

the 2009 annual report of the Office of the Ombudsman

Diliman, Quezon City Philippines

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List of Acronyms



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

Integrity Development Review **IDR JGUs** Junior Graftwatch Units **LGUs** Local Government Units Land Registration Authority LRA **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

Gaining Ground

A summary of the 2009 Achievements of the Office of the Ombudsman



2009 proved to be a challenging yet fruitful year for the Office of the Ombudsman (OMB). In fact, 2009 saw an improvement in the perception of corruption in the country thereby giving proof that the OMB's fight against corruption in the country is, indeed, gaining ground.

In April 2009, the Philippines gained a positive two point increase in the **2009 Political Economic Risk Consultancy**. The results are based on more than 1,700 responses from fourteen Asian economies.

According to PERC, "the actual level of corruption is not as bad as it is often portrayed" and that "talk of corruption in the Philippines has to be discounted since many of the accusations either are grossly exaggerated or completely false."

This was followed in November 2009 by the good news of the improved ranking of the Philippines in Transparency International's 2009 Corruption Perception Index.

"[T]he actual level of corruption is not as bad as it is often portrayed" and that "talk of corruption in the Philippines has to be discounted since many of the accusations either are grossly exaggerated or completely false."

-- 2009 Report of the Political Economic Risk Consultancy 2009 saw the OMB vigorously and relentlessly implementing various programs, projects and activities pursuant to its three-pronged approach: enforcement of anti-graft and corruption laws; corruption prevention and public assistance; and anti-corruption education and promotion.

Enforcement

Several measures were adopted and programs implemented to intensify core functions of the OMB particularly in enforcing Philippine laws.

From January to December 2009, the OMB received 12,736 complaints, which translates to an average of forty-eight complaints received per working day. More than half of these complaints are now undergoing fact-finding investigation. *The number also includes around* 3,700 criminal and 3,500 administrative cases docketed by OMB offices nationwide. These cases are now undergoing preliminary investigation and/or administrative adjudication.

In 2009, the OMB completed at least 2,000 fact-finding investigations, including one very high-profile case, namely the controversy regarding the World Bank funded NRIMP Project. In this case, the Field Investigation Office (FIO) of the OMB formally charged for preliminary investigation seventeen (17) officials of the Department of Public Works and Highways (DPWH) involved in the anomalous bidding for road projects funded by the World Bank. In a 42-page complaint, the FIO filed administrative and criminal charges against the respondents for violations of R.A. No. 3019 and R.A. No. 6713; grave misconduct, dishonesty, conduct prejudicial to the interest of the service and neglect of duty.

Different OMB Task Forces also intensified their efforts to gather evidence against erring public officials and employees. Thus, members of Task Force O-Plan Red Plate, Task Force Anti-Fixer, Marshall, TARGET and the Environmental Ombudsman have intensified their efforts to build cases against erring government officials and employees. Lifestyle check (LSC) investigations were also aggressively pursued throughout 2009. One LSC focuses on the Ampatuans of Maguindanao.

Almost 8,000 criminal and administrative cases have also been acted upon by the OMB in 2009. This number excludes around 1,500 cases in which the OMB issued interlocutory orders as well as orders resolving motions for reconsideration. Almost 1,500 criminal cases found probable cause and recommended the filing of criminal charges against respondents before the Sandiganbayan and other regular courts nationwide. On the other hand, almost 700 cases found substantial evidence to hold respondents administratively liable and recommended the imposition of disciplinary sanctions.

The OMB also placed under preventive suspension at least eighty government officials and employees. A preventive suspension is a remedial measure to preempt respondents from using the positions or office they hold to influence witnesses and/or destroy evidence.

Some of those preventively suspended include seven Procurement Service and army officials (which include an assistant secretary, a director, chief accountant and a brigadier general) for alleged anomalous purchase of army combat shoes. Three Davao City officials (including the city administrator and city engineer) were also preventively suspended for the alleged demolition of a national government-funded canal-cover project. Also placed under preventive suspension were a principal and

a high school teacher in Pangasinan after a sixteenyear old student accused his teacher of sexually abusing him and the principal for covering it up. These cases are now undergoing preliminary investigation and administrative adjudication.

As a quick punitive approach, the OMB also continued imposing disciplinary actions against erring government officials and employees. In 2009, hundreds were found administratively liable for various offenses and meted penalties ranging from reprimand to dismissal from the service with the accessory penalty of forfeiture of benefits and perpetual disqualification to hold public office.

Some of those dismissed by the OMB from the service were a finance undersecretary, assistant secretary, provincial administrator, mayors, BIR regional director, postmaster general, police superintendents, university president and principals of public high schools.

Upon finding of probable cause, the OMB filed criminal cases against public officials and employees before the appropriate court. In 2009, the OMB filed a total of 189 Informations before the Sandiganbayan. Among those charged were a former congressman, city and municipal mayors, assistant secretaries and state university presidents.

In 2009, the OMB posted a 33.6% conviction rate, which is higher than the average annual conviction rate from 2001 to 2007.

Among those prosecuted by the OMB and convicted by the Sandiganbayan in 2009 were mayors, municipality treasurers, registers of deeds, state university president, and a provincial prosecutor. Perhaps, the most highprofile conviction of 2009 was the perjury case against Major General Carlos Garcia. For failing to include in his CY2000 Statement Assets, Liabilities and Net Worth (SALN) several vehicles and his investment valued at seven million pesos, Garcia was sentenced with imprisonment from one year and eight months to two years and four months.

Hundreds of criminal informations were also filed before regular courts nationwide, including direct bribery charges against four former CSC employees who conspired to manipulate results of the CSC examination in exchange for a fee.

Corruption Prevention and Public Assistance

The OMB considers it equally important to focus on changing systems in government to prevent opportunities for corruption. For years now, the OMB has been continuously implementing the *Integrity Development Review* (IDR). The IDR is used to assess the robustness of corruption resistance mechanisms and for identifying the vulnerabilities to corruption of government agencies. To date, a total of eighteen government agencies have undertaken the IDR. In late 2009, plans are being drawn up to bring the IDR to local government units beginning 2010 with funding support from the USAID.

In August, the OMB also spearheaded the Second National Convention of the Association of Resident Ombudsman in Government Agencies (AROGA). Highlights of the 2-day event included the presentation of the proposed amendments to Administrative Order

No. 10 also known as the "Guidelines on the Installation, Duties, and Responsibilities of Resident Ombudsmen", the approval of the AROGA constitution and by-laws, as well as the election of the new set of AROGA national officers.

Perhaps, two of the most significant initiatives of the OMB in 2009 are its proactive initiatives to ensure a clean and honest election come 2010, and the finalization of the OMB Citizen's Charter.

In May, the OMB created a Task Force to monitor the procurement of ballot counting machines and other election technologies to be used in the fully automated 2010 elections. Duties of the task force include observing the procurement proceedings from bid submission to awarding of the contract to monitoring of contract implementation.

In line with the drive for clean and honest elections, the OMB also sponsored the first-ever consultative meeting on the Multi-Sectoral Initiative on Electoral Reforms. Held at the OMB Function Room, it was participated in by more than sixty representatives from the OMB and other government agencies and other sectors.

During the latter part of the year, the *OMB Citizen's Charter* was also launched. The Citizen's Charter showcases key frontline procedures of the OMB intended to provide meaningful, responsive, and relevant service by OMB personnel. It provides simple and user friendly step-by-step guides on how to avail of our services by enabling the public to walk through the procedures and standards set by the Office. These guides are printed in tarpaulins and prominently displayed within the OMB Central Office.

To further bring the Office closer to the people, the Office continued implementing the *OMB Social Service Caravan*. In 2009, the OMB together with representatives from other government agencies visited thirteen cities and municipalities, rendering free medical, dental, legal and other social services benefitting more than 28,000 Filipinos.

When the country was hit by super typhoon Ondoy late September, Ombudsman Gutierrez immediately ordered the release of calamity assistance for OMB personnel. Furthermore, she organized the "Ombudsman Relief Operations". She directed the Public Assistance Bureau of the OMB to undertake a campaign to collect clothes, food and cash donations for distribution to calamity victims.

The Office was able to raise at least 160,000 pesos from the contribution of its employees. Said fund was used to augment the clothes, food and other donations received by the OMB for distribution to flood-stricken local government units. More than 5,300 typhoon Ondoy victims in barangays in Laguna and Pangasinan submerged in knee-deep waters received relief goods from OMB and took part in a feeding program.

Anti-Corruption Education and Promotion

Equally vital in the fight against graft and corruption, the OMB tirelessly conducted numerous trainings, seminars and other capability-building activities nationwide to further educate the people regarding the Office and its anti-graft and corruption initiatives.

The office continued conducting Public Accountability Seminars, and the Ehem! Aha! Seminars, etc. These capability-building activities focus on explaining the roles and functions of the OMB, OMB projects and initiatives, educating participants on Philippine anti-corruption laws and inculcating the maxim that public office is a public trust.

But in 2009, the OMB introduced new educational programs. In the first two months of 2009, the OMB conducted two batches of an eight-day Executive Course on Strategic Planning and Management of an Effective Corruption Prevention Program. Participants were from the OMB, BOC and BIR. At the end of the course, participants were expected to be able to explain the concepts and effective approaches in corruption prevention, identify and apply corruption prevention tools and techniques, identify leading practices in corruption prevention and formulate a viable and effective corruption prevention strategy.

A Research symposium was also held by the OMB, in coordination with the Asian Development Bank, Griffith University and the University of the Philippines, in order to generate ideas for the initial research agenda of the Center for Asian Integrity (CAI), Asia-Pacific's first regional anti-corruption university. The CAI was launched in August 2008 through a Memorandum of Understanding signed among the OMB, Griffith University-IEGL and the UP-NCPAG.

The OMB also endeavored to further educate the general public about the Office and its numerous programs through the print and broadcastmedia. Thus, Ombudsman Gutierrez continued co-hosting the radio program "Magsumbong sa Ombudsman" and writing an

opinion column called "The Essential Thing" in the Business Mirror. In December 2009, she also started a television program called "Ombudsman: Kakampi mo Laban sa Katiwalian" on Channel 4.

Broadening Alliances

However, it is worthy to note that the OMB was never alone in the fight against corruption. It was joined by different organizations in its quest for a graft-intolerant society. The OMB continued to welcome new organizations as Corruption Prevention Units. Numerous high schools nationwide were also accredited to become Junior Graftwatch Units.

The OMB also helped push for the reactivation of the partnership among the OMB, COA and CSC. Their union was formerly referred to as the *Solana Covenant* but now they refer to their renewed partnership as the Constitutional Integrity Group.

Some of the new partners of the OMB in 2009 include 1-United Transport Koalisyon (1-UTAK), a national party of transport operators, drivers, workers and public commuters; and the Federation of Philippine Industries, a non-government organization and a leading business community.

The Multi-Sectoral Anti-Corruption Council (MSACC), spearheaded by the OMB and composed of representatives from different branches of government, academe, business, youth inter-faith groups, non-government organizations and civil society organizations, also increased its folds by including the *Concerned Citizens of Abra for Good Governance* (CCAGG) and the *Philippine Association of Professional Regulatory*

Boards, an organization that brings together under one umbrella regulatory boards in the country. The MSACC is the convergence of the brightest and dedicated individuals from various sectors of society.

In May 2009, about 300 people from the Executive, Legislative and Judiciary, Chiefs of Institutional Development Organizations, United Nations Officials, and Civil Society organizations participated in the United Nations Convention Against Corruption (UNCAC) Summit. In this event, the Philippine Self-Assessment Report on the country's compliance with the UNCAC conducted by the MSACC was formally presented. Government leaders, civil society groups and other sectors joined hands and expressed their commitment to fight corruption in the country.

There were also endeavors to come together with other countries not just to showcase Philippine anticorruption best practices but also to learn other countries' strategies to combat graft and corruption. Thus, the OMB sent representatives to various international summits, conferences, trainings and other capability-building activities such as the ADB-OECD Anti-Corruption Meeting in Macao China and the 5th Annual Meeting of the South East Asia Parties Against Corruption in Vietnam.

All in all, 2009 proved to be a very busy and fruitful year for the OMB. And the Office will continue to exert its best efforts to continue serving the Filipino people and lead the fight for a corruption-intolerant society in 2010.

Legal Framework



Mandate and Functions

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 Ombudsman and his deputies as protectors of the people shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people

(Section 13, R.A. No. 6770; see also Section 12 Article XI of the 1987 Philippine Constitution). 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.

- 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).

Mission

As protectors of the people, we shall endeavor, in cooperation with all sectors of the Filipino society, to promote integrity and efficiency and 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 public officials and employees.

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.

- **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 greatly 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, 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.

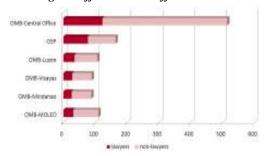
Jurisdiction. The OMB has jurisdiction over: (1) officials and employees of the government or any of its subdivision, agency or instrumentality, including members of cabinet, local government officials, officials of government owned- and controlled corporations; and (2) private individuals who have acted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

CONSTITUTIONAL GUARANTEES

To 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.

Distribution of lawyer and non-lawyer staff among the different OMB Offices nationwide



ORGANIZATIONAL SET-UP

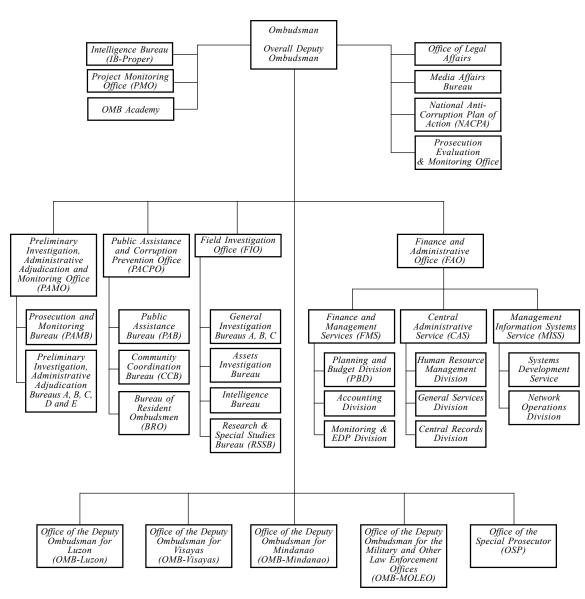
The OMB is headed by the Ombudsman, otherwise known as the *Tanodbayan*. She is ably supported by the officials and employees of the Office of the Overall Deputy Ombudsman (ODO), the Offices of the Deputy Ombudsmen (DO) for Luzon, Visayas and Mindanao, Office of the Deputy Ombudsman for the Military 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, 2009, *the OMB has a total of* 1,073 personnel nationwide: 320 (30%) of which are lawyers and the remaining 753 (70%) are composed of investigators, other technical staff (legal researchers, accountants, I.T. personnel, etc.) and administrative support staff. Almost half (48%) are stationed at the Central Office.

Following are the organizational set-up for each of the area sectoral offices, each of which has an office performing OMB core functions (i.e., fact-finding investigation, mediation, preliminary investigation and administrative adjudication, corruption prevention and public assistance, etc.), although they may have different names.

Organizational Chart of the Office of the Ombudsman



Note: For the organizational chart of the area-sectoral offices, please see the next pages.

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 appelate courts.

Preliminary Investigation, Administrative Adjudication and Review Bureau (PARB) assists the ODO in resolving cases over which the latter has authority to resolve, 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.

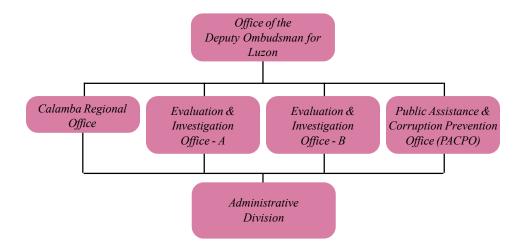
Field Investigation Office (FIO). Considering that the OMB receives complaints in any form (e.g., made in person by the complainant or written and sent by mail, fax, text message, email, etc.), even those made anonymously, the FIO conducts the necesary fact-finding investigation to verify allegations in these complaints and if needed, gather pertinent pieces of evidence. It is composed of three General Investigation Bureaus, the Assets Investigation Bureau and the Intelligence Bureau.

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 of criminal cases and administrative adjudication 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.

Public Assistance and Corruption Prevention Office (PACPO). Three bureaus 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.

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 Systems Service (MISS). CAS is made up of the Human Resources Management Division, General Services Division and the Central Records Division; while the FMS is made up of the Planning and Budgeting Division, Accounting Division and the Monitoring and EDP Division. The MISS oversees the information systems within OMB.

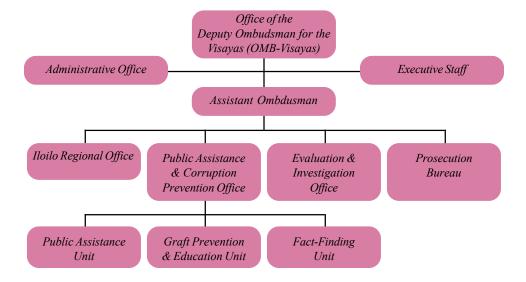


OMB-Luzon

The Office of the Deputy Ombudsman for Luzon is located at the 3rd 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 Offices* conduct the preliminary investigation and administrative adjudication of cases within the jurisdiction of the DO-Luzon, while the *Public Assistance and Corruption Prevention Office* has separate units for fact-finding and public assistance.

As of December 2009, OMB-Luzon has 35 lawyers and 72 technical and administrative support staff.

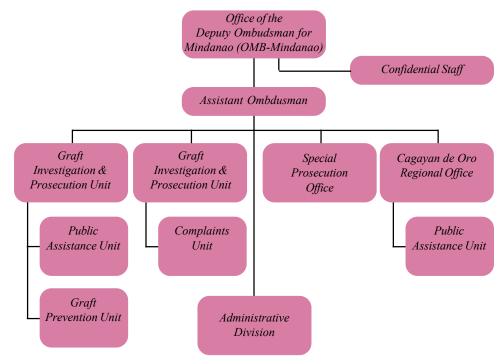


OMB-Visayas

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 asistance, 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 2009, OMB-Viasayas has 28 lawyers and 61 technical and administrative support staff.

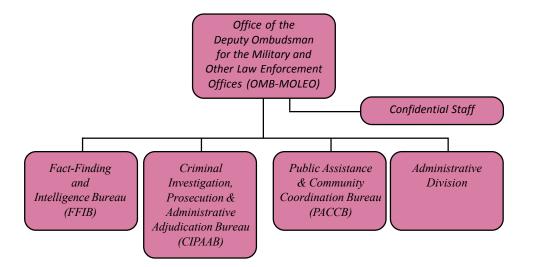


OMB-Mindanao

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 Commercial 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 2009, OMB-Mindanao has 26 lawyers and 62 technical and administrative support staff.



OMB-MOLEO

The Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (MOLEO) is located at the 3rd Floor of the OMB 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 preliminary investigation and administrative adjudication 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 2009, OMB-MOLEO has 31 lawyers and 79 technical and administrative support staff.

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, Agham Road, Diliman, Quezon City and at the 5th Floor, Centennial Building, Sandiganbayan, Commonwealth Avenue, Quezon City.

As of December 2009, the OSP has 77 lawyers and 87 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

Key OMB Officials

(as of July 2010)

Ma. Merceditas Navarro-Gutierrez

Ombudsman

Orlando C. Casimiro

Overall Deputy Ombudsman

Wendell E. Barreras - Sulit

Special Prosecutor

Emilio A. Gonzalez III

Deputy Ombudsman for the Military and Other Law Enforcement Offices

Mark E. Jalandoni

Deputy Ombudsman for Luzon

Pelagio S. Apostol

Deputy Ombudsman for Visayas

Humphrey T. Monteroso

Deputy Ombudsman for Mindanao

Dina Joy C. Teñala

Assistant Ombudsman

Jose Tereso U. de Jesus, Jr.

Assistant Ombudsman

Evelyn A. Baliton

Assistant Ombudsman, PACPO

Lydia O. Resurreccion

Assistant Ombudsman, FAO

Mary Susan S. Guillermo

Acting Assistant Ombudsman, PAMO

Virginia P. Santiago

Assistant Ombudsman, OMB-Visayas

Rodolfo M. Elman

Assistant Ombudsman, OMB-Mindanao

Robert E. Kallos

Deputy Special Prosecutor

Jesus A. Micael

Acting Deputy Special Prosecutor

Cornelio L. Somido

Acting Deputy Special Prosecutor

John I.C. Turalba

Acting Deputy Special Prosecutor

Enforcement of Philippine Laws



he Office of the Ombudsman is the lead constitutional body endowed with ample powers to fight graft and corruption. In fulfilling its legal mandate, it adopted a three-pronged approach: the enforcement of antigraft and corruption laws, corruption prevention and public assistance, and anti-corruption education and promotion. Of these three, the OMB is known for and most often associated with the first approach. Thus, it vigorously pursued various programs, projects and activities in 2009 to make corruption a high-risk low-reward activity.

Highlighted in this part of the report are the achievements of the OMB in terms of:

- ☑ fact-finding investigation,
- preliminary investigation and administrative adjudication,
- prosecution, and
- ☑ mediation.

Number of Complaints received by the OMB, 2006-2008

No. of complaints received per calendar year	2009	2008	2007	2006
Complaints received annually	12,736	13,225	10,824	13,602
Monthly average (annual no. of complaints divided by 12 months)	1,061	1,102	902	1,134
Daily average (monthly ave. no. of complaints divided by 22 working days)	48	50	41	52

Complaints received by OMB

A total of 12,736 complaints have been received by the OMB in 2009. Although this number is slightly lower than the number of complaints received the previous year, it is still higher than the average annual number of complaints received from 2005 to 2008, which is 12,427. (Please refer to table above for the number of complaints received by the OMB from CY 2005-2009.)

In accordance with OMB rules, each of these complaints have been evaluated by designated OMB officials called "Officers of the Day". These officials initially evaluate the complaint and the evidence adduced, if any, and refer the complaint to the appropriate office for action.

After evaluation, the complaint may be referred for further fact-finding investigation or mediation proceedings. Some complaints may also be considered as mere requests for assistance, while others may be dismissed outright for various reasons (e.g., lack of jurisdiction of the OMB, etc.). However, if the complaint is deemed sufficient in form and substance and made under oath, the complaint may be immediately referred for preliminary investigation and/or administrative adjudication.

Fact-Finding Investigation

Most people often mistake the word "investigation" to mean only preliminary investigation. But in the OMB, there are two distinct kinds of investigation being done: fact-finding investigation and preliminary investigation.

Fact-finding investigation is akin to what the National Bureau of Investigation does. Since the OMB accepts complaints in any form, including those which were sent anonymously that are full of allegations but without any attached pieces of evidence, the OMB may subject these complaints to what is known as *fact-finding investigation*.

In this stage of the proceedings, OMB investigators do not specifically contact the subject of investigation yet. Instead, investigators gather pieces of evidence which may support the allegations to be able to build a case against the subject of the investigation.

Fact-finding entails:

- gathering pertinent documents which may be used as evidence, e.g., copies of bidding documents, titles to different properties, income tax returns, Statement of Assets, Liabilities, and Networth etc.;
- ☑ conducting ocular inspections and/or surveillance operations; and
- ☑ interviewing persons who may have personal knowledge of the circumstances in the allegation or such other resource persons, etc.

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 several factors* such as complexity of the transaction, intricacy of the circumstances of the complaint, the number of persons subject of the investigation, as well as the cooperation extended by other government agencies when they are asked for documents and additional evidence needed to support a formal complaint.

Some of the hindrances encountered by OMB investigators include locating witnesses or resource persons, gathering documents from responsible officers, collecting information as to properties of the respondents, the need to conduct surveillance operations, and budgetary constraints.

In 2009, the OMB was able to finish around 2,300 fact-finding investigation nationwide. This includes the controversial DPWH-NRIMP-I Project funded by the World Bank. Also, at least 4,000 complaints have been received and subsequently referred for fact-finding investigation nationwide.

Following are highlights of fact-finding activities of the OMB. These include the following:

- ☑ lifestyle check investigations
- ☑ Oplan Red Plate
- ☑ Task Force Marshall
- ☑ TARGET
- ☑ Environmental Ombudsman



All public officials and employees and their families shall lead modest lives appropriate to their position and income. - Section 4, R.A. No. 6713 (or the "Code of Conduct

and Ethical Standards for Public Officials and Employees")

To ensure fidelity to this particular provision of law among other things, the OMB has been actively conducting Lifestyle Check Investigations since 2003. Said investigation aims to determine the existence of ill-gotten and unexplained wealth of officials and employees of the government.

OMB investigators nationwide have undergone numerous capability building activities to enhance their knowledge and skills on lifestyle check investigations. Almost all investigators and prosecutors have had trainings on pertinent Philippine laws and contract fraud to apprise them of the latest laws, jurisprudence and techniques relevant to the investigation of ill-gotten or unexplained wealth. Selected investigators and prosecutors have also benefitted from the following specialized capability building activities: .

- ☑ Training on Forensic Accounting;
- ☑ Complex Financial Investigation provided by the International Law Enforcement Academy (ILEA) in Bangkok, Thailand; and
- ☑ the Workshop on Investigating and Prosecuting Kleptocracy provided by the International Criminal Police Organization (INTERPOL)

If after fact-finding, OMB investigators gather enough evidence to prove that a certain public official or employee owns properties manifestly disproportionate to their position and income, then a formal criminal and administrative complaint will be prepared, which shall be docketed and referred for preliminary investigation and/or administrative adjudication.

Around 328 new lifestyle check complaints have been received in 2009. In turn, OMB investigators nationwide finished the investigation in 217 complaints by yearend. As of December 31, 2009, the OMB is still investigating 775 lifestyle check complaints nationwide. Among the high-profile

lifestyle check investigations still being conducted by the OMB is one involving the Ampatuans of Maguindanao.

fast facts:

In Mindanao, four out of every ten public officials and employees subject of lifestyle check investigation are from local government units occupying both elective (e.g., mayor, congressman, etc.) and appointive (budget officers, supply officer, etc.) positions. Other agencies in Mindanao which have the most number of officials and employees subject of lifestyle checks are the BIR, LTO and DPWH.

Anti-Fixer Task Force

In line with the full implementation of R.A. No. 9485, otherwise known as "The Anti-Red Tape Act of 2007", the OMB and the CSC undertook a joint project called the "Anti-Fixer Campaign". Designed to reduce red tape and expedite transactions in government, the campaign provides appropriate measures to eradicate fixing in government transactions by institutionalizing a system that would manage information on fixing and fixers and their possible prosecution in the OMB and the CSC.

In 2009, Ombudsman Gutierrez formally created the Anti-Fixer Task Force within the OMB. A hotline was also established. A total of 215 complaints with verifiable leads have been received by the OMB through the FIO. These are now subject of fact-finding investigations.



Oplan Red Plate was launched in 2006.
To date, the OMB has recevied hundreds of reports alleging abuse in the use of government vehicles.

Photo above taken in 2008 shows members of Task Force Red Plate in action along a major highway in Metro Manila.



Photo of a tarpaulin posted in OMB -Visayas to disseminate Oplan Red Plate hotline numbers which the public may call to report abuses in the use of government vehicles

Oplan Red Plate

Oplan Red Plate is the OMB's initiative to investigate 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 result in millions of pesos lost by the government annually. Such abuse has gone unchecked for the longest time despite the austerity measures being enforced by the government. Oplan Red Plate encourages adherence to the principle of judicious and responsible stewardship in the utilization of government resources and has earned strong support from the public.

Since the launch of Oplan Red Plate in 2006, the OMB has received thousands of reports from the public relayed through letters, text messages and phone calls. Thus far, government vehicles have been spotted in malls, schools, leisure centers, resorts, night bars, public markets, grocery stores and other similar establishments.

Background. Oplan Red Plate was conceptualized 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.

To intensify the implementation of this program, OMB-Visayas established the *Oplan Red Plate Visayas Joint Task Force* in 2008, which is composed of representatives from the OMB, COA, PNP, CSC, PIA and the LTO.

Deputy Ombudsman for the Visayas Pelagio Apostol during the meeting with heads of partner agencies regarding the implementation of Oplan Red Plate in Region 8.



Procedures. Aside from complaints, reports and/ or tips from the public, members of Task Force Oplan Red Plate conduct surveillance operations regularly. Investigators determine whether the use of the vehicle was official or not by examining photos taken during surveillance together with relevant documents such as vehicle memorandum 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, COA Circulars, sections of the Government Accounting and Auditing Manual, and other executive issuances.

Updates. OMB-Visayas, in particular, conducted various activities to ensure the active participation of partner government agencies in Oplan Red Plate. In January 2009, it spearheaded a meeting among Regional Directors of partner agencies to map out the

implementation of the program for the year. The program was also discussed among the Resident Ombudsman in the Visayas to increase their awareness of the program.

Thus, in the Visayas alone, at least six operations were conducted. One particular operation done in April 2009 was a simultaneous surveillance in six provinces in Western Visayas, which resulted in the investigation of 110 vehicles bearing red plates sighted during the operation.

In 2009, more than 800 new complaints/report received by Oplan Red Plate investigators nationwide have been added to red plate investigations still pending. Thus, although 501 investigations have been completed for the said year, the OMB is still investigating 846 red plate cases as of December 31, 2009.

Task Force Marshall

Cognizant of the fact that there is a real need to identify and locate individuals, and in some cases even apprehend those who have outstanding warrants of arrest in line with criminal cases filed by the OMB before various courts, Ombudsman Gutierrez created a special task force in 2008.

Known as **Task Force Marshall**, this group of lawyers and investigators help strengthen the prosecution of criminal cases handled by the OMB by acting on requests for the location of persons who have outstanding warrants of arrest before the Sandiganbayan and other regular courts. They also locate private complainants and/or witnesses who are no longer connected to a public office or no longer residing in their



address of record. Likewise, Task Force Marshall, in coordination with other law enforcement agencies like the NBI, conduct entrapment operations against erring public officials and conspiring private individuals.

Updates. In 2009, Task Force Marshall received 42 new complaints and/or requests bringing to 102 cases the total workload of said task force. For the same period, the task force finished twenty cases which led to eight arrests; the location of complainants and/or witnesses in nine cases; the conduct of one entrapment operation; and the conduct of one inquest proceeding. As of December 31, 2009, ninety complaints and/or requests are still active.

TARGET

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. In view of this, Ombudsman Gutierrez created **Task Force TARGET**, which stands for *Tanodbayan Against Government Employees involved in Trafficking*.

Formally created in January 2009, this particular task force aims to investigate irregular activities, such as but not limited to, the facilitation of human smuggling in airports and ports committed by government officials and employees.

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



In order for task force members to have a clear understanding of the problem, OMB lawyers and investigators interviewed representatives of other government agencies involved in the fight against human trafficking. They also had an ocular inspection of the Ninoy Aquino International Airport to have a general overview of the procedures in departure and arrival of Filipinos and foreign nationals in the airport. Documents and other information materials relative to illegal trafficking of persons, escorting and other administrative violations committed by concerned airport personnel were also gathered and studied.

Task Force members also attended a lecture/ seminar regarding R.A. No. 9208 otherwise known as "The Anti-trafficking in Persons Act of 2003". Lecturers present were the Special Counsel and Field Office Director of the International Justice Mission (IJM), as well as the founder of Visayan Forum Foundation, Inc. Both the IJM and Visayan Forum are highly-respected non-government organizations noted for their crusade against trafficking in persons. Based on all these activities, task force members were able to establish a framework and map out a plan of action.

From the time it was established until December 31, 2009, a total of thirty-three complaints have been received by the task force. Of this number, eleven have been fully investigated.

Environmental Ombudsman

The OMB, through the Environmental Ombudsman, created the Task Force for Environmental Concerns to promote and monitor the implementation and compliance of Environmental laws by local and national government officials. The task force is responsible for the filing of necessary complaint/s against public officials or employees who violate environmental laws, whether or not in conspiracy with private individuals.

As an initial activity, the task force embarked on the *Environmental Compliance Assessment* (ECA). This program aims to audit the barangays and municipalities located along the coasts of the Visayan Sea to determine which local government unit best complies with strategically identified environmental laws: R.A. No. 9003 (otherwise known as the *Ecological Waste Management Act*) and R.A. No. 8550 (otherwise known as the *Fisheries Code of 1998*). The coasts of the Visayan Sea were particularly selected as this area has been identified to be the richest in the Philippines in terms of marine biodiversity and aquatic resources.

Through the ECA, a comprehensive and systematic review of compliance with environmental laws shall be made in order to improve compliance by local government authorities and minimize future environmental damage. The goals of this pilot project are:

- ☑ to assist local government units in seeking ways to improve compliance with environmental laws:
- ☑ to inform them of the implication of non-compliance; and
- ☑ to build a partnership aimed at protecting and restoring the Visayan Sea.



Members of the Task Force for Environmental Concerns brave the sea and mountains of garbage to conduct the Environmental Compliance Assessment.



The Second ECA was conducted last June 5 to 10, 2009 to evaluate the improvements made by the cities/ municipalities in the implementation and compliance with the aforementioned environmental laws. The information collected from the baseline assessment were collated and compared with the findings of the second assessment. Local government units concerned were given summaries of the findings made by task force members. The summaries include the positive observations made by the investigators as well as a statement of problem areas. The local government units are expected to use the findings to identify and address management, organizational and operational issues that cause inefficiency and allow violations to occur.

The final ECA shall be conducted on the second quarter of 2010. Subsequently, the Environmental Ombudsman hopes to launch similar projects in other critical areas in the Philippines.

Preliminary investigation and Administrative Adjudication (PI/AA)

In 2009, almost 8,000 cases have been disposed by the OMB. This figure excludes the more than 1,500 cases where the OMB issued interlocutory orders (i.e., orders resolving prayers for preventive suspension, change of venues, etc.), as well as orders resolving motions for reconsideration.

Preliminary investigation is a proceeding to determine whether there is sufficient ground (or legally referred to as "probable cause") to believe that a crime has been committed and the respondent is probably guilty thereof and should be prosecuted before a court of law. Cases decided by the Supreme Court have held that the purpose of preliminary investigation is to secure the innocent against hasty, malicious and oppressive prosecution. Not only does it protect innocent persons from the financial costs and emotional ordeals of a public trial, it also protects the State from useless trials.

On the other hand, administrative adjudication refers to the process of resolving administrative cases filed before the OMB. If the case is supported by "substantial evidence" (which is legally defined as "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion"), then the respondent may be meted administrative sanctions such as dismissal from the service or suspension from office without pay.

In both preliminary investigation and administrative adjudication, parties will be asked to submit pleadings and pieces of evidence to support their case. Thus, in direct contrast to fact-finding investigation where there

Top Ten criminal offenses subject of preliminary investigation being handled by the Preliminary Investigation, Administrative Adjudication and Monitoring Office (PAMO):

- 1. violation of Sec. 3(e), R.A. No. 3019
- 2. Falsification (Art. 171, Revised Penal Code)
- 3. Malversation of public funds (Art. 217, Revised Penal Code)
- 4. Violation of Sec. 8, R.A. No. 6713
- 5. Illegal use of public funds or property (Art. 220, Revised Penal Code)
- 6. Violation of Sec. 3(b), R.A. No. 3019
- 7. Prolonging performance of duties and powers (Art. 237, Revised Penal Code)
- 8. Physical injuries
- estafa
- 10. perjury

is non-contact with the subject of the investigation, the respondent is furnished a copy of the complaint filed against him, and given sufficient time to submit his or her counter-affidavit in the spirit of due process.

Under this section on preliminary investigation and administrative adjudication will be discussed administrative sanctions imposed by the OMB, preventive suspensions, Task Force Green Lane and Task Force Asset Recovery.

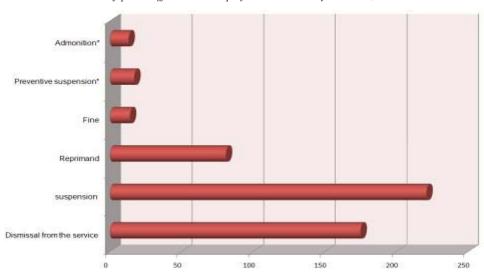
Administrative sanctions

The OMB has the power to impose the following administrative sanctions on erring public officials and employees: dismissal from the service, suspension, reprimand and imposition of fines. Accessory penalties such as perpetual disqualification from holding public

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

Number of public officials and employees sanctioned by the OMB, CY 2009



Note: Admonition and preventive suspension are not considered penalties

office and forfeiture of retirement benefits, may also be imposed. Considering that it takes several years before a conviction may be had in criminal cases filed before Philippine courts, not to mention the more difficult burden of having to prove the guilt of the accused beyond reasonable doubt, the OMB continues to decide administrative cases against erring public officials and employees as a quick punitive approach.

From January to December 2009, the OMB has sanctioned at least 500 public officials and employees nationwide. Of this number 175 (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 perceived to be most vulnerable to corrupt activities like the BIR, BOC and DPWH. Some of those dismissed by the OMB from the service are a finance undersecretary, mayor, a postmaster general, BIR regional director, DepEd regional director, police superintendent, university president and principals of public high schools. Other officials administratively sanctioned include mayors, registers of deeds, and regional directors of various line agencies, civil registrar, and an assistant provincial prosecutor.

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

Preventive Suspensions

Under Sec. 24 of R.A. No. 6770, the Ombudsman may preventively suspend any officer or employee pending an investigation, to quote:

Sec. 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 OMB but not more than six months, without pay, except when the delay in the disposition of the case 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.

A preventive suspension is a remedial measure to pre-empt respondents from using their office to influence witnesses and/or destroy evidence. Such suspension is different and distinct from the administrative sanction of suspension from office without pay.

In 2009, at least 80 public officials and employees have been placed under preventive suspension. These include:

List of high ranking officials dismissed, suspended and prosecuted by the OMB			
Preventive	Suspended	Dismissed from	Under
suspension	without pay	public service	prosecution
· Municipal Mayor	· Asst. Secretary, DILG	· Municipal Mayor	· DOJ Secretary
· Assistant Secretary	· Regional Director, DILG	· Finance Undersecretary	· DOTC Secretary
· President & Chief	· Asst. Provincial	· BIR Regional Director	 DOF Undersecretary
Operating Officer, Phil.	Prosecutor, DOJ	· Director, Environment	· Governors
Mining Dev't. Corp.	· Register of Deeds	Management Bureau	· City and Municipal
· Regional Executive	· District Head, LTO	· Postmaster General	Mayors
Director, DENR-CENRO	· State University	· Regional Director,	· NHA Manager
· Director, Quirino	Presidents	DepEd	· NEDA Regional
Memorial Medical Center	· Asst. Chief of Staff for	· State University President	Director
· Regional Technical	Intelligence, Phil. Army	· Deputy Administrator,	· PNP Provincial
Director, DENR	· City Civil Registrar	Local Water Utilities	Directors
· City Administrator		Administration · Police Superintendent	· DOJ Prosecutors

- seven Procurement Service and army officials (which include an assistant secretary, a director, chief accountant and a brigadier general) for alleged anomalous purchase of army combat shoes:
- ☑ three Davao City officials (including the city administrator and city engineer) for the alleged demolition of a national government-funded canal-cover project; and
- ☑ a principal and a high school teacher in Pangasinan after a sixteen-year old student accused his teacher of sexually abusing him and the principal for covering it up.

These cases are now undergoing preliminary investigation and administrative adjudication.

Task Force Green Lane

With the end in view of expediting the preliminary investigation and/or administrative adjudication of lifestyle check cases filed by DOF-RIPS and the FIO, Ombudsman Gutierrez created the *Task Force Green Lane*.

Composed of sixteen lawyers, including an assistant ombudsman and a director who act as Chairperson and Vice-Chairperson respectively, the task force handles a total of 166 cases as of December 31, 2009.

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 forfeiture petitions include a prayer for the issuance of a writ of preliminary attachment whenever applicable in order to preserve assets and forestall dissipation during the trial of the case.

In 2009, the task force was able to study several Petitions for Forfeiture. Consequently, these cases were filed before different courts, including the Sandiganbayan, after approval by the Ombudsman. One of the cases that was filed was against a Customs Operation Officer for her unexplained wealth amounting to almost ten million pesos;

Prosecution

Upon finding of probable cause, a criminal case will be filed by the OMB before the appropriate court. Graft and corruption cases involving high ranking officials (i.e., those who occupy salary grade 27 and above like governors, congressmen, mayors, cabinet secretaries, undersecretaries, bureau directors, as well as those specifically stated in the law) are within the exclusive jurisdiction of the Philippine anti-graft court known as the *Sandiganbayan*. All other crimes (e.g., murder, robbery, etc.) committed by such high ranking officials in relation to their duties should also be filed before the Sandiganbayan. All other cases not falling within the said instances will be filed before the regular courts.

Within OMB, it is the lawyers of the OSP which handle the prosecution of cases before the Sandiganbayan. On the other hand, cases filed before regular courts are handled by OMB Prosecutors or deputized prosecutors of the Department of Justice.

Highlighted in this section of the report are the following:

- ☑ Conviction rate before the Sandiganbayan;
- ☑ Information filed before the Sandiganbayan;
- ☑ Major victories at the Sandiganbayan; and
- ☑ Prosecution of OMB cases before regular courts.

Conviction Rate

In 2009, the OMB posted a 33.6% conviction rate in the Sandiganbayan, lower than the conviction rate posted for the last two years, but still higher than the average annual conviction rate from 2001 to 2007.

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

Some people cast doubts as to the accuracy of the 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 those cases which did not undergo trial such as those which were archived or dismissed for lack of jurisdiction. However, from the OMB's point of view, these cases are still active and hence ought not to be factored in the computation of the conviction rate. Furthermore, OMB's conviction rate formula has been used by the office since 2003 and has been approved and accepted by the MCA-PTP-TAP as an objective and accurate measure to determine the conviction rate obtained by the OMB.

Informations filed before the Sandiganbayan

From January to December 2009, a total of 189 Informations were filed before the Sandiganbayan. These include criminal cases filed against:

- ☑ A former Congressman, mayor and one of their close relatives for defrauding the government of Php10.5 million worth of public funds;
- ☑ Two city mayors and nineteen other government officials and conspiring private individuals for violation of Sec. 3(e), R.A. No. 3019 in connection with the purchase of exorbitantlypriced lampposts;
- ☑ A Finance Assistant Secretary and twenty-two other officials of the Department of Finance including private individuals in conspiracy with them for plunder or defrauding the government of more than Php73.76 million in the form of tax credits issued from 1994 to 1996, as well as twenty-eight counts of violations of R.A. 3019 and twenty-eight counts of estafa through falsification of public documents;
- ☑ The President of a state university in Mindanao for violation of Art. 218 of the Revised Penal Code for failing to liquidate cash advances amounting to more than half a million pesos;
- ☑ The Chief of the Provincial Environment and Natural Resources Office in Davao Oriental for extorting money from the owner and general manager of a shipping and stevedoring agency; and
- ☑ The Vice President for Support Services Group of the Philippine Crop Insurance Corporation for falsification of public documents in connection with the preparation of a disbursement voucher authorizing the payment to herself of a second loyalty award.

Major Victories in the Sandiganbayan

Among those prosecuted by the OMB and convicted by the Sandiganbayan in 2009 were mayors, municipality treasurers, registers of deeds, university president, provincial prosecutor, etc.

But the most high-profile conviction secured by the OMB in 2009 was the perjury case against retired Major General Carlos Garcia.

Garcia was charged by the OMB with perjury for declaring in his Statement of Assets, Liabilities and Net Worth (SALN) for CY 2000 that his vehicles amounted to only Php870,000 and that he had no cash and bank deposits and investments.

During trial, the OMB prosecution team proved that Garcia did not declare the following vehicles: a Mitsubishi L-300 van and Honda Civic both in the name of his wife Clarita Garcia; and a Toyota Previa in the name of Col. Carlos Garcia. Likewise, it was proven that Garcia did not declare his holdings in the Armed Forces and Police Savings and Loan Association (AFPSLAI) as of year 2000.

In a twenty-page Decision, the Fourth Division of the Sandiganbayan stated that the crucial element of willful and deliberate assertion of a factual falsehood is present in the case. It said "the declaration of the accused in his SALN that his motor vehicles amounted to Php870,000 when in fact he had three vehicles whose total cost amounted to Php1,510,380 is an assertion of falsehood. In the same way as when he made no entry for the space provided for "cash and bank deposits" and "investment" when in fact he had a capital

contribution account with the AFPSLAI with a balance of seven million pesos (Php7,000,000) as of December 31, 2000 also constituted an assertion of falsehood."

The OMB also scored another victory after the Sandiganbayan convicted the former treasurer of a municipality in Masbate for malversation of Php1.8 million worth of public funds.

This case stemmed from the complaint filed by the COA. The Prosecution Panel presented as evidence the COA report stating that the accused made two withdrawals amounting to Php1.8 million and granted these as cash advances to the late municipal mayor.

In a fourteen-page decision, the First Division of the Sandiganbayan ruled that, contrary to the allegation of the accused, there was conspiracy between the accused and the late municipal mayor as the later "could not have obtained the P1.8 million subject of the vouchers were it not for... approval and release of the same [by the accused]." Furthermore, the accused "failed to present evidence that he did not get the public funds for his personal use," thus giving rise to the presumption that he has misused the same.

The accused municipal treasurer was sentenced to imprisonment for a minimum period of eighteen years, eight months and one day to a maximum period of twenty years. Aside from imprisonment, he was ordered to pay the fine of Php1.8 million and he was perpetually disqualified from holding any public office.

Prosecution of OMB cases before regular courts

In order to send a stronger message to government officials and employees that corruption is a high-risk low-reward activity, the OMB strengthened its prosecution arm in its Central and Sectoral Offices.

OMB lawyers tasked to prosecute OMB cases filed before regular courts were given opportunities to attend various capability building activities, including basic and advance trial advocacy trainings, to improve their prosecutorial abilities.

From January to December 2009, Ombudsman Gutierrez approved the filing of Information before regular courts in 1,394 cases.

Among the criminal cases approved by Ombudsman Gutierrez to be filed are the following:

- direct bribery charges against four former CSC employees who conspired to manipulate results of the civil service examination in exchange for a fee;
- homicide charges against five members of the PNP Traffic Management Group – Task Force Limbas for the death of three civilians during the 2005 Ortigas shootout;
- obstruction of apprehension and prosecution of criminal offenders under Presidential Decree No. 1829 against a Senior Tax Analyst of the DOF in connection with the multi-million peso tax credit scam case; and

acts of lasciviousness charges against a principal of a national high school in Zamboanga City after a teacher accused the principal of touching her in a sexually suggestive way against her will.

However, not all of these cases are being directly prosecuted by OMB lawyers owing to lack of sufficient human resources and geographical inaccessibility. In these instances where it is impossible for the OMB to directly handle the same, DOJ prosecutors are deputized to handle such cases.

Particularly worthy of note in 2009 is the significant increase in the number of convictions obtained by the OMB before regular courts in 2009.

For the very first time, the OMB was able to secure convictions in at least 158 cases it directly prosecuted before regular courts. Cases won include those charging falsification of public documents, malversation thru falsification of public documents, violation of Sec. 8 in relation to Sec. 11 of R.A. No. 6713, and violation of Sec. 8(a) of R.A. No. 6713, perjury, estafa, and frauds against public treasury.

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

Mediation

Mediation is a voluntary process in which a mediator facilitates communication and negotiation between disputing parties and assists them in reaching an agreement regarding their dispute. As an alternative form of dispute resolution, mediation has enabled the OMB to offer and utilize an efficient system for resolving minor and non-graft cases that are brought to its offices nationwide.

Mediation proceedings provide parties with a less formal and less rigid environment for dispute resolution thereby speeding up the disposition of certain OMB cases. Mediation also enables the OMB to properly channel its efforts and resources to the investigation and prosecution of cases against high-ranking government officials and those involving grave offenses.

Background. In April 2008, the OMB issued Administrative Order No. 20, also known as the *Ombudsman Rules of Procedure for Mediation*. The Rules were adopted to establish and institutionalize a mediation system that will render meaningful, responsive and relevant public assistance.

It must be noted though that not all cases filed before the OMB may be subject to mediation. Only the following instances may be put through mediation proceedings:

1. Complaints, grievances or requests for assistance seeking redress or relief concerning an act or omission of a public official or employee, office, or agency alleged to be unreasonable, unfair, oppressive, illegal, unjust, discriminatory, improper or inefficient, and

which does not necessarily amount to a criminal or administrative offense, as defined under Sec. 1, Rule IV, Administrative Order No. 7, series of 1990, as amended, of the OMB;

- 2. Light administrative offenses where the penalty imposed by pertinent laws and Civil Service Rules is reprimand, such as:
 - a) Borrowing of Money by a Superior Officer from a Subordinate
 - b) Willful Failure to Pay Just Debt
 - c) Discourtesy in the Course of Official Duties;
- 3. The following cases which are covered by the Revised Rules on Summary Procedure:
 - a) Violation of traffic rules and regulations
 - b) Violation of rental law
 - c) Violation of BP 22 (Bouncing Checks Law)
 - e) All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six months or a fine not exceeding Php1,000, or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom;
- 4. Cases which may be cognizable at the first instance by the Lupong Tagapamayapa under Sec. 408, Chapter VII of the Local Government Code (R.A. No. 7160);
- 5. Criminal negligence resulting in damage to property; and

6. Such other similar offenses which may be brought by the parties for mediation, except those which by law may not be compromised.

For CY 2009, the OMB received 1,091 complaints which were referred to mediation. The OMB was able to complete 900 mediation proceedings. Of this number, 417 were successfully mediated as of December 31, 2009.

mediation success story

A construction company was complaining against a city government for unpaid services pending for 26 years in connection with the construction of resettlement centers for the city's informal settlers. The total amount of the project was Php15 million and the contract was executed in the early 80's. At 18% per annum interest and the escalation contractual provision, the claim ballooned to hundreds of million pesos. After the OMB intervened, the construction company waived its claim on accrued interest and the city government agreed to pay the principal amount in two equal instalments within a period of six months and before the term of the incumbent mayor ends.

Corruption Prevention & Public Assistance



qually vital as the enforcement of anticorruption laws, corruption prevention and public assistance is another core strategy of the OMB in the discharge of its constitutional mandate.

Several programs and projects were implemented in 2009 to "determine the causes of corruption inefficiency, red tape, mismanagement, fraud and corruption in government". The Office also extended assistance to citizens by ensuring the delivery by the government of basic public service. Programs which are highlighted in this part of the report include the following:

- ✓ Integrity Development Review (IDR),
- ✓ strengthening the network of resident ombudsmen nationwide,
- ☑ initiatives for clean and honest 2010 elections.
- ☑ OMB Social Service Caravans.
- ☑ Requests for Assistance and OMB clearances, and
- ☑ Corruption Prevention Units (CPUs) & Junior Graftwatch Units (JGUs).

Strengthening the Network of Resident Ombudsmen Nationwide

Background. In 1989, then Ombudsman Conrado M. Vasquez issued Administrative Order No. 6 urging the installation of a Resident Ombudsman in all departments, offices and agencies of the government, including government-owned and controlled corporations. This proved to be a crucial move because resident ombudsmen nationwide will enable the OMB to have a first hand and holistic perspective of the problem of corruption and inefficiency in government.

Twenty years after and cognizant of the important role of resident ombudsmen, Ombudsman Gutierrez has put in resources to consolidate and strengthen the network of resident ombudsmen nationwide.

As of December 31, 2009, the OMB employs twelve (12) lawyers designated as resident ombudsmen overseeing 41 government agencies. On the other hand, there are 568 Non-Organic Resident Ombudsmen (i.e., deputized non-OMB employees) nationwide cutting across national government agencies, government financial institutions, government owned and/or controlled corporations, state universities and colleges, and local government units. The largest concentration of nonorganic resident ombudsmen (totalling to 317) is in Mindanao.

Non-Organic Resident Ombudsmen have traditionally belonged to regional associations. However, with the end in view of consolidating these groups and strengthening a network of resident ombudsmen nationwide, the OMB spearheaded the *First National Convention of Resident Ombudsmen* in 2008. It was

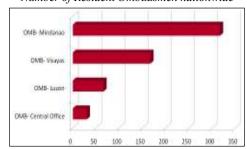
What is a Resident Ombudsman?

A **Resident Ombudsman (RO)** is a government lawyer who performs three crucial functions, investigation, corruption prevention and public assistance. Thus, ROs:

- 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;
- ☑ aid in the gathering of evidence in the investigation of the same; and
- ☑ attend to requests for assistance of the public to facilitate their transactions with a particular government agency.

ROs who are employees of the OMB also render mediation services, give lectures as part of anti-corruption education, and monitor government agency operations (ensuring SALN submission, public procurement transparency, judicious use of government service vehicles, etc.)

Number of Resident Ombudsmen nationwide



Note: Only the Resident Ombudsmen in the Central Office are organic to the OMB.

during this convention that the **Association of Resident Ombudsmen In Government Agencies** (AROGA) was formalized.

Updates. Close to the heels of its successful first national assembly, the OMB spearheaded a second national convention last August 17-19, 2009 in Davao City. A new set of national officers was elected. More importantly, the AROGA Constitution and By-Laws (CBL) was also approved and adapted by the body. One of the features of the CBL is the two-year term of office for national officers.

Outputs of the second national convention were also instrumental in the initial drafting of a proposed Administrative Order to be known as the "Guidelines for the Installation, Duties, Functions and Responsibilities of Non-Organic Resident Ombudsman." The said draft is being finalized and a consultation among the AROGA national officers is being scheduled. Thus far, the national conventions served as perfect venues not just for building camaraderie among resident ombudsmen nationwide, but more importantly, for policy consultation among various stakeholders nationwide.

Future endeavours of the AROGA include the conduct of a national strategic planning session and specific capacity building activities geared towards educating all resident ombudsmen nationwide about various corruption prevention initiatives of the OMB.

Integrity Development Review (IDR)

Background. Foremost of the corruption prevention projects of the OMB is the Integrity Development Review (IDR) Program.

As a tool, the IDR aims to:

- ☑ Determine the level of integrity development within a government agency
- ☑ Identify the agency's vulnerability to corruption
- ☑ Assess the adequacy of agency safeguards to forestall corruption
- ☑ Prepare a focused Corruption Prevention and Integrity Enhancement Plan
- ☑ Establish benchmarks by which agency performance and results of anti-corruption programs can be monitored over time

The IDR consists of the following diagnostic tools:

Tool 1: Corruption Resistance Review (CRR)

- ✓ Integrity Development Assessment (IDA)
- ☑ Survey of Employees
- ✓ Assess systems' integrity, review relevant policies and procedures
- ☑ Assess deployment of integrity building measures and generate feedback from employees

Tool 2: Corruption Vulnerability Assessment (CVA)

- ☑ Process mapping
- ☑ Risk assessment
- ☑ Evaluation of controls and safeguards
- ✓ Understand agency procedures

A look back on IDR history:

In 2004, the OMB piloted the IDR in its offices with assistance from the 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 the most vulnerable to corrupt activities: BIR, BOC, DPWH, LTO and PNP.

In 2007, 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 more government agencies. These agencies include the following: DENR, DAR, Light Rail Transit Authority, National Irrigation Authority, Philippine Veterans Affairs Office, Philippine Navy, Bureau of Corrections, Bureau of Fire Protection, Land Registration Authority, Procurement Service under the DBM, and the DOH.

In the same year, the OMB facilitated the establishment of sixteen Integrity Development Committees (IDCs). The IDCs are agency-based tripartite groups which will monitor the progress of the implementation of the recommendations of the IDR contained in the agency action plan.

In 2008, the Philippine Supreme Court embraced the IDR exercise.

- ☑ Identify factors that can induce deceit, malfeasance, or abuse of power or position for private gain
- ☑ Assess the adequacy of means in addressing risks

Updates. The OMB assessed the corruption resistance mechanism of the **Department of Social Welfare and Development (DSWD)**.

Specifically, OMB assessors reviewed the comprehensiveness of DSWD guidelines on internal reporting as well as the extent and functionality of its internal investigation, as part of its corruption resistance mechanisms under the dimension of **Risk Assessment**.

While OMB IDR assessors identified certain areas for improvement, the assessors also noted the existence of procedures and responsibilities for reporting; the clearly defined roles and responsibilities of staff involved in investigation; and protection of employees who report corrupt behavior or suspicions of corruption.

DSWD's internal policy on investigation includes expression of objectivity and confidentiality, and a process or flowchart for the proper handling of complaints and/or incidents of maladministration. Its internal handbook or guideline on investigation emphasizes important issues that an investigator should consider before, during, and after an investigation.

DSWD's internal audit system, on the other hand, has provisions on how to assess complaints, plan an investigation, interview witnesses, collect and handle evidence, and write an investigation report, which report contains recommendations on changes in administrative procedure and accountability mechanisms.

Also, in late 2009, the OMB in partnership with USAID and MSI initiated a new project called the *Integrity Project*, which has a component focusing on implementing the IDR in local government units. This project will be in full swing in 2010.

Continuous monitoring of IDR implementation

In pursuit of its commitment to pursue the implementation of IDR reforms in the participating agencies, the OMB actively and consistently participated in various meetings of the Integrity Development Committees in the agencies they supervise. Some of the noteworthy accomplishments monitored were:

Bureau of Internal Revenue (BIR)

☑ Strengthening of Taxpayer Service Area. The BIR Taxpayer Service Area (TSA) was launched on May 13, 2009, with the objective of providing efficient service to taxpayers. All offices which provide "frontline" services are required to maintain a TSA within their office premises for convenience and accessibility to taxpayers. Specifically, it aims to project a service-oriented image of the BIR; serve as a "one-stop shop" to directly address taxpayers' needs without referring them to other offices or requiring them to follow-up some other time; implement a taxpayer feedback system involving the conduct of a satisfaction survey as a means to evaluate the effectiveness of the services rendered by the BIR to the taxpayers; and provide to taxpayers some information on tax rules, procedures and developments.

Bureau of Customs (BOC)

- ☑ Full Automation of Customs Processes. The BOC E2M Project was in full swing in CY 2009 with rollouts in the Ports of Batangas, Limay, Mariveles and Manila. These fully automated processes include Client Profile Registration System (CPRS); E-Customs Project Import Assessment at the Port of Batangas; and Automated Risk Management System, with the enhanced version to be implemented under Trade-Related Technical Assistance (TRTA) Part 2.
- ☑ Integration of the Revised Kyoto Convention in the draft Customs Modernization Act.

 The BOC has completed the draft Customs Modernization Act providing for the incorporation of efficient customs processes with integrity adopted from international best practices embodied in the Revised Kyoto Convention.

Department of Public Works and Highways (DPWH)

- ☑ Implemented 3-strike rule resulting in the blacklisting of sixty suppliers. The DPWH issued Department Order No. 35, series of 2008, dated June 17, 2008 re "Guidelines in the Implementation of the Three-Strike Policy in Procurement of Civil Works and Consultancy Services Contracts by the Department" which resulted to the suspension for one (1) year of sixty (60) contractors.
- ☑ Other reforms were: creation of a Financial Management Team for the National Road Improvement Management Program created per S.O. 138; imposing requirement of ISO 9000 Certification for Large "B" contractors; issuance of policy on uniform collection of

fees for the filing of Letter of Intent and Cost of Bid Documents; Created ad hoc Committee to review all contracts to be entered into by DPWH.

Department of Agrarian Reform (DAR)

- ☑ Setting up of ARB Database System. The DAR undertook the profiling of one million RBs under the Agrarian Reform Beneficiaries (ARB) Carding and ID System to track status of ARBs and to facilitate submission of data requirements on the implementation of the Comprehensive Agrarian Reform Program (CARP). The project aims to establish a database of ARB profiles providing information on the status of awarded lands, their ownership as well as socio-economic condition to serve as basis of the DAR and other stakeholders in policy and program development, advocacy, resource allocation and monitoring of program interventions. Specifically, the project has the following objectives: 1) to establish the basis for determining the status of ARBs on the initial one million target of ARBs to be profiled in terms of ownership of awarded land, status of cultivation, income and productivity, and access to support services; and 2) to establish and maintain a database of ARB profiles at all levels.
- ☑ Adoption and Publication of Rules and Regulations on Internal Whistleblowing and Reporting. The DAR also issued and published Memorandum Circular 10, series of 2009 re "Rules and Regulations on Internal Whistle Blowing and Reporting" in its website and in two (2) major newspapers.
- ☑ Approval of DAR Adjudication Board Revised Rules of Procedure. With the enactment of R.A. nO. 9700 or the CARPER Law, the DAR amended its Rules of Procedure to integrate certain provisions of

the law. Said Rules of Procedure was duly approved on September 1, 2009.

Department of Health (DOH)

Some of the accomplishments of the DOH IDC were:

- ☑ Rollout of the Moral Renewal Action Plan pursuant to the Moral Renewal Program
 - ☑ Instituted Selection Promotions Board (SPB)
- ☑ Adopted background investigation on declared references of employees
- ☑ Integrated provisions of Code of Conduct in bidding documents
- ☑ Institutionalized an Internal Audit Service headed by an officer with the rank of Director IV
- ☑ Installed "Dulugan ng Bayan" and public assistance desks in hospitals and bureaus with frontline services

National Irrigation Authority (NIA)

☑ Inclusion of Integrity Pacts in Contracts with Stakeholders. The NIA adopted a policy providing for the inclusion of provisions of an Integrity Pact as a section in all contracts between NIA and its stakeholders. In the same vein, NIA created a new project office called Participatory Irrigation Development Project which shall include similar provisions in all its contracts to make its partners, contractors and suppliers accountable for the observance of the same values on transparency and integrity.

Land Registration Authority (LRA)

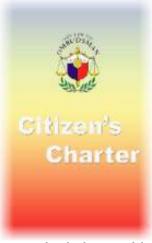
☑ Land Titling Computerization Project. The LRA embarked on the automation of its land titling system through the Land Titling Computerization Project

(LTCP). With the launch of the LTCP, it is expected that the areas of corruption identified in the IDR will be addressed. For the year 2009, there had been 3 Pilot Registry of Deeds (RDs) which have gone "Live" with respect to Chattel Mortgage, Unregistered Land and Personalities. A memorandum to "Go Live" had also been issued to thirty more RDs, while another twelve RDs are undergoing information technology facility testing.

Philippine National Police (PNP)

Not to be left behind is the PNP who also implemented its share of reforms such as:

- ☑ Directorate for Personnel and Records Management. PNP designated Summary Hearing Officers with proven integrity and probity and with background in law, and also devised a system of rotation for its Internal Affairs Service Investigators and Summary Hearing Officers.
- ☑ Firearms and Explosive Division. PNP adopted a policy authorizing a third party to review and check the completeness and authenticity of the documents submitted. It also studied the extension of the period for the renewal of firearms licenses. It has been perceived that by doing so, potential and prevalent shady activities in obtaining licenses could be significantly minimized.
- ☑ Internal Affairs Service (IAS). PNP, in addition, adopted a policy for the rotation of IAS Investigators to preserve the integrity of said investigators and avoid collusion between the investigators and offices.



to download a copy of the OMB citizen's charter, visit: http://www.ombudsman.gov.ph/ docs/citizens ccb.pdf

OMB Citizen's Charter

During the latter part of 2009, the OMB Citizen's Charter was also launched. The Citizen's Charter is an embodiment of OMB's commitment to promote integrity, transparency and accountability while rendering quality service.

The Citizen's Charter provides simple and user friendly step-by-step guides on how to avail of OMB services. It showcases the procedures and timelines for the following key frontline services:

- ☑ issuance of OMB clearance or certification;
- ☑ filing of a formal complaint;
- ☑ filing of a pleading;
- ☑ request for status of a case;
- ☑ request for assistance;
- ☑ request for a copy of document;
- ☑ request for a copy of SALN;
- ☑ reporting of cases involving fixers, red tape and other graft cases, as well as requests for lifestyle check investigation; and
- ☑ request for accreditation as Junior Graftwatch Units (JGU).

Aside from having these procedures printed on tarpaulins which are prominently displayed within the OMB Central Office, a copy of the OMB Citizen's Charter is also available in the OMB website.

Initiatives for a clean and honest 2010 elections

In May 2009, one year prior to the slated 2010 presidential elections, Ombudsman Gutierrez created a Task Force to monitor the procurement of ballot counting machines and other election technologies to be used in the 2010 elections. The creation of this task force was made after Commission on Elections (Comelec) Chairperson Jose A.R. Melo announced that the 2010 national and local elections will be fully automated.

The primary purpose of the *Task Force Poll Automation* was to aid the Comelec in its mandate and authority to ensure the adoption and use of the most suitable technology for the planned automation. Duties of task force members include:

- observing procurement proceedings from bid submission to awarding of the contract;
- ☑ submitting periodic reports and actionable recommendations to the Ombudsman whenever appropriate; and
- performing such other functions in aid of Comelec for the poll automation procurement project.

Task Force members were also tasked to request for bid documents including supplemental/bid documents, list of bidders who secured bid documents, list of participating bidders, minutes of proceedings by the Special Bids and Awards Committee, abstract of bids, and other documents "to ensure the faithful discharge" of their duties and responsibilities.

Also in line with the drive for clean and honest elections, the OMB sponsored the first-ever consultative meeting of the *Multi-Sectoral Initiative on Electoral Reforms*. Held at the OMB Function Room, the meeting was participated in by more than sixty representatives from the OMB, other government agencies and civil society organizations.

Agencies represented include the Civil Service Commission, Commission on Audit, Department of Education, and the Philippine National Police. Representatives from the Parish Pastoral Council for Responsible Voting, Catholic Bishops Conference of the Philippines, and the OMB's Junior Graftwatch Unit also participated.

During the meeting, the Director of the Law Department of Comelec briefed participants on the measures being implemented by the Commission in preparation for the 2010 elections, particularly "ELECTVOICE," an information-dissemination program which entails the distribution of modules in schools, barangays, and government offices. Election laws, as well as the ways on how other government agencies and different sectors may contribute to clean and honest elections, were also discussed.

OMB Social Service Caravan

It has been three years since Ombudsman Gutierrez launched the project "Meet with the Ombudsman", which she herself has conceptualized sometime in 2006. The project aimed to bring the OMB closer to the people and to promote greater awareness on OMB's public assistance mandate. It also served as an avenue for the Ombudsman to personally meet, attend, and cater to the needs, grievances and concerns of the public seeking assistance from the Office.

After just a year, the project was renamed as the "OMB Social Service Caravan". Instead of just "meeting" with the public, the Ombudsman institutionalized a "one-stop-shop" where different social



After the devastation brought by super typhoon Ondoy, Ombudsman Ma. Merceditas N. Gutierrez led the distribution of relief goods to flood-stricken residents of Sta. Rosa, Laguna.





Photos from outside and inside the temporary pharmacy set-up during the OMB Social Caravan in Medina, Misamis Oriental last March 2009.

Volunteers provide free dental services to residents of Medina, Misamis Oriental.



services are simultaneously provided for free: medical, dental and eye check-up; distribution of basic goods, reading glasses and wheelchairs; issuance of NSO certificates, NBI clearances, and DFA passports; legal advice and assistance; attending to SSS and POEA concerns; and information dissemination through the conduct of seminars on public accountability.

The OMB collaborates with other government agencies, non-government organizations and even private institutions to bring various social services to constituents of local government units identified as having high rates of unemployment, out-of-school-youth and youth offenders, malnutrition, domestic violence and other forms of criminal activity.

For the year 2009, the OMB conducted thirteen (13) social service caravans benefitting more than 28,000 Filipinos nationwide. This number includes the two special caravans called "*Ombudsman Relief Operations*" specifically intended for victims of super typhoon Ondoy conducted late September 2009.

In view of the devastation brought by Ondoy, Ombudsman Gutierrez immediately ordered the release of calamity assistance for OMB personnel. She also directed the Public Assistance Bureau of the OMB to undertake a campaign to collect clothes, food and cash donations for distribution to calamity victims. The OMB was able to raise at least Php160,000 from the contribution of its employees. Said fund was used to augment the clothes, food and other donations received by the OMB for distribution to flood-stricken local government units. More than **5,300** Ondoy victims in barangays in Laguna and Pangasinan submerged in knee-deep waters received relief goods from OMB and took part in a feeding program as part of the "Ombudsman Relief Operations".

Requests for Assistance & Issuance of OMB Clearances and Certifications

Under Sec. 15, R.A. No. 6770 (or the Ombudsman Act of 1989), the OMB has the power to require public officials and employees 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 public duties. The OMB may also require government agencies to render assistance to the people. Thus, the public seeks OMB intervention to facilitate their access to services given by government agencies through what is known as *Requests for Assistance (RAS)*.

For CY 2009, the OMB received a total of 10,531 new RAS, thus resuting in a total workload of 13,478. As of December 31, 2009, 10,302 (76%) were already acted upon and deemed closed.

From January to December 2009, the Office also responded to thousands of requests for OMB clearances/certifications by issuing 2,667 certifications with pending cases and 49,096 certifications with no pending cases or a total of 51,763. Given these figures, the OMB receives around 40 RAS and 196 requests for the issuance of clearance/certifications daily. (The daily rate is computed by dividing the annual number by 12 months, then by dividing it further into 22 working days in a month)

A closer look on the issuance of OMB clearances and certifications. One of the functions of the OMB performed through its Public Assistance Bureau (PAB) is the issuance of OMB clearance or certification. An ombudsman clearance or certification is a document that declares whether or not a person has pending case(s) in the OMB. The specific task of issuing

clearance and certification was delegated to the PAB way back in 1992.

The purpose of a certification "with or with no pending case/s" is to facilitate decisions on retirement, promotion, transfer, appointment, United Nations Mission, travel and other purposes. However, the OMB does not directly issue certifications to private entities like banks, financial institutions, credit investigators or any other organization conducting credit or background investigation. The request for clearance/certification at the OMB is normally filed by the loan applicant or his duly authorized representative.

The Office uses special paper with embedded security features. OMB clearances/certifications are issued free of charge.

Legal Basis. The legal basis for the OMB to issue the certification with "pending or no pending case/s" is Sec. 12 of R.A. No. 3019, as amended, which provides: "No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under this Act, or under the provisions of the revised Penal Code on Bribery".

To implement the said provision, the Ombudsman issued a Memorandum Circular in 1992 enjoining all concerned not to allow the retirement of any public official or employee nor accept the resignation of any "public officer" as defined under the said Act without first securing/presenting a certification with "no pending case" from the OMB.

Objections were soon raised on the propriety of requiring an OMB clearance. Some legal practitioners offered a different interpretation of the subject provision.

They claimed that despite the pendency of a criminal or administrative case, a retiree may still be paid his/her retirement benefits subject to the condition that if found guilty, the retiree would be liable to restitute whatever benefits he/she may have received during the pendency of the case. Sec. 13 of R.A. No. 3019 provides that "(I)n the event that such convicted officer, who may have already been separated from the service, has already received such benefits, he shall be liable to restitute the same to the government".

Subsequent to this differing interpretation, the OMB issued another Memorandum Circular in 1995 to the effect that "a person retiring from the government service whether optional or compulsory, needs only to present a certification from this Office whether or not he has a pending criminal or administrative case. In the event the certification presented states that the prospective retiree has a pending case, the responsibility of determining whether to release his retirement benefits, as well as the imposition of necessary safeguards to ensure restitution, if the retiree is found guilty, rests upon and shall be left at the sound discretion of the head of the department, office or agency concerned". The 1995 memorandum remains in effect until a judicial pronouncement as to the correct interpretation of Sec. 12 & 13 of R.A. No. 3019 is promulgated.

by the Office includes the actual status of active cases, e.g. fact-finding investigation, preliminary investigation, administrative adjudication, submitted for resolution or filed in court. Penalties imposed in administrative cases and court decisions are likewise reflected. A complaint with assigned CPL number which has not yet been determined upon evaluation to be sufficient in form and substance and not yet docketed as an administrative and/or criminal case or both, will not be reflected in the



OMB personnel attending to numerous applications for issuance of OMB clearance and certifications

certification unless requested by investigating commissions, committees or government agencies.

The OMB certification is one way of ensuring that penalties imposed on the respondents of ombudsman cases are implemented. In one case, one of the respondents in an administrative case left government service without serving the penalty of one year

suspension imposed on him nor paying the equivalent of one year salary if the respondent is already out of government service. After seven years he applied for reappointment to government service. He was required to secure an OMB clearance. No clearance was issued to him until such time that the respondent paid the amount specified.

Procedures. Applications for OMB clearance can be filed directly with the OMB-Central Office, OMB-Visayas and OMB-Mindanao. Applications can also be filed online thru the OMB website (www.ombudsman.gov.ph). Applications for OMB certifications of applicants from the National Capital Region and OMB-Luzon are processed within the day while the applicant waits. This way OMB clients save time, effort and money. With the decentralization of issuance of OMB certification, applicants from Visayas and Mindanao who file their applications at the regional office nearest them can claim their certifications within a five-day period.

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 entered into a Memorandum of Agreement with the OMB while some were accredited by the OMB as JGUs.

Corruption Prevention Units (CPUs)

CPUs serve as the OMB's citizens'arm in its crusade for a clean and honest government. These organizations assist the OMB in detecting graft and corruption in the bureaucracy. Common objectives of CPUs 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 2009, there are 34 CPUs nationwide. These CPUs come from very diverse backgrounds and represent various groups all working





High school students who are members of a JGU in Misamis Oriental listen to a lecture on anti-corruption acitivities given by officials of OMB-Mindanao

to fight corruption: retirees, reservists, marines, cooperatives, businessmen, government employees, etc.

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.

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 objective 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 country's 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 2009, there are a total of 413 JGUs nationwide.

Activities. Following are just some activities undertaken by JGUs in 2009:

- ☑ Junior Graftwatch Officers-of-the Week Summer Program.
- ☑ Celebration of the 12th JGU Anniversary and Multi-Event Competitions.

OMB: Corruption Prevention & Public Assistance

- ☑ JGU Orientation Seminars and Leadership trainings
- "Makibata 2009", 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.

Anti-Corruption Education and Promotion

nother crucial OMB strategy in the fight against corruption is mobilizing public support through anti-corruption education and promotion. It is simply not enough to prosecute offenders or rationalizing systems to make it less vulnerable to corrupt activities. There must be ample efforts to educate the public as to the causes, effects and challenges of corruption with the end in view of solidifying the foundation of a graft-intolerant society.

Highlighted in this part of the report are:

- ✓ OMB anti-corruption education programs;
- ✓ multi-media initiatives undertaken by the OMB to promote integrity, accountability and transparency in government, and
- ☑ International Anti-Corruption day celebration.

Starting with education and capability-building

The OMB believes that to solve the problem of corruption, it has to make an ally out of each and every Filipino. This means educating both the young and old about the causes, effects and challenges of corruption. The OMB conducted numerous trainings, seminars, workshops and other capability-building activities focusing on the roles and functions of the OMB, OMB projects and initiatives, and Philippine anti-corruption laws. Always the aim is to inculcate the maxim that public office is a public trust.

Eight-day Executive Course on Strategic Planning and Management of an Effective Corruption Prevention Program. In 2009, the OMB introduced new educational programs. Thus, in the first two months of 2009, the OMB conducted two batches of an eight-day Executive Course on Strategic Planning and Management of an Effective Corruption Prevention Program. Participants were from the OMB, BOC and BIR. At the end of the course, participants were expected to be able to explain the concepts and effective approaches in corruption prevention, identify and apply corruption prevention tools and techniques, identify leading practices in corruption prevention and formulate a viable and effective corruption prevention strategy.

A **Research symposium** was also held by the OMB, in coordination with the Asian Development Bank, Griffith University and the University of the Philippines, in order to generate ideas for the initial research agenda of the Center for Asian Integrity (CAI), Asia-Pacific's first regional anti-corruption university. The CAI was launched in August 2008 through a Memorandum of Understanding

signed among the OMB, Griffith University-IEGL and the UP-NCPAG.

Graft and Corruption Prevention Education (GCPE) Teaching Exemplars. Ajoint effort of the OMB and the Department of Education (DepEd), the teaching exemplars is one of the mainstream anticorruption education programs of the OMB. The GCPE Teaching Exemplars is a set of teaching guides for all public elementary and secondary MAKABAYAN teachers. Designed to instil 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 (or the Code of Conduct and Ethical Standards for Public Officials and Employees) 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 2009, monitoring visits to selected public schools in the National Capital Region continued. Also, the Resident Ombudsman of DepEd monitored three schools in Cebu and three schools in Cagayan de Oro City. Advisers of Junior Graftwatch Units were also provided copies of the GCPE Teaching exemplars when they attended JGU seminars.

Ehem! Aha! Seminars. The Ehem! Anti-Corruption Seminar was started by the Philippine Province of the Society of Jesus or Jesuits in May 2001. Two years later, it joined hands with the OMB to implement the Ehem! sensitivity seminars in all OMB offices nationwide as well as collaborate in the implementation of the Ehem! campaign in government.

Ehem! refers to the guttural voice, which calls people's attention. It is a gentle but powerful sound to caution and make one's presence known. Ehem! consists of four modules, which follow the Ignatian/spiral praxis of experience, analysis, reflection, and action. These modules are aimed at facilitating a process among the various sectors towards understanding the culture of corruption, its various standpoints, and the roles of individuals and institutions in the perpetuation of corruption in society; providing an avenue for analyzing issues and situations of corruption and their immediate and long-term causes and consequences; allowing serious reflection among different sectors to generate insights on their value systems that reinforce or prevent corruption; and building commitment and formulate plans to help combat corruption.

On the other hand, **Aha!** is the institutionalization and strengthening of whistleblowing and tipping in the Philippines. Whistleblowing can be an effective deterrent to corruption, thereby making corruption a low-reward high-risk activity. Aha! seeks to produce more watchdogs, tipsters, complainants, squealers, witnesses and reporters.

The Ehem! Aha! collaboration is a fusion of the cultural reform/values formation campaign of the Jesuits with the legal enforcement strategies of the Ombudsman. Aha! represents the laws and prosecution program. *Ang hindi madala sa Ehem!*, patay sa Aha!

In 2009, the OMB Central Office conducted and acted as resource speakers in sixteen batches of seminars for the OMB and BIR personnel, and JGU advisers/officers/members. More than 450 participants joined the activity. OMB-Visayas, on the other hand, conducted sixty-two Ehem! seminars and Ehem!-related

activities with various agencies and sectors in the Visayas and some of the nearby regions.

Orientation seminars/lectures and briefings. At least six orientation briefings were conducted in 2009. The orientation seminars and briefings showcase a twenty-minute audio-visual presentation featuring the roles and functions of the OMB, its graft prevention programs/projects, and other initiatives. Best practices, such as the GCPE Teaching Exemplars, Integrity Development Review and the Procurement Law were likewise discussed during these orientations. Orientations were conducted for the following:

- ☑ Delegates from Bangladesh and Afghanistan;
- ☑ Delegates from the Royal Government of Bhutan;
- ☑ Political Science students from Miriam College;
- ☑ Political Science students from the University of the Philippines;
- ☑ Students of the National College of Public Administration and Governance, University of the Philippines; and
- ☑ Members of the Federation of Student Government of Makati.

Orientation seminars were also provided for nongovernment organizations which are prospective partners of the OMB. Some of the NGOs given orientation seminars are the following: Kabalikat Civicom, Hukom International, Inc., and Christian Convergence for Good Governance.

Research/Thesis Assistance Program (RTAP).

This project is a continuing undertaking of the OMB to provide opportunities for students to conduct studies and researches on the malaise of graft with the hope of finding ways on how the problem can be prevented, minimized or controlled. This is also envisioned to awaken the consciousness of the youth and develop in them a deep sense of responsibility as active members of society in the fight against corruption.

Through the RTAP, the OMB provides deserving students financial assistance of Php5,000 per completed research. It also gives them access to interview OMB officials, gather OMB data, as well as printing materials and services.

Three researches were completed in 2009. Recipients of the grant include:

- ☑ a Juris Doctor senior student from Ateneo de Manila University for the thesis entitled "The 1987 Constitution and International Law Imperatives in the Philippines: A Critical Legal Analysis",
- ☑ a doctoral student from the Western Visayas State University (WVSU), Lambunao Campus, Iloilo for a dissertation entitled "Ethical Behavior as Influences by the Leadership Approaches Organizational Culture and Work Attitudes of WVSU External Campuses"; and
- ☑ a graduate student of PUP-OUS MPA Program for the thesis entitled "The Philippine e-Procurement System as Corruption Prevention mechanism: An Assessment".

Telling our story in a multi-media way

To be able to reach out to more Filipinos in 2009, the OMB tried to make the most use out of not just the traditional print and broadcast media, but also the internet. Thus, Ombudsman Gutierrez continued cohosting the radio program "Magsumbong sa Ombudsman" and writing an opinion column called "The Essential Thing" in the Business Mirror. In December 2009, she also started a television program called "Ombudsman: Kakampi mo Laban sa Katiwalian" on Channel 4.



Photo shows (from left to right)
Community Coordination Bureau Director Cesar
Tirol, Asst. Ombudsman for Public Assistance
and Corruption Prevention Evelyn A. Baliton
and broadcaster Tony Salao as OMB officials
answer questions during the radio program
"Magsumbong sa Ombudsman".

Magsumbong sa Ombudsman. The OMB has 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. Ombudsman Gutierrez co-hosts the program with veteran broadcaster Tony Salao. This radio program features weekly news updates about OMB projects and activities, as well as discussions about current issues in the Philippines. It also features interviews with OMB officials and other guest resource speakers, and an openline segment where phone calls, text messages and letters from the public are entertained.

Almost 50 episodes were aired for the calendar year 2009. Podcasts of the same are available at the OMB website (http://www.ombudsman.gov.ph).

For several years now, a weekly radio program dubbed as "Magsumbong sa Ombudsman" is co-anchored by officials from OMB-Mindanao. This program is in partnership with a local station in Mindanao, DXFE. Through this program, listeners can learn about current programs of the Office and they may also send queries or air grievances which are promptly acted upon by the staff of OMB-Mindanao.

Television Program Debut. On December 9, 2009, a Memorandum of Agreement (MOA) between the OMB and the People's Television network, Inc. (PTNI) was signed for the airing of the OMB television program entitled "Ombudsman: Kakampi Mo Laban Sa Katiwalian" over NBN 4 every Saturdays from 12:00 noon to 1:00 p.m.

The pilot episode was aired in December 2009. It featured an overview of the OMB, as well as the Social Service Caravan held for victims of Typhoon Ondoy. The second episode was about the conduct of lifestyle check investigations, the MOA signing between the OMB and the Federation of Philippine Industries (FPI), and the signing of a Memorandum of Understanding between the Multi-Sectoral Anti-Corruption Council (MSACC) and the Philippine Association of Professional Regulatory Board. It also featured the Junior Graftwatch Unit (JGU) program of the OMB and the JGU anniversary celebration. The third episode contains segments on the Citizen's charter, the OMB Christmas party, the MOA signing between the OMB and the NCRP, and a continuation of the feature on lifestyle check investigations. The last episode aired for 2009 showcased the Makibata program, mediation of cases in the OMB and a feature on the Constitutional Integrity Group. It also showed the plans and projects of the OMB for 2010. All episodes of the OMB television program are uploaded in the OMB website.

The Essential Thing. Ombudsman Gutierrez started writing an opinion column called "The Essential Thing" since two years ago. This column appears every Friday in the Business Mirror, a daily broadsheet circulated nationwide. In her column, the Ombudsman discusses the powers and functions of the OMB, various legal questions and issues concerning the office, and





Photos taken last December 2009 during the very first taping of Ombudsman Gutierrez for the televesion program entitled "Ombudsman: Kakampi mo laban sa katiwalian".



Screenshots of the old (top most photo) and new (photo above) OMB website

various programs, projects and activities of the OMB to fight corruption in the Philippines. A total of 57 articles were written by Ombudsman Gutierrez and published in 2009.

Improving the OMB website. A new OMB website was launched in March 2009. It was designed to be more organized, informative and responsive to the needs of the general public. Online services such as filing of (a) complaints; (b) requests for OMB clearance or certification; and (c) requests for assistance can now be made via www.ombudsman.gov.ph. It also features an up-to-date archive of "The Essential Thing" articles, podcasts of the OMB radio program, and all episodes of the OMB television program.

Hotlines, Emails and Text Messages. Aside from the improved website, the OMB put up several hotlines nationwide to make the OMB more accessible to the public, and to make reporting easier for most people. Visayas and Mindanao have their own hotlines as well.

Following are some hotlines in Metro Manila which the public may use:

- ☑ OMB Public Assistance hotline: 9262-OMB (or 9262-662)
- ☑ Lifestyle check hotline: (02)927-4102 or (02)927-2402
- ☑ Anti-fixer hotline: 0926-699-4703

Distribution of other information and education materials. The OMB also produces several publications every year including the OMB Integrity Newsletter, OMB

Journal and the Sentinel. National and local government agencies were furnished copies of these publications. The OMB also provides back issues of OMB publications to students, representatives of other government agencies and the general public.

Numerous press releases were also prepared by the OMB from January to December 2009. These press releases were disseminated to different national broadsheets, dailies and other local newspapers nationwide.

In December 2009, the OMB also started posting one-page flyers/bulletins to better inform OMB employees and the general public of recent developments on corruption prevention, best practices/ success stories and other important announcements.

Exhibit of Anti-Corruption Materials. An exhibit featuring anti-corruption materials was held at the Asian Development Bank during the Regional Seminar on the Political Economy of Corruption last September 9-10, 2009. Another exhibit was staged at the Philippine International Convention Center (PICC) during the International Anti-Corruption Day. An exhibit was also put up at the SM Mall of Asia during the Freedom March and MTV Asia Exit Concernt Against Trafficking in May 2009.

All of these initiatives help raise anti-corruption awareness and encourage the public to get involved in OMB initiatives.



Ombudsman Gutierrez, assisted by MSACC members, awarded certificates of appreciation to speakers, presenters and reactors during the Forum of Governance Leaders

International Anti-corruption day celebration

More than five hundred individuals representing the government and private sectors, including international development partners, joined the OMB in celebrating the International Anti-Corruption Day. In particular, everyone took part in a program showcasing four major activities.

The first was the *Forum of Governance Leaders* entitled "Leadership in Governance Reforms: Setting the Tone at the Top. Deputy Ombudsman Emilio Gonzalez III introduced the presenters and reactors. Key governance reforms were subsequently presented individually by USEC David J. Lozada, Jr. of the Department of Health, Deputy Commissioner Alexander M. Arevalo of the Bureau of Customs, Administrator Ernesto G. Carolina of the PVAO, and lady Chief Executive, Marides C. Fernando of Marikina City.

A Panel of Reactors in the Forum consisted of CSC Acting Chairperson, Cesar D. Buenaflor; Commission on Audit Commissioner Juanito G. Espino, Jr., and 1-UTAK Party List Representative Vigor O. Mendoza. They made comments on the presentations including how impressed they were by institutional reforms. Dr. Grace Jamon, president of the Association of Schools of Public Administration in the Philippines, followed with a Synthesis of the forum.

The second activity was the launching of MSACC's "Barangay Kamalayan, Dagdag Kaalaman" (BARKADA KA) by Director Edsel C. Naguit of Evelio Javier Foundation, Inc.

The third was the *awarding of Certificate of Appreciation to the Forum speakers* (four presenters, three reactors, and Dr. Grace Jamon) by Tanodbayan Ma. Merceditas N. Gutierrez, assisted by members of the MSACC.

Lastly, there was *ceremonial release of multi-colored balloons* at the PICC courtyard. All MSACC members joined the Ombudsman and guests in the ceremony.

Institutional Strengthening

t is not possible for the OMB to do all the work it is mandated to do if it did not have a vibrant organization. Albeit busy with all its programs and projects in enforcing anticorruption laws, corruption prevention, public assistance and anti-corruption education and promotion, various measures have also been institutionalized to invest in its human resources, strengthen infrastructures and systems within the OMB, and reinforce alliances with partners and other stakeholders. Highlighted in this part of the report are:

- ☑ OMB finance and administration milestones that helped improve the working conditions of OMB officials and employees;
- ☑ Important local and international trainings and conferences participated in by OMB delegates;
- ☑ Information on partnerships and alliances entered into by the OMB, including NACPA-MSACC activities and international commitments; and
- ✓ OMB Foreign-funded projects.

Finance and Administration Milestones

The *Finance and Administrative Office (FAO)* of the OMB has upheld its role as guardian of public funds by providing the Ombudsman advice and assistance on financial, administrative, personnel management and development, and information technology matters. FAO indefatigably looked for possible sources of funds and spent judiciously its resources to improve the working conditions of the officials and employees.

In 2009, notable contributions of FAO were the following: provision of shuttle service for officials and employees residing in *Cavite*, *Bacoor*, *San Pedro*, *Laguna*, *Malolos*, *Bulacan* and *San Jose Del Monte*; and the conduct of livelihood programs to harness the skills of our employees which in turn they may utilize to improve their economic conditions. Other noteworthy accomplishments of the OMB are as follows:

I. Improvements in Finance and Management

a. Planning and Budgeting

The basic rule in the expenditure of public funds is that no money shall be paid out the treasury except in pursuance of appropriation made by law. As the first line of control in the utilization of funds, the Planning and Budget Division sees to it that the OMB has sufficient funds to sustain existing programs and, more especially, implement major projects.

In 2009, the OMB received only Php967.470 million as recommended spending program for FY 2010 from the Department of Budget and Management. This amount excluded crucial Capital Outlay requirements

of the OMB. In response, the PBD satisfactorily submitted all pertinent documents and justifications on time sufficient to convince Congress that the OMB, indeed, deserved the restoration of Php86.8 million appropriations for its ongoing projects such as:

- ☑ payment of amortization due to the National Housing Authority;
- payment of the last-year amortization due to the Land Bank of the Philippines on the loan acquired for the construction of the present OMB building,
- ☑ outlay for the construction of an OMB-regional office in Rosales, Pangasinan.

With regard to its routine work, PBD has issued 2,733 Obligation Request Slips; reviewed 242 Purchase Orders; and examined 2,722 Disbursement Vouchers; and sub-alloted 461 sub-allotment advices to Area/Sectoral/Regional Offices and the Office of the Special Prosecutor. Budgetary reports were also submitted on time.

b. Accounting

As the Division charged with the execution phase of yearly budget appropriation, the Accounting Division sees to it that moneys appropriated for functions, programs and projects shall be spent only for the specific purposes for which these are appropriated.

Pursuant to accounting and auditing rules and regulations, the following were prepared/processed: 86 payrolls other than for salaries and RATA; 408 payrolls for remittances; 2,933 vouchers; and 5,351 journal entry vouchers, among others.

Monthly, Quarterly and Annual Accounting Reports were prepared and submitted on time to DBM and COA. Notable accomplishment was the prompt preparation of reaction to the COA Audit Observation/Memorandum; implementation of COA recommendation; settlement of the prior year's balances in cash advances from 1987–1995 and reduction of Balance of Accounts Receivable Others—Disallowances from Php236,889.15 to Php32,391.61. On top of this, OMB efforts have been rewarded when on March 3, 2010 the COA Auditor informed the office in writing that in the audit of the disbursements, all were found in order and compliant with accounting and auditing rules and regulations and that for 2009, *OMB has not been issued any suspensions, disallowances and charges*.

c. Monitoring

The Statistical and Monitoring Division (SMD) prepared quarterly, semestral and the CY2008 annual OMB integrated accomplishment reports. Also, during the year, thirty five data processing and extraction were undertaken to generate special reports requested by the different OMB offices and other government agencies.

The SMD continued to maintain and administer the in-house-developed and outsourced systems and continued the provision of technical support to the Accounting Division, Human Resource Management Division and Central Records Division in the generation of Payroll System, Allowance Module, electronic New Government Accounting System (eNGAS), Remittance Module, Service Record Module, Case Registry System (CARESYS) and Case Monitoring System (CASEMON).

II. Improvements in Management Information System

Being the information technology (IT) arm of the Office, the Management Information System Services (MISS) worked hard to achieve the targets of the OMB.

New website. The MISS was able to launch the new OMB website on March 31, 2009. It was designed to be more organized, informative and responsive to the needs of the general public. Online services provided include the filing of (a) complaints; (b) requests for OMB clearance or certification; and (c) requests for assistance. Maintenance of the website and conversion of radio and TV programs so that the same may be viewed online are also part of the duties of the MISS.

Development of Computerized Systems to support FAO. To have a more efficient and effective way of scanning, storing and retrieving Statement of Assets, Liabilities and Networth (SALN), an imaging and retrieval system named SALN-IRS, was implemented in the Central Records Division on May 18, 2009. Around 40,000 SALNs were scanned and encoded since then. As to the monitoring of administrative issuances, a system named Administrative Issuance System (AIS) was implemented last August 2009 at the Central Office, thereby centralizing the database of Administrative Orders, Memorandum Circular, Office Circular, Office Memoranda, Office Orders, and Resolutions.

Presentation of integrated Complaint and Case Monitoring System (CCMS). On November 2009, the MISS has formally presented to concerned employees and officials the features, scope and functionality of the integrated Complaint and Case Monitoring System

(CCMS) that will be initially implemented in the OMB-Central Office, OMB-Luzon and OMB-MOLEO in 2010. This project will help improve generation of statistical data important in decision-making, policy formulation, and in the evaluation and monitoring of programs.

Completion of Millenium Challenge Account -Philippines Threshold Program Technical Assistance Project (MCA-PTP TAP). The MISS actively participated in the implementation of the IT Connectivity component under the MCA-PTP-TAP, which was formally turned over to the Office last May 13, 2009. The project virtually connects the OMB Central Office, OMB-Luzon, OMB-MOLEO, OMB-Visayas and OMB-Mindanao. There are now 256 computers with wireless connection, 15% of those have internet access. The project likewise renovated server rooms in OMB Central Office, OMB-Visayas and OMB-Mindanao to house existing IT resources as well as the new ones donated by USAID

Expansion of OMB Network. Months after the new infrastructure was turned over to the OMB by the MCA-PTP-TAP, the MISS was able to manage the new technology resulting in the interconnection of both wired and wireless networks. The network is being used to provide access to internet, email, Lex Libris and computerized systems developed by the MISS. The Public Assistance Bureau - Clearance Section was also allowed to have direct access to OMB-MOLEO's Case Monitoring System resulting in the faster verification of cases. Hosting of email accounts has likewise been transferred to the OMB.

In view of all these, guidelines on the proper use of ICT resources have been approved by the Ombudsman to put in place mechanisms to secure the entire OMB network nationwide.

Computerization of Human Resource (HR) **Offices**. As an initial step towards the computerization of HR Offices in all OMB offices in the country, a system called the OMB Employee Numbering System (OENS) was developed to automatically generate a unique number for OMB employees regardless of their place of assignment. The system was already presented to HRM Officers to be implemented in the Central Office, Luzon, MOLEO and OSP in January 2010.

Participation in Special Projects. Some MISS personnel also actively participated in several OMB projects such as Records Management and Evidence Security Study, Formulation of the OMB Citizen's Charter, Task Force on Poll Automation, IT-based Confidential Reporting of anomalies, procurement of ITrelated resources namely IT equipment, accessories, peripherals, Public Address System, biometric device, ID printer/maker and Internet Protocol – Private Branch Exchange (IP-PBX).

III. Initiatives of the Central Administrative **Services**

The Central Administrative Service (CAS) continues its traditional role of providing economical, efficient and effective services relating to personnel administration, procurement, cashiering, supplies, equipment, records, security and custodial work.

The Human Resource Management Division (HRMD) administered 259 examinations to about 589 interested applicants and after some rigid interview, had recommended the appointment of 133 successful candidates. HRMD also assisted OMB officials and employees in documenting and following up claims in the GSIS, HDMF, Philhealth, etc., including the grant of scholarship to deserving OMB personnel. It also spearheaded the provision of livelihood trainings to OMB employees and their dependents. Thus, free training programs on practical vegetable gardening, making novelty items and other fashion accessories, soapmaking, candle-making perfume-making and the like were given which OMB employees may utilize to improve their economic conditions.

Medical and Dental needs of the employees have been provided thru administration of the following:

- ✓ sugar, cholesterol and triglycerides examination of 1,773 employees;
- ☑ administration of anti-flu vaccine for 650 employees;
- ☑ administration of pneumococcal vaccine for 516 employees; and
- ☑ administration of cervical vaccine for 1,122 employees and dependents.

The **Central Records Division (CRD)** also initiated measures to improve records management of the *Statement of Assets, Liabilities and NetWorth (SALN)*. By yearend, CRD has scanned and uploaded around 40,000 SALNs. The CRD has updated management of docketing criminal and administrative cases.

The General Services Division (GSD) attended to the procurement of various supplies and materials, inventory of OMB equipment including disposal of unserviceable office equipment, furniture and fixtures. It also assisted the Bids and Awards Committee in the technical aspects of procurement; spearheaded the upkeep and maintenance of the building and all facilities in the OMB Central Office; and the operation of the official vehicles of the OMB.



Representing the OMB, Asst. Ombudsman Evelyn Baliton attends the 5th Anti-Corruption Agency Forum in Korea last September 2009

Important local and international trainings and conferences

The OMB also facilitated the sending of delegates to important local and international trainings, workshops, courses, conferences and symposia. Through participation in these activities, the country's anti-corruption initiatives are showcased while learning other countries' best practices in combating corruption. Following are just some of the conferences and workshops participated in by OMB delegates:

- ☑ 3rd Conference of State parties to the UN Convention Against Corruption in Doha, Qatar
- ☑ ADB-OECD Anti-Corruption Meeting in Macao, China
- ☑ 5th ACA (Anti-Corruption Agency) Forum in Seoul, Korea
- ☑ 4th ICAC Symposium with the Anti-fraud Office (OLAF) of the European Commission in Hong Kong
- ☑ 11th Asian Ombudsman Association Conference in Thailand
- ☑ Asia-Middle East Dialoge (AMED) on Best Practices on Transparency, Integrity and Combating Corruption in the AMED Countries in Cairo, Egypt
- ☑ Financial Crime Prevention and Anti-Corruption Forum in Kuala Lumpur, Malaysia

- ☑ Workshop on Applying APEC Anti-Corruption Principles, Preventing Conflict of Interest in Beijing, China
- ☑ Complex Financial Investigations Course organized by the US Department of Justice and the International Law Enforcement Academy in Thailand
- ☑ Workshop on Investigating and Prosecuting Kleptocracy conducted by the International Criminal Police Organization (INTERPOL) in Lyon, France
- ☑ 7th Postgraduate Certificate Course in Corruption Studies at Hong Kong University
- ☑ APEC Capacity Building Workshop on Formulating Strategies for Strengthening Interagency Mechanisms for Combating Corruption related to Money Laundering in Bangkok, Thailand
- ☑ Public Corruption Investigations Course delivered by the Federal Bureau of Investigation at the National Police College, Taguig City

Broadening Alliances

It is worthy to note that the OMB was never alone in the fight against corruption. It was joined by different organizations in its quest for a graft-intolerant society. The OMB expanded membership of the Multi-Sectoral Anti-Corruption Council (MSACC) and established local chapters in Visayas and Mindanao. The OMB also continued to welcome new organizations as Corruption Prevention Units. Numerous high schools nationwide were also accredited to become Junior Graftwatch Units.

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 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 representatives from different branches of government, academe, business, youth, inter-faith groups, non-government organizations and civil society organizations. The MSACC is the convergence of the brightest and dedicated individuals from various sectors of society.

For the first year implementation of its Strategic Plan for 2009-2011, the MSACC has achieved significant accomplishments in line with its key functions of anticorruption policy coordination, promotion of anticorruption measures and instituting organizational effectiveness in anti-corruption work among the members of the Council.

On Membership, the Council has strengthened the commitments of each of the eight sectoral groupings of the Council and has, likewise, initiated individual anticorruption initiatives. One of these initiatives is the forging of a cooperation program with the Philippine Association of Professional Regulatory Boards (PAPRB), which provided for mechanisms for tapping professional expertise in the strengthening of investigation and prosecution of corruption cases. Preparatory arrangements with the business sector were also initiated through the Federation of Philippine Industries (FPI) and Philippine Chamber of Commerce and Industries (PCCI) for advocacy of ethical standards among its members.

The Council has also expanded its membership to include the Concerned Citizens of Abra for Good Government (CCAGG), which has also, linked the Council to the Northern Luzon Coalition for Good Governance (NLCGG) as incoming member of the Council. On the part of the Academe, the Council has undertaken preliminary talks with the Association of Schools of Public Administration of the Philippines (ASPAP).

Further, the Council has organized local chapters of the MSACC in Mindanao and Visayas. Through the assistance of the Offices of the Deputy Ombudsman in these two areas, different organizations and institutions representing the eight sectoral groupings of



Photo above shows representatives from the Cebu Chamber of Commerce and the Armed Forces of the Philippines signing the Convenant of Commitment expressing support for MSACC-Visayas. Photo below shows representatives from the Couples for Christ and the National Youth Commission signing simultaneously. Bottom photo shows the representative of the Employers' Confederation of the Philippines signing the MSACC-Visavas Convenant of Commitment.





the Council were organized comprising these local chapters.

The NACPA-MSACC was first introduced in the Visayas in March 2008 with the Multi-Sectoral Forum and the Good Governance Parade from the Cebu Provincial Capitol Grounds up to the Cebu City Sports Complex. Around ten thousand people from the academe, local government units, national government agencies. civil society, military, judiciary, media and the business sector responded to the call of the OMB to rally for integrity in the bureaucracy and fight against graft and corruption.

Thus, building on such strong public support, MSACC-Visayas was formally launched last November 20, 2009. Thirty-three individuals representing various groups/units in the government, civil society and the private sector, signed the covenant supporting the NACPA.

On the other hand, Ombudsman Gutierrez inducted representatives of thirteen MSACC-Mindanao members who represent government agencies, academe, media, faith-based organizations, people's organizations, youth sector, and non-government professional groups.

As its initial undertaking, MSACC-Mindanao spearheaded the commemoration of the United National International Anti-Corruption Day in Davao City on December 9, 2009. The celebration was jumpstarted by a thirty-vehicle motorcade which features anti-corruption posters. A Forum on Leadership in Governance with the theme "Setting the Tone from the Top" immediately followed. Around 166 participants attended the affair.

On Anti-Corruption Policy Coordination, the Council has created an Inter-Agency Working Group for the formulation of legislative studies on the following:

- ☑ Criminalization of Bribery of foreign officials and officials of public international organizations,
- ☑ amendment of R.A. No. 9160 (or the Anti-Money) Laundering Act),
- ☑ amendment of Presidential Decree No. 1069 (or the Extradition Law),
- ☑ Proposed enactment of domestic legislation on the Mutual Legal Assistance (MLA),
- ☑ enactment of a law permitting UNCAC Parties for initiating civil action to recover ill-gotten properties,
- ☑ enactment of a law protecting whistleblowers,
- ☑ establishing a Witness Protection Program for the Office of the Ombudsman,
- ☑ enactment of a law creating the Center for Asian Integrity, and
- ☑ amendment of R.A. No. 6770 (or Ombudsman) Act of 1987).

The Council has also issued MSACC Advisory 2009-001, urging Congress to consider and adapt the above cited legislative agenda and requesting both houses of Congress to send their respective representatives to the Inter-Agency Working Group.

On UNCAC Compliance, the Council has fully complied with the Philippine Self-Assessment Report and has likewise, responded to additional questions raised by Fiji and Peru, which are acting as the peer reviewer for the Philippine Report. The report was officially acknowledged by the United Nations Office on Drugs and Crime (UNODC), through the Department of Foreign Affairs (DFA). In the recent Conference of State parties (COSP) held in November 2009, the Philippines was

cited as one of the countries that volunteered for peer review during the parallel conference conducted on the **UNCAC** Review Mechanism.

Taking off from the Self-Assessment Report, the Council convened representatives from government, civil society, community-based organizations, members of the Diplomatic Corps and International Development Partners in the 1st UNCAC Summit held in May 2009. The Philippine Roadmap for the UNCAC was crafted comprising of the different plans and commitments of all sectors.

On Anti-Corruption Organizational Effectiveness, the Council organized a National Multi-Sectoral Forum with the theme: Governance Reforms: Setting the Tone at the Top. The forum was massively attended by government agencies, civil society organizations and international development partners.

Key governance reform practices of the Department of health (DOH), Philippine Veterans Affairs Office (PVAO), Bureau of Customs (BOC) and Marikina City Government were presented and reacted to by the Civil Service Commission (CSC), Commission on Audit (COA) and UTAK Party-list Representative. The forum was commended by the resource persons and participants as an effective way of disseminating information on good practices and institutional reforms implemented by government agencies. Holding of another forum was recommended to give other agencies the opportunity to share their experiences in governance reforms. These include the Bureau of Internal Revenue (BIR), Philippine National Police (PNP) and Commission on Audit (COA).

During the Forum, the Barangay Kamalayan, Dagdag Kaalaman (BARKADA KA) was launched as a mechanism to bring MSACC anti-corruption initiatives closer to the people and raise public awareness and consciousness in preventing and combating corruption.

On programs and resource mobilization, the Council issued MSACC Advisory 2009-002 advising International Development Partners on the National Anti-Corruption Program of Action (NACPA), as well as, invoking UNCAC Resolution 2/4 on strengthening coordination and enhancing technical assistance for the implementation of the UNCAC and specifically urging donors to enhance their technical assistance by giving high priority to using the UNCAC in the formulation of their general development policies on anti-corruption assistance.

Initially, a Donors Forum was conducted by the third quarter of 2009. In this connection, the Council developed twenty-three projects for consideration by International Development Partners. These projects are in consonance with the MSACC's Strategic Plan for 2009-2011 and the Council's commitments under the NACPA, Medium Term Philippine Development Plan (MTPDP), Millennium Development Goals (MDGs), UNCAC and other international cooperation frameworks.

Partnerships and alliances with other local and international organizations

Local partnerships

Apart from organizations which have been accredited or recognized by the OMB as Corruption Prevention Units or Junior Graftwatch Units in 2009, the OMB forged alliances with numerous organizations nationwide. As noted in different parts of this report, some of the partnerships entered into by the OMB are as follows:

- ☑ MOA with the CSC and the COA to form the **Constitutional Integrity Group**
- ☑ MOA with the Federation of Philippine Industries
- ☑ MOA with the 1-United Transport Koalisyon (1-UTAK)
- ☑ MOU with the Philippine Association of Professional Regulatory Boards
- ☑ MOA with the Concerned Citizens of Abra for **Good Government**
- ☑ MOA with the Council to the Northern Luzon Coalition for Good Governance

Photo taken during the Signing of the Memorandum of Agreement between the OMB and the Federation of Philippine Industries last December 2009.



The OMB, as representative of the Republic of the Philippines, is a signatory to several international agreements, which include the South East Asian Parties Against Corruption (SEAPAC) and the Asian Development Bank Organisation for Economic Co-Operation and Development (ADB-OECD) Anti-Corruption Initiative for Asia and the Pacific.

SEAPAC

The OMB is an active member of the **South East Asian Parties Against Corruption (SEAPAC)**, which is composed of anti-corruption agencies/commission in the ASEAN region. The primary aim of the SEAPAC is to enhance mutual sharing and capacity building, as well as strengthening the resolve of each member to fight corruption in the region. Member-agencies include the lead anti-corruption bodies in the following countries: Philippines, Singapore, Brunei Darussalam, Cambodia, Indonesia, Thailand, Malaysia and Vietnam.

In April 2009, the OMB hosted a SEAPAC secretariat meeting preparatory to the 5th SEAPAC Meeting of Parties scheduled to be held in Hanoi, Vietnam on September 28 to October 2, 2009. It was during the 5th Meeting of Parties that the OMB made a presentation on "Settling Complaints and Anti-Corruption" while highlighting the achievements of the OMB's three-pronged approach in fighting corruption.





ADB-OECD Anti-Corruption Initiative for Asia and the Pacific

In order to curb corruption and counter its negative effects on political stability, welfare, economic development, and international trade and investment, governments in Asia-Pacific resolved to cooperate in the fight against corruption as early as 1999, when they launched the Anti-Corruption Initiative for Asia and the Pacific under the joint leadership of the Asian Development Bank (ADB) and the Organisation for Economic Co-operation and Development (OECD).

Under the Initiative, the Anti-Corruption Action Plan for Asia and the Pacific was developed to set out the goals and standards for sustainable safeguards against corruption in the economic, political and social spheres of countries and economies in the region. It addresses corruption under three Pillars: (1) developing effective and transparent systems for public service, (2) strengthening anti-bribery actions and promoting integrity in business operations, and (3) supporting active public involvement, and sets out an implementation mechanism with three main components: fostering policy dialogue and measuring progress; providing analysis to support the dialogues; and capacity building to enable members to thoroughly implement the reforms.

Priorities and activities under the Initiative are defined by the Steering Group which consists of representatives of member governments, including the OMB.

To date, countries and economies of the Asian and Pacific region that have endorsed the Plan and committed to its goals are: Australia; Bangladesh; Bhutan; Cambodia; People's Republic of China; Cook Islands; Fiji Islands; Hong Kong, China; India; Indonesia; Japan; Republic of Kazakhstan; Republic of Korea; Kyrgyz Republic; Macao, China; Malaysia; Mongolia; Nepal; Pakistan; Republic of Palau; Papua New Guinea; The Philippines; Samoa; Singapore; Sri Lanka; Thailand; Vanuatu; and Vietnam.

With the Initiative marking its 10th anniversary in 2009, the Steering Group retained external and independent consultants to assess the Initiative's impact on fighting corruption in the region and as well as to determine its future direction. Results of the review were presented at the 14th Steering Group Meeting at the ADB Headquarters in Manila on September 8, 2009. In recommending that learning activities should include ways in which anti-corruption agencies (ACA) may galvanize support, not just from other government agencies, but from the private sector and civil society as well, the reports states that "the Philippines's (sic) model of the setting up of a multi sectoral anti-corruption council consisting of representatives from all sectors, and chaired by the head of the ACA, should be encouraged." The report also features the Philippines' key achievements, in line with the Plan's Three Pillars, including the much improved conviction rate of the Ombudsman, its lifestyle-check and anti-fixing hotlines and anti-corruption awareness programs. The report also calls for the Initiative to encourage and support efforts to establish training institutes to strengthen and professionalize ACAs and other anti-corruption practitioners. This includes the Center for Asian Integrity, which is run by a consortium consisting of the Ombudsman, Institute for Ethics, Governance and Law of Griffith University of Australia, Development Academy of the Philippines, National College of Public Administration and Governance of the University of the Philippines, and, recently, the Association of Schools of Public Administration in the Philippines, Inc.

Foreign-Funded Projects

After more than twenty years of campaigning for good governance, the OMB realizes that despite the innate talents of its human resources, the seriousness and extent of the work to be done needed extra help from its international donor partners. Today more than ever before, the OMB needs to continually improve, expand and strengthen internal capacity to equip the OMB's officials and employees with needed competence, equipment and infrastructure. Thus, the OMB is grateful to receive technical assistance and funding support from three international partners, i.e., the Millennium Challenge Account, the Australian Government and the United States Agency for International Development.

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 needed by the country in general, and the OMB in particular, to reduce corruption in government and improve revenue compliance and enforcement.

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.

Last May 2009, the MCA-PTP-TAP officially came to a close. A simple turn-over ceremony was held not just to mark the event but also to showcase the various outputs of the project. A look back on all the activities undertaken under this two-year grant will yield numerous capacity and capability-building activities that will definitely help the OMB in the long run.

- p OMB prosecutors and investigators have benefited from 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-



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-TAP-PTP
Program Manager.

MCC Signs \$3.55 Million Grant with the Philippines to Assist with Development of Philippines to Reducing Compact Philippines to Reducing Cloaning Poverty Reducing Cloaning Sal Malestin's Red : # TA . T. 10

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clogging the dockets of the Office. (See separate writeup 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 resources on anticorruption enforcement, corruption prevention and anticorruption 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.

Compact Eligible. As of February 2010, the Millennium Challenge Corporation (MCC) signed a \$3.55 million grant with the Philippines to assist with development of poverty reducing compact. The Philippines was named eligible for MCC Compact Program assistance as early as March 2008.

PAHRDF

The OMB has also partnered with the **Philippines Australia Human Resources Development Facility (PAHRDF)**.

The five-year bilateral program between the Australian Government's Agency for International Development (AusAID) and the Philippines started in August 2004 and ended in June 2009. The basis for the engagement is the Government of the Philippines' development agenda, AusAID's country strategy and the human resources (HR) priorities in the Philippines. One of the organizations chosen by AusAID to carry out the development agenda is the Philippines-Australia Human Resources Development Facility (PAHRDF).

The goal of PAHRDF is to build the internal capacity for administrative and service delivery competence of Philippine partner-organizations. For this end, it designed a program known as the Strategic Human Resource Development. PAHRDF provided the inputs, know-how, funding and over-all management of the programs. The partner institution, such as OMB, agreed to do the implementation and to follow through until completion, which was formalized in a Re-entry Action Plan.

PAHRDF graciously supported the OMB in enhancing the competencies of its human resources. Thus, the OMB was able to send three participants to Australia for a one-year scholarship as part of a Long-Term Training (LTT) program.

The OMB also received five Short Term Trainings (STT). More specifically, the OMB benefited from the trainings under the programs entitled "People and

Organization Development" and "Service Delivery" Capacities.

The following HR interventions from PAHRDF proved rewarding not just for the OMB officials and employees trained but for the OMB as an institution as well:

- 1. Capacity Building in Recruitment and Selection, which resulted in a new interview process based on a competency model;
- 2. Capacity Building in Effective Leadership and Service Delivery for fifteen middle managers;
- 3. Capacity Building in Effective Client Service Delivery, attended by 100 OMB frontline personnel;
- 4. Strengthening Training & Development, which helped improve OMB training competencies; and
- 5. Institutionalizing Change Outcomes, the objective of which was to formulate specific and sustainable plans of action to effectively manage change initiatives in recruitment, selection procedures and client service delivery.

HR Management in OMB. The OMB has a Human Resources Management Division (HRMD) which is in charge of both personnel functions as well as training and development. However, due to budgetary and manpower limitations, HRMD has not been able to fully carry out its training functions. It tends to concentrate its efforts and time on recruitment, wage and salary administration, benefits administration and other personnel action.

Cognizant of the fact that continuous training is necessary to increase organizational capacity to cope with expanding needs, the OMB established in October 2007 a Training & Resource Center to immediately manage and coordinate trainings for OMB personnel, including designing and conducting capacity building interventions.

To date, the OMB can speak of some gains from the PAHRDF:

- 1. As a result of all interventions, OMB managers are putting into practice the knowledge and skills acquired in the trainings which their staff have noticed and appreciated. Monitoring of cases improved. Evaluation of cases are faster. Output increased.
- 2. Recruitment and Selection has adopted the competency-based interviewing process. Managers are now capacitated to conduct competency-based interviewing.
- 3. Improved frontline services. Frontliners have become more sensitive to client needs and prompt delivery of services.
- 4. Radical changes have also been initiated in processing ombudsman clearances. Processing time now is one day for applicants from the National Capital Region. Applications from the Military and Other Law Enforcement Offices (MOLEO) receive their clearance within 5 days instead of two months provided applicants have no pending case. This saves time, money and efforts for both the OMB and its clients.

Despite the end of the project, the OMB is in the process of studying the extent of the impact of trainings

on the competence of its human resources and on the health of the institution, for the drive for continuous improvement is a never ending process. Continuous training and capacity building is the best bet for increased productivity, improved capabilities and enhanced self-image.

USAID

In December 2009, two new projects to be funded by the United States Agency for International Development (USAID) was formalized.

The first project is known as the *Integrity Project*. This new USAID-funded project will implement the Cooperative Agreement between the United States of America and the Republic of the Philippines to enhance anti-corruption efforts at the national and local levels. The project has four components, namely: business process re-engineering; prosecution of corruption cases in the regular courts; strengthening the constitutional integrity group; and implementing risk management in local government units.

The second USAID-funded project is in cooperation with the American Bar Association (ABA). This project will provide legislative support for the OMB. In particular, USAID and ABA will provide the OMB with technical assistance in identifying, formulating and lobbying for the priority legislative agenda of the OMB.

As of yearend, the OMB has created separate implementation committees and secretariats to jumpstart the projects.

All in all, 2009 proved to be a very busy and fruitful year for the OMB. And the Office will continue to exert its best efforts to continue serving the Filipino people and lead the fight for a corruption-intolerant society in 2010.