge until the appointment of Deputy Ombudsman Primo C. Miro in 26 September 2000.

The functions and activities of OMB Visayas are as follows:

- Assists the Deputy Ombudsman in deciding on administrative complaints and in conducting preliminary investigation of criminal complaints;
- Conducts preliminary investigation of criminal complaints and prosecutes OMB cases cognizable before the regular courts;
- Provides direct assistance to those seeking the intervention of the Office regarding grievances;
- Initiates fact-finding investigation;
- Organizes corruption prevention units and junior graft watch units and spearheads information and educational campaign and other activities relating to corruption prevention; and
- Provides support activities in terms of personnel, records handling, budget, accounting and general services and exercises supervision over all line and support staff.

Organizational Structure

The Deputy Ombudsman for Visayas assumes overall supervision and administer the operations of OMB Visayas. The Deputy is assisted by two directors and an administrative officer with their respective staff.

Under the Office of the Deputy Ombudsman are the Confidential Staff and the Special Prosecution Office (SPPO). SPPO is headed by a Special Prosecution Officer III backstopped by four (4) Ombudsman Prosecutors who conduct preliminary investigation of criminal complaints and prosecute cases cognizable before the regular courts.

The Evaluation and Investigation Office (EIO) is headed by a Director assisted by Graft Investigation Officers (GIOs). The GIOs assist in deciding administrative complaints and conduct preliminary investigation of criminal complaints.

The Public Assistance and Corruption Prevention Office (PACPO) is also headed by a Director. Under the PACPO are two units namely, the Public Assistance Unit (PAU) and the Corruption Prevention Unit (CPU).

The staff of the Public Assistance Unit are all Associate Graft Investigation Officers (AGIOs). The Corruption Prevention Unit, on the other hand, comprises Graft Prevention and Control Officers (GPCOs).

Providing administrative support in terms of personnel, budget, accounting, cashiering and supply is the Administrative Division headed by an Administrative Officer.

All the clerks, stenographic reporters and other non-lawyer employees of the various sub-offices/units are under the supervision of the administrative division.

Personnel

For Calendar Year 2000, the plantilla of personnel by office for OMB Visayas is shown below:

Office	No. of Personnel	Percentage
Office of Dep. Ombudsman	13	26.5
Deputy Ombudsman	1	
Confidential Staff *	7	
Special Prosecution Office	5	
Evaluation & Investigation Office	16	32.7
Director	1	
Graft Investigation Officers I	7	
Graft Investigation Officers II	8	

Public Asst. & Corruption Prevention Office	11	22.4
Public Assistance Unit	8	
Corruption Prevention Unit	3	
Administrative Division	9	18.4
Administrative Officer	1	
Personnel	4	
Budget*	1	
Accounting	1	
Cashier	1	
Supply Officer	1	
TOTAL	49	100.00

*Executive Assistant V and Budget Officer positions are vacant

Overall, the Office of the Deputy Ombudsman for the Visayas has a total of 74 personnel, 49 or 66.2% are plantilla positions and the rest 25 or 33.8% are contractual. Only two plantilla positions, the Executive Assistant V and Budget Officer positions remained vacant as of December 2000. By level of positions, the breakdown are as follows:

Supervisory	20
Director	2
GIOs	11
Prosecutors	5
Adm Officer	1
Graft Prevention O	1

Rank and File 54

TOTAL 74

Fifty-four or almost 80% belong to the rank and file. The remaining 20% are supervisors including the Deputy Ombudsman and the two directors.

Of the total number, about 50 are married, and the rest are single or widowed.

In terms of educational attainment, about 47 have college degrees, 14 are masters degree holders or have masters degree units and 1 has a doctorates degree. The rest are elementary or high school graduates or have college level units.

Almost all of the employees have civil service eligibilities varying from sub-professional, professional and licensure examinations such as the bar, accountancy, teacher's board and the like.

All clerks, stenographic reporters and other non-lawyer employees are under the supervision of the Administrative Officer.

In September 2001, the Deputy Ombudsman submitted a proposed staffing modification whereby a number of existing vacant *plantilla* positions were collapsed, modified and upgraded.

Systems and Procedures

A. Handling Complaints and Cases Filed

1. All cases/complaints filed emanating either from OMB Central Office, other government agencies, e.g., NBI, COA, CHR, DILG, etc., Corruption Prevention Units, Municipal Trial Courts, Regular Prosecutors for preliminary investigation and for review and approval of resolution and private persons are received by the Receiving Unit of the Records Section;
2. Particulars such as the date, name of complainant(s), respondent(s) and addresses are entered in the Record Book;
3. Using the attached preliminary evaluation sheet, the names, addresses and official designations of complainants and respondents are indicated;
4. Complaints/cases forwarded to the Director for: (a) preliminary evaluation indicating whether administrative or criminal or both; High Ranking Official (HRO) or Low Ranking Official (LRO) case; specification of offense charged; whether it needs special attention; or request for assistance (RAS)/CPL or Grievance; and Director refer to DO matter(s) that need special attention such as compliance with the Rule of Summary Procedure; and/or (b) as Request for Assistance (RAS)/CPL/Grievance;
5. Director presents to the DO any important matter(s) which need immediate judgment or priority attention;
6. Complaints/cases goes back to Administrative Division for: (a) docketing, indexing, preparation of case folder; (b) preparation of office file copy of case folder and releasing of acknowledgement letter; (c) raffling of cases;
7. Distribution of case folder to assigned investigator and recorded in the Assignment Book;
8. Computer encoding of its docket number, names of parties, classification as HRO/LRO, assigned investigator and status of case;
9. Assigned investigator evaluates complaint pursuant to Section 2, Rule II, Section 4, Rule III, and Section 4, Rule IV of Administrative Order No. 7;
10. Preparation and submission of Evaluation Report. If evaluation report is for outright dismissal, it should be accompanied by corresponding Resolution;
11. Case record returned to assigned investigator for action as determined in the approved Evaluation Report.

B. Raffling of Cases

1. Cases referred by regular prosecutors for review and approval of resolutions are assigned only to GIO IIs.
2. Cases covered by the Rule on Summary Procedure are raffled/assigned immediately without waiting for the regular raffle schedule.
3. RAS/CPL/ GRIEVANCE are distributed among the GIOs.

C. Resolution of Cases

1. Evaluation Report in OMB cases goes to GIO III, thru Group Leader GIO II (based on OMB-Visayas Office Order dated 28 July 1994) for approval; However, when case is HRO or recommendation is for outright dismissal, the Evaluation Report has to be approved by the Deputy Ombudsman (OMB-Visayas Office Order dated 3 March 1994) and should be accompanied by a Resolution.
2. Resolution in all cases are submitted by assigned investigator to Group Head GIO II who initials under GIO III's name if he concurs, or submits his comments on a separate sheet of paper attached to the Resolution. The resolution is forwarded to the Deputy Ombudsman for his final approval in LRO cases, or for his recommendation to the Ombudsman for the latter's final approval in HRO cases.
3. If resolution is for dismissal of case:
 - Records Section furnishes parties copies of approved resolution for LRO cases whether criminal or administrative originally filed by OMB Visayas.
 - Records Section returns original case record with approved resolution to regular prosecutor and retain a copy thereof for LRO cases originally filed with regular prosecutor
 - Records Section forwards original record together with Resolution to Ombudsman for appropriate final action and retain a copy thereof for HRO cases; Parties are not given copy of the resolution.
4. If resolution is for prosecution in regular court:
 - LRO cases originally filed with OMB Visayas, parties are furnished copies of approved resolution. Upon expiration of reglamentary period for filing of motion for reconsideration, Records Section retains copy of record and forwards the original case record together with approved case resolution to regular court of prosecution of case in court.

D. Submission of Investigation Report

- 1 Evaluation Report in OMB cases goes to GIO III through Group Leader II (OMB-Office Order dated 28 July 1994) for approval. When case is HRO and recommendation is for

outright dismissal, the Evaluation Report has to be approved by Deputy Ombudsman (DO). The Report should be accompanied by a Resolution;

2 For RAS or CPL/Grievances, assigned AGIO/GPO submits the Report to the Director for his approval;

3 Final Evaluation Report and Preliminary Evaluation Report recommending the closure and termination of RAS/CPL/Grievance is submitted to the DO thru the Director for approval. Complainant is informed of the action taken;

4 RAS/CPL/Grievance referred to other government agencies for appropriate action or for fact-finding investigation are regularly traced or followed up by assigned AGIO/GPO;

5 Approved final evaluation report of RAS/CPL/Grievance case is endorsed to the Records Section for updating.

E. On the Resolution of Cases

1 All Resolutions of cases are submitted by assigned investigator to Group Head (GIO II) for his initial under the GIO III's name if he concurs or submits his typewritten comment to the attached resolution. The comments will be submitted to the GIO III for approval or for certain revision and finally, to the DO for his approval in LRO cases, or for his recommendation to the Ombudsman for the latter's final approval in HRO cases;

2 If resolution is for dismissal of the case: (a) Records Section furnishes parties copies of approved resolution for LRO cases whether criminal or administrative originally filed with the Office; (b) Records Section returns original case record with approved resolution to regular prosecutor for LRO case filed with regular prosecutor; A copy will be retained at the Records Section; and (c) For HRO case, Records Section forwards original record together with Resolution to Ombudsman for appropriate final action, A copy is retained by the Record Section and parties involved are not provided with a copy of the Resolution;

3 If resolution is for prosecution in regular court: (a) For LRO case, parties are furnished copies of the resolution. Parties are given reglamentary period for filing of motion for reconsideration. If none is filed or if motion for reconsideration is denied, Record Section retains copy of record and forwards original case record and resolution to regular prosecutor for filing of information and prosecution of case in court. Regular prosecutor furnished parties copies of approved resolution; and (b) For HRO case, Records Section retains copy of case record and forwards original case record and the resolution to the Ombudsman for appropriate final action. Parties involved are not provided with copies in the meantime;

4 If resolution is for prosecution in Sandiganbayan, the Records Section retains copy of case record and forwards original to Ombudsman in attention of the Special Prosecutor:

5 Cases that are within the jurisdiction of sectoral agencies are indorsed for appropriate action. These cases are considered closed and terminated as far as OMB-Visayas is concerned. Parties are informed accordingly of action taken;

6 Cases referred to other government agencies for fact-finding investigation are regularly traced or followed-up by assigned investigator;

7 LRO cases where resolution is for the dismissal of the case, filing of information with the regular court, or imposition of penalty lower than dismissal from the service, the Records Section furnishes OMB Central Office a copy of the approved resolution;

8 For administrative cases involving HRO where the recommendation is for dismissal from the service, the original case record and resolution is forwarded to the Ombudsman for appropriate final action. Parties are not furnished of the resolution in the meantime;

Projects, Activities and Areas of Concern

1. A Case Building Team was organized to provide legal assistance and handle cases initiated and filed by the various Corruption Prevention Units (CPUs), the Junior Graftwatch Units and the Resident Ombudsmen of various government agencies operating in Regions VI, VII, and VIII;
2. Conduct regular fora where the fisherfolks, vendors, and farmers air their grievances with the Office of the Deputy Ombudsman as well as organize themselves to be accredited as CPUs;
3. Establishment of the Nation Watch Movement for Central Visayas in coordination with the Integrated Bar of the Philippines and the National Press Club;
4. Periodic gathering of personnel and holding of consultative assemblies;
5. Continuing legal education as part of the staff development program;
6. Request for Assistance Program to cater to the request for assistance from people, e.g., facilitate early resolution of cases, delay in the release of salaries, etc.
7. Intensification of the orientation and accreditation of CPUs and JGUs;
8. Conduct of Regional JGU Leadership and Skills Training

FINDINGS

1. The actual organizational arrangements in operation does not conform with the official structure, given the plantilla of positions for the Office of the Deputy Ombudsman for the Visayas. In the official structure, there are only 3 divisions, namely: the Evaluation and Investigation Office; the Public Assistance and Corruption Prevention Office; and the Administrative Office. An interim Special Prosecution Office was formed in line with Office Order No. 7-01 requiring regional offices to pattern their structure after that of the Central Office. This is perceived in consonance with the thrust of building the capability of Ombudsman lawyers of the Visayas Region to appear and prosecute before the courts on cases that are within their jurisdiction.
2. Corollary to the above, the supervising and reporting arrangements as depicted in the organizational structure are not being followed. In addition, the duties and responsibilities of particular heads of units and staff are not in accordance with their position titles. Personnel are performing functions different from what they are supposed to as mandated by their positions.
3. Non-uniformity in nomenclature when referring to particular units, e.g., divisions are sometimes referred to as unit and/or office.
4. In general, personnel is overloaded with work due to the limited number of personnel. A number of units specially those in the Administrative Division is manned by only 1 (head and staff) personnel. This is true, not only to the administrative positions but to the technical as well. Lawyers assigned cases do preliminary investigation work, case build-up or fact finding, and full-time prosecutors. Staff double up in the performance of jobs/assignments which means rendering extra time in the office.
5. Performance of prosecutors is measured solely on the basis of number of cases resolved/disposed of without taking into consideration other assignments of equal importance

and which take up as much time and effort as the case loads. Actual accomplishments are not always given credit. This points to the deficiency of the performance evaluation being utilized by the office.

6. The leadership and management style of the Deputy Ombudsman allows for personnel creativity as compared to the previous which was highly centralized.

7. There is no unit handling the training function. Staff undergo training by invitation, i.e., agencies conducting training programs like the Civil Service Commission, the Institute of Judicial Administration, and others invite participation to their respective training programs for a fee. About 10 personnel per year from the OMB Visayas attend these training programs.

8. Before, Ombudsman cases were referred to the regular (trial/municipal) courts for prosecution. The Special Prosecution Officer (SPO) in the OMB Visayas handled the fact finding and investigation functions. In this instance, however, when cases are referred to the regular courts, OMB no longer know what happened to a particular case after it has been referred. There is no system of monitoring cases outside of the OMB nor is there a reciprocal reporting system for the regular courts to inform OMB of status of cases referred to them. The present thrust of the Ombudsman is for their prosecutors to handle cases themselves and argue them before the respective court's jurisdiction. OMB lawyers (SPOs) are now being assigned for appearance and prosecution of these cases in court. The SPOs are now slowly appearing in court trials.

9. Related to the above, there is the problem of a time lag in the submission of cases to Manila. These are the cases which involve high ranking officials. At times, OMB Manila fails to inform OMB Visayas of status of cases. They inform the clients directly and leave OMB Visayas in the dark as to the actions taken on the case referred to them.

10. There is no library to which lawyers can prepare for or books to refer to as required in preparing for their investigations and litigations.

11. Systems and procedures are unwritten and there are no manuals of operation. Sometimes, steps in the prescribed procedure are not being followed.

12. The offices of OMB Visayas is located in 3 separate rooms at the Hall of Justice, all rooms cramped and poorly lighted. Files take a lot of space in the cramped room. While the OMB Visayas was given a donation of land by the Osmeñas, there is need for a big amount of money to put up a building.

13. Because the Declaration of Assets and Liabilities take up a lot of space, a memorandum was issued to agencies to submit only the Assets and Liabilities of Directors and heads of units of agencies to the OMB Visayas. Other personnel declarations are to be kept in the respective office files.

14. OMB Visayas is not fully computerized. Based on the number of personnel in OMB Visayas, there is a limited number of computers in use. Additional computers could not be installed due to the low electrical power supply available in the building. Installing additional computers would cause power overload on the electrical system.

15. OMB Visayas is strong in its corruption prevention activities as evidenced by the number of organized resident ombudsmen and jr. graft watch. There is, however, the problem of sustaining these units in view of the limited number of personnel handling this function as well as the budget it entails.

RECOMMENDATIONS

This section involves the listing of programs that are needed to upgrade the capability of OMB Visayas personnel to undertake their functions and responsibilities more efficiently and effectively. The following list of training programs are recommended for implementation:

A. Training for Lawyers/Investigators

1. Court Practice/Trial Techniques
2. Continuing Legal Education (Local and Foreign)
3. Techniques on Decision-Making
4. Art of Cross-Examination
5. Conduct of Investigation by Quasi-Judicial Bodies
6. Value Orientation Seminar
7. Supervisory Development Course
8. Basic Computer Literacy
9. Legal Accounting Training
10. Effective Dispute Management, Conciliation, Mediation and Arbitration Course
11. Techniques of Fact-Finding Investigation
12. Communication Skills Enhancement with emphasis on Public Speaking Community Organizing
13. Seminar on Legal Writing (Advance Technique on Preparation of Affidavits, Reports, etc.)
14. Updates on Civil Service Laws and Rules

B. For Accounting, Cash, Budget and Supplies Section

1. National Government Accounting under the New Government Accounting System
Cash Management and Control System pertaining to the New Government Accounting System
2. Internal Control Systems Evaluation
3. Laws and Rules on Government Expenditures
4. Computerization on the NGAS and preparation of payroll
5. Updates on Collecting and Disbursing Function
6. How to Settle Notice of Suspension/Disallowances and Charges
7. National Government Budgeting
8. Property & Supply Management
9. Updates on Property Inspection, Appraisal and Disposal
10. Modes of Procurement and Its Documentation
11. Updated Rules on Public Bidding
12. Property Custodianship

C. For Personnel

1. Records Management and Disposal Management Tools and Techniques
2. Performance Evaluation

3. Supervisory Management Development Course
4. Grievances Handling
5. Updates on Civil Service Laws, Rules and Regulations
6. Updates on GSIS Laws, Rules and Regulations
7. Stress Management

D. For PACPO

1. Leave Administration Course for Effectiveness
2. Frontline Services Management
3. Supervisory Development Course Track 1
4. Clerical Development Course
5. Civil Service Counselors Course
6. Good and Hones Local Governance Course
7. Values Orientation Workshop
8. Basic Customer Service Skills
9. US Office of Government Ethics Strategies in Graft and Corruption Prevention

E. For Stenographers/Reporters

1. Steno Machine Skill Development Course
 2. Frontliners Services Management Seminar/Workshop
 3. Values Orientation Seminar and Workshop for Good and Honest Governance
 4. Clerical Development Course
- Basic Customer Service Skills

OFFICE OF THE DEPUTY OMBUDSMAN FOR MINDANAO

METHODOLOGY

To elicit the needed information, a survey form was distributed to all the active personnel of OMB Mindanao (some are on leave or under suspension). Of the 77 forms that were distributed, 65 were returned. Two sets of questionnaires were also distributed, one for supervisors and another for the rank and file as well as technical personnel. Respondents were selected through purposive sampling. Of the 13 questionnaires distributed to supervisors, only five were returned. On the other hand, 14 of the 19 of the questionnaires distributed to the rank and file were returned. Eight (8) personnel were lengthily interviewed.

AGENCY PROFILE

The OMB-Mindanao became operational in July 1988 with the appointment of Atty. Cesar Nitorreda as the first Deputy Ombudsman (DO). Nitorreda was succeeded by Atty. Margarito Gervacio in 1995. Atty. Antonio Valenzuela, the incumbent Deputy Ombudsman for Mindanao, replaced Gervacio when the latter was appointed Over-All Duty Ombudsman in mid 1999. DO Valenzuela is serving the second year of his seven-year term.

OMB- Mindanao has a total personnel complement of 101, 81 of which is filled up. They are distributed among three bureaus, namely, the Public Assistance and Corruption Prevention Bureau, the Evaluation and Investigation Bureau, and the Prosecution Bureau, and two offices: the Administrative Division and the Office of the Deputy Ombudsman, as follows:

§ **Office of the Deputy Ombudsman.** The Office of the DO has seven (7) confidential staff: one Executive Assistant V, a Private Secretary, a Stenographic Reporter III, a Security Officer, a Chauffeur, and a Messenger.

§ **Administrative Division.** The Administrative Division has 23 personnel and is divided into six sections: Personnel; Budget; Accounting; Cash; Property and General Services; and Records. The Records Section is subdivided into three units namely: Encoding and Data Processing (EDP); Statement of Assets and Liabilities (SAL); and Clearance.

§ **Public Assistance and Corruption Prevention Office (PACPO).** PACPO has a total of 20 personnel distributed as follows: Graft Prevention and Control Unit (3 personnel), Public Assistance Unit (4 personnel), and Investigation Unit (11 personnel).

§ **Evaluation and Investigation Office.** Excluding the stenographic reporters, the EIO has a total of 18 personnel distributed to the following offices: Investigation Unit (7 personnel)

and a Complaints Unit (9 personnel). The Investigation Units of PACPO and EIO have a common pool of five stenographic reporters.

§ **Prosecution Office (OPO).** The OPO is the newest of the three bureaus. This was created in response to the felt need of OMB-Mindanao to have its own prosecutors in pursuing cases in local courts. Unlike the two bureaus, the OPO is not subdivided into units. It has eight (8) personnel.

FINDINGS

1. Personnel Profile.^[1]

The composition of OMB-Mindanao is generally young. Fifty-seven percent (57%) of the personnel belong to the age bracket of 20-40 years old. Seventeen percent (17%) belong to the age bracket 41-45 years old. A similar percentage belong to the age bracket of 46 to 60 years old. Only two personnel were above 60 years old.

Sixty percent of the personnel are married, 31% claims to be single, the rest did not declare their marital status.

Of the 65 who returned the survey forms, 36 are female.

Forty-eight percent of the respondents have been with the OMB-Mindanao for 5 years or shorter. Only 12% have been there for more than 10 years.

Thirty-five percent (35%) finished a degree in Law, but only around half of them stated that they have passed the Bar. Two of the lawyers have Master's Degree in Law or Jurisprudence from foreign universities. Six percent of this sample personnel are taking up Law. One of the lawyers is a PhD. Candidate in Organizational studies.

Twelve of the 65 respondents either have their MBAs, MDAs, MAs or have taken units in pursuing those graduate degrees. In terms of undergraduate degrees, 22 graduated with a degree in Business Management, Finance, Commerce or Accountancy, 13 finished degrees in Social Sciences, 6 with degrees in engineering and in physical sciences. Six did not finish college, the rest either finished vocational courses, stayed for a number of years in high school or failed to indicate their educational attainment.

Majority (33) are Career Service Professional, 9 are Sub-Professional, two are Licensed Engineers, 2 are Licensed Stenographers, 13 are members of the Bar, 1 is a Career Executive Service Officer (CESO), 1 is Licensed Medical Technologist and 1 is a Licensed Teacher.

One interesting observation in this profile is the absence of a Certified Public Accountant (CPA) in spite of the fact that a number of personnel graduated from Accountancy. As mentioned in some of the interviews, CPAs are very much needed at the OMB as they can play important roles in fact-finding and investigations. Similarly, there are also a number of personnel occupying Stenographic Reporters positions, but only two indicated that they are licensed stenographers. This corroborates the findings in the interviews that some of the stenographic reporters do not have the needed skills.

Another interesting finding in this personnel profile are the number of law students, law graduates and lawyers at the OMB-Mindanao. This may somehow suggest something about the recruitment process and the perceived importance of knowledge or degree in law vis a vis career opportunities. This may in part, corroborate the perception of non-lawyers that they are discriminated against in terms of training and promotion.

Of course, the position of Deputy Ombudsman, Bureau Directors and Unit Heads are, in general, reserved for lawyers.

Lastly, the fact that the personnel composition of the OMB is generally young, gender distribution is almost equal, and majority have been in their present position for 5 years or shorter, are positive organizational attributes when it comes to introducing changes or reforms.

2. Information Technology

Based on the inventory made by OMB-Mindanao, we gathered that they have seventy (70) functioning computers and eight (8) functioning printers. They also have twelve (12) computers and two (2) printers that are defective or not functioning. The details are presented in the table below.

Only 10 of the 70 functioning computers are running on Windows 98 MS Office software. The rest are running on DOS (such as Word Perfect 5 and 6, and Lotus 123).

Inventory Of Personal Computers (PC's) and Printers

A. Functioning			
Type of PC	No. of Units	Type of Printer	No. of Units
386	6	HP 1200	2
486	17	Epson 2180	1
586	5	Epson 1170	1
AMD-350/AMD 500	6	Epson LQ 100	3
AMD-Duron 850	3	HP 710 C	1
AMD-ATHLON 1.06 HL	3	Total	8
Pentium 73/133/166	28		
Cyrex 233	2		
Total	70		

<i>B. Defective/ Not Functioning</i>			
Type	No. of Units	Type	No. of Units
386, 586 and 486	12	HP Laserjet 4	1
		HP Laserjet 4050	1
Total	12	Total	2

Since majority of their PC's are running on DOS, their LAN is DOS-based. They already submitted a proposal to upgrade their LAN from DOS-based to a Microsoft Windows-based network system to the OMB-Central Office in August 2001. However, the proposal has yet to be acted upon.

The OMB-Mindanao does not have a web-site nor an access to the internet. Respondents from the Public Assistance and Corruption Prevention Office (PACPO) are the most vocal about the need for a web-site and internet access as they believe that these can make them more accessible and transparent to the public.

On the other hand, the need for *Lex libris*, was mentioned more often by the respondents from Evaluation and Investigation Office (EIO) and the Ombudsman Prosecution Office (OPO), as this would facilitate their legal research and writing of cases.

3. Systems and Procedures

They have no operating manual. Both the PACPO and the EIO have Investigation Units. The EIO and OPO do not coordinate with each other prior to the filing of a case. Whenever the EIO files a case, the OPO is mandated to prosecute it.

Respondents from OPO complain that they are at times, forced to prosecute cases which in their opinion do not deserve filing, or is filed in the wrong court, or there are problems in the way the case was prepared by the EIO. Though the respondents from both bureaus seem to agree that they need to coordinate to prevent the above-mentioned problems, they both appear pessimistic about it due to the established practice and insufficient number of personnel.

When a case is elevated to higher courts outside the geographical boundaries of OMB-Mindanao, the Office of Legal Affairs (OLA), or other similar offices in the Central Office takes over. According to the respondents, when a case reaches this level, they will cease to have any role in the case, nor have access to information regarding its status. Oftentimes, they only learn that the case is dissolved when the accused requests clearance from their office. They hope that a system of tracking the cases can be established.

4. Performance Evaluation and Appraisal System

Almost all the respondents who answered that they have a Performance Evaluation Appraisal System said that it is not effective. They believe that it does not accurately

measure or reflect their actual performance. They also believe that it measures quantity rather than quality of output. Lawyers, for instance, have a quota as to how many cases they should resolve monthly. Some cases, are however more sophisticated and complicated than others. The pace of a case is also beyond the effective control of the lawyer once it gets into the court.

Lawyers from the EIO and OPO are evaluated using different forms and criteria.

However, if we are to examine the Performance Evaluation Forms being used for lawyers, there seems to be an attempt to fairly rate quality and quantity of output, as well as behavior and work attitude.

In the Semestral Accomplishment Report for instance, the prosecutors under the OPO are evaluated on timeliness, quality and quantity for each of the six months covered by a particular semester. This comprises 70% of their performance. Behavioral Dimensions such as courtesy, human relations, punctuality and attendance, initiative, leadership (for supervisors only) and stress tolerance (for supervisors only), takes up the remaining 30 points.

While lawyers under the EIO are evaluated based on Quantity or the Number of Resolutions drafted for the entire semester (35%); Quality (35%), divided into content or substance and forms (such as organization and coherence, language and style, grammar and diction); and Critical Factors (30%) comprised of work attitude (such as cooperativeness, initiative, and enthusiasm) and punctuality.

The difference in the form and criteria to rate prosecutors and investigators seems to be an attempt to make it more responsive to their respective functions. Though the actual points and criteria may be debated, it appears clear that at least in these two bureaus of OMB-Mindanao, an attempt was made to include qualitative factors in assessing the performance of lawyers. The critical question though, is why most, if not all the respondents, believe that their Performance Appraisal and Evaluation System is not effective.

The form being used to evaluate and assess the performance of non-lawyers is similar to the one used in other government offices which rates the quantity, quality and timeliness of performance target vis a vis that of the actual accomplishment across the activities or the Key Result Areas (KRAs) of personnel. This form has time and again been criticized for being so tedious to accomplish, as well as easy to distort. Personnel can simply make a low performance target so they can easily attain or surpass them thereby getting high ratings in actual accomplishment.

5. Training, Career Growth and *Plantilla* Positions

§ Graft Investigation Officers (GIOs) and Special Prosecution Officers (SPOs)

In general, it seems that lawyers are more exposed to training and their career growth appear clearer. One needs to be a lawyer (member of the bar) to become a GIO or an SPO. Of course, the positions of Bureau Directors and Deputy Ombudsman are also reserved for lawyers. In contrast, non-lawyers have limited career growth and exposure to training. According to some respondents, lawyers are more exposed to training as they are mandated to attend 36 hours of Continuing Professional Education every 3 years.

However, a closer look into the perceived training needs of GIOs and SPOs, which they listed in the survey sheet, indicate that they believe they need refresher courses in criminal law, criminal procedure, auditing laws and rules and on the rules on evidence. They also listed that they need skills-enhancement training in handling litigation of criminal offenses, on adjudication of administrative cases, and in conducting fact-finding and investigation.

§ Associate Graft Investigation Officers (AGIOs)

Based on the Position Description and Qualification Standards provided us by OMB-Mindanao, AGIOs could either be lawyers or college graduates who are Career Service Professionals, or any second level eligibility. Based on the interviews, this is the highest position that non-lawyers who are doing investigative and fact-finding jobs can aspire for.

The AGIOs, who answered the survey sheet, were almost unanimous in identifying the need for training and skills development in conducting fact finding and investigation. Some of them also identified the need for capability-building in resolution writing and networking with other government offices, NGOs, and other sectors to enhance their corruption prevention and public assistance services.

§ Non-Lawyers, in general

Based on interviews and a review of available personnel profile, we gathered that some personnel are simply overqualified in the positions that they are currently occupying. Yet they cannot be promoted due to lack of appropriate items. Some even have Masters Degree but are occupying entry level positions due to lack of appropriate items. Thus, there is an apparent need to introduce higher items for non lawyers in OMB-Mindanao.

In fact, they have an EDP unit, but they do not have an item for data encoder or computer programmer. A Stenographic Reporter II is currently detailed at this unit.

We gathered from the interviews that the last reorganization was done in 1990, and the sheer fact that they have grown around thrice their size at that time, may warrant a review of their *plantilla* positions and their organizational and functional structure as this may require an upgrading of certain positions. A respondent pointed out for instance, that the increase in the number of personnel would logically call for an upgrading of the current *plantilla* position of the Personnel Officer, Accountant and Cashier, possibly among others.

6. Poor Cooperation and Slow Response (if any) of other government offices

The performance of the three units (Graft Prevention and Control, Public Assistance, and Investigation) of the Public Assistance and Corruption Prevention Office (PACPO) are very much tied to the cooperation and fast response of other government offices such as the Department of Justice (DOJ), National Bureau of Investigation (NBI), Commission on Audit (COA), the Civil Service Commission (CSC), Department of Social Welfare and Development (DSWD), and those offices that are usually complained at such as the Philippine Veterans Affairs Office (PVAO).

The delay in the resolution of complaints, requests or other similar matters brought to the PACPO is said to be very much a result of the slow response and poor cooperation

of other government offices. Thus, in spite of the great potentials of the PACPO in doing pro-active and preventive graft prevention functions, part of its success is hinged on the collaboration of other government offices, and possibly, the vigilance and support of the civil society, as a whole.

7. Ratio Of Stenographic Reporters To Lawyers

Based on the interviews and answers to questionnaires, we found that the actual stenographers to lawyers ratio is 1:3. They said that ideally, the ratio should be 1:1 or at least 1:2. They qualified, however, that they actually have many stenographers, it is just that a number of them are not functioning as stenographers but as administrative or clerical staff.

In examining their organizational chart, it appears that they have 18 stenographers as against 25 lawyers. Three lawyers are on study leave, thus the actual ratio is 18 stenographers to 22 lawyers, or a ratio of 1 stenographer to 1.22 lawyers.

We also gathered that the problem is not only the actual assignment and detailing of stenographers. Some respondents are of the opinion that some stenographers do not have the necessary skills to function as such.

8. Office Space and Work Environment

OMB-Mindanao is renting the entire fourth floor and part of the third floor of a commercial building in Davao City. Although it is beginning to look crowded, in view of the increasing number of personnel, the office looks organized and conducive to work relative to usual government offices. The respondents are generally satisfied with their office space and work environment although some said that eventually they need to move to a bigger space, hopefully their own, as they are beginning to become crowded.

RECOMMENDATIONS

1. Personnel

a. Hire Certified Public Accountants for the common use of EIO, OPO and the PACPO. This is in view of the popular view among the investigators and prosecutors that knowledge and expertise on auditing and accounting rules and principles are very essential in the performance of their functions. Some senior officials even explicitly stated that they really need CPAs in doing fact-finding and investigation.

b. Propose an upgraded *plantilla* responsive to the current and projected needs of OMB-Mindanao. The sheer fact that the number of OMB-Mindanao personnel grew by around three times its initial size, may call for the upgrading of the *plantilla* positions of personnel under the Administrative Division, such as the Personnel Officer, the Treasurer, Accountant, and the like. On the other hand, the stenographers, who are currently performing non stenographic functions, can either go back to their stenographic functions or be reclassified to fit their actual functions. The latter is being proposed as

an alternative in view of the feedback that some personnel occupying the position of Stenographic Reporters, but are not performing as such, are performing well in their present functions.

c. Create appropriate higher positions for non-lawyers. The career path of non lawyer professionals should be given attention. As of now, the career path of non-lawyers are very limited, thus the tendency is for them to also aim to become lawyers. Such tendency may not be healthy for the organization in the long run.

2. Information Technology

Based on the findings, it is clear that there is a need to upgrade and increase the number of computers. In spite of the fact that they have 70 functioning PCs, most of them are old models.

The upgrading of their LAN from a DOS-based system to a Windows-based system is also justified. This upgrading is inevitably tied up with the upgrading and acquisition of new PCs.

Similarly, the acquisition of *Lex libris* is also recommended as it is expected to facilitate the work of lawyers and legal researchers.

3. Systems and Procedures

Review the current system and procedure in the filing of complaints up to prosecution. The current working relationship between the EIO and OPO should be thoroughly studied in view of the complaints from both sides. Measures aimed to ensure coordination and complementation between the two bureaus should be seriously considered to improve their efficiency and effectiveness. The creation of a system of tracking the status of cases and complaints is also recommended as it would help identify bottlenecks and ensure transparency.

4. Performance Evaluation and Appraisal System

Review the implementation of the performance evaluation and appraisal system for both the lawyers and the non-lawyers. Their ineffectiveness appears to be significantly due to the actual implementation. The evaluation forms being used for the lawyers of the EIO and the OPO appear to have fair criteria and point system. For the non-lawyers, however, the implementation, the criteria and the point system all seem to need review and improvements.

5. Training and Information Requirements

The responses of investigation officers, prosecutors, associate graft investigators and non-lawyer professionals, all point to the need for a thorough Training Needs Analysis (TNA). The TNA will in turn guide the decision to initially hire a team of trainers and lecturers to address the immediate capability-building needs of OMB-Mindanao. It is also recommended though that in the long run, OMB-Mindanao may be better off in creating its own Training And Continuing Education Unit.

6. Coordination with other government offices

Come up with a system or mechanism of collaboration among government agencies, particularly those that are in the geographical jurisdiction of OMB-Mindanao. A Memorandum of Agreement (MOA) among these offices may be entered into, providing a clear procedure in handling request for information and other forms of assistance, as well as the time that it will take to process such requests. The regional office of the Civil Service Commission in the area and the OMB-Mindanao may explore the possibility of entering into a special MOA in handling administrative complaints and cases to avoid duplication and forum-shopping.

^[1] Based on answers to the 65 Survey Forms that were returned.

OFFICE OF THE DEPUTY OMBUDSMAN FOR THE MILITARY

METHODOLOGY

This report is based on the responses to two sets of survey forms/questionnaires, personal interviews and a review of available documents. The selection of respondents to the questionnaires and interviews were done through purposive sampling.

AGENCY PROFILE

The Office of the Deputy Ombudsman for the Military (ODOM) was created on 28 July 1990. It is mandated to investigate and prosecute complaint by any person, "any act or omission of Armed Forces of the Philippines and Philippine National Police personnel, when such act appears to be illegal, unjust, improper or inefficient." It also assists the Ombudsman in determining the causes of inefficiency, red tape, mismanagement, fraud and corruption in the AFP and PNP and make recommendations for their elimination and observance of high standards of ethics and efficiency.

The ODOM is comprised of the: Office of the Deputy Ombudsman for the Military- Proper, the General Investigation and Prosecution Bureau, the Public Assistance and Corruption Prevention Bureau and the Administrative Division.

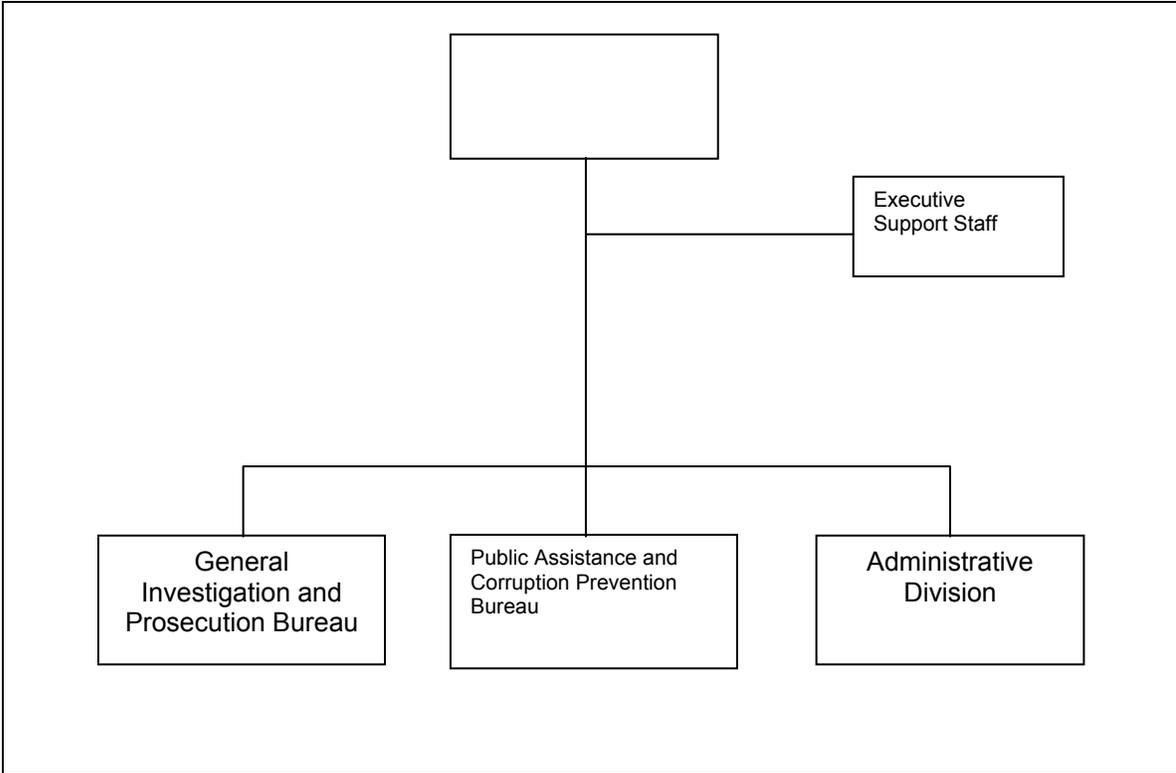
The ODOM-Proper provides overall direction and control in the operation and administration of the units under the Office of the Deputy Ombudsman for the Military. The Deputy Ombudsman for the Military is backstopped by an Executive Support Staff which assists the DOM in overseeing the day-to-day operations of the office as well as provide the DOM daily administrative and technical support. The Executive Support Staff of the ODOM consists of: one (1) Executive Assistant V, one (1) Executive Assistant IV, one (1) Private Secretary II, one (1) Security Officer I, one (1) Steno Reporter III, one (1) Chauffeur, and one (1) Messenger. Graft Investigation Officers are also assigned in the office to provide assistance to the DOM.

The General Investigation and Prosecution Bureau (GIPB) is the office responsible for providing support to the DOM in prosecuting and investigating complaints concerning acts and omission of AFP and PNP personnel. The GIPB is headed by a Graft Investigation Officer III. Lower Level Graft Investigation Officers, Special Prosecution Officers, and administrative personnel backstop this unit.

The Public Assistance and Corruption Prevention Bureau (PACPB) is the unit under the ODOM which is responsible for determining causes of inefficiency and red tape, mismanagement, fraud and corruption in the AFP and PNP. It provides assistance to complainants coming to the office and, publicizes matters (information dissemination) concerning negative bureaucratic practices. The PACPB is headed by a Graft Investigation Officer III. Associate Graft Investigation Officers assist the GIO III in performing the functions of this unit.

The Administrative Division of the ODOM is responsible for the general housekeeping of the office. This includes supply and property safekeeping and monitoring, recruitment and training of personnel, personnel record keeping, cashiering, and financial accounting. An Administrative Officer V heads the Administrative Division. Personnel with varying position classes and titles assist her in the performing the functions of the office.

Figure 1. Organizational Structure of the Office of the Deputy Ombudsman for the Military



FINDINGS

1. Organizational Nomenclature

The names of offices are not standardized. For instance, the Administrative office is a division while the General Investigation and Prosecution unit and the Public Assistance and Corruption Prevention unit are called bureaus. Since the three are comparable units, their organizational nomenclature should be the same.

2. Need to Split Public Assistance and Graft Investigation

There are respondents who revealed that there is a need to separate organizationally the functions of public assistance and graft investigation. These respondents reasoned out that they could perform better as graft investigator or provide efficient public assistance if they

concentrate on the nature of their work. They feel that by performing these two functions, their efforts are spread thin. It was also revealed that this happens because of lack of graft investigators. Additional personnel, they say, can help solve the problem.

3. *Lack of Personnel*

It was revealed that there are only seven graft investigators in the fact-finding Bureau. Although their *plantilla* provide for more graft investigators, only 7 are filled-up. These graft investigators perform the following functions:

- fact finding investigation;
- providing assistance to government personnel or walk-in complainants who request for their assistance or opinion;
- evaluation of cases;
- research and coordination with other government agencies;
- court pleadings preparation;
- delivering corruption prevention lectures; and
- intelligence gathering and background investigation

Because of the lack of personnel, there are also times that the graft investigator himself delivers documents or run errands when lower level personnel can do this (messengers or clerks). Special Prosecution Officers are also needed to handle cases filed before regular courts particularly in the provinces. The same problem is experienced at the Administrative Division. Private agency workers perform critical jobs in the office when what is needed are regular personnel who have accountability.

To address the problem of lack of personnel, overtime work is rendered but this is without compensation. Another way of addressing this problem is the reassignment of personnel from one unit to another. However, the reassignment often results in the function of the office where the assignee comes from not being performed by others left in the unit. Additional personnel will result in greater efficiency, economy and effectiveness of operations of the office.

4. *Lack of Financial Support to Conduct Investigation*

There are respondents who revealed that financial assistance to conduct investigation work is not sufficient. The job of investigating complaints requires a lot of travel/field work and investigators feel that the funds provided them are not sufficient to speed up their work.

5. *Inconsistency of Position Title and Actual Functions*

There are graft investigators who are performing non-investigative functions. These functions, among others, include: issuing of clearances, conducting research, and coordinating with the community. The office needs legal researcher positions.

6. *Performance Appraisal System*

Almost all the respondents stated that their performance appraisal system is adequate. However, a respondent believes that it gives more premium to quantity rather than quality of

work. This respondent believes that the performance of personnel can be better appraised if there is self-evaluation, evaluation by peers, or evaluation by subordinates.

7. *Inadequate Equipment and Facilities*

The office of the OMB-Military is cramped and old. Spaces between desks are so small. This problem is hoped to be solved, however, with their impending transfer to a new building.

Respondents also raised the need for additional computers and other equipment to facilitate work.

8. *Personnel Promotion and Career System*

Respondents revealed that promotion in the office is slow. There are those who are in their present position for ten years. One even mentioned that the duties and responsibilities he is performing are those of a higher a position yet he is not given the appropriate position title.

RECOMMENDATIONS

In line with the findings mentioned in the preceding section, it is recommended that the following interventions be undertaken:

1. *Rationalize Organizational Systems and Procedures within the Office*

There is a need to review and re-evaluate the structure, systems, procedures and processes within the Office to determine the optimal setup for increased organizational productivity, efficiency and effectiveness. This may be done through a comprehensive management study and/or other related studies.

2. *Acquisition of Additional Equipment*

Additional equipment, particularly computers and other information-technology equipment, should be acquired by the Office to improve their productivity.

3. *Conduct of More Responsive Training Programs*

Respondents revealed that they have attended capability-building exercises. However, respondents revealed that additional training on resolution writing, investigative skills, and corruption detection and prevention are needed to enable Graft Investigation Officers to perform their duties better. It was also mentioned that Stenographers need to improve their skills. Respondents said that there were instances when some Stenographers did not adequately record proceedings, which in turn delayed the evaluation of cases.

4. Address Security and Safety Needs of Personnel

In view of the fact that the investigators and prosecutors of OMB-Military are dealing with armed personnel, some respondents believe that they should be provided with some security, which would possibly include allowing them to carry firearms and other forms of protection.

THE OFFICE OF THE SPECIAL PROSECUTOR

METHODOLOGY

The research team assigned to the Office of the Special Prosecutor (OSP) examined available documents and conducted personal interviews in order to gather information regarding the capability-building needs of the OSP. Questions were asked regarding the Office's organization, functions and processes, personnel, reform measures undertaken, and the use of equipment and technology. The team interviewed thirty-four out of the ninety-three (37%) OSP personnel, majority of whom are occupying technical and/or supervisory positions. Thirty-one of the forty-seven (66%) such employees of the OSP were interviewed, while the rest were administrative and/or clerical personnel. The limited representation of the administrative and clerical personnel was a result of their unavailability during the team's visit to conduct personal interviews. Questionnaires were also distributed to the rank and file employees, unfortunately, these were not returned to the research team due to varying reasons.

Interviews were also conducted with Sandiganbayan Justices regarding the performance of OSP prosecutors in court. This was done because the team believes that the Justices are in the best position to gauge the skill and competence level of the prosecutors. The team interviewed ten out of the fifteen Sandiganbayan Justices, representing all five divisions of the Court.

AGENCY PROFILE

The OSP acts as the special prosecuting arm of the Office of the Ombudsman (OMB). Pursuant to the 1987 Constitution, the Office of the Tanodbayan was renamed the Office of the Special Prosecutor, exercising the same powers and functions of the former except those already conferred to the OMB. Pursuant to Republic Act 6770, otherwise known as the Ombudsman Act of 1989, the OSP shall be an organic component of the Office of the Ombudsman and shall be under the direct supervision and control of the incumbent Ombudsman. The same Act also specifically identified the powers and functions of the OSP, which are:

§ To conduct preliminary investigation and prosecute criminal cases within the jurisdiction of the Sandiganbayan;

§ To enter into plea bargaining agreements; and

§ To perform such other duties assigned to it by the Ombudsman

Recent developments, however, have brought some changes to the above functions and to the OSP's jurisdiction. Republic Act 7975 limited the Sandiganbayan's jurisdiction to include only public officials occupying positions with Salary Grades 27 and above; all other officials shall now be under the jurisdiction of lower courts such as the Municipal Trial Courts (MTCs) and the Regional Trial Courts (RTCs). Thus, the OSP now only prosecutes cases involving "high-ranking" officials and all other cases have become the responsibility of either the prosecution bureaus of other sectoral offices of the OMB or the city or provincial prosecutors as the case may be.

The preliminary investigation function of the OSP has also been transferred to the Evaluation and Preliminary Investigation Bureau (EPIB) of the OMB Central Office. The OSP thus only concentrates on the prosecution of cases filed with the Sandiganbayan.

As of November 20, 2001, the OSP had a total personnel complement of ninety-three (93) employees, excluding three employees detailed to other government agencies. It is subdivided into six units or offices, which are supervised by the Special Prosecutor's Office, headed by the

Honorable Leonardo P. Tamayo with the assistance of his Confidential Staff. SP Tamayo is in the last year of his seven-year term, which started on January 1996 when he succeeded former Special Prosecutor and current Ombudsman Aniano A. Desierto. Directly under the SP is Deputy Special Prosecutor Robert E. Kallos, who in turn directly supervises, with the assistance of his staff, the three Bureaus of the OSP, namely:

§ The Prosecution Bureau - the unit responsible for prosecution of cases filed with the Sandiganbayan;

§ The Case Assessment, Review and Reinvestigation Bureau (CARRIB) - conducts reinvestigation and/or review of cases as may be ordered by the Court;

§ The Appellate and Special Action Bureau (ASAB) - unit handling cases already decided upon by the Sandiganbayan, which are on appeal with the Court of Appeals or the Supreme Court.

There is also a Records Section responsible for the safekeeping of decided and archived cases filed with the Sandiganbayan. The section also receives and distributes newly- raffled cases filed with the Court to the respective team coordinators for each Division for further assignment to the prosecutor/s who would be handling the case.

FINDINGS

Based on the interviews with the OSP Staff and with the Sandiganbayan Justices, the team came up with the following findings:

1. Formal Structure and Staffing Pattern is Not Strictly Followed

The theoretical separation and specialization among the three Bureaus is not strictly enforced in terms of functions and *plantilla* assignments of personnel. Prosecutors and Stenographic Reporters supposedly assigned to a specific unit or bureau but in practice, the organization uses more of a matrix-type structure wherein employees are involved with all three bureaus. Problems are encountered mainly because lines of authority and responsibility are not defined, especially on the part of the Bureau Directors. The system has also become over-centralized towards the Special Prosecutor, who still performs some of the functions supposedly delegated to the Directors.

Some of the OSP personnel also perform other duties and functions at the expense of their mandated tasks. This has caused unclear distribution of work and responsibility particularly among the rank and file employees. For example, the stenographic reporters complain that they themselves have to reproduce pleadings and other documents when this should be the sole function of the Reproduction Machine Operator. Also, an individual occupying a Clerk III position now functions as a Librarian / Disbursing Officer.

2. Inadequate Mechanisms for Formal Supervision, Monitoring and Control

Non-adherence to the formal structure of the organization has led to unclear lines of supervision and control. Monitoring of cases handled by each prosecutor is also difficult, as even the prosecutors themselves do not know the exact number of cases they are handling. This problem can be attributed to the absence of an established system for monitoring of the status of cases handled by the OSP. In general, the systems and procedures in the Office are informal and are not codified in work manuals.

Team coordinators complain that some of their members have become lackadaisical when it comes to preparing for cases and this is reflected in their poor record of performance in court. This may be explained by the fact that although division coordinators are accountable for the quality of performance of their team members, they lack the authority to discipline them. Prosecutors are thus left on their own, with minimal supervision and control.

3. Separation of the Preliminary Investigation and Prosecution Functions

The separation of the preliminary investigation and prosecution functions has led to ineffectiveness in the performance of the latter. The prosecutors complain about the quality of the cases/informations filed by the Evaluation and Preliminary Investigation Bureau (EPIB) of the OMB Central Office, saying that some cases are impossible to prosecute due to the lack of evidence, leaving no choice but to move for the dismissal of the case. Thus, the conviction rate, generally used as a gauge of prosecutors' performance, has declined, along with public's perception of the OSP as a unit.

This problem arises from the subjective nature of the determination of "probable cause" on the part of the Preliminary Investigation and the fact that cases need to be proven "beyond reasonable doubt" in the Sandiganbayan. Prosecutors also find it difficult to secure testimonies from witnesses as they sometimes refuse to appear in court, or are not included in the list submitted by the EPIB. Witnesses from far-flung areas are summoned to Court only on the day of their testimony, giving no time for consultation with the handling prosecutor/s.

4. Problems Related to Employee Morale and Organizational Culture

Some prosecutors are openly feuding with each other and factionalism is clearly developing within the OSP. Some personnel attribute this to the leadership of both the OMB and OSP. A Sandiganbayan Justice also sees a need for improving employee morale, in terms of re-orienting the prosecutors on the importance of the OSP's function with regard to promoting national interests (i.e. patriotism) in order to instill in them the proper work values and attitudes necessary for public officers occupying such important positions as guardians against graft and corruption.

5. Over-Centralization of Administrative and Personnel Functions

The administrative and financial aspects of the OSP's operations are still being handled by the OMB's Central Office. Problems are encountered with regard to the payment of salaries and addressing other administrative issues and the due to the physical distance of the two units. Some OSP personnel thus feel that they are being treated as second-class employees when compared to the employees of the Central Office.

6. Problems with Recruitment and Promotion

The comparatively low salary level of the prosecutors does not attract many top-caliber lawyers to join the OSP. The 5-year trial experience requirement contained in the qualification standards for the SPO positions also causes a dilemma. Although it would be ideal for prosecutors to have this amount of actual trial experience in preparation for handling "high-profile" cases, in reality lawyers who meet this requirement have more attractive opportunities for career advancement elsewhere, particularly in private practice. Thus, only a few highly-qualified lawyers apply for employment with the OSP.

Also, the OSP staff generally do not know the criteria and procedures followed for recruitment and promotion of personnel and this has caused a certain degree of internal discord and morale problems due to suspicions of favoritism and unequal treatment.

7. Lack of Formal Training and Orientation

Most of the prosecutors and all the Justices interviewed realize that all prosecutors need training in trial techniques, resolution-writing, jurisprudence, etc. Some even cited the need for orientation in moral and behavioral values. As of now, new recruits are not given a formal orientation nor do they undergo an apprenticeship period before being asked to prosecute cases, which would be vital especially for the prosecutors who have limited or no trial experience at all.

While there are training opportunities, the OSP staff feels excluded from most of these, as according to them, most of the slots are given to Central Office employees.

8. Insufficient Number of Personnel

More prosecutors are needed to handle the increasing number of cases filed with the Sandiganbayan. An increased number of prosecutors would result in lighter caseloads for each, and this in turn would ideally lead to better preparation for cases and improved performance in Court.

The support staff is also undermanned, especially in terms of researchers. Presently, there are only two Associate Special Prosecution Officers who are supposed to research for all of the OSP prosecutors. Stenographic reporters are assigned to two or three, sometimes even four, prosecutors, when ideally the ratio should be 1:1.

9. Ineffective Performance Appraisal System

Majority of the OSP staff are not satisfied with the performance appraisal system as they believe that the performance of prosecutors cannot and should not be measured quantitatively. To illustrate, the current system for rating trial performance involves a scoring system (or standards) wherein corresponding numerical grades are given for certain actions taken during the course of trial of case, such as:

Oral Offer of Evidence	2 points
Offer of Rebuttal Evidence	2 points
Completion of Presentation of Prosecution's Evidence	5 points
- 3 witnesses or less	10 points
- more than 3 witnesses	
Completion of Presentation of Evidence for Accused	5 points
- 3 witnesses or less	10 points
- more than 3 witnesses	

Presentation of Evidence	of	Rebuttal/Sub-Rebuttal	5 points
Conviction			20 points
Plea of Guilty			15 points

Adjectival performance ratings are given based on cumulative scores for each rating period of six months. The current system over-emphasizes quantity instead of the quality of output and also fails to take into account the relative complexity and uniqueness of each case being handled by the prosecutors.

The Special Prosecution Officers generally agree that the System should be re-evaluated and subsequently improved to make it more reflective of their actual performance. Some employees do not even know that the system exists while others simply ignore it. Rank and file employees also revealed that the usual practice is for employees to rate themselves and for their supervisors to affix their signature to the already accomplished rating sheets, thus defeating the entire purpose of the performance appraisal system.

10. Records Management Problems

The Records Section has a major problem regarding records storage and retrieval. Valuable case records are just stored unsystematically on the floor of the Records Section's Office and retrieval mainly relies on the memory of the personnel. Delays in the acquisition of a records compactor has exacerbated the problem. However, should such equipment be acquired, the problem would be where to install it, as the Records Section's Office is sorely lacking in terms of space. This problem needs to be addressed immediately due to the delicate nature of the records stored by the Office.

11. Inadequate Equipment and Facilities

The prosecutors are in need of more filing cabinets and other records storage equipment for proper safekeeping of important documents such as documentary evidences, case jackets, etc. Technological devices such as computers and printers are also scarce, and those that they have are not maximized as the stenographic reporters only use them as typewriters. Some prosecutors are left with no choice but to bring their own computers to their office for their own personal use

The Library's collection is not updated wherein the latest volumes of the SCRA and SCAD are not yet available. Other materials needed by the prosecutors are also not readily available and some resort to buying their own books and other reference materials. Conveniently, the Library has one computer with "*Lex Libris*" already installed for the ready use of the prosecutors

The findings outlined in the preceding discussion can be classified into three main problem areas. These are: structural problems, personnel problems and the lack or inadequacy of physical resources. Structural problems relate to the difficulties caused by the existing organizational structure, systems, procedures and processes. Internally, there is the problem of inappropriateness or outright absence of structural mechanisms for supervision, monitoring and control within the OSP. In terms of coordination with the OMB Central Office, problems are also

encountered regarding administrative, personnel and financial matters. The OSP's coordination or lack thereof, with the Evaluation and Preliminary Investigation Bureau (EPIB) regarding cases under the jurisdiction of the OSP is also a major problem area. Personnel Problems refer to the problems encountered regarding recruitment, promotion and training. There are also problems with the existing performance appraisal system, the prevailing discord among the staff and the low-level of employee morale. Finally, there are also problems regarding the lack of physical resources and/or equipment such as computers, printers, filing cabinets, etc. Facilities for effective and efficient Records Management by the Records Section are also severely lacking.

RECOMMENDATIONS

Based on the aforementioned findings, the team recommends the following:

1. Rationalization of Organizational Structure and Management Systems and Procedures of the OSP

A more comprehensive and detailed study of the prevailing organizational structure and managerial systems and procedures in the OSP is required in order to identify weaknesses and areas for improvement that would lead to more effective and efficient performance of mandated tasks and responsibilities. The primary objective of the study will be to review and re-evaluate the current organizational and managerial setup and subsequently recommend and establish more appropriate systems and procedures for supervision, monitoring and control. The possibility of establishing additional units (i.e. administrative, human resources or personnel office) within the OSP must also be examined to reduce reliance on the Central Office. The OSP's linkages, particularly with the Evaluation and Preliminary Investigation Bureau of the Central Office, as well as with other stakeholders must be improved for a more effective performance of the OSP as a unit, specifically of its prosecution functions.

2. Improvement of Individual and Organizational Morale

Individual and organizational morale in the OSP is at an alarmingly low level. Reforms have to be instituted to remedy this situation because productivity and performance are adversely affected. First, the OSP, the OMB and the CSC should evaluate the request of the prosecutors for increased salary and other professional perks because motivation can be improved by increased financial rewards. However, financial rewards would not be sufficient and other "psychological rewards" must also be introduced. There is a need to upgrade the image of the OSP, and the OMB as well, as honorable and highly-professional institutions. This may be done through multi-media information campaigns (i.e. television, radio, print, internet, etc.) highlighting the importance of the OSP's functions in the context of the fight against public sector corruption. Being a public prosecutor from the OSP should be viewed as an honor and privilege rather than one of the last resorts for employment by those engaged in the legal profession. The increased financial and psychic rewards will also aid in the solution of the recruitment problems experienced by the OSP. By offering a more competitive salary-level and the psychological reward of belonging to a prestigious organization, the OSP would be able to attract more top-caliber lawyers to serve in government.

The current performance appraisal system must also be improved to make it more reflective of actual employee performance. An objective and fair system can serve both as a motivator for improving performance, because such will be properly rewarded, and a deterrent against mediocrity, as this in turn would be more accurately reflected in the performance ratings and would be subject to corresponding sanctions.

Team building exercises/sessions must also be undertaken to alleviate the prevailing tension among employees of the OSP. The staff, particularly the prosecutors, must be made to realize that the Office should be united in their fight against corruption. The relationship of the prosecutors should be collegial rather than adversarial as a harmonious and united unit will be more effective in the performance of its mandated functions.

3. Enhancement of Career and Personal Growth Opportunities in the OSP

Based on the interviews with the OSP personnel, there is much left to be desired within the organization in terms of career and personal development programs. The absence of a personnel or training unit in the OSP has resulted in limited training opportunities for the staff. Some of the training areas suggested by the prosecutors/lawyers in the organization include technical subjects such as case building, resolution writing, the art of litigation and continuing education regarding new developments in jurisprudence and legal procedure. Other more behavioral or values-oriented training needs include legal ethics and improvement of attitude toward work. On the other hand, non-lawyers expressed the need for training on areas such as steno-writing, correspondence writing and records management.

The expressed need for additional training, workshops and/or seminar sessions must be addressed. Career and Personnel development programs must be introduced to address the deficiencies in the skills and competencies of the OSP personnel. The OSP must evaluate whether to introduce in-house training programs or contract professional training services from outside institutions, or any other cost-effective alternative. Ultimately, the skills and competencies of the OSP staff must be upgraded in order to improve individual productivity and performance. This will result in enhanced organizational effectiveness and efficiency.

4. Acquisition of Material Inputs

The acquisition of additional materials and equipment will be vital for the improvement of the OSP's performance. The Office must upgrade its technological equipment (i.e. computers, printers, scanners) and take advantage of advances in information technology such as the internet and local-area networks. By harnessing these technological advances, it is expected that organizational efficiency would be brought to a higher level.

The Records Management problems of the OSP must also be addressed immediately. Records storage equipment should be acquired for use not only by the Records Section but also by the individual prosecutors as well. The system of storage, management and retrieval of records by the Records Section should also be upgraded either by computerization or through other more cost-effective means.