



# *Marking milestones*

the 2008 annual report of the  
Office of the Ombudsman

Diliman, Quezon City  
Philippines

The complete electronic version of the 2008 Annual Report is available at:  
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## List of acronyms used

AIB	Assets Investigation Bureau
BAC	Bids and Awards Committee
BFP	Bureau of Fire Protection
BIR	Bureau of Internal Revenue
BOC	Bureau of Customs
BRO	Bureau of Resident Ombudsman
BuCor	Bureau of Corrections
CAI	Center for Asian Integrity
CAS	Central Administrative Service
CCB	Community Coordination Bureau
CIPAAB	Criminal Investigation, Prosecution and Administrative Adjudication Bureau
CIPD	Center for Integrity and Development
COA	Commission on Audit
CPUs	Corruption Prevention Units
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DBM - PS	Department of Budget and Management - Procurement Service
DENR	Department of Environment and Natural Resources
DepEd	Department of Education
DO	Deputy Ombudsman
DOH	Department of Health
DOJ	Department of Justice
DPWH	Department of Public Works and Highways
ECA	Environment Compliance Assessment
EIO	Evaluation and Investigation Office
FAO	Finance and Administrative Office
FFIB	Fact-Finding and Intelligence Bureau
FIO	Field Investigation Office
FMS	Finance and Management Service
GCPE	Graft and Corruption Prevention Education
GIB	General Investigation Bureau
GSIS	Government Service Insurance System
HROs	High Ranking Officials
IDR	Integrity Development Review
JGUs	Junior Graftwatch Units
LGUs	Local Government Units
LRA	Land Registration Authority
LRTA	Light Rail Transit Authority
LSCs	Lifestyle Checks
LTO	Land Transportation Office
MCA-PTP-TAP	Millennium Challenge Account – Philippine Threshold Program – Technical Assistance Project
MISS	Management Information System Service
MMDA	Metropolitan Manila Development Authority
MSACC	Multi-Sectoral Anti-Corruption Council
NACPA	National Anti-Corruption Program of Action
NBI	National Bureau of Investigation
NIA	National Irrigation Authority
ODO	Overall Deputy Ombudsman
OLA	Office of Legal Affairs

OMB	Office of the Ombudsman
OMB-Luzon	Office of the Deputy Ombudsman for Luzon
OMB-Mindanao	Office of the Deputy Ombudsman for Mindanao
OMB-MOLEO	Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices
OMB-Visayas	Office of the Deputy Ombudsman for the Visayas
OSP	Office of the Special Prosecutor
PAB	Public Assistance Bureau
PACCB	Public Assistance and Community Coordination Bureau
PACPO	Public Assistance and Corruption Prevention Office
PAMB	Prosecution and Monitoring Bureau
PAMO	Preliminary Investigation, Administrative Adjudication and Monitoring Office
PARB	Preliminary Investigation, Administrative Adjudication and Review Bureau
PI/AA	Preliminary Investigation and/or Administrative Adjudication
PIAB	Preliminary Investigation and Administrative Adjudication Bureau
PN	Philippine Navy
PNP	Philippine National Police
PVAO	Philippine Veterans Affairs Office
R.A. No.	Republic Act Number
RAS	Request for Assistance
RO	Resident Ombudsman
RSSB-PMO	Research and Special Studies Bureau – Project Monitoring Office
SALN	Statement of Assets, Liabilities and Net Worth
TARGET	Tanodbayan Against Government Employees Involved in Trafficking
TFRP	Task Force Red Plate
UNCAC	United Nations Convention Against Corruption

## Marking Milestones

*A summary of the 2008 Achievements of  
the Office of the Ombudsman*




The Office of the Ombudsman (OMB) is the lead agency of government in fighting corruption. Given our formidable task vis-à-vis limited resources, we have utilized various strategies to carry out our mandate effectively. At present, we go by a three-pronged approach in fighting corruption: enforcement, corruption prevention, and education and promotion.

### **Enforcement strategy**

We at the OMB make sure that Philippine laws in general, and anti-corruption laws in particular, are enforced throughout the country. Thus, consistent with our constitutional mandate, our enforcement strategy encompasses measures to intensify the conduct of fact-finding investigation, preliminary investigation, administrative adjudication, prosecution and mediation.

Various programs and task forces were established to focus on specific acts of corruption. Some sectors criticize these task forces believing that they only focus on the "small fishes", and




thus, translate to poor use of office resources. But from our perspective, it is through these task forces that the OMB puts emphasis on fighting the most prevalent forms of corrupt practices which affect every Filipino ***without sacrificing the OMB's goal of going after the "big fishes"***. Graft and corrupt activities should be investigated because even the "simple" acts of everyday corruption desensitize our people to what ought to be considered as an abhorrent act. The achievements of the OMB in 2008 can attest to the effectiveness of the OMB in going after both the big and small fishes.

In 2008, the OMB received a total of 13,225 complaints. This is a 22% increase from the number posted in 2007.

The OMB is continuing its ***Lifestyle Check campaign***. In 2008, the Field Investigation Office completed 152 lifestyle check investigations. We have also intensified our drive against the abuse in the use of government vehicles through our very own ***Task Force Red Plate***. We have also created Task ***Force Marshall***, a group of OMB investigators and prosecutors who locates and arrests individuals who have standing warrants of arrest before the courts, or complainants, and witnesses who are no longer residing in their addresses on record. Cognizant of the importance of a sustainable environment, the OMB also created the ***Environmental Ombudsman*** to monitor compliance of local government units with environmental laws.

**The OMB has also acted on 8,526 criminal and administrative cases in 2008.** This is a very big increase from our 2007 output. **We have imposed administrative sanctions on a total of 1,163 public officials nationwide, 34% of which were dismissed from the service** with the accessory penalties of forfeiture of retirement benefits and perpetual disqualification from holding public office.

**In 2008, we have also posted the highest conviction rate of the OMB in twenty-one years: 73.42%.** This speaks well of the efforts of our OMB prosecutors, and the trainings they have undergone to improve their knowledge and skills. Such a high conviction rate also became possible because of the unprecedented number of plea bargains before the Sandiganbayan. For the past three years, 1,002 informations were filed with the anti-graft court. Among the personalities we



have successfully prosecuted in 2008 include two congressmen, vice-governor and mayors.


The OMB also pursued mediation of non-graft cases to help speed up the case disposition. Rules of procedure for mediation have already been issued. The OMB now has 105 trained mediators. In 2008, **the OMB handled a total of 800 mediation cases, 49% of which were successfully mediated.** But the public get their benefit not only from the speed of disposition in our cases, but also from the fact that mediation humanizes the OMB's mandate as protector of the people, by being a constant bridge between them and government officials and personnel.

## Prevention Strategy

From the very first day I assumed office in December 2005, I have thought of strengthening the prevention aspect of the fight against corruption. If the enforcement strategy tackles a corruption incident after it has occurred, then our prevention strategy endeavors to put in place systems to prevent corruption incidents from happening in the first place.

Prominent in our list of strategies for prevention is the ***Integrity Development Review (IDR) program***. Through the IDR, we help agencies study their own systems. The main point of our inquiry is: *"what is it in the structure, systems & procedures of these agencies that make them vulnerable to corruption?"* Concerned agencies had thereafter devised counter-corruption action plans and strategies that are today either waiting for implementation or already are being implemented. Personnel from our office monitor their progress. At present, a total of eighteen (18) government agencies have undergone IDR. Some highlights of the reforms implemented after the IDR are included in this annual report. We are also strengthening our resident ombudsmen by spearheading the First National Assembly of Resident Ombudsmen nationwide.

An under-rated but effective component of prevention is our **public assistance program**. This program is consistent with the law authorizing our office to require public officials to render assistance to the public.



We believe that before a difficult situation where a citizen finds himself in, turns into an ugly occasion for corruption, a visit with our public assistance units would accomplish the same objective without resorting to giving bribes and/or accepting kickbacks. For instance, delayed pension payments causes a pensioner to contemplate giving a “gift” to a government employee to facilitate the same. A visit with our public assistance units will essentially achieve the same objective without resorting to corruption. At the same time, it has the added benefit of acquainting the OMB of the legitimate reasons why, on the other hand, expected official action is, in some cases, delayed and what can be done to improve the system.


**In 2008, the OMB received a total of 13,986 requests for assistance. Of this number, 84% resulted in successful intervention for the citizen.** We have also fast-tracked the **issuance of clearances and certifications** for government personnel who secure the same for various purposes, such as retirement, promotion and transfer. During the same period, we successfully attended to a total of 56,019 requests.

Since mid-2007, the OMB started conducting outreach programs to the poor and the underprivileged through the **OMB Social Service Caravan**. Along with representatives from various service-oriented agencies like the DOH, NSO, DFA, NBI and even SSS and GSIS, we go to poverty-stricken places nationwide giving free legal, medical and dental services, as well as attending to the people’s requests for official documents and clearances. We also utilize these caravans to educate the youth on the dangers of prohibited drugs.

A big benefit to our office from these outreach programs is the chance to hear and know up-close the grievances of the poor motivating us even more to fight corruption. Eleven caravans were held nationwide in 2008 benefitting around 21,000 Filipinos.

## **Anti-corruption education and promotion**

This is our third strategy in the fight against corruption. We believe that increasing public awareness on the evils of corruption is vital to the eradication or minimization of corruption. We have engaged in activities and installed measures to promote integrity, accountability and transparency in government service.



Since May 2008, I have begun writing an opinion column regularly where I often discuss values that are appropriate for a life of public service. My column titled “**The Essential Thing**” appears every Friday in the *Business Mirror*. I, along with veteran broadcaster Tony Salao, have also begun anchoring a program aired over DZRB radio every Wednesday morning from 10 to 11. In “**Magsumbong sa Ombudsman**”, we discuss our work, feature interviews with OMB officials, and receive phone calls from the public regarding their views or requests for assistance.

As an institution, we at the OMB had devised ways to teach integrity and a sense of responsibility to children of school age by the distribution of what we call “**teaching exemplars**.” These are manuals and teaching guides whose content can be integrated into existing subjects like Sibika at Kultura. They are meant to highlight to impressionable minds the importance of values, such as honesty and regard for others.


We have also designed several training programs to make people aware of the seriousness of corruption. Thus, the OMB conducts the **Ehem! Aha! Program, public accountability seminars, orientation briefings** and other related capacity building activities. In 2008, thousands of government officials and employees nationwide have participated in OMB training programs.

Most importantly, the OMB has laid down the foundation for the establishment of the **Center for Asian Integrity**. Through a Memorandum of Understanding among the OMB, UP and Griffith University, CAI will soon be offering training and research programs as well as curriculum design and course development.

## **Integration of anti-corruption efforts and broadening alliances**

Aware of the often disparate efforts towards fighting corruption, I became concerned early on to find ways and means to integrate these efforts. Thus was born the **National Anti-Corruption Program of Action (NACPA)**, which is an initiative to converge and mesh together into one coherent, over-arching program all the anti-corruption efforts in our country.





The body that sets the policy directions for NACPA is the **Multi-Sectoral Anti-Corruption Council (MSACC)**, composed of sixteen sectors, both public and private, the representatives of which meet together to synchronize projects under NACPA.

We have also strengthened the OMB's alliances with other organizations and international anti-corruption bodies in the firm belief that there is more strength in a united stand against corruption.

I may also add our recent success in having become **eligible for compact status under the Millennium Challenge Corporation** of the United States of America. This eligibility status could mean a much-needed financial grant not just to the OMB, but to the entire country as well. This grant is reserved only to countries who have demonstrated serious efforts in fighting corruption in their respective jurisdictions.

## Conclusion

The OMB's national budget allocation is meager compared with the budget of other government agencies. We have also a much leaner personnel complement vis-à-vis other agencies and it has always been a source of wonder how we had gotten by considering the nature and extent of our responsibilities, and, most of all, the public's expectations of us.

As difficult, complex, fund-strapped and sometimes as outright dangerous as our work may be, we at the Office of the Ombudsman continue to discharge our duties intrepidly, conscientiously and steadfastly. Despite all the challenges that fraught the year that was, including disparaging allegations and malicious accusations hurled against me and the Office which I represent, the 2008 achievements of the OMB is concrete proof that ***not even once was the OMB sidetracked from its goal of making corruption a high-risk, low-reward activity.***

This annual report marks all the milestones of the OMB in 2008. This annual report is a gift to all the officials and employees of the OMB in commemoration of our collective hard work and dedication. Most of all, this annual report is a promise to the Filipino people that the OMB will do even better in 2009, as we lift the bar in fighting corruption even higher.



*Section 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.*  
-- 1987 Philippine Constitution, Article XI

# Legal Framework and Organizational Set-up



## A. Mandate and Functions

**P**ublic Office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives. This is a declared policy of the State enshrined in no less than the 1987 Constitution.

In turn, the framers of the Constitution envisioned the Office of the Ombudsman (OMB) as the constitutional accountability authority in government. It was given full powers to exercise its extraordinary oversight and investigative authority over the actions of all public officials and employees.

**Section 13, Article XI of the 1987 Constitution**, as well as **Republic Act No. 6770** (otherwise known as the “Ombudsman Act of 1989”), enumerate the powers, functions and duties of the OMB. The OMB is charged with **five major functions and duties**:

**1. to investigate anomalies and inefficiency.** The OMB, upon complaint or at its own initiative, undertakes two aspects of investigation. One is known as fact-finding investigation and the other as preliminary investigation. These two aspects of investigation are better explained and differentiated in the chapter on enforcement.

Section 14. Restrictions. — *No writ of injunction shall be issued by any court to delay an investigation being conducted by the Ombudsman under this Act, unless there is a prima facie evidence that the subject matter of the investigation is outside the jurisdiction of the Office of the Ombudsman.*  
*No court shall hear any appeal or application for remedy against the decision or findings of the Ombudsman, except the Supreme Court, on pure question of law.*  
-- R.A. No. 6770, The Ombudsman Act of 1989

**2. to prosecute cases before courts of law.** The Philippine Ombudsman has the power and the duty to prosecute cases before the courts. The Office of the Special Prosecutor (OSP) prosecutes cases before the anti-graft court known as the *Sandiganbayan*. On the other hand, OMB Prosecution Bureaus nationwide have been strengthened to prosecute cases before the regular courts, albeit, prosecutors of the Department of Justice (DOJ) are still deputized to handle other cases in regular courts nationwide. *See related section on prosecution under the chapter on enforcement.*

**3. conduct administrative adjudication.** The Ombudsman holds disciplinary authority over all elective and appointive officials, *except members of Congress and the Judiciary, and those officials removable only by impeachment.* During administrative adjudication, parties are afforded the opportunity to present evidence to support their allegations and defenses. If there is “*substantial evidence*” (or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion) against the respondent(s), then penalties such as reprimand, suspension or dismissal from service are imposed on the erring public official(s) and/or employee(s).

**4. render public assistance.** Similar to other Ombudsman systems worldwide, R.A. No. 6770 empowers the Philippine Ombudsman to direct public officials and employees to render assistance to the people. A more direct and proactive approach was pioneered by the incumbent Ombudsman where basic social services are brought to select local government units periodically.

**5. prevent graft and corruption.** This function encompasses the continuous study of systems and the adoption of measures to minimize, if not eliminate, opportunities for committing corruption. It also includes the duty to heighten people’s awareness of the evils of corruption and solicit their cooperation in its eradication.

In performing all these duties and functions, the OMB may require the submission of documents relative to the contracts,

*Section 14. The Office of the Ombudsman shall enjoy fiscal autonomy. Its approved annual appropriations shall be automatically and regularly released.*  
-- 1987 Philippine Constitution, Article XI

disbursement, and financial transactions of government officials and employees for the purpose of ferreting out irregularities therein.

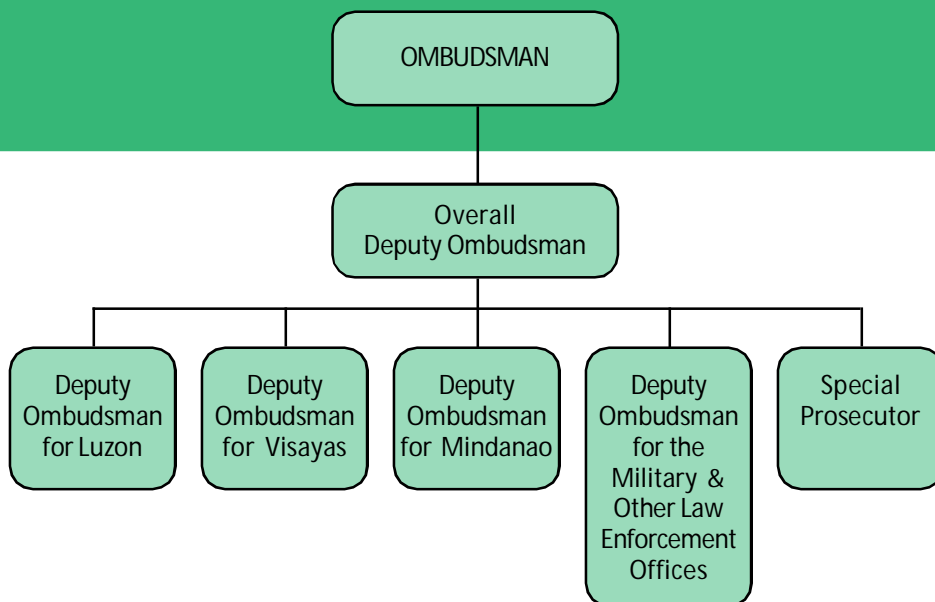
Also, as a necessary incident in conducting investigations, the Ombudsman is empowered to administer oaths, issue subpoena and take testimony in any investigation or inquiry. The Ombudsman was likewise given the power to punish for contempt and grant immunity to any vital witness.

**Jurisdiction.** The OMB has jurisdiction over: (1) officials and employees of the government or any of its subdivision, agency or instrumentality, including members of cabinet, local government officials, officials of government owned- and controlled corporations; and (2) private individuals who have acted in conspiracy with the forgoing officials.

## B. CONSTITUTIONAL GUARANTEES

The enable the OMB to fulfill its mandate of being the **official critic** who studies the laws, procedures and practices in government; the **mobilizer** who ensures that the steady flow of services is accorded the citizens; the **watchdog** who looks at the general and specific performance of all government officials and employees; and the **dispenser of justice** which imposes administrative sanctions and prosecutes erring government officials, **there are provisions in the 1987 Constitution which guarantee the insulation of the OMB from political influence and interference, to wit:**

- ☒ The appointment of the Ombudsman and her Deputies need no congressional confirmation and they possess the rank of chairman and members, respectively, of a Constitutional Commission;
- ☒ The Ombudsman and her deputies have a fixed term of Office during which their salaries cannot be diminished;



- ☒ The Ombudsman is removable from Office only by impeachment; and,
- ☒ The OMB has fiscal autonomy.

### C. ORGANIZATIONAL SET-UP

The OMB is headed by the Ombudsman, otherwise known as the *Tanodbayan*. She is ably supported by the officials and employees of the Office of the Overall Deputy Ombudsman (ODO), the Offices of the Deputy Ombudsmen (DO) for Luzon, Visayas and Mindanao, Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (MOLEO), and the Office of the Special Prosecutor (OSP).

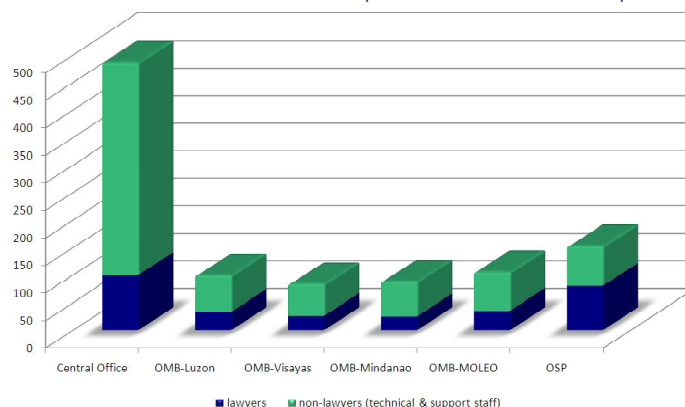
The Ombudsman, ODO, DO-Luzon, DO-MOLEO and the OSP hold office in Quezon City. The DO-Visayas holds office in Cebu City while the DO-Mindanao holds office in Davao City. At present, there are also regional offices in Calamba, Laguna; Iloilo City; and Cagayan de Oro City.

As of December 31, 2008, **the OMB has a total of 1,007 personnel nationwide:** 299 (29.69%) of which are lawyers and the remaining 708 (70.31%) are composed of investigators, other technical staff (legal researchers, accountants, I.T. personnel, etc.) and administrative support staff.

Following are the organizational set-up for each of the area sectoral offices, each of which has an office performing OMB

Section 12. Official Stations. — *The Ombudsman, the Overall Deputy, the Deputy for Luzon, and the Deputy for the Armed Forces shall hold office in Metropolitan Manila; the Deputy for the Visayas, in Cebu City; and the Deputy for Mindanao, in Davao City. The Ombudsman may transfer their stations within their respective geographical regions, as public interest may require.*  
 -- R.A. No. 6770, The Ombudsman Act of 1989

Chart 1.  
 OMB Personnel nationwide, as of December 31, 2008



core functions (i.e., fact-finding investigation, preliminary investigation and administrative adjudication, corruption prevention and public assistance, etc.), although they may have different in names.

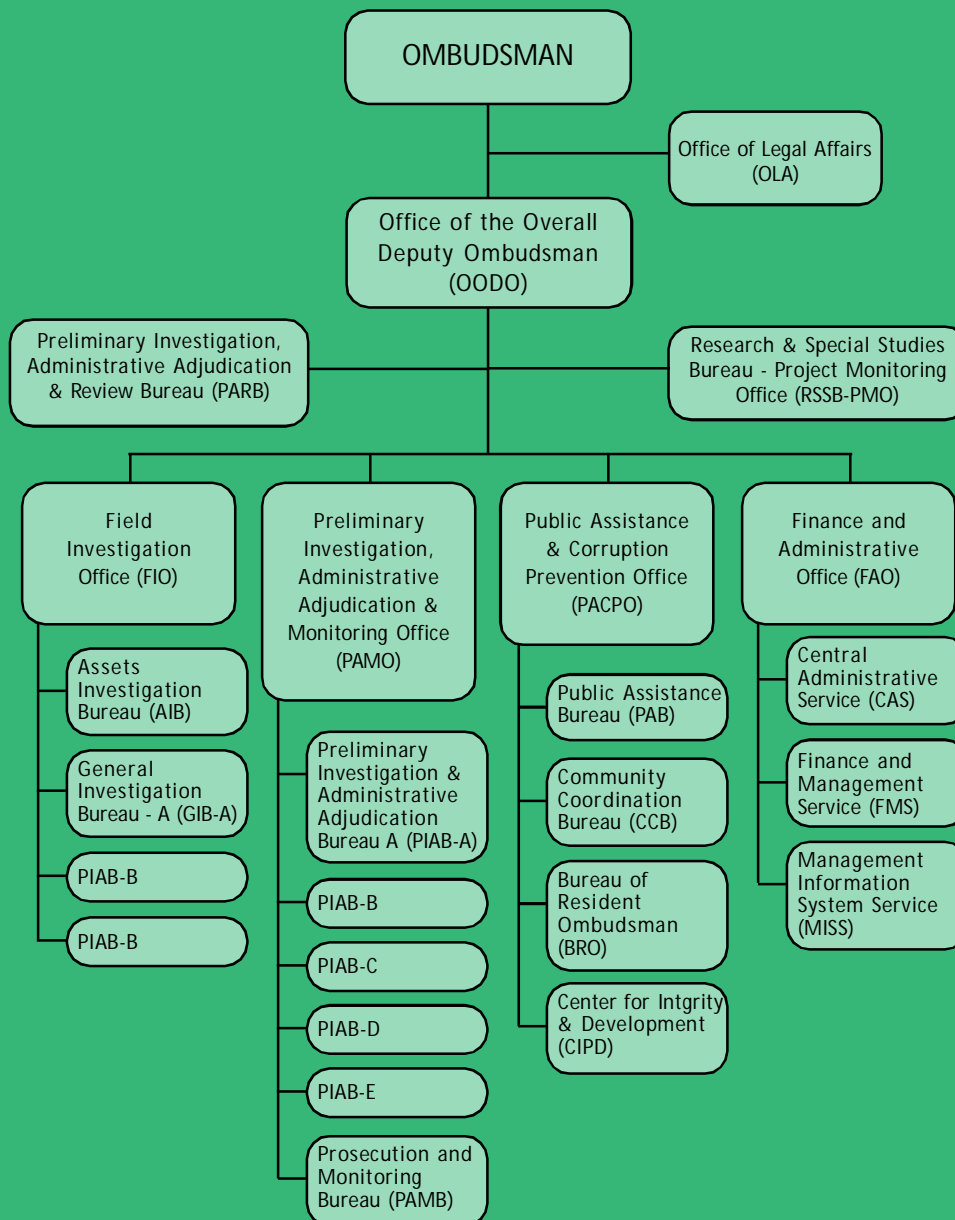
### C.1. OMB Central Office

The OMB's main office is the OMB Building along Agham Road, Diliman, Quezon City, which also houses OMB-Luzon and OMB-MOLEO. However, the term "**Central Office**" refers only to the Office of Ombudsman Gutierrez (or the OMB-Proper), OODO, and the offices and bureaus under them, to wit:

**Office of Legal Affairs** (OLA) assists the Ombudsman, among other things, in the areas of legal review and appeals pending before appellate courts. As of December 2008, OLA has two lawyers and six technical and administrative staff.

**Preliminary Investigation, Administrative Adjudication and Review Bureau** (PARB) assists the ODO in resolving cases within his jurisdiction, i.e., cases involving provincial governors and vice-governors; and review of cases within the jurisdiction of OMB filed before the Department of Justice for preliminary investigation and submitted to the OMB for approval. As of December 2008, the OODO and PARB has five lawyers and nine technical and administrative staff.

## OMB Central Office Organizational Chart



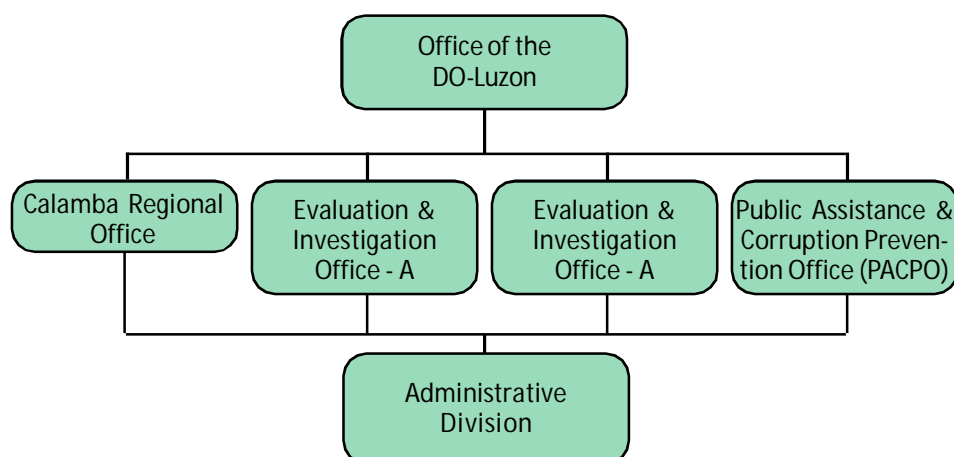
Section 11. Structural Organization. — *The authority and responsibility for the exercise of the mandate of the Office of the Ombudsman and for the discharge of its powers and functions shall be vested in the Ombudsman, who shall have supervision and control of the said office.... -- R.A. No. 6770, The Ombudsman Act of 1989*

**Field Investigation Office (FIO).** Considering that the OMB receives complaints in any form (e.g., made in person by the complainant or written and sent by mail, fax, text message, email, etc.), even those made anonymously, the FIO conducts the necessary fact-finding investigation to verify the bases of these complaints and if needed, gather pertinent pieces of evidence. It is composed of four bureaus. As of December 2008, FIO has seventeen lawyers and 106 technical and administrative staff.

**Preliminary Investigation, Administrative Adjudication and Monitoring Office (PAMO).** Complaints deemed to be sufficient in form and substance are docketed and raffled to lawyers within the PAMO. The lawyers in this office conduct preliminary investigation (PI) of criminal cases and administrative adjudication (AA) of administrative cases. On the other hand, there is also a bureau which prosecutes and monitors cases filed before the regular courts in the National Capital Region. As of December 2008, PAMO has 53 lawyers and 60 technical and administrative staff.

**Public Assistance and Corruption Prevention Office (PACPO).** Three bureaus and the Center for Integrity and Development (CIPD) comprise PACPO. The *Public Assistance Bureau* provides direct assistance to the public seeking OMB intervention regarding their grievances. The *Community Coordination Bureau* proactively mobilizes corruption prevention units, junior graftwatch units and non-governmental organizations, as well as spearheading the corruption prevention information and education campaigns of the OMB. The *Bureau of Resident Ombudsman* is composed of resident ombudsmen who are OMB officials assigned to render public assistance, help implement corruption prevention systems and procedures, and fact-finding investigation in other government offices and agencies. On the other hand, the CIPD is responsible for, among others, development and maintenance of linkages with other institutions involved in technical cooperation, funding assistance, research and education. As of December 2008, PACPO has 20 lawyers and 67 technical and administrative staff.

Section 11. Structural Organization. — ....(5) *The position structure and staffing pattern of the Office of the Ombudsman, including the Office of the Special Prosecutor, shall be approved and prescribed by the Ombudsman. The Ombudsman shall appoint all officers and employees of the Office of the Ombudsman, including those of the Office of the Special Prosecutor, in accordance with the Civil Service Law, rules and regulations.*  
 -- R.A. No. 6770, The Ombudsman Act of 1989



**Finance and Administrative Office (FAO)** is composed of three sub-units, namely: the Central Administrative Service (CAS), the Finance and Management Service (FMS) and the Management Information System Service (MISS). CAS is made up of the Human Resources Management Division, General Services Division and the Records Section; while the FMS is made up of the Planning and Budgeting Division and Accounting Division. The MISS oversees the information systems within OMB. As of December 2008, FAO has 117 technical and administrative staff.

## C.2. OMB-Luzon

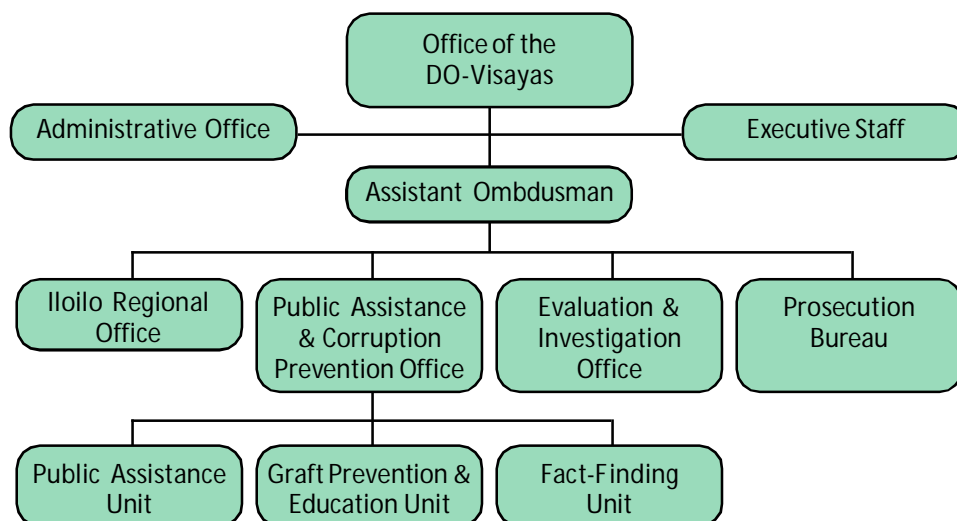
The Office of the Deputy Ombudsman for Luzon is located at the 3<sup>rd</sup> Floor of the OMB Building in Agham Road, Diliman, Quezon City. It also has a regional office at the City Hall Building, Bacnutan St., Calamba, Laguna.

The two **Evaluation and Investigation Office** conduct the PI/AA of criminal and administrative cases within the jurisdiction of the DO-Luzon, while the **Public Assistance and Corruption Prevention Office** have separate units for public assistance and fact-finding.

As of December 2008, OMB-Luzon has 33 lawyers and 65 technical and administrative support staff.



Section 15. Powers, Functions and Duties. — *The Office of the Ombudsman shall have the following powers, functions and duties:*  
... (10) *Delegate to the Deputies, or its investigators or representatives such authority or duty as shall ensure the effective exercise or performance of the powers, functions, and duties herein or hereinafter provided;*  
-- R.A. No. 6770, *The Ombudsman Act of 1989*



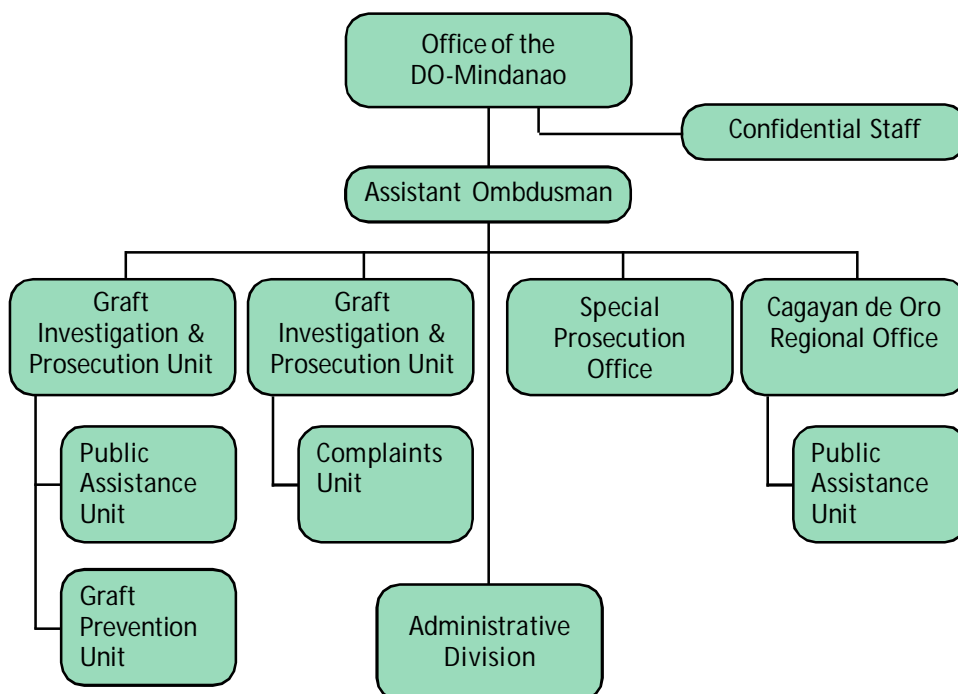
### C.3. OMB-Visayas

The Office of the Deputy Ombudsman for the Visayas is located at the OMB Building, Velez St., DA Compound, Cebu City. There is also a regional office located at the Ground Floor CAP Building, Gen. Luna St., Iloilo City.

OMB-Visayas has its own **Public Assistance and Corruption Prevention Office** (which has separate units for public assistance, graft prevention and education, and fact-finding); **Evaluation and Investigation Office** (which conducts preliminary investigation and administrative adjudication); and **Prosecution Bureau** (which prosecutes cases pending before different regular courts in the Visayas).

As of December 2008, OMB-Visayas has 26 lawyers and 56 technical and administrative support staff.

**OMB Vision** *We envision a truly independent office run by God-fearing men and women with the highest degree of competence, honesty and integrity and effectively serving as watchdog, mobilizer, official critic and dispenser of justice for the people it is constitutionally mandated to protect.*



#### C.4. OMB-Mindanao

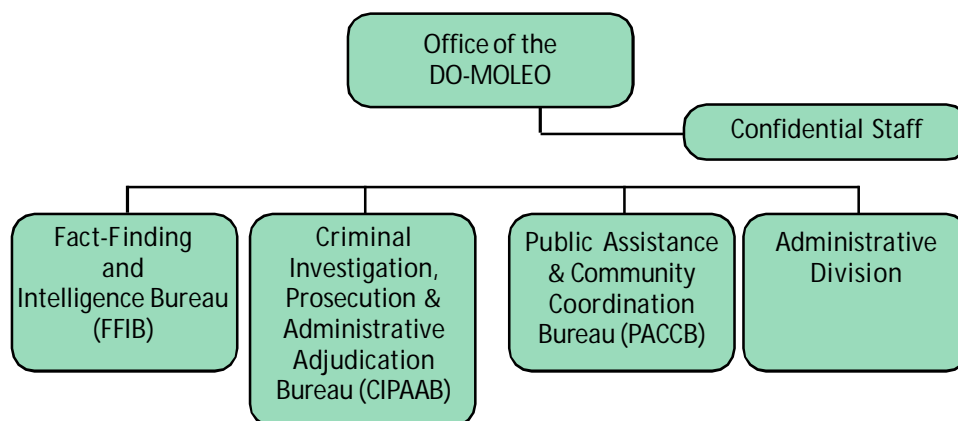
The Office of the Deputy Ombudsman for Mindanao is located at H&C Building, Alvarez St., Davao City. It has a regional office located at Door 19, Doña Emerita Comercial Complex, Osmeña St., Cagayan de Oro City.

OMB-Mindanao has two **Graft Investigation and Prosecution Units**, one of which includes the Public Assistance Unit and the Graft Prevention Unit, while the other oversees the Complaints Unit. OMB-Mindanao also has a **Special Prosecution Office** which prosecutes cases pending before regular courts in Mindanao.

As of December 2008, OMB-Mindanao has 25 lawyers and 62 technical and administrative support staff.

**Mission Statement**

*As protector of the people, the Office of the Ombudsman, in cooperation with all sectors of Filipino society, shall endeavor to promote integrity and efficiency, high ethical standards in public service through proactive approaches in graft prevention and public assistance, prompt investigation of complaints and aggressive prosecution of cases filed against erring government officials and employees.*



## C.5. OMB-MOLEO

The Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (MOLEO) is located at the 3<sup>rd</sup> Floor of the Ombudsman Building, Agham Road, Diliman, Quezon City.

The **Fact-Finding and Intelligence Bureau** verifies complaints and gathers evidence, while the **Criminal Investigation, Prosecution and Administrative Adjudication Bureau** undertakes the PI/AA of cases within the jurisdiction of OMB-MOLEO, as well as prosecutes certain cases filed against military officials pending before regular courts. The **Public Assistance and Community Coordination Bureau** renders public assistance.

As of December 2008, OMB-MOLEO has 35 lawyers and 69 technical and administrative support staff.

**Section 11. Structural Organization.** —.... (4) *The Office of the Special Prosecutor shall, under the supervision and control and upon the authority of the Ombudsman, have the following powers:*  
(a) *To conduct preliminary investigation and prosecute criminal cases within the jurisdiction of the Sandiganbayan; (b) To enter into plea bargaining agreements; and (c) To perform such other duties assigned to it by the Ombudsman.* -- R.A. No. 6770, *The Ombudsman Act of 1989*

## C.6. Office of the Special Prosecutor

The Office of the Special Prosecutor (OSP) is an organic component of the OMB which is under the control and supervision of the *Tanodbayan*. The OSP prosecutes cases pending before the Anti-Graft Court known as the *Sandiganbayan*.

Headed by the Special Prosecutor and four Deputy Special Prosecutors, the OSP is comprised of ten **Prosecution Bureaus**, the **Appellate and Special Action Bureau** (ASAB) and the **Case Assessment, Review and Reinvestigation Bureau** (CARRIB).

The OSP has offices at the OMB Building, Agaham Road, Diliman, Quezon City and at the 5th Floor, Centennial Building, Sandiganbayan, Commonwealth Avenue, Quezon City.

As of December 2008, the OSP has 80 lawyers and 71 technical and administrative support staff.

Section 15. Powers, Functions and Duties. — *The Office of the Ombudsman shall have the following powers, functions and duties: (1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of his primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases;....*  
-- R.A. No. 6770, The Ombudsman Act of 1989

## Enforcement



**Watchdog.**  
**Mobilizer.**  
**Official critic.**  
**Dispenser of justice.**

This is what the Office of the Ombudsman *IS* in Philippine society. It is a constitutional body endowed with ample powers to fight graft and corruption. True to its mandate, the OMB aggressively investigates allegations of corrupt practices committed by public officials and employees. The OMB also fearlessly files charges before the appropriate court and relentlessly prosecutes the same until a conviction has been achieved.

2008 is an especially successful year for the OMB. Almost 12,000 cases have been acted upon, an unprecedented number of plea bargains was achieved, and the highest conviction rate in the almost-twenty-one-year history of the OMB has been recorded.

### A. Complaints received by OMB

From January to December 2008, a total of 13,225 number of complaints have been received by the Office.

It is worthy to note that the number of complaints received by the OMB in 2008 is an 22% increase from the 10,824 complaints received the previous year. *(Please refer to Table 1 for the number of complaints received by the OMB from CY*

## *About to make a complaint?*

**Q: Do I need to put my name and contact number in the complaint?**

A: A willing complainant may indicate his/her full name, address and/or contact numbers. The OMB, however, also acts on anonymous complaints.

Table 1.  
Number of Complaints received by the OMB, 2006 to 2008

No. of complaints received per calendar year	2008	2007	2006
Complaints received annually	13,225	10,824	13,602
Monthly average (annual no. of complaints divided by 12 months)	1,102	902	1,134
Daily average (monthly ave. no. of complaints divided by 22 working days)	50	41	52

2006 to 2008.) All these complaints have been evaluated by designated OMB officials. Complaints were referred for further fact-finding investigation, mediation or considered as a request for assistance. However, if the complaint is sufficient in form and substance and made under oath, it may already be referred for preliminary investigation and/or administrative adjudication.

## **B. Fact-finding investigation**

Fact-finding investigation entails, among other things, the issuance of subpoena to gather documents, interviews and/or the taking of sworn statements, ocular inspections, etc. The goal of all OMB fact-finding investigation units nationwide is to gather enough evidence that will warrant the eventual prosecution/conviction of the respondent when the case is filed in court. As a matter of principle, there is non-contact with the subject of investigation during fact-finding, similar to how the NBI does its job.

In 2008, around 3,750 complaints have been referred for fact-finding investigation nationwide.

There is no cut-and-dried period for the conduct of fact-finding investigation. The period to gather evidence and build a case depends on the complexity of the case and the number of respondents, as well as the cooperation extended by other government agencies when they are asked for documents and additional evidence needed to support a complaint.

Some of the hindrances encountered by OMB investigators include locating witnesses or resource persons; gathering documents from responsible officers; collecting information as

Report public officials & employees who have assets disproportionate to their salaries.

**Lifestyle Check Hotlines:**  
**927-4102**  
**927-2402**

In operation since 2006, the Lifestyle Check hotlines are manned by trained OMB investigators. They will take note of all leads and refer them for immediate fact-finding investigation.



to the properties of the respondents, the need to conduct surveillance operations, and budgetary constraints.

**B.1. Lifestyle Checks.** Since 2003, the OMB has been conducting Lifestyle Checks (LSCs), an investigation strategy to determine the existence of ill-gotten and unexplained wealth of officials and employees of the government. LSCs aims to ensure fidelity to Sec. 4 of R.A. No. 6713 (or the “Code of Conduct and Ethical Standards for Public Officials and Employees”) which states that “All public officials and employees and their families shall lead modest lives appropriate to their position and income.”

From January to December 2008, 152 lifestyle check investigations have been completed by the Field Investigation Office (FIO) of the Central Office alone. By December 31, 2008, the FIO is still investigating 486 lifestyle check complaints.

Under the Millennium Challenge Account Philippine Threshold Program Technical Assistance Project (MCA-PTP TAP), the OMB is working closely with the Department of Finance – Revenue Integrity Protection Service (DOF-RIPS) to strengthen the fight against corruption in the revenue generating agencies through lifestyle checks. To this end, OMB and RIPS investigators and prosecutors have undergone joint trainings. ***In particular, 169 OMB prosecutors and 125 OMB investigators have benefited from trainings on Lifestyle Checks, Contract Fraud and Forensic Accounting.***

The OMB continues to vigorously undertake LSC investigations to send a strong message to the public that public officers can not, and can never, enjoy the proceeds of corrupt activities.

*Task Force Red Plate conduct surveillance operations based on reports gathered from the following sources: anonymous letter-complaints, newspaper reports, telephone calls, walk-in complainants and Red Plate cases directly filed by concerned citizens.*

**B.2. Task Force Red Plate** (TFRP) investigates one of the most prevalent forms of corruption in the country: the abuse in the use of government vehicles by public officials and employees which causes the government to lose millions a year. Such abuse has gone unchecked for the longest time despite the austerity measures being enforced by the government. Government vehicles have been spotted in public markets, malls, resorts, night bars, leisure centers, grocery stores and similar establishments.

**Background.** TFRP was created by Ombudsman Gutierrez in April 2006 to ensure that government vehicles are being used prudently and in accordance with applicable laws, rules and regulations. It also aims to enhance public awareness and participation in support of the OMB's fight against graft and corruption.

**Activities.** Surveillance operations have been conducted since May 2006. Henceforth, TFRP members have been monitoring major cities and municipalities within and outside the National Capital Region, as well as in other parts of the country.

**Procedures.** TFRP members determine if the travel was official or not by examining photos taken during surveillance, together with relevant documents such as vehicle memorandum

*TFRP in action along a major highway*



*near a fastfood chain at night*





Section 15. Powers, Functions and Duties. —... (2) *Direct, upon complaint or at its own instance, any officer or employee of the Government, or of any subdivision, agency or instrumentality thereof, as well as any government-owned or controlled corporations with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties;*  
-- R.A. No. 6770, The Ombudsman Act of 1989

receipts, travel orders, trip tickets and other documents which were turned over by concerned government offices.

Those found to have utilized the vehicles for personal purposes and/or have no duly issued trip tickets to record the trips may then be considered liable under certain laws: R.A. No. 3019, R.A. No. 6713, Revised Administrative Code of the Philippines, Commission on Audit (COA) Circulars, sections of the Government Accounting and Auditing Manual, and other executive issuances.

**Updates.** To intensify the Red Plate Program, ***Oplan Red Plate Visayas Joint Task Force*** was established in 2008. This is an inter-agency task force composed of representatives from the OMB, COA, the Philippine National Police (PNP), Civil Service Commission (CSC), Philippine Information Agency (PIA) and the Land Transportation Office (LTO). TFRP members nationwide also continue to conduct surveillance operations, and subsequently, filing criminal and administrative cases against government officials and employees caught abusing the use of government vehicles.

In 2008, after the conduct of proper administrative adjudication, nineteen (19) government officials were suspended from office without pay for violating various rules and regulations on the use of government vehicles.

*in the parking lot of a mall*



*in the parking lot of a moviehouse*



*Task Force Marshall has also done well relative to requests from the NBI to conduct inquest proceedings. Thus, in October 2008, a prosecutor-member of the Task Force conducted the inquest of Mr. Espinosa who was caught in flagrante delicto in an entrapment operation by AGD-NBI. Mr. Espinosa demanded from the complainants Php15,000 as consideration for the postponement of the service of a Second Writ of Execution.*

**B.3. Task Force Marshal.** Created in January 2008, Task Force Marshal was organized to identify, locate and eventually arrest individuals who have outstanding warrants of arrests before the Sandiganbayan, and other regular courts.

**Background.** Anchored on the realization that the task of an investigator does not end at the fact-finding stage of the case, Task Force Marshal was established to ensure that individuals who may be criminally liable, particularly those with warrants of arrests, are located, arrested and brought before the courts to face his/her trial.

Likewise, to help strengthen the case of the prosecution, task force members act on requests for the location of private complainants and/or witnesses, who are either no longer connected to a public office or no longer residing in their address of record.

Task Force Marshal, in coordination with other law enforcement agencies like the National Bureau of Investigation (NBI), also conducts entrapment operations against erring public officials and private individuals



*Trafficking and corruption are linked. Various opportunities for corruption in the whole trafficking chain exist. In fact corruption of public officials and employees is central to the success of traffickers who are ready to make investments in pay-offs. International data suggest that corruption is one important cost factor for traffickers.*

*— Ombudsman Ma. Merceditas N. Gutierrez, as part of her column originally published on the August 22-23, 2008 issue of Business Mirror.*

**Updates.** Task Force members underwent several trainings as preparation for actual field operations, including trainings on self-defense (martial arts, boxing, etc.) and the proper use of surveillance gadgets and equipment. Some members were also detailed at the Anti-Graft Division (AGD) of the NBI for three months as part of their training.

The first successful operation of the task force was the arrest of accused Marcelo S. Desiderio. He was charged with the crime of estafa thru falsification of documents. A Supreme Court decision dated December 8, 2000, which became final and executory on March 21, 2001, found the accused guilty beyond reasonable doubt. At least three other individuals have been arrested, too, to stand trial in three separate cases filed before different courts in Metro Manila.

Also in 2008, a joint entrapment operations assisted by the AGD-NBI was successfully undertaken against **Bantay Bayan Foundation, Inc.**, an organization falsely representing itself as an affiliate of the OMB. This operation led to the arrest of one of its leaders and the seizure of various documents, identification cards, and paraphernalia used by the organization. Said leader together with a *chapter coordinator* of Bantay Bayan Foundation are now facing charges of usurpation of authority before a Metropolitan Trial Court in Caloocan City.

Task Force members have also successfully located the private complainants in one case pending before a Metropolitan Trial Court in Manila. Said private complainants are now actively taking part in the prosecution of the case.

**B.4. TARGET** stands for *Tanodbayan Against Government Employees Involved in Trafficking*. Corruption is central to the issue of human trafficking. Human trafficking thrives partly because there are government officials and employees who facilitate it in return for big pay-offs. Thus, the group known as TARGET was created to look into and handle human trafficking and related corruption cases. This group is tasked to investigate



OMB officials and employees join the **Freedom March and MTV Asia Exit Concert Against Trafficking** last May 2009 at the SM Mall of Asia spearheaded by the Visayan Forum Foundation

and prosecute suspected government officials and personnel engaged or involved in human trafficking.

**B.5. Environmental Ombudsman.** The Task Force for Environmental Concerns headed by the *Environmental Ombudsman*, seeks to monitor and promote compliance of national and local government units to environmental laws, particularly R.A. No. 9003 (otherwise known as the “*Ecological Solid Waste Management Act*”) and R.A. No. 8550 (otherwise known as the “*Fisheries Code of 1998*”).

The Task Force launched the *Environmental Compliance Assessment* (ECA) in 2008. The ECA is a comprehensive, systematic and periodic review of the compliance of local government units to R.A. No. 9003 and R.A. No. 8550. It focuses



An Ombudsman investigator interviews fishermen in Masbate last November 2008.



**BORACAY.** A group of five investigators looked into the possible liabilities of officials of the Municipality of Malay, Aklan for issuing permits to J. King and Sons Company, Inc., a private company, to construct Boracay Crowne Regency and Convention Center (1) in spite of a moratorium imposed by the DENR relative to the new construction of structures/buildings in Boracay; and (2) despite the classification as protected area (timberland and wetland) of the parcel of land where the hotel will be constructed. The case is now undergoing preliminary investigation.



above: OMB investigators inspect dumpsites in Masbate last November 2008 as part of the ECA.

below: OMB investigators hold a meeting with local government officials in Masbate last November 2008 as part of the ECA.



on local government units (LGUs) located along the coasts of the Visayan Sea, as this particular area has been identified to be the richest in the Philippines in terms of marine biodiversity and aquatic resources.

The Task Force has already completed gathering baseline data on twenty-two (22) LGUs in four provinces along the coasts of the Visayan Sea. Monitoring visits to these areas have started to encourage compliance with environmental laws.

During the course of the first audit in November 2008, the team was made aware of a complaint about nuisance and illegal structures in Cebu. As a result, further investigation was conducted and a formal complaint was filed against a local government executive in May 2009.

**B.6. Investigation of controversial issues.** The OMB also conducted fact-finding investigations on current issues and concerns in the country such as the controversial swine loan program, possible smuggling into the Philippines of melamine-laced milk products, and the anomalies pertaining to the Iloilo international airport. Following are details on some of the controversial investigations conducted by the FIO.

**B.6.a. Corruption in the World Bank funded NRIMP-I project.** In March 2009, the FIO formally charged for preliminary investigation and administrative adjudication seventeen officials of the Department of Public Works and Highways (DPWH) involved in the anomalous bidding for road projects funded by the World Bank. Charged were a former department secretary, two undersecretaries, four assistant secretaries and other members of the Bids and Awards Committee (BAC).

In a 42-page complaint, the FIO filed criminal and administrative charges against the respondents for violations of Sec. 3(e) and (i) of R.A. No. 3019 (or the *Anti-Graft and Corrupt Practices Act*), Sec. 4A(a) and (b) of R.A. No. 6713; grave misconduct, dishonesty, conduct prejudicial to the best interest of the service and neglect of duty.

MELAMINE. In October 2008, public attention was riveted to milk products from China after they were tested positive by the Bureau of Food and Drugs (BFAD) for melamine, a harmful substance used in making plastics and fertilizer. It was for this reason that Senator Miriam Defensor Santiago called for an investigation by the Senate and by the OMB, particularly on the possible liability of officials of the Bureau of Customs (BOC) in the entry and proliferation of melamine-laced products from China. Thus, Task Force Milk Scare was created by OMB to look into the matter.

**B.6.b. The Euro Generals Case.** In October 2008, news reports came out that former PNP comptroller Dir. Eliseo dela Paz was held in Moscow, Russia after he was found to have carried thousands of euros in his bag. Dela Paz is part of the Philippine contingent to the International Police Conference in the said country.

Ombudsman Gutierrez ordered the FIO to finish the conduct of fact-finding investigation into the incident within 45 days. A five-man panel commenced the probe immediately and sought to determine the nature of the funds, the exact amount, the purpose for which they were brought abroad, and whether the process in securing or releasing the funds was proper.

The FIO has finished gathering and evaluating the evidence. The Investigation Report of the panel has been submitted for review and approval.

**B.6.c. Task Force Abono** was created to conduct an investigation on the alleged Php728 million fertilizer fund scam. It handles the cases which stemmed from (a) the report of the Senate Committee on Science, Technology, Agriculture and Food relative to its investigation *in aid of legislation* on the alleged fertilizer scam; (b) sworn complaints filed by Francisco Chavez and the Kilusang Magbubukid ng Pilipinas against the Philippine President, a former Budget Secretary, a former Agriculture Secretary, former Agriculture Undersecretary Jocelyn “Joc-Joc” Bolante, and other public officials for their alleged participation in the misuse of Php728 million fertilizer funds, supposedly for acquisition of farm inputs

## *Abono fast facts:*

- o 49 investigators out of 121 are taking part in evidence-gathering (41% of OMB-FIO investigators)
- o Investigation involves the 17 regions of the Philippine archipelago
- o 178 project proponents to be investigated, including :
  - ◆ 49 governors
  - ◆ 103 Congressmen
  - ◆ 26 mayors
- o Documents gathered are already filling up 32 steel cabinets
- o 1,000 subpoena issued
- o Conducted 600 interviews with named beneficiaries
- o 25 ocular inspections of suppliers and NGOs
- o 15 units of fertilizers submitted for test analysis
- o 35 market probes

CYCLING. Sometime in February 2008, a report was published in a national broadsheet which was entitled "Cyclists Denounce Anomalies in the Philcycling". This article, coupled with a complaint-affidavit filed by the RP National Cycling Team necessitated the creation of a group of investigators to look into alleged irregularities in the purchase of equipment and uniforms amounting to Php2.3 million for the use of the RP cycling team in the 24th Southeast Asian Games. The case is now undergoing preliminary investigation and administrative adjudication.

*"Well settled is the rule that [the Supreme Court] will not ordinarily interfere with the OMB's exercise of his investigatory and prosecutory powers without good and compelling reasons that indicate otherwise. The rule is based not only upon respect for the investigatory and prosecutory powers granted by the Constitution to the OMB, but upon practicality as well."*

*— as cited in  
Antonino v. Desierto, et al.,  
GR No. 144492,  
10 December 2008*

and implements in line with the *Ginintuang Masaganang Ani* Program; and (c) newspaper reports relative to this particular issue.

It must be stressed that this is the first time a case of this magnitude has been filed before the OMB and this case involves all seventeen regions all over the country. The allegations contained in the documents appended to the Senate committee report, the complaint affidavits and the newspaper reports all have to be verified in order to ascertain the participation of each of the respondents, as well as to build and strengthen a case against them.

Numerous subpoena were issued to different national government agencies and LGUs, as well as the COA. Thousands of pages of documents were gathered such as bidding documents, disbursement vouchers, official receipts, etc. Upon receipt of these pertinent documents, investigators travelled to the particular locality concerned to verify, i.e., whether farmer-beneficiaries had actually received farm inputs and implements, etc. Investigators also had to conduct market probes and ocular inspections.

To date, ***Task Force Abono has already filed criminal and administrative complaints*** against one governor, three congressmen, thirteen officials and employees of the Department of Agriculture (DA) and five private persons. Criminal and administrative complaints have also been filed against Jocelyn "Joc-Joc" Bolante and Ibarra T.C. Poliquit of the DA. Respondents were criminally and administratively charged with the following: violation of Article 220 of the Revised Penal Code (*Illegal Use of Public Funds or Property*, more commonly known as Technical Malversation); violation of Sec. 3(e) and (g) of R.A. No. 3019; dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service. ***Respondents will undergo preliminary investigation and administrative adjudication before the OMB.***

***B.6.d. Task Force Princess.*** On June 21, 2008, Sulpicio Lines' ***MV Princess of the Stars*** sank off Sibuyan Island in

*Section 19. Administrative Complaints. — The Ombudsman shall act on all complaints relating, but not limited to acts or omissions which: (1) Are contrary to law or regulation; (2) Are unreasonable, unfair, oppressive or discriminatory; (3) Are inconsistent with the general course of an agency's functions, though in accordance with law; (4) Proceed from a mistake of law or an arbitrary ascertainment of facts; (5) Are in the exercise of discretionary powers but for an improper purpose; or (6) Are otherwise irregular, immoral or devoid of justification.*  
-- R.A. No. 6770, The Ombudsman Act of 1989

Romblon. Caught in turbulent winds and insurmountable waves caused by typhoon Frank, the ill-fated vessel capsized claiming the lives of many. Aside from the numerous casualties found floating on the shores of Romblon, Burias Island, Quezon and Bicol, marine environment was also imperiled because of the bunker fuel and other toxic cargo of the MV Princess of the Stars.

Task Force Princess immediately investigated the matter to determine the possible liabilities of the concerned officials and employees of the Philippine Coast Guard (PCG), the Maritime Industry Authority (MARINA) and the Philippine Ports Authority (PPA) relative to the tragic sinking of the vessel.

In November 2008, after a thorough investigation, formal complaints against ranking officials of the PCG were endorsed for preliminary investigation and administrative adjudication. Several Commanders of different Coast Guard Districts and other officials were charged with Violations of R.A. No. 3019, and Gross Neglect of Duty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service under the Omnibus Rules Implementing Book V of Executive Order No. 292, as amended by Civil Service Commission Circular No. 15, s. 1999. Respondents are now undergoing preliminary investigation and administrative adjudication. If found guilty of the administrative and criminal charges, the respondents face possible dismissal from the service, and imprisonment of not less than 6 years.

## C. Preliminary Investigation and Administrative Adjudication (PI/AA)

***In 2008, 8,526 criminal and administrative cases have been acted upon.*** This is a very big increase from the number of criminal and administrative cases resolved in 2007.

**C.1. Administrative sanctions.** The OMB has the power to impose the following administrative sanctions on erring public officials and employees: *dismissal from service, suspension, reprimand and imposition of fines, including accessory penalties*



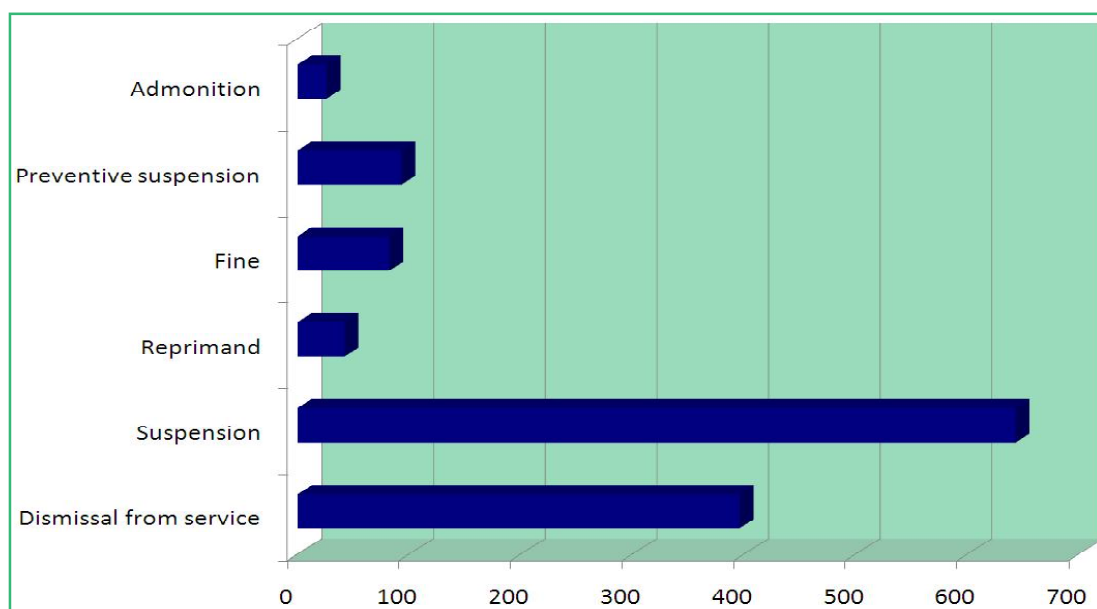
*Section 21. Officials Subject to Disciplinary Authority; Exceptions. — The Office of the Ombudsman shall have disciplinary authority over all elective and appointive officials of the Government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet, local government, government-owned or controlled corporations and their subsidiaries, except over officials who may be removed only by impeachment or over Members of Congress, and the Judiciary. -- R.A. No. 6770, The Ombudsman Act of 1989*

such as perpetual disqualification from public office and forfeiture of retirement benefits. Thus, the OMB continues to decide administrative cases against erring public officials as a quick punitive approach.

From January to December 2008, the **OMB had sanctioned 1163 public officials and employees**. Of this number **396 (34%) were dismissed from the service with the accessory penalties of forfeiture of benefits and perpetual disqualification from public service**.

Among the officials penalized were those from agencies whose corruption vulnerability index had been high. These officials include *local government officials such as City and Municipal Mayors, and City Treasurer; Regional Director,*

Chart 1.  
Number of public officials and employees sanctioned by the OMB  
January to December 2008



*Note: Admonition and preventive suspensions are not penalties. Admonition is a mere warning that a similar offense in the future shall be dealt with strongly, while preventive suspensions are remedial measures adopted during PI/AA.*

*It is already well-settled that the OMB's power as regards the administrative penalty to be imposed on an erring public officer or employee is not merely recommendatory. The OMB has the power to directly impose the penalty of removal, suspension, demotion, fine, censure, or prosecution of a public officer or employee, other than a member of Congress and the Judiciary, found to be at fault, within the exercise of its administrative disciplinary authority as provided in the Constitution, Republic Act 6770, as well as jurisprudence. This power gives the said constitutional office teeth to render it not merely functional, but also effective. - as cited in Office of the Ombudsman vs. Lisondra, et al., G.R. No. 174045, 7 March 2008*

*Revenue District Officers, Revenue Collection Officers, and Revenue Collection Agents of the BIR; Chief of the Intelligence Division and Intelligence Officer of the Bureau of Immigration (BI); Agriculture Undersecretary/Presidential Assistant; Assistant Secretary, Regional Directors, Assistant Regional Directors, District Office Heads, District Engineers, and Supply Officers of the DPWH; Chief Superintendents, Superintendents and Senior Police Officers of the Philippine National Police (PNP); Register of Deeds of the Land Registration Authority (LRA); Major General and Senior Sergeant of the Philippine Army; and a Lt. Commodore of the Philippine Navy.*

**Table 2.**  
List of high ranking officials dismissed, suspended and prosecuted by the OMB (as of March 2009)

Preventive suspension	Suspended without pay	Dismissed from public service	Under prosecution
<ul style="list-style-type: none"> <li>• DPWH Asst. Secretary</li> <li>• Municipal Mayors</li> <li>• City and Municipal Treasurers</li> <li>• BIR Regional Director</li> <li>• BIR Chief Revenue Officer</li> <li>• BOC Deputy District Collector</li> <li>• Register of Deeds</li> <li>• Commanding General, Infantry Division, Philippine Army</li> <li>• Army Brigadier General</li> <li>• Presidents of State Colleges and Universities</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture Undersecretary/ Presidential Assistant</li> <li>• Municipal Mayor</li> <li>• Navy Lt. Commodore</li> <li>• Presidents of State Colleges and Universities</li> <li>• DepEd District Supervisor</li> <li>• DPWH District Engineers</li> <li>• BOC Intelligence Officers</li> <li>• BIR Revenue District Officers</li> <li>• BIR Examiners</li> <li>• State College Administrator</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Mayor</li> <li>• DENR-LMB Asst. Director</li> <li>• Register of Deeds</li> <li>• DA-Fisheries and Aquatic Resources Bureau Regional Director</li> <li>• BIR Regional Director</li> <li>• BIR Revenue District Officers</li> <li>• DPWH Regional Directors</li> <li>• State College President</li> <li>• DepEd School Principals</li> </ul>	<ul style="list-style-type: none"> <li>• DOJ Secretary</li> <li>• DOTC Secretary</li> <li>• DOF Undersecretary</li> <li>• Governors</li> <li>• City and Municipal Mayors</li> <li>• NHA Manager</li> <li>• NEDA Regional Director</li> <li>• PNP Provincial Directors</li> <li>• DOJ Prosecutors</li> <li>• Philippine Navy Flag Officers</li> </ul>

*To insulate the Office of the Ombudsman from outside pressure and improper influence, the Constitution, as well as RA 6770, saw fit to endow that office with a wide latitude of investigatory and prosecutory powers, virtually free from legislative, executive, or judicial intervention. If the Ombudsman, using professional judgment, finds the case dismissible, the Court shall respect such findings unless tainted with grave abuse of discretion.*  
*- as cited in Ferrer v. Office of the Ombudsman, et al., GR No. 129036, 06 August 2008*

#### Section 24.

##### **Preventive Suspension.** —

*The Ombudsman or his Deputy may preventively suspend any officer or employee under his authority pending an investigation, if in his judgment the evidence of guilt is strong, and (a) the charge against such officer or employee involves dishonesty, oppression or grave misconduct or neglect in the performance of duty; (b) the charges would warrant removal from the service; or (c) the respondent's continued stay in office may prejudice the case filed against him.*

*The preventive suspension shall continue until the case is terminated by the Office of the Ombudsman but not more than six (6) months, without pay, except when the delay in the disposition of the case by the Office of the Ombudsman is due to the fault, negligence or petition of the respondent, in which case the period of such delay shall not be counted in computing the period of suspension herein provided.*

*-- R.A. No. 6770,  
The Ombudsman Act of 1989*

#### **C.2. OMB also issues preventive suspension orders**

against government officials and employees with cases pending PI/AA. It is a remedial measure to pre-empt respondents from using their office to influence witnesses and/or destroy evidence. In 2008, ninety-three (93) public officials and employees have been placed under preventive suspension.

**C.3. Task Force Green Lane** was constituted to expedite the PI and AA of **lifestyle check cases** filed by the DOF-RIPS and the FIO. It is composed of 16 lawyers, including two directors who act as chairperson and vice-chairperson. As of 5 March 2009, the Green Lane handles a total of 115 active cases.

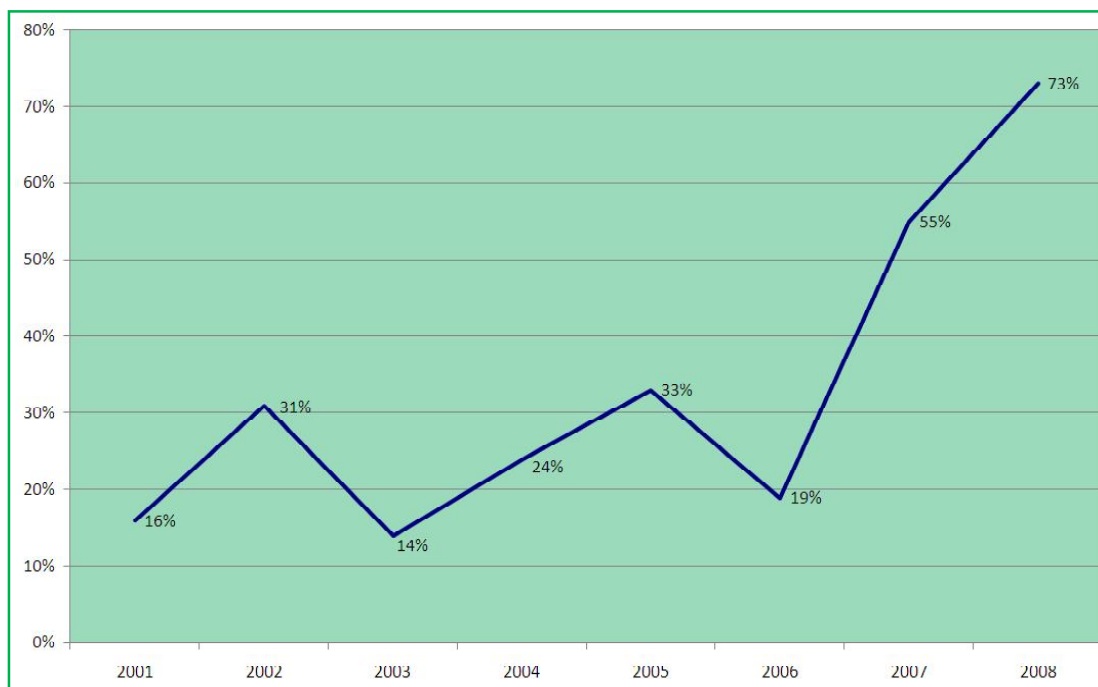
**C.4. Task Force on Asset Recovery.** The OMB has constituted a task force to intensify asset forfeiture efforts by reviewing all cases recommending the forfeiture of ill-gotten or unlawfully acquired assets. Among other things, the task force will ensure that all forfeiture petitions include a prayer for the issuance of a writ of preliminary attachment on the assets of the respondent in order to preserve these assets and to forestall its dissipation during the trial of the forfeiture case. The task force is studying forfeiture cases for filing before the Sandiganbayan and regular courts.

## **D. Prosecution**

**D.1. The conviction rate of the OMB for CY 2008 is 73.42%. The highest rate in the twenty-one year history of the OMB.** This became possible because of the increase in the number of respondents charged before the Philippine anti-graft court, known as the *Sandiganbayan*, who pleaded guilty to a lesser offense during plea bargaining and even before formal trial has commenced. The **high number of plea bargains in 2008, a total of 76 in all**, is attributable to the relentless efforts of the field investigation units of the OMB in the gathering of strong evidence against the accused as well as in the thorough conduct of PI/AA. (Please refer to Chart 2 for a comparison of conviction rates from CY2001 to 2008)

Contrary to some reports, there was never any freeze hiring policy in the Office of the Special Prosecutor. From 2008 until early 2009, a total of 39 employees of the OSP (29 of which were lawyers) were promoted, and 11 non-lawyers were hired as technical and administrative support staff. As of December 2008, the OSP has a total of 80 lawyers and 71 technical and administrative support staff.

Chart 2.  
Conviction rate of the OMB from CY 2001 to 2008



In computing the conviction rate, the following formula is being used:

$$\frac{\text{number of convictions}}{\text{number of decided cases}} \times 100$$

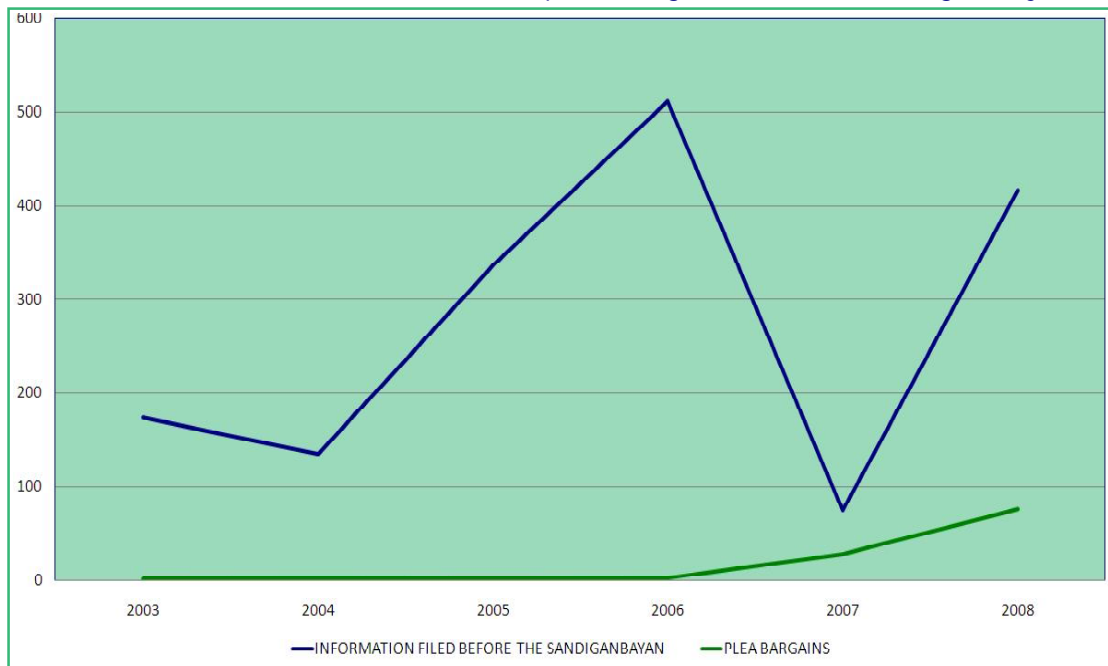
Some people cast doubts on the accuracy of OMB's conviction rates because it is different from the conviction rate as computed by the Sandiganbayan. However, it must be stressed that the *Sandiganbayan* considers in its formula cases which did not undergo trial such as those which were archived or dismissed for lack of jurisdiction. *These cases are considered by the OMB as still active and hence, should not be factored in the computation of the conviction rate.* Furthermore, OMB's formula has been used by the office since 2003 and has been approved and accepted by the MCA-PTP-TAP in determining the conviction rate obtained by the OMB.

*Section 15. Powers, Functions and Duties..... The Ombudsman shall give priority to complaints filed against high ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties.*  
-- R.A. No. 6770, The Ombudsman Act of 1989

**D.2. Informations filed before the Sandiganbayan.** From January to December 2008, a total of **416 Informations** were filed before the Sandiganbayan. These include criminal cases filed against:

- ☒ City mayors in Cebu in connection with the purchase of exorbitantly-priced lamppost;
- ☒ The Mayor of Capas, Tarlac for misuse of their Municipal Development Fund and Countrywide Development Fund
- ☒ A Senior Vice President of the Government Service Insurance System (GSIS) for an anomalous award of contract for the construction of a building;
- ☒ Two members of the customs police who connived to misdeclare a shipment of fifty laptop computers; and
- ☒ The Head of the Procurement Bids and Awards Committee (PBAC) of the Department of Environment and Natural Resources (DENR) for the award of a renovation contract to an unregistered construction company without bidding.

Chart 3.  
Number of Information filed and plea bargains at the Sandiganbayan



*Various cases held that it is beyond the ambit of this Court to review the exercise of discretion of the Office of the Ombudsman in prosecuting or dismissing a complaint filed before it. Such initiative and independence are inherent in the Ombudsman who, beholden to no one, acts as the champion of the people and preserver of the integrity of the public service. - as cited in Presidential Ad Hoc Committee on Behest Loans vs. Tabasondra, et al., GR 133756, 4 July 2008*

Forfeiture proceedings in the Sandiganbayan were also initiated against a BIR Regional Director and his wife for acquiring ill-gotten wealth from 1993 to 2003. Perjury charges were also filed against him for his failure to disclose certain properties and businesses in his Statement of Assets, Liabilities and Net Worth (SALN) from 1993 to 2003, including four lots, six commercial buildings, a bachelor's pad, two dormitories, and a two-storey residential building.

**D.3. Major victories in the Sandiganbayan.** In 2008, major victories in the Sandiganbayan include the **conviction of two (2) members of the Philippine House of Representatives** for entering into an anomalous contract that granted a Php2.5 million loan to a private individual to finance the repair, operation and maintenance of his vessel. Convicted with them were the provincial vice governor, a provincial board member, and the private individual who benefitted from the contract.

**Also convicted by the Sandiganbayan is a former Parole and Probation Administration Chief** for certifying that Dapitan City Mayor Dominador Jalosjos, Jr. has fulfilled the terms of his probation in 2003. The Sandiganbayan found accused Gregorio Bacolod guilty beyond reasonable doubt of violations of the Anti-graft and Corrupt Practices Act, and falsification of public documents under the Revised Penal Code.

The Sandiganbayan also convicted Kalinga Mayor Wilfredo Dugayon and Municipal Treasurer Corazon Achivara for twenty-one (21) counts of violations Art. 318 (Other deceits) of the Revised Penal

## Understanding the *Jurisdiction* of the Sandiganbayan:

***Q: What cases are filed before the Philippine Anti-Graft Court Sandiganbayan, and what cases are filed before the regular courts?***

***A. Graft and corruption cases involving High Ranking Officials (HROs), i.e., those who occupy positions belonging to Salary Grade 27 and above, like Governors, Congressmen, Mayors, Cabinet Secretaries, Undersecretaries, Bureau Executive Directors, Regional Directors, etc., are within the exclusive jurisdiction of the Sandiganbayan.***

*All other crimes, e.g., murder, robbery, etc., committed by HROs in relation to their duties should also be filed before the Sandiganbayan. All other cases not falling within the said instances are to be filed before the regular courts.*

*When supported by substantial evidence and absent any clear showing of abuse, arbitrariness or capriciousness, findings of fact of administrative agencies, especially when affirmed by the Court of Appeals, are binding and conclusive upon the Supreme Court. - as cited in Gil A. Valera vs. Office of the Ombudsman, et al., G.R. No. 167278, 27 February 2008*



Code and Batas Pambansa Blg. 22 (or the Anti-Bouncing Check Law).

The Sandiganbayan also found the following guilty beyond reasonable doubt:

- ☑ Governor, Executive Secretary and Disbursing Officers of the Autonomous Region of Muslim Mindanao for 52 counts of malversation;
- ☑ Municipal Trial Court Judge for two counts of acts of lasciviousness and two counts of sexual harassment;
- ☑ Municipal Mayor for 221 counts of usurpation of official function;
- ☑ Prosecutors of the Department of Justice for direct bribery; and
- ☑ Chancellor and Acting Personnel Officer of a State University for falsification of public documents.

Meanwhile, the Sandiganbayan also suspended pending trial Western Samar Governor Milagros Tan in connection with the purchase of medicines, assorted goods and rice, electric fans without conducting the required public bidding.

***D.4. Prosecution of OMB cases in the regular courts.*** In order to send a strong message to erring public officials and employees, the OMB is strengthening its prosecution arm in its Central and Sectoral Offices. OMB prosecutors are tasked to prosecute OMB cases filed before the regular courts. From January to December 2008, a total of 453 cases were recommended for prosecution before regular courts nationwide.

## **E. OMB Mediation System**

**Background.** The rationale behind the Ombudsman mediation system is to actively promote mediation of non-graft cases in line with the *Alternative Dispute Resolution Law* (R.A. No. 9285) to speed up the disposition of cases under its jurisdiction and faithfully discharge the enforcement duties of the OMB by giving priority to complaints filed against high ranking



*The Office of the Ombudsman shall actively promote mediation in line with the Alternative Dispute Resolution Law (Republic Act No. 9285) to speed up the disposition of cases under its jurisdiction and give priority to complaints filed against high ranking government officials and those involving grave offenses... Towards this end, the Office of the Ombudsman shall establish and institutionalize a mediation system which will enable it to render meaningful, responsive, and relevant public assistance.*  
- *Ombudsman Rules of Procedure for Mediation, Administrative Order No. 20, s. 2008*

government officials and those involving grave offenses, as mandated by *The Ombudsman Act of 1989* (R.A. No. 6770).

The establishment of the mediation system was facilitated through the assistance of the MCA-PTP-TAP. There were three (3) batches of training conducted from June to November 2007, involving frontline public assistance handlers of the OMB in its Central, Sectoral and Regional offices. There are now 105 trained mediators at the public assistance offices of the OMB.

As a result of the training and the mediation discipline learned, OMB issued on April 29, 2008 **Administrative Order No. 20, series of 2008**, also known as the ***Ombudsman Rules of Procedure for Mediation***. The rules were adopted to establish and institutionalize a mediation system which will enable the OMB to render meaningful, responsive, and relevant public assistance.

A.O. No. 20, s. 2008 specifies, among others, the scope of cases that can be the subject of mediation, description of the mediation process, duties of the mediator, confidentiality of the mediation proceedings, settlement agreements, mediation of pending OMB cases that are within the scope of mediatable cases, and the establishment of the mediation unit at the OMB.

For CY 2008, the OMB handled a total of 800 mediation cases: 393 or 49% were successfully mediated, 152 or 19% failed, and the remaining 255 or 32% were considered closed.

## *success story on mediation*

*A local investor with a one hectare lot and a warehouse built on it was being harassed by a local government unit (LGU) in Metro Manila to pay Php1 Million in back realty taxes after assessing said properties as residential-industrial. After the Ombudsman intervened as mediator, the Mayor was convinced that, on both equity and legal grounds the assessment cannot stand. On equity, because the investor's property is devoted for agricultural purposes, and he does not derive any income from the property's residential/industrial use. Legally, realty tax under the Local Government Code is based on actual use. The property involved is devoted to agricultural purposes. Also, the reclassification of the property concerned failed to secure previous approval by the HLURB.*



# a challenge:

## the case against Former Justice Secretary Hernando B. Perez, et al.

On November 2008, two of the four charges filed by the OMB against Former Justice Secretary Hernando B. Perez and his co-accused Rosario B. Perez (wife), Ramon Arceo (brother-in-law) and Ernest Escaler (business associate) were dismissed by the Anti-Graft Court.

The First Division of the *Sandiganbayan* granted the Motion for Reconsideration (MR) filed by the accused and quashed the Information charging them with violation of Sec. 3(B), R.A. No. 3019 citing as ground the lack of an element of the offense.

On the other hand, the Second Division of the *Sandiganbayan* granted the MR filed by the accused and quashed the Information charging them with robbery. The Second Division ruled that there was *inordinate delay* in the disposition of the case which violated the constitutional rights of the accused.

### ***The OMB maintains that there was no inordinate delay.***

The Office is guided by jurisprudence which state that:

- ☒ fact-finding investigation is not part of preliminary investigation but merely preparatory to it, as clearly laid down in the case of *Tilendo v. OMB*; and
- ☒ that in the application of the constitutional guarantee of the right to speedy disposition of cases, particular regard must be taken of the facts and circumstances peculiar to each case. *Socrates v. OMB* stated that factual ambience and considerations are of equal concerns, not just the length of time.

The cases involving the former justice secretary was based on the complaint affidavit filed by Mr. Mario Crespo, a.k.a. Mark Jimenez. Complainant accused Perez of demanding money from him so that Perez would stop forcing him to execute damaging affidavits against certain individuals in the administration of Former President Joseph Estrada.

*Significantly, there are three kinds of remedies that are available against a public officer for impropriety in the performance of his powers and the discharge of his duties: (1) civil, (2) criminal, and (3) administrative. These remedies may be invoked separately, alternately, simultaneously or successively. Sometimes, the same offense may be the subject of all three kinds of remedies.*

*-- as cited Villaseñor, et al. vs. Sandiganbayan, G.R. No. 180700, 4 March 2008*

Fact-finding investigation took thirty-four (34) months as vital documents proving the fact of *payment* (or that money changed hands, which is an essential element of the offense), had to be secured from foreign banks overseas, particularly in Switzerland and Hong Kong. Note that the complainant himself asked the OMB to secure several documents from Coutts Bank and the EFG Private Bank to form part of his complaint.

Immediately after evidence gathering, preliminary investigation began. PI was completed within a reasonable time, i.e. fifteen months, considering that numerous motions were filed by both parties.

Accused Perez and Arceo filed twelve pleadings which include motions for extension of time, motion to suspend proceedings, motion to dismiss, and a motion for resolution contending that Jimenez executed an affidavit of desistance.

Accused Escaler filed six pleadings which include motions for extension of time, motion to disqualify/inhibit the OMB, and motion to suspend proceedings.

Even Complainant Jimenez filed ten pleadings which include motions for extension of time, and an affidavit of desistance.

The OMB has timely filed its Motions for Reconsideration before the Sandiganbayan. Lastly, it is worthy to note that there are other cases pending before the Third and Fourth Divisions of the Sandiganbayan against the accused for falsification, and non-disclosure of assets in his Statement of Assets, Liabilities and Net worth. In fact, ***the Fourth Division categorically stated that there was no inordinate delay: "...the complexity of the case justifies the need for a thorough investigation which lasted for a period of more than two years."***

## status of other high-profile cases

# pending trial

*The public awaits the resolution of the following high-profile cases pending trial before the Sandiganbayan:*

**President Diosdado Macapagal Boulevard Case.** (*Criminal Case No. 27808: People v. Carlos P. Doble, et al.*) This case involves the construction of the President Diosdado Macapagal Boulevard in the reclamation area. Respondents are charged for violation of Sec. 3(A) of R.A. No. 3019 for causing undue injury to the government and giving unwarranted benefits to the contractor.

**PIATCO Cases.** There is still one criminal case pending trial before the Sandiganbayan involving the construction of the Ninoy Aquino International Airport (NAIA) Terminal Criminal Case No. 28089 (*People v. Pantaleon Alvarez, et al.*). Other related-cases that have already been resolved include Criminal Case No. 28903 (*People v. Pantaleon Alvarez, et al.*); Criminal Case No. 28090 (*People v. Henry Go*); Criminal Case No. 28091 (*People v. Henry Go*); and Criminal Case No. 28092 (*People v. Vicente Rivera and Henry Go*).

These cases are for violation of Sec. 3(J) of R.A. No. 3019, the respondents (1) having given unwarranted benefits to PIATCO by allowing it to build an access road connecting the new facility with the second terminal instead of a tunnel

resulting in immense savings to PIATCO; and (2) prequalified Paircargo & Associates even though it failed to meet the minimum capitalization requirement. The three other cases are for violation of Sec. 3(G) of R.A. No. 3019 for entering, on behalf of the government, into a contract manifestly disadvantageous to the same.

**M.Gen. Carlos Garcia Cases.** M/ Gen. Garcia still has four pending cases: one criminal case for perjury, which is on appeal, one for plunder and two cases for forfeiture of unlawfully acquired properties under R.A. No. 1379, as amended.

**Pampanga Mega Dike Case.** (*Criminal Case No. 24677: People v. Bienvenido Leuterio, et al.*; *Criminal Case No. 23539: People v. Florante Soriquez*) For approving the faulty design of the mega dike in Pampanga, which later gave way to lahar force causing losses to the government in the amount of PhP 48 million, respondents are facing trial for causing undue injury to the government and giving unwarranted benefits to the contractor (Sec. 3[E], R.A. No. 3019).

**PEA-AMARI Case.** (*Criminal Case Nos. 24642 to 43: People v. Amado Lagdameo, et al.*) Tagged as the *Grandmother of all scams*, the case involves reclaimed property of the Manila-Cavite Coastal Road. Respondents are charged for violation of Sec. 3(G), R.A. No. 3019.

# OMB Case Flow Overview

(based on Administrative Order No. 07, as amended)

## STEP 1: Initiate complaint

*Report or file a complaint  
(Magsampa ng reklamo)*

## STEP 2: Evaluation

*If evidence is insufficient,  
OMB conducts fact-finding  
investigation  
  
(Pangangalap ng  
evidensya)*

*Recommend for  
Preliminary  
Investigation  
and/or  
Administrative  
Adjudication*

**Administrative Adjudication**  
(Pang-administratibong  
paghuhukom)

**Exchange of Affidavits and  
Counter-Affidavits &  
Position Papers**

**Preliminary Investigation**  
(Pagsusuri/pag-aaral ng  
kaso ng magkabilang panig)

**Exchange of Affidavits &  
Counter-Affidavits (Palitan  
ng Sinumpaang Salaysay at  
Sinumpaang Sagot)**

## STEP 3: Recommendation for Action

**Bureau Director to  
recommend and endorse  
appropriate action  
to Asst. Ombudsman**

*(Pagrerekomenda ng  
karampatang aksyon at  
pagpasa sa tanggapan  
ng Asst. Ombudsman)*

**Asst. Ombudsman to  
recommend action and  
endorse for approval or  
disapproval of the  
Ombudsman or Deputy  
Ombudsman**

*(Pagrerekomenda ng  
karampatang aksyon at  
pagpasa sa tanggapan  
ng Ombudsman)*

**Ombudsman/ ODO/  
Deputy Ombudsman  
approves/disapproves  
recommended action**

*(Pagsang-ayon/di  
pagsang-ayon sa  
nirekomendang aksyon)*

Section 15. Powers, Functions and Duties. — *The Office of the Ombudsman shall have the following powers, functions and duties: ....*  
(7) *Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government, and make recommendations for their elimination and the observance of high standards of ethics and efficiency; ....*  
-- R.A. No. 6770, The Ombudsman Act of 1989

## Corruption Prevention and Public Assistance



**A**side from the enforcement of anti-corruption laws, another major function of the OMB is the prevention of corruption, and public assistance. The OMB is mandated to determine the causes of inefficiency, red tape, mismanagement, fraud and corruption in government. In line with this duty, the OMB has been implementing the Integrity Development Review (IDR) and strengthening its Resident Ombudsmen, among other projects, to help prevent corruption. The office also extends public assistance

*Ombudsman Gutierrez inducts the very first set of National Officers of the Association of Resident Ombudsmen in Government Agencies (AROGA). Photo taken last December 6, 2008 in Baguio City.*





*The Ombudsman, through the Bureau of Resident Ombudsman, is reinvigorating its focus on corruption prevention, particularly on systems studies and reforms in order to cut the lifeline and structural or systemic roots of corruption. The Office of the Ombudsman wants the Resident Ombudsman to act as a partner in pursuing [government] agency's systems reforms-based corruption prevention program and ensure better service delivery to [the] transacting public.*  
— excerpt from the speech of Ombudsman Ma. Merceditas N. Gutierrez during the 1<sup>st</sup> National Convention of Resident Ombudsmen

to citizens by ensuring the delivery by the government of basic public services.

## A. 1st National Convention of Resident Ombudsmen

To strengthen the OMB's capability to prevent corruption and conduct immediate investigation on complaints against government officials and employees while rendering public assistance at the same time, the OMB held the **First National Convention of Resident Ombudsman** last December 3-6, 2008.

A **Resident Ombudsman** (RO) is a government personnel who attends to requests for assistance of the public to facilitate their transactions with a particular government agency. Also, if not more importantly, they are also tasked to study systems and procedures vulnerable to corruption and make recommendations to improve them; report anomalies, irregular acts, unethical conduct or illegal activities committed by the officials and employees of the government office where they are assigned; and aid in the gathering of evidence in the investigation of the same.

The Office envisions to designate at least one RO for each government agency, but owing to lack of human resources, an RO is presently given multiple assignments. At the same time, certain personnel from different government agencies have been assigned as Non-Organic ROs. Thus, although there are 598 ROs nationwide, only twelve (12) are employees of the OMB. These 12 ROs oversee forty-two (42) government agencies.

The Convention was attended by around 300 ROs. Several seminar-workshops tackled matters pertaining to administration and formulation of a Code of Conduct for ROs. The first set of national officers was also inducted into office.



*Instead of thinking about corruption in terms of an immoral individual breaking a law or violating a trust, one thinks about systems that are vulnerable to corruption. Anti-corruption strategy should not solely begin or end with fulmination about ethics or the need for a new set of attitudes. Instead, it should cold-bloodedly look for ways to reduce monopoly [of] power, limit and clarify discretion and increase transparency and accountability.*  
*--Opening remarks of HMNG during the Executive Course on Strategic Planning and Management of an Effective Corruption Prevention Program (January 12, 2009)*

## B. Integrity Development Review (IDR)

**Background.** The Integrity Development Review (IDR) is a compendium of diagnostic tools – self-assessment scorecards for managers, feedback survey of employees and corruption vulnerability assessment - for assessing the robustness of corruption resistance mechanisms, and for identifying the vulnerabilities of government agencies to corruption. It seeks to design and implement safeguards to prevent corruption in the public sector.

In 2004, the OMB piloted the IDR in its offices with assistance from United States Agency for International Development (USAID). Such exercise enabled the OMB to review the robustness of its own system against corruption and, at the same time, set an example to other government offices in implementing corruption prevention initiatives.

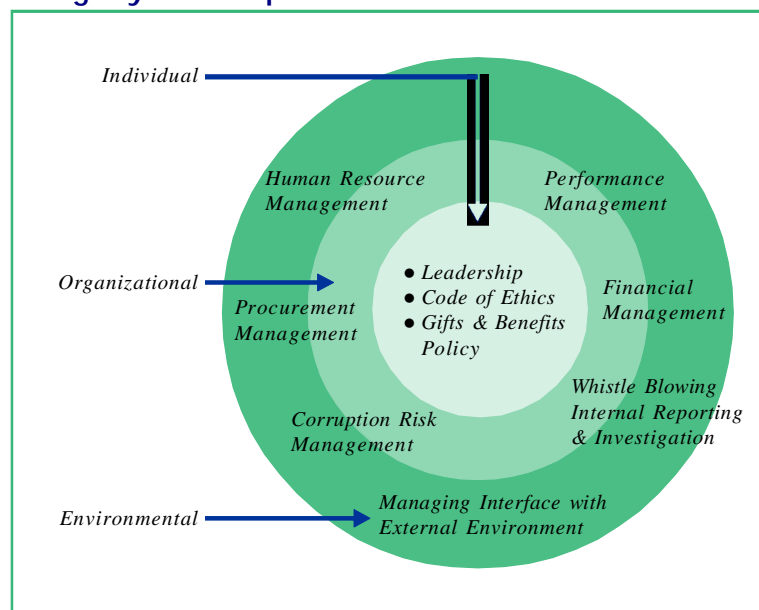
In 2006, the OMB completed the IDR in five agencies considered to be most vulnerable to corruption activities: BIR, BOC, DPWH, LTO and PNP. Thereafter, the OMB through its Bureau of Resident Ombudsman (BRO) and in partnership with the Development Academy of the Philippines (DAP) and the COA rolled out the IDR in eleven (11) more government agencies in 2007. These agencies include the following:

- ☒ Department of Environment and Natural Resources (DENR)
- ☒ Department of Agrarian Reform (DAR),
- ☒ Light Rail Transit Authority (LRTA),
- ☒ National Irrigation Authority (NIA),
- ☒ Philippine Veterans Affairs Office (PVAO),
- ☒ Philippine Navy (PN),
- ☒ Bureau of Corrections (BuCor),
- ☒ Bureau of Fire Protection (BFP),
- ☒ Land Registration Authority (LRA),
- ☒ Procurement Service (PS) under the Department of Budget and Management, and the
- ☒ Department of Health (DOH).



*The Integrity Development Committees (IDCs) established in each of the participating agencies are composed of the resident ombudsman, a senior management representative, internal auditor and a partner non-government organization (NGO). The IDCs shall ensure the institutionalization and monitoring of systems reforms-based corruption prevention measures in participating agencies.*

## Integrity Development Framework



In 2007, the OMB also facilitated the establishment of sixteen *Integrity Development Committees* (IDC). These agency-based tripartite IDCs will monitor the progress of the implementation of the recommendations of the IDR contained in the agency action plan.

To ensure ownership of the IDR tool, top management commitment and agency involvement are provided. Memoranda of Agreement are executed and agency internal auditors are empowered as assessors and jointly work with external assessors in crafting corruption prevention action plans. The key outcome of the IDR process is a set of integrity and transparency reforms that the agency pledges to undertake.

**2008 IDR-related updates.** The Philippine Supreme Court has embraced the IDR exercise. This is a most welcome inroad for the IDR in an entirely separate branch of government. To date, it has just finished the IDR of its administrative functions which hopes to tighten integrity systems in its service of judicial processes, procurement, collection and remittance of legal fees



## Highlights of Reforms Implemented by IDR agencies

### Bureau of Customs (BOC)

- ✓ Installation of 28 x-ray scanning units from China in the different ports and sub-ports of Manila, MICP, Cebu, Cagayan de Oro, Davao, Subic, Clark and Batangas;
- ✓ Establishment of Port Alliance for Transparency or PORTAL which is a public-private sector partnership in customs administration consisting of 23 private sectors organizations, and twenty six (26) government agencies sitting down together to discuss measures to stop and prevent smuggling and corruption in BOC;
- ✓ Client Profile Registration System (CPRS) of the electronic to mobile (E2M) Project;
- ✓ Project Abstract Secure version 5 (PAS-5) cashless payment of import duties through direct debit from importers' bank account for credit to BOC.

### Bureau of Internal Revenue (BIR)

- ✓ In connection with the BIR Action Plan, a 3-day seminar/training of senior leaders on Public Ethics and Accountability was conducted and attended by thirty eight (38) senior officials of BIR.

### Department of Public Works and Highways (DPWH)

- ✓ In order to ensure an effective and efficient method on the procurement process, several initiatives were implemented such as the issuance of Department Order (D.O.) No. 35, Series of 2008, dated June 17, 2008 on the Implementation of the Three-Strike Policy in Procurement of Civil Works and Consultancy Services Contracts;
- ✓ In response to the recommendation of the Integrity Development Committee for an issuance of a Department Order for a uniform policy on the collection of fees and for filing of letters of intent, Department Order No. 08, Series of 2008 was likewise issued;
- ✓ In connection with the implementation of DPWH projects, the Document Tracking System (Dots) which tracks status of all contract-related documents was put in place per Department Order Nos. 066, 035,048, and 056, series of 2008;
- ✓ Several reforms took place after some irregularities were discovered in the implementation of the National Road Improvement Management Program, Phase I, thus, the establishment of Bantay Lansangan, Inc. (Road Watch, Inc.) in partnership with the government, private sector, civil society organization to act collectively and strategically in the monitoring and advocating road sector reforms.

### Department of Health (DOH)

- ✓ In line with reform measures that were implemented at DOH pursuant to the IDR/IDAP action plan were several policies/directives that were drafted and approved by the DOH Secretary, to wit :
  - Rules on gift-giving
  - Rules on internal whistle blowing and reporting- Documentation of good practices in preventing and detecting corruption
  - Launching of national awards for good governance in medicine (GGM)
  - Integration of the code of conduct in the bidding documents
  - DOH agencies' compliance to 2007 COA consolidated report
  - DOH website for financial reports and other financial information

## Highlights of Reforms Implemented by IDR agencies

(continuation)

### Department of Agrarian Reform (DAR)

- ✓ With the institutionalization of the Integrity Development Committee, Memorandum Circular No. 10, on DAR's Code of Conduct was disseminated throughout the Regional and Provincial Offices and integrated during the RIDCs and PIDCs orientation workshop;
- ✓ As a result of the conduct of the Corruption Vulnerability Assessment, specifically on adjudication, all regional and provincial offices were required to post payment of legal fees, charges and costs, a requirement not available prior to the conduct of the Integrity Development Review;
- ✓ As part of its reform measures, DAR formulated and implemented a policy on post employment;
- ✓ Quick Response Offices (QPOs) were established at the regional and provincial offices as a counterpart of the Public Assistance and Complaints coordinating Units (PACCU) at the DAR Central Office.
- ✓ After the conduct of the Integrity Development Review, new web pages were constructed by TNPIO, ON6 and NCEISC to be able to disseminate information on PN services, policies, systems and procedures;

### National Irrigation Administration (NIA)

- ✓ In the implementation of the Integrity Development Review, COA Memorandum Circular No. 75-6, paragraph 6 pursuant to Section 14, PD 733 on the Prohibition Against Use of Government Vehicles by Officials with Transportation Allowance was revisited where an evaluation report was submitted to the NIA, OIC-Administrator with a recommendation to make a thorough review of the entire process of verification and issuance on the entitlement under prevailing laws and guidelines. This was uploaded in the DAR's website together with other issuances on certificate of land conversion and exemption, leasehold contracting.

### DBM-Procurement Services (PS)

- ✓ The DBM-PS drafted its tripartite Code of Conduct in public procurement at Procurement Service which is patterned after the DBM Code of Conduct

### Land Transportation Office (LTO)

- ✓ ISO 9001-2000 Certification of Licensing Center nationwide
- ✓ In line with the IDR implementation, LTO's computerized apprehension are now integrated with the collection unit while manual transactions were retained with the Traffic Safety Division
- ✓ Easy steps guide to clients are now available regarding schedule of fees, transaction flow requirement at the district and extension offices;
- ✓ Suspension and revocation of driver's license are now mandatory for habitual violators which is part of the adjudication process.

### Light Rail Transit Authority (LRTA)

- ✓ LRTA's Code of Conduct, Rules on Internal Reporting and Whistleblowing, Rules on Gifts and Benefits have been finalized.

## Highlights of Reforms Implemented by IDR agencies

(continuation)

### **Philippine Navy (PN), AFP**

- ✓ PN published HPN SOP No. 6, 7 and 9 on policy on donation, gift and bribe and was circulated to all PN units.
- ✓ Installation of Counter/Transaction windows at the Central Office : The Publication Sections at the Docket Division, Central Records Division and Ordinary Decree Section;

### **Philippine National Police (PNP)**

- ✓ An "Honesty Team" was created at the PNP regional, provincial, and city levels for the purpose of closely monitoring the activities and behavior of police personnel who are assigned in visible posts such as traffic law enforcements, checkpoints, patrol operations, and regulatory offices that issue clearances and licenses to the public.
- ✓ The PNP begun its enhancement of police community precincts in Caloocan and Makati to create a friendlier set-up to women and children.

### **Philippine Veterans Affairs Office (PVAO)**

- ✓ PVAO has shortened its benefits processing time where at present, 70% of Old Pension Claims are processed within sixty (60) days or less, as compared to the previous 6-month processing period prior to the conduct of the IDR;
- ✓ The processing period for Burial Assistance Claims was likewise reduced. About 92% of these benefits are now processed within ten (10) days as compared to the previous 90-day processing prior to the conduct of the IDR;
- ✓ Full implementation of Bank Pension Payment Scheme (BPPS) which reduced the risk of corruption. At present, 97.14% of the 234,981 pensions are remitted to the servicing banks while the remaining 2.85% are still being remitted through registered mail.

### **Land Registration Authority (LRA)**

- ✓ A customized code of conduct for LRA officials was implemented as well as a code of conduct of LRA officials involved in public procurement.

*“The output of the ... IDR exercise is not the culmination of the IDR project. There should be other steps to carry it forward. Our office will continue working together with external stakeholders, such as the CSOs and NGOs. We should assist one another in monitoring IDR implementation and keep the bayanihan values of collaboration and partnership burning. And for their part, I urge the top management of the IDR participating agencies — BOC, BIR, DPWH, LTO and PNP — to facilitate and fully support the establishment of Integrity Development Committees in their respective offices.”*  
— Ombudsman Ma. Merceditas N. Gutierrez

from lower courts, human resources – recruitment and promotion, financial management, handling of administrative cases against justices, judges and other court personnel and introduction of lifestyle check in the judiciary.

The OMB is also continuously monitoring the progress in the implementation of IDR recommendations. Letters-reminders have been sent to heads of IDR participating agencies relative to outstanding commitments in their action plans.

Rapid IDR assessments have also been conducted at the BIR, BOC, and DOH with funding assistance from USAID-MSI-ROLE. The recommendations of these rapid assessments will help ensure an improved roll-out of the IDR in other government agencies. There are also plans to implement the IDR in LGUs. The OMB is also in the process of designing an IDR incentives system to reward those who are faithfully involved in public service integrity enhancement.

There is also a proposal to conduct a joint project with the Presidential Anti-Graft Commission (PAGC) to fund the evaluation of the corruption vulnerability areas of eighteen IDR agencies. Also in 2008, the OMB looked into a possible partnership with the Department of Social Welfare and Development (DSWD) in its IDR project. The realization of this partnership happened in 2009.

**Challenges in IDR implementation.** The OMB faces several challenges in implementing the IDR.

The plans to expand the IDR exercise to LGUs, government agencies (e.g. Department of Labor and Employment [DOLE] and Department of Transportation and Communications [DOTC]), government financial institutions (e.g. Government Service Insurance System [GSIS] and Social Security System [SSS]), government-owned and/or controlled corporations (GOCCs), as well as the attached agencies of IDR participating agencies require **technical, financial and other logistical support**. The expansion of the IDR, particularly in LGUs, is crucial to ensure the global competitiveness of the Philippine economy.

*The IDR is a corruption prevention tool that aims to build institutional foundations to prevent corruption before it occurs. Its basic strategy is to focus on corrupt systems and not just on corrupt individuals. In other words, instead of only thinking about corruption in terms of an individual breaking a law or violating a trust, we zero in on the system itself that, in its own vulnerability to corruption, help bring about or feeds the corruption of Individuals.*  
--Speech of Ombudsman Ma. Mercedes N. Gutierrez  
during the Advisory Group Meeting in line with the IDR (July 2007)

Agency ownership issues have also surfaced. Thus, the OMB is encouraging agency personnel to become more involved in the discipline. In the on-going IDR of the Supreme Court, modifications in certain project processes are being made to ensure agency buy-in.

There is also a need for technical support for IDR monitoring and evaluation tools, as well as financial and technical assistance for the capacity building of IDCs, especially in expanding the corruption vulnerability assessments.

Lastly, a very weak corruption risk management is indicative of a weak or non-functional internal audit service in the agency itself (or in the case of IDR participating agencies that are considered attached agencies, weak support from its mother agency). This must be addressed immediately as this is crucial especially for revenue generating and high procuring agencies.

**IDR Prospects.** Sustaining the IDR exercise is a form of OMB's commitment to be more active and deeply engaged in its corruption prevention mandate. Support for sustaining the IDR promises two things: (a) the institutionalization of corruption prevention reform measures through the tripartite IDCs; and (b) the harmonization with the PAGC's IDAP monitoring (considering the multiplicity of convergence points between the IDAP and the IDR).

The IDR exercise also provides a ready venue for citizen groups and other primary external stakeholders to voice out their concerns and help ensure better public service delivery through their involvement in the IDCs. With the IDC's mandate to expand its assessment to other operational areas of the agency, it can be considered as a built-in ally and partner of internal audit units/offices and help the latter pursue their audit agenda and recommendations in an objective fashion.



*We are willing to work hand-in-hand together to create for our country and our children a future full of good possibilities, promises and hope.*

*-- Ombudsman Ma. Merceditas N. Gutierrez*

### C. OMB Social Service Caravan

In her desire to render an effective and efficient public service, Ombudsman Gutierrez conceptualized the “Meet with the Ombudsman” project in August 2006, where she personally met with citizens seeking OMB assistance. One year later, this project became known as the *OMB Social Service Caravan* (caravan for short).

The caravan enables the OMB to proactively render public assistance by attending immediately to the grievances and concerns of the people in a particular locality, as well as providing legal, medical and dental services to those who have less in life.

The OMB collaborates with other government agencies, non-government organizations and even private institutions to bring various social services



*Dental and medical services provided in Quirino, November 2008*

*Ombudsman Gutierrez speaks before senior citizens who benefited during the OMB Social Service Caravan in Navotas City last April 2008.*





*Residents wait in line  
for free medicines  
during the OMB  
Social Service Caravan*

*above: in Morong, Rizal  
last February 2008  
right: in Bacoar, Cavite  
last March 2008  
below:  
in Quirino Province  
last November 2008*



to constituents of local governments identified as having high rates of unemployment, out-of-school-youth and youth offenders, malnutrition, and domestic violence and other forms of criminality.

Thus, there are representatives from government agencies that cater to those seeking authenticated copies of birth, marriage and death certificates, and passports. There are also government personnel answering to social security concerns. Residents are also provided free legal assistance, as well as medical and dental services. Free medicines are also provided. There were also lectures on various concerns, such as the Senior Citizens' Act and the danger of prohibited drugs. Livelihood seminars are also conducted.

Eleven (11) caravans were held nationwide in 2008 benefitting around 21,000 Filipinos. These include:

<i>Date Conducted</i>	<i>Place/ Venue</i>	<i># of beneficiaries</i>
February 2008	Morong, Rizal	1,500
March 2008	Bacoar, Cavite	2,350
April 2008	Navotas City	1,700
	Carcar, Cebu	4,000
	San Jose, Antique	1,057
	Paquibato, Davao	1,181
July 2008	Jaro, Iloilo (for typhoon victims)	148
August 2008	Pototan, Iloilo	1,504
October 2008	Mandaluyong City	1,450
	Iligan City	4,359
November 2008	Quirino Province	1,630







## D. Requests for Assistance and Clearances

Under the law, the OMB may require public officials and employees to render assistance to the people. Thus, the public requests the OMB to facilitate their access to services given by government agencies.

For CY 2008, OMB received a total of 13,986 requests for assistance (RAS). Added to the 2,188 RAS pending at the end of 2007, the total RAS workload for CY 2008 is 16,174. As of 31 December 2008, 13,544 (84%) were already acted upon and deemed closed.

From January to December 2008, the OMB has also issued 56,019 Clearances and Certification with pending cases. These clearances and certifications are secured by persons before going on retirement. They are also required from persons who are applying for promotion or appointment in government.

It is worthy to note that given these statistics, the OMB receives around fifty three (53) RAS and 212 requests for clearances daily\*.

*photos in this page:*

*OMB personnel attending to numerous applications for issuance of OMB clearance and/or certifications as to pending cases*



\*note: monthly rate computed by dividing the annual number by 12;  
daily rate computed by dividing the monthly rate by 22 (working days)



OMB Public Assistance  
Hotlines:  
**9262-OMB**  
(9 2 6 2 - 6 6 2)

or contact the following numbers or send an email:

**Trunkline** : 926-9032 up to 40 ext. 101, 102, 103, 104 and 111

**Direct Lines** : 926-8790, 926-8786, 926-8788,  
926-6560, 929-3751, 926-8772,

**Email** : [pab@ombudsman.gov.ph](mailto:pab@ombudsman.gov.ph)  
[ombclearance@ombudsman.gov.ph](mailto:ombclearance@ombudsman.gov.ph)

## E. CPUs and JGUs

The OMB continues to establish linkages with civil society organizations and other groups outside the government sector to raise public awareness regarding the prevalence, causes, seriousness and threats posed by corruption. Some organizations enter into a Memorandum of Agreement with or are accredited by the OMB as **Corruption Prevention Units (CPUs)** and **Junior Graftwatch Units (JGUs)**.

### E.1. Corruption Prevention Units (CPUs)

CPUs serve as the OMB's citizens arm in its crusade for a clean and honest government. It assists the Office in detecting graft and corruption in the bureaucracy. Its objectives are:

- ☑ Ensure community-based participation in the drive against corruption;
- ☑ Serve as a focal point of citizen's organizations in the campaign for an effective government; and
- ☑ Heighten the citizen's awareness through workshops, symposia and conferences.

Any bonafide non-partisan group, association or organization from any sector with identifiable leadership, membership and structure and with demonstrated capacity to promote the interest and assist the OMB in the performance of its function and activities may become a CPU.

As of 31 December 2008, 63 organizations are recognized CPUs nationwide.

Seminars were conducted during the year wherein CPU officers and members participated. These seminars aim to orient them on the powers and functions of the OMB, and their roles as an effective ally in the fight against graft and corruption.

*Since its inception, the JGU program has had the opportunity to see students who finished their secondary up to post graduate studies. One JGU student leader who was very active during her college days passed the bar and had since become a Graft Investigator in the Office of the Ombudsman.*

## E.2. Junior Graftwatch Units (JGUs)

JGUs serve as the OMB's youth arm in graft prevention and control. Established in schools and communities, JGUs provide a mechanism for young citizens to effectively participate in corruption prevention campaigns. The objectives of establishing JGUs are:

- ☑ To direct the growing concern and awaken the consciousness of young citizens into productive action towards the elimination or reduction of graft and corruption and its effects to the economy; and
- ☑ To develop and ingrain in the youth moral values such as honesty and efficiency in preparation for their future roles as leaders of the country.

In 2008, there are a total of 576 JGUs nationwide.

**Activities.** Following are just some activities undertaken by JGUs last year:

- ☑ *Junior Graftwatch Officers-of-the Week Summer Program.* This program is a month long annual activity for JGU volunteers. Ten JGU officers/members took part in the program. They were trained to perform office functions to develop their organizational skills and public service values.
- ☑ Celebration of the 12th JGU Anniversary and Multi-Event Competitions.
- ☑ JGU Orientation Seminars and Leadership trainings
- ☑ "Makibata 2008", an annual outreach project of the OMB, was held with the assistance of JGU representatives. More than 300 indigent children benefited from the said activity.

*Corruption is a form of violence. It kills. Those who fight corruption are working for peace.  
It is good that more people are fighting corruption. But fighting corruption is not enough.  
We need to promote integrity. Integrity is the commitment to live by what is true and what is right,  
even at a personal cost, for the sake of the common good.*  
- Ombudsman Ma. Merceditas N. Gutierrez  
NACPA Roadshow in Urdaneta, Pangasinan, July 18, 2009

## Anti-Corruption Education and Promotion



I ncreasing awareness and mobilizing public support to the government's anti-corruption efforts is vital. A public that is intolerant of corruption keeps the government committed in fighting corruption. Highlighted in this part of the report are measures undertaken by the OMB to promote integrity, accountability and transparency in government.

**A. Graft and Corruption Prevention Education (GCPE) Teaching Exemplars** is one of the mainstream anti-corruption education programs of the OMB, this joint effort of the OMB and the Department of Education (DepEd), aims to mold and instill positive values among elementary and high school students.

*High school public teachers  
from Cagayan de Oro City  
display their copy of the  
Graft and Corruption  
Prevention Education  
(GPCE) Teaching Exemplars.*



*The center will teach courses on anti-corruption know-how and values, along with courses designed to build integrity and improve governance. To this end, it will connect with other academic institutions, international counterparts, development agencies and concerned personalities in other countries with a view to defining and learning from them proven and innovative anti-corruption approaches and best practices so far employed in the fight against corruption. - Ombudsman Ma. Merceditas N. Gutierrez, excerpt from her column originally published in the September 5-6, 2008 issue of the Business Mirror.*

The *GPCE Teaching Exemplars* is a set of teaching guides for all elementary and secondary teachers in public schools nationwide. Designed to instill honesty, integrity and public service among elementary and high school students, these teaching exemplars are now integrated in the curricula of both primary and secondary public schools. In particular, the exemplars are geared towards the integration of norms of conduct enumerated in R.A. No. 6713 into the different subject areas in the curriculum, i.e., *Araling Panlipunan* (Social Studies), *Sibika at Kultura* (Civic and Culture), and *Edukasyon sa Pagpapahalaga* (Values Education).

In 2008, 200,000 copies were distributed to 44,000 public schools with support from the MCA-PTP TAP.

During the year, three monitoring teams composed of representatives from the MCA-PTP TAP, OMB and DepEd conducted simultaneous monitoring visits in selected public schools in Luzon, Visayas and Mindanao. A total of 149 public elementary and secondary schools were visited.

**B. Center for Asian Integrity (CAI).** On August 27, 2008, CAI was launched with the signing of the Memorandum of Understanding by the OMB, the University of the Philippines (UP) and the Griffith University. CAI is a new initiative in national and regional efforts to build integrity and combat corruption using a three-pronged approach:

a. A **Training Centre** which will provide training for trainers, investigators and prosecutors, and will eventually provide demand-driven training for integrity practitioners and advocates in both public and private sectors, including civil society.

b. A **Research program** which will provide cutting edge independent quantitative and qualitative research in the field of promoting integrity best practice and countering corruption using regional data and methodologies utilizing the research expertise of UP-National College of Public Administration and Governance



*Ombudsman Gutierrez, Prof. Charles Sampford of the Griffith University – Institute of Ethics, Governance and Law (left), and Prof. Alex Brillantes of the University of the Philippines – National College of Public Administration and Governance (UP-NCPAG) sign the Memorandum of Understanding for the establishment of the Center for Asian Integrity (CAI) at the Philippine International Convention Center in Pasay City on 27 August 2008. Looking on are (L-R) Mr. Christian Hougen from the Millennium Challenge Corporation; Dr. Steven Rood of The Asia Foundation; Dr. Gabriella Quimson of IEGL (standing, on the lectern); Ms. Maryse Gautier from the World Bank; and Mr. Pablo Kang of the Australian Embassy.*

(NCPAG) and IEGL's international and comparative research expertise.

c. **Curriculum design and course development** for a range of integrity courses and certificates accredited by the UP in collaboration with Griffith University, Australia through IEGL which is a joint initiative of the UN University and Queensland University of Technology (QUT) in association with the Australian National University (ANU).

**C. Roll-out of Trainings on Anti-Fixing, Anti-Red Tape and Whistleblowing.** The OMB, in collaboration with the Multi-Sectoral Anti-Corruption Council (MSACC), conducted the rollout of the trainings on Anti-Fixing, Anti-Red Tape and Whistleblowing last May 2008. The back-to-back trainings were organized with



**Anti-fixer Hotline:****0926-  
6994703**

*Republic Act No. 9485 otherwise known as the "Anti-Red Tape Act of 2007" defines a fixer as "any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration". Fixing is illegal. Report Fixers now!*

funding support from the MCA-PTP-TAP and the USAID through The Asia Foundation (TAF).

**C.1. Training on Anti-Fixing and Anti-Red Tape.** The first *Seminar-Workshop on Enhancing Efficiency in Public Service Delivery*, which was conducted in Quezon City, was participated in by twenty-six representatives from seven participating agencies of the IDR (BOC, BIR, DENR, DPWH, LRA, BFP, and PVAO). These IDR-participating agencies were selected for the number of their frontline services and the bulk transactions they handle on a regular basis. The objective of this training is to capacitate participating agencies to comply fully with the provisions of the *Anti-Red Tape Act of 2007*.

There were modules which discussed key concepts of service excellence, thus, broadening the participants' knowledge of the salient provisions of the Anti-Red Tape Act and the bureaucratic phenomenon of fixing. There was also a workshop letting the participants themselves identify the problematic frontline transactions in their agencies. Outputs of the latter activity shall be monitored by the Resident Ombudsman of each agency in furtherance of their IDR action plans.

This training was later conducted in four other key cities in the Philippines. A total of 105 participants from IDR-participating agencies nationwide took part in the training.

**C.2. Training on Whistleblowing.** The participants of the first *Seminar-Workshop on Institutionalization of Whistleblowing Culture in the Organization* also came from IDR participating agencies (AFP, LTO, NIA, PNP, the PS-DBM, BIR and BOC). These agencies were preferred over other IDR participating agencies because of their having issued/formed an internal reporting policy/structure. The main objective of this training is to strengthen/enhance the internal reporting mechanisms of the participating agencies.

The training modules focused mainly on the central role of whistleblowers in exposing incidents of corruption, with emphasis on the importance of utilizing internal reporting

*The protection and preservation of the Environment through licensing and regulatory power of the state are not the sole responsibility of the government. They are everyone's concern.... Hence we need the strong support and cooperation of the civil society, non-government organizations and other stakeholders. In our endeavors to establish linkages and networking of resources and competencies, we have encouraged the involvement of an actively solicited the assistance of both the government and private sectors.*  
— Speech of Ombudsman Ma. Merceditas N. Gutierrez  
during the Signing of the MOA with the Law of Nature Foundation (August 24, 2007)

mechanisms, and the legal milieu in which it is situated. At the end of each module, resource persons entertained questions from the participants. It is expected that the participating agencies shall have taken steps to strengthen/enhance their existing internal reporting mechanisms within a year.

A total of 123 participants from IDR-participating agencies have joined the training on whistleblowing when it was conducted in five key cities nationwide.

**D. Public Accountability Seminars** aim to provide a venue where public service values are internalized. It also aims to inculcate a deeper understanding of the role of public servants and the accountability attached to holding public office. The seminar covers the roles and functions of the OMB; OMB Rules of Procedures; Graft Prevention Programs/Projects and initiatives; and Common Crimes Committed by Public Officials and Employees.

Public Accountability Seminars are also given by OMB area sectoral offices nationwide to barangay officials to apprise them of their duties under the *Code of Conduct and Ethical Standards for Public Officials and Employees*, as well as to educate them on other anti-corruption laws. OMB-MOLEO also conduct public accountability seminars for the women and men of the AFP, the PNP, the BFP, the Bureau of Jail Management and Penology, and law enforcers of the BOC, Bureau of Immigration and Deportation, the Manila International Airport Authority, the LTO and the MMDA.

In 2008, 114 batches of public accountability seminars were conducted nationwide for officials and employees of various government offices with more than 6,610 participants.

**E. Orientation Briefing for Students and Foreign Delegates.** Three (3) orientation briefings were given to 357 students of Political Science, Public Administration and Office Administration, as well as to the faculty members of several universities. Briefings were also given to officials of the United Nations Office on Drugs and Crime (UNODC) of Vietnam and



*The Ombudsman will continue its anti-corruption programs and the use of a systems-based approach in studying existing operating procedures of different government agencies. Ways and means are being adapted to minimize if not eliminate, the opportunities for committing wrong doings. Various sectors will continue to be enlisted through our Multi-Sectoral Anti-Corruption Council (MSACC) to heighten people's awareness of the evils of corruption and solicit their corruption in its eradication.*

*-- Closing remarks of Ombudsman Gutierrez during the Executive Course on Strategic Planning and Management of an Effective Corruption Prevention Program (January 23, 2009)*

the House Committee on Public Procurement, National Assembly of Nigeria.

A 20-minute audio-visual presentation (featuring the Roles and Functions of the OMB and its graft prevention programs/projects and other initiatives) was shown followed by an open forum.

**F. Ehem! Aha! Program.** This is one of the anti-corruption strategies of the OMB in collaboration with the Philippine Province of the Society of Jesus (PPSJ). It primarily aims to create a graft-intolerant culture in the country. The convergence of the OMB and PPSJ led to the conceptualization and implementation of several trainings designed to prevent corruption, namely, Ehem! Aha! Self-Check Seminar-Workshop, Anti-fixing and Anti-Red Tape Stakeout Workshops, Anti-Loafing Seminars, Seminars in Promoting Integrity in Schools and Best Practices in Governance.

In the Central Office alone, a total of 23 Ehem! Aha! Seminar-Workshops were conducted in 2008, with a total of 1,246 participants from eighteen government agencies including the OMB, educational institutions/groups, a religious group and JGU/CPU.

Members of the Technical Working Group of the Ehem! Aha! Program also acted as resource persons in ten batches of seminars, attended by more than 3,000 participants, tackling topics such as promoting integrity in schools and best practices in governance.

More than a thousand Aha! primers, a hundred *Ehem!* DVDs and Ehem! CDs, and other information materials were distributed during trainings.

**G. Research/Thesis Assistance Program (RTAP).** The Research/Thesis Assistance Program is one of the on-going graft prevention projects of the OMB. It provides grants to students who will be conducting studies on graft and corruption. It provides a good opportunity for the students to contribute

*Our experience is that removing a few rotten eggs will not sufficiently address the problem without looking into the reasons which prompted these corrupt officials to engage in corruption in the first place. Any anti-corruption strategy that placed too much emphasis on investigation and prosecution, without attempting to plug the leaks and loopholes in the bureaucratic process (which makes it possible for some to take advantage of their officials positions for personal gain) actually misses half the dynamics of the human order.*  
-- Welcome remarks of Ombudsman Gutierrez during the Research Colloquium of the Center for Asian Integrity (March 12, 2009)

their ideas and recommendation in solving graft-related problems. Completed thesis forms part of the OMB's databank of reading materials on graft and corruption.

The grant provides for financial assistance of P5,000.00 per completed research, aside from access for interview, data and printing materials and services that come with the project.

In 2008, a female Post-Graduate student was granted an assistance by the OMB for her master's thesis entitled *"The Effectiveness of the Junior Graftwatch Program Implementation in the Selected Public Secondary Schools at the NCR: An Assessment Towards Proactive Program Strategy"*.

Two other theses were completed in 2008. Recipients of the grant include senior mass communication students for their study entitled *"Civic Participation in Fighting Corruption"*, and a post-graduate student of public administration for a study on the *"Effective Implementation of Graft Prevention Programs of the Office of the Ombudsman as Assessed by selected Government Offices in Metro Manila."*

**H. Magsumbong sa Ombudsman.** The OMB continues to hold a radio program called "Magsumbong sa Ombudsman" which airs every Wednesday from 10:00 to 11:00 a.m. over DZRB Radyo ng Bayan and its provincial stations nationwide. Veteran broadcaster Tony Salao and Ombudsman Gutierrez co-host the radio program, which features interviews with OMB officials, weekly news updates, and an open-line segment where phone calls, text messages and letters from the listeners are entertained.

A total of 68 episodes were aired for the calendar year 2008. Podcasts of the same are available at the OMB website.

**I. Opinion Column in the Business Mirror.** Since May 2008, Ombudsman Gutierrez writes an opinion column which appears every Friday in the *Business Mirror*, a daily broadsheet circulated nationwide. In her column called "The Essential Thing", Ombudsman Gutierrez discusses the powers and function of

*I would like, however, to stress a point. It is not enough that we get busy in purely structural or institutional changes. Prime and foremost, we as individuals must change. For any system is only as good as the people in it. Also, we must first be the change we wish to see in this world.*  
-- Speech of Ombudsman Ma. Merceditas N. Gutierrez during the Integrity Development and Public Accountability Seminar for Provincial, City and Barangay Officials of Malaybalay (March 2007)

the OMB, various legal questions and issues concerning the office, and the anti-corruption fight in the Philippines.

**J. OMB Publications.** The OMB produces several publications every year including the OMB Integrity Newsletter, OMB Journal and the Sentinel. These publications raise anti-corruption awareness and encourage the public to get involved in corruption prevention. Last year, the Office printed two issues of the Integrity Newsletter with 10,000 copies per issue.

**K. Installation of OMB Street Signages.** To increase public awareness and create a roadmap to the Office of the Ombudsman in the major thoroughfares of the metropolis, the OMB Street Signage Project was initiated by Ombudsman Gutierrez. The project was conceptualized to make the OMB visible to the commuting public who seek its assistance. It is part of the OMB's public information campaign system which aims to improve public awareness on the existence and functions of the OMB.

*kawaning laging maaga, sa paglilingkod may gana  
baya'y nangangailangan, tulad mong sipag ay tangan*

— Laurie Layne P. Cristobal

*Week 1 First Prize Winner*

*Dalit Poetry Writing Contest in celebration of the Buwan ng Wika*

## Institutional Strengthening



While the entire office is busy with all its programs and project in enforcement, corruption prevention, public assistance, promotion and anti-corruption education, various measures have also been instituted to strengthen the OMB. Thus, several reforms have been made in our Finance and Administrative Office; capacity-building programs for employees have been undertaken; and domestic and international alliances have been strengthened. Also worthy of note are two vital foreign-funded projects which helped OMB officials and employees improve their capacities to perform their duties and serve the public.

### A. Finance and Administration Milestones

The Finance and Administrative Office (FAO) has always adhered to the principle of coordination, cooperation, persistence, persuasion and sharing among its three (3) operating services, namely: the Finance and Management Services (FMS); Central Administrative Services (CAS); and the Management Information System Service (MISS). Through hard work and determination, the goals of FAO to provide the OMB advice and assistance on financial, administrative and information technology matters are successfully achieved.

In 2008, FAO successfully implemented doable solutions to problems in fund generation, disbursements and control; provision of user-friendly techniques to simplify systems and procedures;

*Sa panahong ika'y gipit, Sa patalim 'wag kumapit  
Bagkus laging isaisip, Maging tapat bawat saglit  
— Sally R. Gimpayan  
Week 1 Second Frize Winner  
Dalit Poetry Writing Contest in celebration of the Buwan ng Wika*

and massive support to OMB's program to address human resource management, health and welfare, ecological security and food production concerns of its officials and employees.

**A.1 Provision of doable solution to problems on fund generation and disbursements and control.** Thru the efforts of the Planning and Budget Division, a total of Php208.873 million on top of the Php180.223 million, has been included in the OMB FY 2009 budget for capital expenditures to be used for payment of the amortization of the land acquired from the National Housing Authority (NHA) and the outlay for the construction of the OMB Annex Building. Moreover, funds have been provided for the acquisition of a lot in Davao City to serve as permanent site of the OMB-Mindanao. Very soon, construction of these buildings shall follow.

On the area of fiscal reform, FAO was guided by the principle of maximizing the use of available resources to generate savings which will, in turn, be used for payment of expenditures not supported by appropriations. The Accounting Division has made possible prompt payment of all disbursements and effectively monitored the liquidation of cash advances and satisfactorily complied with COA requirements.

**A.2. Provision of user-friendly techniques to simplify systems and procedures.** With only a handful of personnel and having been in operation for a few months, MISS has already come out with a new website design, layout and organization that is not only interesting, colorful and user friendly, but more importantly, up-to-date and highly-informative. MISS also coordinated with the Monitoring and Electronic Data Processing (MED) Division for the uploading of IDR Final Reports and updating some of the contents of the website. MISS likewise provided technical assistance in the evaluation of the Training Resource Information System. It also participated in project meetings on OMB's Information Technology Connectivity project, MISS Server Room Renovation, and MSACC programs.

With the renaming of the MED to Statistical and Monitoring Division and the provision of the required positions through "scrap

*maliit man ang tungkulin, trabaho may di napansin,  
magagaling nga sa amin, ako din ang hahanapin.*

— Norberto T. Endab

Week 4 First Frize Winner

*Dalit Poetry Writing Contest in celebration of the Buwan ng Wika*



and build” policy, generation and utilization of statistical data as a tool for decision-making, policy formulation, planning, evaluation and monitoring of programs and projects will be enhanced accordingly.

**A.3. Massive support to programs to address OMB employees’ health and welfare, ecological security and food production concerns.** Not to be outdone are the contributions of the Human Resource Management Division to streamline recruitment, selection and orientation of prospective employees as well as capacity building of incumbent employees through personnel training and development.

The painstaking efforts of the General Services Division to clean, tile and improve the physical structure of our cisterns have resulted in the provision of clean and potable water to our officials and employees.

OMB’s ecological security concerns have been addressed thru the completion and operation of the Sewage Treatment Plant (STP).

Also, OMB’s vegetable garden has been developed to produce a variety of vegetables such as patchay, squash, cabbage, eggplant, lettuce and many more. Very soon, fresh tilapia shall be harvested. These are programs geared towards providing a palliative to the food requirement of our employees, no matter how limited.

**Project Green Team** aimed to fully utilize the vacant lot behind the OMB building for organic gardening while the Office awaits the construction of a new building. The circular-shaped garden, divided into numerous plots, was tended by more than 100 volunteer OMB officials and employees divided into 22 green thumb groups. They participated in a friendly competition as to which group can harvest the most vegetables.

*photos from top to bottom: an aerial shot of the OMB garden; rows of patchay ready for harvest; measuring patchay; measuring mustasa; OMB employees watering the vegetable garden after office hours*



*Panawagan sa publiko, Suhol hindi bagay dito  
Serbisyon walang kapalit, Kayamanan ay sa langit  
— Emmanuel Rex Arvin N. Roseus  
Week 3 Third Frize Winner  
Dalit Poetry Writing Contest in celebration of the Buwan ng Wika*

For the first time, the 2009 General Appropriations Act (R.A. No. 9524) has now included in the General Provisions (Sec. 35), a provision calling all government agencies to plant rice and other crops whenever feasible on government lots in their possession to develop productivity and promote food security. To this we say that the OMB is one of the first, if not the very first, to comply with said provision of law.

## B. Broadening Alliances

### B.1. NACPA-MSACC.

The **National Anti-Corruption Program of Action** (NACPA) is an initiative for the convergence of anti-corruption efforts in the Philippines. It is spearheaded by the OMB under the leadership of Ombudsman Gutierrez. Major objectives of the NACPA include social marketing of anti-corruption efforts for greater public support

*Ombudsman Gutierrez delivers the Ulat-Bayan on the MSACC's initial assessment of the country's compliance with the UNCAC on 9 December 2008, International Anti-Corruption Day.*





photo taken last December 2008  
during the celebration of the  
International Anti-Corruption Day



and investor confidence and monitoring the compliance of the Philippines to the United Nations Convention Against Corruption (UNCAC). On the other hand, the **Multi-Sectoral Anti-Corruption Council** (MSACC) serves as the advisory and consultative body of the NACPA. It is composed of members from sixteen sectors, both public and private, who act as focal persons to synchronize the projects under NACPA.

**B.1.a. Celebration of the International Anti-Corruption Day.** On December 9, 2008, Ombudsman Gutierrez led the MSACC and more than 6,000 members of the media, youth, business, civil society and participating government agencies in an **Integrity March** to celebrate International Anti-Corruption Day. The highlight of the celebration was the “*Ulat-Bayan*” detailing the results of the MSACC’s initial assessment of the country’s compliance with the UNCAC.

**B.1.b. A five-part series of Focused Group Discussions (FGDs)** were held which were participated in by representatives from civil society, academe, professional groups, business sector, youth, media, religious sector and government agencies. These FGDs aim to make an initial assessment of the Philippines’ compliance with the thematic areas of the UNCAC: prevention, criminalization and law enforcement, asset recovery, international cooperation and technical assistance.

**B.1.c. Series of Anti-Corruption Roadshows.** In 2008, roadshows were held in the cities of Cebu and Urdaneta.

The roadshow in the Visayas was held last March 2008. About 10,000 people joined the anti-corruption march from the Cebu Provincial Capitol to the Cebu City Sports Complex. A simple program followed where Ombudsman Gutierrez called on the participants to lend their invaluable cooperation to NACPA

*We are here today because we recognize that there is a need for a convergence strategy among different stakeholders in society for collective and coordinated action to achieve national anti-corruption goals with clear and accountable performance targets.... Indeed our vision is to reduce corruption to such an extent that it cannot prevent, by any significant degree, the Filipino people from ... securing for themselves the blessings of independence and democracy, under the rule of law and the regime of truth, justice, freedom, love, equality and peace. - Ombudsman Ma. Merceditas N. Gutierrez in her March 2007 speech launching the NACPA/MSACC*

and to help win the battle against corruption. Highlights of this roadshow include “*Express Serbisyo Publiko*” (Express Public Service) where government agencies set up booths to render public assistance to Cebuanos. A multi-sectoral forum was also held.

In July 2008, 12,000 persons, 8,000 of whom were students, rallied against corruption in Urdaneta City. Addressing the youth who participated in the integrity walk, Ombudsman Gutierrez acknowledged their active participation as “an infectious gesture of hope amidst surrender and cynicism in the battle against corruption”. Other activities in the roadshow include a press briefing joined in by OMB officials, MSACC members and development partners. A multi-sectoral forum was also held which was attended by representatives from government, business and

*Thousands joined the NACPA/MSACC roadshow held in Pangasinan last July 2008*





*For developing nations in particular, corruption is the insidious menace that threatens economic growth and progress – principally by fostering lawlessness in the bureaucracy and discouraging new investments. For the world as a whole, corruption is the disease that undercuts the moral fiber of peoples, undermining mutual trust among them, and their own capacity to help one another and even themselves.*  
*— excerpt from the speech of Ombudsman Ma. Merceditas N. Gutierrez during the 4th Annual Meeting of Southeast Asian Parties Against Corruption last August 2008*



*Delegates seriously at work during the 4th Annual Meeting of SEAPAC last August 2008*

civil society. The forum was highlighted by the signing of a Memorandum of Agreement between the OMB and the Olongapo Business Club as a Corruption Prevention Unit.

**B.1.d. Rolled out trainings in five key cities.** Trainings on Anti-Fixing, Anti-Red Tape and Whistleblowing were conducted in Quezon City and in the cities of San Fernando (La Union), Legaspi, Cagayan de Oro and Iloilo. Around 230 participants took part in these trainings.

## **B.2. Partnerships and Alliances with other organizations**

The OMB also forged alliances with several other organizations nationwide. Thus, Memoranda of Agreement have been signed together with the Regional Federation of Senior Citizens of the Philippines, the Association of Former Regional Executives of National Agencies, the Couples for Christ, and the Council for the Restoration of Filipino Values.

## **B.3. OMB hosts 4<sup>th</sup> Annual Meeting of Southeast Asian Parties Against Corruption (SEAPAC)**

Ombudsman Gutierrez led the OMB in welcoming the delegates to the 4<sup>th</sup> annual meeting of parties to the Memorandum of Understanding (MOU) on Preventing and Combating Corruption last August 26-28, 2008 at the Philippine International Convention Center (PICC).

With the OMB as host, participants to the meeting included heads of the Anti-Corruption Agency of Malaysia, the Anti-Corruption Bureau of Brunei Darussalam, Anti-Corruption Unit of Cambodia, Corruption Eradication Commission of Indonesia, Corrupt Practices Investigation Bureau of Singapore, Government Inspectorate of Vietnam, and the National Anti-Corruption Office of Thailand.

In her opening remarks, Ombudsman Gutierrez stressed how much corruption victimizes the region, and that the SEA-



*Heads of Delegations stand in solidarity. From L-R are: Sambath Sar of Cambodia, Soh Kee Hean of Singapore, Mai Quoc Binh of Vietnam, Ombudsman Ma. Merceditas Gutierrez of the Philippines, Ahmad Said Hamdam of Malaysia, Lesley Diane Junlakan of Thailand, Mochammad Jasin of Indonesia and Ang Swee Kiang (representing Pengiran Kasmirhan Pengiran Haji Tahir) of Brunei Darussalam.*

PAC MOU is an excellent medium to address the problem of corruption.

Signed in Jakarta, Indonesia on December 14, 2004, the first MOU was among representatives from Brunei, Indonesia, Malaysia and Singapore. Since then, member parties had hosted the annual MOU meetings by rotation: in Kuala Lumpur, Malaysia July 2005; in Brunei, July 2006; and in Singapore, September 2007.

In forming the group, the member agencies recognized that collaboration efforts among members have to be strengthened for the effective prevention of corruption, being transformational in nature. One of its primary objectives is to synergize efforts among member parties as they build and enhance institutional capacity and forge mutual cooperation in preventing and combating corruption.

*This convocation was designed to inform you of the evils of corruption and suggest ways on how you, as students and mentors, can help us, the Office of the Ombudsman..., do our job better. We are asking your support; for you to become partners with us in the fight against corruption.*  
— Speech of Ombudsman Ma. Merceditas N. Gutierrez  
during the Convocation with college students  
in the College of the Holy Spirit (August 14, 2007)

Areas of cooperation have been identified to include exchange of information on *modus operandi* or methods of perpetrating criminal acts of corruption and corrupt practices; conduct of joint training and anti-corruption courses, exchange of expertise and human resource personnel; host and participate in forums, workshops, seminars, conventions and conferences; provide technical assistance in operational activities; and share information on relevant intelligence data, statistics and corruption crime records.

Each member party presented a paper on best practices and benchmark strategies in their respective jurisdictions. The exercise provided fresh ideas and encouragement to strengthen their anti-corruption strategies and programs. Ombudsman Gutierrez and other key officials in the Philippine government including Sandiganbayan Presiding Justice Diosdado Peralta served as resource speakers in the forum on asset recovery.

In her closing remarks, Ombudsman Gutierrez stressed that there is strength in a united stand against corruption in the region. The next annual meeting will be hosted by Vietnam in September 2009.

#### **B.4. International trainings and conferences attended.**

The OMB also sent delegates to important international conferences and symposia in order to showcase the country's anti-corruption initiatives as well as to learn other countries' best practices in combating corruption. Following are just some of the international fora participated in by Ombudsman Gutierrez and/or other OMB officials:

- ☒ 2<sup>nd</sup> Conference of State Parties to the UN Convention Against Corruption in Bali, Indonesia
- ☒ Regional Training on the UNCAC in Bangkok, Thailand
- ☒ 2<sup>nd</sup> Meeting of the Experts of Expanded Pilot Review Group on the Implementation of the UNCAC in Austria
- ☒ Director's meeting of the Asian Ombudsman Association in Iran



*Everyone in the [OMB] will have an opportunity to enhance their knowledge and skills towards career and professional growth and achievement. These trainings will also be a better chance to learn together and from one another, and to foster camaraderie. But in turn, I expect everyone to apply what they will learn from their respective trainings in their day-to-day work with the end in view of serving the public better. Let not this massive investment in human resources be put to waste. Equipped with enhanced knowledge and skills, we should be more proactive in pursuing all our anti-corruption initiatives and performing our tasks with professionalism and excellence.*

— Speech of Ombudsman Ma. Mercedes N. Gutierrez during the OMB's first flag ceremony for 2008.

- ☑ 2<sup>nd</sup> International Association of Anti-Corruption Authorities Conference in China
- ☑ Workshop on the Formulation of Code Ethics in Malaysia
- ☑ Asset Recovery Workshop in Malaysia
- ☑ Anti-Corruption Investigation at ISS World Asia Pacific in Singapore
- ☑ Intelligence-based investigation seminar in Brunei Darussalam
- ☑ Multi-Sectoral and Skills Building Seminar Workshop on Human Rights Issues: extralegal killings and enforced disappearances
- ☑ International Conference on the International Criminal Court

### C. Foreign-Funded Projects.

The OMB continued to receive technical assistance and funding support from two international development partners, i.e., the Millennium Challenge Corporation and the Australian Government.

**C.1. MCA-PTP-TAP.** The Millennium Challenge Account Philippine Threshold Program Technical Assistance Project (MCA-PTP-TAP) proved to be a vital component in advancing the fight against graft and corruption in the Philippines. It is the much-needed boost for the country in general, and the Office of the Ombudsman (OMB) in particular, to reduce corruption in government and improve revenue compliance and enforcement.

On the one hand, the **strategic focus** of the program helped institutionalize reforms and other measures in critical revenue-generating government agencies. The initiatives undertaken by these offices will eventually translate into more resources for the delivery of better public services. On the other hand, the program also identified **key indicators** which set *objective, measurable, and achievable bars* that track the effectiveness of the initiatives implemented thus far. The gains achieved by the country through the MCA-PTP-TAP will definitely transcend the two-year life of the program.



photos above: different shots taken during training on contract fraud and malversation.

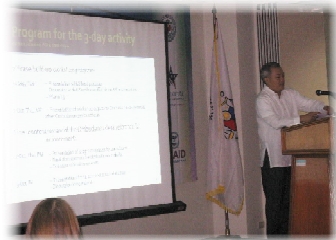
photos below: different shots taken during the trial advocacy training for OMB prosecutors





*When field investigators fail to secure the evidence needed, we lose our case. When preliminary investigators fail to diligently review and sieve cases for prosecution, we lose our case. When prosecutors are not thorough and perceptive during trial, we lose our cases. Each of us has the responsibility to contribute to winning cases.... Each of us has a role to play, and if we do not do our part, the other offices will suffer.*

— Speech of Ombudsman Ma. Merceditas N. Gutierrez during the Ombudsman Case Build-up Workshop and Prosecution Rally (February 2007)



far above: Asst. Ombudsman Mark Jalandoni giving a presentation during the 2nd Case Build-up Workshop last October 2008

bottom photo: OMB employees undergoing a training on Microsoft outlook

**Background.** In strengthening the OMB, the project aimed to expand the OMB's training programs; improve its information management capacities; strengthen its investigation and surveillance capabilities; help train teachers in the use of anti-corruption modules in the public school curriculum; and establish a mediation system to unclog the investigation-prosecution process, all of which were designed to make corruption a high-risk, low-reward activity. All of these objectives were achieved, and so much more.

☑ OMB prosecutors and investigators have benefited from the invaluable trainings programs such as basic legal and tax accounting, forensic accounting, legal writing and research, lifestyle checks, mediation, contract fraud and malversation, surveillance operations, and trial advocacy. Armed with the knowledge and skills they learned from these capability building activities, they are now in a better position to investigate corruption complaints and prosecute cases in court.

☑ Several OMB senior officials and prosecutors also benefitted from an observation and study tour in the United States of America

☑ Through the MCA-PTP-TAP, mediation was also institutionalized in the OMB. This is a big help in de-clogging the dockets of the Office. *(See separate write-up on mediation under the chapter on enforcement.)*

☑ MCA-PTP-TAP also helped the OMB improve its information management capacities through the systematic identification of the varied challenges faced by the office in standardizing current records management systems and in achieving inter-connectivity among its offices nationwide. The hardware, software and technical expertise provided by MCA-PTP-TAP will also go a long way in making the work in the office easier, faster and more accurate.

☑ MCA-PTP-TAP also funded the establishment of an OMB Resource and Training Room (ORTR) equipped with ample office equipment and furniture to fully support the training and research activities of the office. The ORTR houses knowledge

*The focus of our study will be the corruption vulnerabilities of the airport's cargo-handling systems.... Our joint study will lead us to an understanding of how corruption vulnerabilities in the system impact on the mandates of the MIAA and the BOC. This in turn will lead us to defining, then installing, and then operationalizing the kinds of corrective measures needed to infuse and strengthen integrity infrastructures in the air cargo handling system.*

— Speech of Ombudsman Ma. Merceditas N. Gutierrez  
during the launching of the study on Integrity Infrastructures in Air Cargo (August 2007)

resources on anti-corruption enforcement, corruption prevention and anti-corruption education for use of OMB staff and eventually other anti-corruption champions.

☑ MCA-PTP-TAP likewise funded creation of hearing rooms, a mock trial room and function rooms, as well as the renovation of the Public Assistance Bureau and the Clearance Section so that the OMB may be able to render meaningful and responsive public assistance.

**Threshold Program Results.** The various projects and activities under the MCA-PTP-TAP definitely helped the OMB achieve the two specific goals which the Program has set for the office. Thus, as of September 2008, the OMB has reached the target 40% conviction rate in the Sandiganbayan. The OMB has also exceeded the target of 450 successfully mediated cases by finishing 555.

MCA-PTP-TAP was officially terminated in May 2009. A simple turn-over ceremony was held not just to mark that event but also to showcase the various outputs of projects.

**Compact Eligible.** As of March 2008, the Philippines also became eligible for compact grants under the MCC. The Philippines has identified programs to comprise its project proposal to be submitted to the MCC. Compact Grants means millions of dollars to be used on poverty alleviation programs nationwide.

**Turn-Over Ceremonies last June 2009.** In photo (from L-R) are Ms. Phyllis Cox, MCA-PTP-TAP Chief of Party, Ombudsman Gutierrez, Christian Hougen, Chief, OEDG-USAID, and Carlos Gavino, MCA-PTP-TAP Program Manager



*Our work here is not all about cases. It is likewise changing or employees, our organization and our society for the better. Along this line, I call on all of you to adopt all approaches that would transform our employee complement into better person, individually, collectively, professionally and ethically. It involves motivating subordinates to work for higher goals that transcend personal interests. Exercise transformational leadership.*

-- Speech of Ombudsman Ma. Merceditas N. Gutierrez during the Capacity Building Activity for OMB Middle Manager sponsored by the PAHRDF (July 25, 2007)



*photos taken during capacity building activities sponsored by PAHRDF*

**C.2. PAHRDF.** The **Philippines Australia Human Resources Development Fund (PAHRDF)** is a 5-year bilateral program that began in 2004. It is based on the Philippines' Development Agenda, AusAID's country strategy and the emerging human resources priorities in the Philippines.

**Background.** Specifically, PAHRDF aims to build the administrative and service delivery capacities of Philippine partner institutions, including the OMB, through strategic human resource development (HRD) which emphasizes a workplace approach that prioritizes a comprehensive HRD strategy, rather than simply training.

PAHRDF provided the necessary funding and overall project management and coordination for priority HRD activities, while the OMB, as one of the partner institutions, agreed to support the implementation of a specified PAHRDF activity as contained in the Re-entry Action Plans (REAPs). The REAPs were developed to ensure institutionalization and sustainability of the project gains.

PAHRDF has assisted the OMB in re-engineering its Human Resources Management and Development (HRMD). It provided short and long term assistance in achieving priority Workplace Development Objectives (WDO), which focuses on quality service delivery and well organized administrative governance of HRMD. Already in its 4<sup>th</sup> year of operations, PAHRDF has reported success in increasing individual functional competencies as evidenced by reports from the REAPs.

**Training Programs.** From 2005 until 2008, the OMB has availed of one long term and five short term trainings from PAHRDF. These include the following:

☑ **HRMD Strategic Planning** which resulted in the formulation of the **OMB HRMD Strategic Plan for 2006-2009** containing specific measures to strengthen recruitment and selection, conduct of training and systems development of the rewards and recognition, employee benefits and employee welfare and relation.

*As middle managers, you play a very vital role in inspiring your subordinates to be paragons of honesty and efficiency. But to be credible and worthy of emulation, you need first to be honest and efficient yourselves. This is the power of example which I always stress. As middle managers, you ought to strengthen the core values and belief of our organization, in order to keep our customers, the public – always satisfied. -- Speech of Ombudsman Ma. Merceditas N. Gutierrez during the Capacity Building Activity for OMB Middle Manager sponsored by the PAHRDF (July 25, 2007)*

☑ **Strengthening recruitment and selection training**

which resulted in the creation of the OMB Recruitment and Selection Manual which contains strategic policies and procedures to enhance recruitment and selection processes.

☑ **Executive Development Program in Effective Public Sector Management** is a long-term training in Australia wherein one OMB lawyer was trained in the evaluation of office and individual performance reports.

☑ **Capacity Building in Effective Client Service Delivery** trained OMB frontline personnel. One of the key outputs of this training is the **Manual of Procedures in Key Frontline Services** which provides the procedures with timelines and fees for OMB frontline services such as requests for assistance, application for OMB clearance etc.

☑ **Capacity Building in Effective Leadership and Service Delivery**, participated in by senior OMB officials, resulted in the creation of an online Module discussing personnel mastery, unleashing team potential, effective performance execution, excellence in public service and leading change.

☑ **Strengthening Training and Development** enabled nine OMB personnel to design, manage, facilitate and implement training and management systems that embrace governance in relation to training policies, procedures and structure; training and development planning; training operations; monitoring and evaluation and other support systems. Key outputs of this trainings are the following: Three-year training plan, Course Process designs, Resource Guide Book, Facilitator's Guide, M&E Instruments, M&E Evaluation Reports, and REAPs.