



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Ombudsman Bldg., Agham Road, Government Center
North Triangle, Diliman, Quezon City

MEMORANDUM CIRCULAR NO. 05
Series of 2012

GUIDELINES ON THE ISSUANCE OF OMBUDSMAN CLEARANCE

SECTION 1. Rationale. Consistent with the constitutional provisions on accountability of public officers and in line with the statutory mandate of the Office of the Ombudsman on the enforcement of administrative, civil and criminal liability of public officers, the following set of guidelines in the issuance of Ombudsman Clearance is issued to set up control mechanisms in preserving the integrity of the Ombudsman Clearance as an official document used in the processing of appointments, promotions, retirements, transfers, resignations, travels, grant of service awards and scholarships in the public service, and for other purposes.

SEC. 2. Ombudsman Clearance, Defined. An Ombudsman Clearance is an official document certifying that a person has no criminal, administrative and forfeiture case/s pending with the Office of the Ombudsman.

A case is deemed pending from the time it has been docketed as a criminal, administrative or forfeiture case until a resolution or decision thereof has attained finality in accordance with the rules or, in case of an adverse disposition, the penalty imposed therein has been duly served or fully implemented.

If there appears to be such pending case against the applicant, the Office shall instead issue a Certification that he or she has pending criminal, administrative or forfeiture case/s filed with the Office of the Ombudsman.

A complaint that is under case build-up or fact-finding investigation, however, shall not be considered a pending case.

SEC. 3. Procedure. The following regulations shall be observed in processing applications or requests for issuance of Ombudsman Clearance:

A. Who may file:

1. Any person may file an application for his or her own Ombudsman Clearance personally or through a duly authorized representative.

2. Heads of departments, offices, agencies, bureaus, or their duly authorized representatives, with respect to their own personnel or under the terms of existing memoranda of agreement.
3. Chairpersons or duly authorized representatives of the Judicial and Bar Council, Commission on Appointments and other search and selection committees or bodies, as to their respective applicants/nominees.

Ombudsman officials and employees are prohibited from filing and following up applications on behalf of applicants.

B. Requirements:

1. Duly accomplished Application for Ombudsman Clearance (see Annex "A"; downloadable from Office website), if filed by the applicant mentioned in A.1.; or a formal request addressed to the Ombudsman, if filed by the requester enumerated in A.2 and A.3;
2. Original or certified true copy of the Service Record with a statement of the date of retirement/resignation, or, where applicable, the personal data or information sheet;
3. Government-issued ID of the applicant, and the duly authorized representative under A.1 where applicable; and
4. Payment of the processing fee, as may be determined and authorized under pertinent issuances.

C. When and Where to File:

An application or request for issuance of Ombudsman Clearance may be filed at any time, except that, for retirement purposes, an application shall be filed not earlier than six (6) months prior to the date of retirement of the applicant.

An application for Ombudsman Clearance may be filed with any of the following offices or in such other offices as may be established:

1. Office of the Ombudsman Central Office - Quezon City
2. Office of the Deputy Ombudsman for Visayas - Cebu
3. Office of the Deputy Ombudsman for Visayas - Iloilo Regional Office
4. Office of the Deputy Ombudsman for Visayas - Tacloban Regional Office
5. Office of the Deputy Ombudsman for Mindanao - Davao
6. Office of the Deputy Ombudsman for Mindanao - Cagayan De Oro Regional Office
7. Via on-line at www.ombudsman.gov.ph

An Ombudsman Clearance may be personally claimed at any of the offices enumerated under C.1 to C.6. The clearance may also be sent through regular mail or pre-paid private courier service.

D. Contents of the Clearance/Certification:

1. The Ombudsman Clearance shall state the:
 - a. name of the person subject of the clearance and, where applicable, his/her agency;
 - b. name of the applicant/requester and the agency represented, if any;
 - c. specific purpose for which the clearance is sought; and
 - d. adverse disposition of any terminated case against the person subject of the clearance, and a statement that the penalty therein imposed had been duly served or fully implemented.

2. Meanwhile, the Certification shall, in addition to those listed in Section 3.D.1 (a) to (c), contain the following data about his or her pending case:
 - a. docket number;
 - b. title of the case;
 - c. specific charge/s; and
 - d. status of the case and implementation of the imposed penalty, if any.

SEC. 4. *Processing Fee.* As may be allowed under pertinent issuances, processing fees shall be charged for the reasonable cost attending the processing of Ombudsman Clearances and Certifications. The Assistant Ombudsman for finance shall study and recommend the schedule of processing fees to be charged.

SEC. 5. *Signatories.* Unless modified by the Ombudsman through pertinent issuances, the following are the officials authorized to oversee the processing of and validate/sign Ombudsman Clearances and Certifications:

1. Ombudsman Central Office/ Luzon/ Military Other Law Enforcement Offices:
 - a. Public Assistance and Corruption Prevention Office (PACPO) Assistant Ombudsman
 - b. Public Assistance Bureau (PAB) Director
 - c. Designated PAB officer

2. Ombudsman Visayas:
 - a. Deputy Ombudsman for Visayas
 - b. Head of the Public Assistance bureau/unit
 - c. Chief of the Administrative Division

3. Ombudsman Mindanao:
 - a. Deputy Ombudsman for Mindanao
 - b. Head of the Public Assistance bureau/unit
 - c. Chief of the Administrative Division

SEC. 6. *Miscellaneous Provision.* No Ombudsman Clearance or Certification is required for the payment of the monetized value of the accrued leave credits of a separated public official

or employee, which may be subject only to any claim that the paying agency may have against the public official or employee.

SEC. 7. *Transitory Provisions.* This Memorandum Circular shall prospectively apply to applications/requests filed upon effectivity hereof. Pending applications/requests, if any, shall be acted upon under this Memorandum Circular insofar as it is beneficial to the applicant/requester.

Until such time that the assessment of processing fees have been determined and authorized under pertinent issuances pursuant to Section 4, the requirement under Section 3(B)(4) shall be suspended and the processing of the application/request shall momentarily be free of charge.

SEC. 8. *Repealing Clause.* All previous issuances inconsistent herewith are hereby repealed or modified accordingly.

SEC. 9. *Effectivity Clause.* This Memorandum Circular shall take effect on December 01, 2012 after fifteen (15) days following the completion of its publication in a newspaper of general circulation and upon filing of three (3) certified copies thereof with the University of the Philippines Law Center.

16 October 2012, Quezon City, Philippines.


CONCHITA CARPIO MORALES
Ombudsman

Copy furnished:

The Overall Deputy Ombudsman and all Deputy Ombudsmen
The Special Prosecutor
All Assistant Ombudsmen, Deputy Special Prosecutors, and Bureau Directors
Officers and staff of the Public Assistance Bureau and counterpart bureaus
in area/sectoral/regional offices
Officers and staff of the Central Records Division, and the records and administrative
bureaus/units in area/sectoral/regional offices.

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Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Manindigan Kontra Katiwalian

Annex "A"

APPLICATION FOR OMBUDSMAN CLEARANCE

HON. CONCHITA CARPIO MORALES
Ombudsman

I respectfully request your good office to issue a clearance in my favor for:

(Please indicate your purpose by checking (✓) the appropriate box)

- RETIREMENT** _____
Month Day Year
- RESIGNATION** _____
Month Day Year
- OTHERS** [please specify] _____

LAST POSITION HELD: _____

NAME & ADDRESS OF AGENCY/OFFICE: _____

HOME ADDRESS: _____

NAME & SIGNATURE OF AUTHORIZED REPRESENTATIVE, IF ANY: _____

Your kind consideration on this matter will be greatly appreciated.

MODE OF RELEASE :

for pick up
_____ personally
_____ authorized representative

by prepaid private courier service

by regular mail
_____ office address
_____ home address

Very truly yours,

SIGNATURE OVER COMPLETE NAME

[First Name, Middle Name, Last Name]

DATE ACCOMPLISHED

[Month/Day/Year]

N.B. For retirement purposes, an application shall be filed not earlier than six (6) months prior to the date of retirement.

N.B. Please accomplish this Information Sheet if the applicant could not submit a Service Record.

INFORMATION SHEET

NAME OF APPLICANT: _____

First Name

Middle Name

Last Name

DATE OF BIRTH: *(mm/dd/yyyy)* _____ **PLACE OF BIRTH:** _____

CIVIL STATUS: _____ **SEX:** _____ **NAME OF SPOUSE:** _____

HIGHEST EDUCATIONAL ATTAINMENT: *(Diploma/Degree & Inclusive Dates of Attendance)*

HISTORY OF EMPLOYMENT:

A. GOVERNMENT SERVICE –

	<i>Name of Office</i>	<i>Address/Region</i>	<i>Position</i>	<i>Inclusive Dates</i>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

B. PRIVATE SECTOR –

	<i>Name of Office</i>	<i>Address</i>	<i>Position</i>	<i>Inclusive Dates</i>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

I declare under the penalties of perjury that the answers given above are true and correct to the best of my knowledge and belief.

DATE

SIGNATURE

To be accomplished by the processing officer:

REMARKS/ACTION TAKEN: _____

Date

Name and Signature of Processing Officer