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WHAT'S INSIDE NEWS

- * A lowdown on the 13th SEAPAC meeting
- * Aquino's liability on MAMASAPANO
- * What's up with the Makati Science building case?
- * Purisima's ill-gotten wealth case

PHOTOS

- * SEAPAC meeting & fellowship highlights
- * Top 7 finalists of the Integrity Video Challenge
- * Christmas 2017 @ the Office of the Ombudsman
- * OMB Ballroom Dance Cup 2017

FEATURES

- * A DREAM COME TRUE
- * SO LET IT BE DONE

OMBUDSMAN HOSTS 13TH SEAPAC MEETING

The pervading effects of corruption have taken its toll on global and social economic development and have become a shared concern and a common challenge among members of the international community. Committed to the objective of abating the scourge of corruption, the Office of the Ombudsman put out all the stops for its hosting of the 13th meeting of the Southeast Asian Parties Against Corruption (SEAPAC) on November 27-28, 2017. Here's what happened.

See OMB HOSTS page 2

OMB HOSTS *from page 1*

A congenial and happy mood filled and descended on EDSA-Shangrila Hotel as Ombudsman Conchita Carpio Morales welcomed the nine Heads of Delegation of anti-corruption agencies in Southeast Asia for another round of meeting of the Southeast Asian Parties Against Corruption (SEAPAC), the last of which was held in Nay Pyi Taw, Myanmar in December 2016.

The establishment in 2003 of the United Nations Convention Against Corruption (UNCAC)—the only legally binding universal anti-corruption instrument which to date has been adopted by 83 states—has provided a framework within which states could address graft and corruption. However, the evolving nature and network of corruption in the context of the digital age has propelled the need for smaller, more compact, informal—but nonetheless equally formidable and potent—network in tackling corruption. In this part of the world, the SEAPAC has taken on this role, and owing to seamless coordination and strengthened collaboration among its members, the SEAPAC, since its establishment in 2008, has covered more ground in dealing with corruption.

In her keynote speech as the incoming SEAPAC chairman, Ombudsman Morales said that “the formation and fortification of SEAPAC as an organization is therefore a testament to the region’s commitment to put dent and combat corruption as corrupt practices have become more complex with modern technology.” Further, Ombudsman Morales emphasized that as an organization, the SEAPAC meeting comes at a most opportune time and “reaffirms such cooperation of the parties with the Memorandum of Understanding on Cooperation for Prevention and Combating Corruption” as it “seeks to review and push for the possible adoption of a set of Guidelines for Cooperation.”

The areas of cooperation embodied in the draft Guidelines of Cooperation include the exchange of information with respect to methods and means of criminal acts of corruption including money laundering; exchange of information with respect to methodology and modus operandi of units which perform financial intelligence; the conduct of training, courses, exchange of expertise and personnel in critical areas such as forensic accounting, forensic computer and

OMB affirms Aquino’s liability in MAMASAPANO incident

Ombudsman Conchita Carpio Morales has affirmed the finding of probable cause to charge former President Benigno Simeon Aquino III before the Sandiganbayan for the botched 2015 Mamasapano operation. Aquino will face trial for one count of violation of Section 3(a) of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019) and one count of Usurpation of Official Functions (Article 177 of the Revised Penal Code).

In a Consolidated Order approved on 11 September 2017, Ombudsman Morales denied the separate motions for reconsideration filed by Aquino and complainants Volunteers Against Crime and Corruption (VACC) and affirmed the findings contained in the 13 June 2017 Consolidated Resolution. The Ombudsman stated that “President Aquino’s act of utilizing the services of the preventively suspended [Alan] Purisima for Oplan Exodus prior to and during its implementation, despite an OIC PNP Chief having been already designated, caused Purisima to perform under pretense of official position, the acts pertaining to the PNP Chief without being lawfully entitled to do so, in violation of Article 177 of the RPC on Usurpation of Official Functions.” It added that “President Aquino’s act of utilizing the services of Purisima for Oplan Exodus under the aforesaid circumstances constituted an act of persuading, inducing or influencing another public officer to perform acts constituting a violation of the order of preventive suspension and a commission of usurpation of official functions in violation of Section 3(a) of R.A. No. 3019.”

In his motion for reconsideration, Aquino stressed that all the actions he carried out during the briefing for Oplan Exodus and its implementation were perfectly within the bounds of his powers and functions as the President of the Philippines and Chief Executive. Aquino said that “he can directly order any person or any subordinate to do what must be done—including those acting as resource persons to provide vital information and inputs to guide him in fully understanding the nuances of a police operation.” The former President added that “there is nothing irreg-

Binays face more graft raps for P1.3B Makati Science building

Ombudsman Conchita Carpio Morales has ordered the filing of multiple counts of graft and Falsification charges against former Vice-President Jejomar Binay, Sr. and former Makati City Mayor Jejomar Erwin Binay, Jr. for conspiring to rig the procurement processes of the P1.3billion Makati Science High School Building located along Kalayaan Avenue in Makati City. The Makati Science Building project for a 10-storey building complete with a four-storey dormitory was completed merely as a 10-storey building.

In two separate Resolutions approved on August 1, 2017, Ombudsman Morales indicted Binay, Sr. with four counts of violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019) and three counts of Falsification of Public Documents. Binay, Jr. is also set to face four counts of violation of Section 3(e) of R.A. No. 3019 and three counts of Falsification.

Standing as co-accused of the Binays are Bids and Awards Committee (BAC) Chairpersons Marjorie De Veyra and Eleno Mendoza, Jr.; BAC members Pio Kenneth Dasal, Lorenza Amores, Ulysess Orienza, Gerardo San Gabriel and Mario Badillo; BAC Secretariat members Giovanni Condes, Manolito Uyaco, Norman Flores and Ralph Liberato; Rodel Nayve of the BAC Technical Working Group; city accountants Leonila Querijero, Cecilio Lim III and Raydes Pestaño; and city cashier Nelia Barlis. Criminal raps were also ordered to be filed against contractors Virginia Garcia of Infiniti Architectural Works, together with Efren Canlas and Julius Ramos of Hilmarc's Construction Corporation.

On 26 September 2007, then Mayor Binay, Sr. entered into a P17.37 million Architectural & Engineering (A & E) consultancy services contract with Infiniti for the design of the Makati Science Building. Several irregularities were, however, noted in the procurement of the A&E consultancy services such as the unjustified resort to negotiated procurement instead of competitive bidding, non-compliance with the required posting of the invitation to bid, and several

OMB HOSTS *from page 2*

engineering, polygraph testing and voice analysis; exchange of information on enhancement of anti-corruption public awareness such as media campaign, promotion of integrity and the strengthening of public participation.

“The war against the scourge of corruption must necessarily be pursued from all fronts and the battle does not end in jailing the corrupt,” said Ombudsman Morales as she pushed for the deployment of a strategy which capitalizes on utilizing an “array of weapons in the [region’s] legal armory.”

Speaking before a mixed audience of delegates, key officials and directors of the Office of the Ombudsman and members of media organizations at the Garden Ballroom of the ED-SA-Shangrila Hotel, the Ombudsman said that “corruption is everything anti-ethical to the concept of public integrity.”

“The continuing struggle to uphold high level of professionalism in government service is high in the agenda of any self-respecting nation. After all, integrity is the overarching feature of exemplary public service which every state ought to deliver,” underscored the Ombudsman, making a strong case for the adoption of the guidelines to her foreign counterparts or their designated representatives.

The list of the heads of delegation includes Deputy Director Haji Sufian Bin Haji Sabtu of the *Anti-Corruption Bureau of Brunei Darussalam*, Head of Delegation Panhha Orn of the *Anti-Corruption Unit of Cambodia*, Chief Commissioner Agus Rahardjo of the *Corruption Eradication Commission of Indonesia*, Director General Souphavong Vanthanouvong of the *State Inspection and Anti-Corruption Authority of Lao People’s Democratic Republic*, Deputy Chief Commissioner Jamil Shamshun Baharin Mohd of the *Malaysian Anti-Corruption Commission*, Commissioner Myat Myat So of the *Anti-Corruption Commission of Myanmar*, Director Vincent Lim of the *Corrupt Practices Investigation Bureau of Singapore*, Assistant Secretary General Pongaeek Vijitgool of the *National Anti-Corruption Commission of Thailand* and Deputy Director General Hung Manh Ngo of *The Government Inspectorate of Vietnam*.

OMB HOSTS *from page 3*

Joining Ombudsman Morales as members of the Philippines' official delegation were Overall Deputy Ombudsman Melchor Arthur Carandang, Special Prosecutor Edilberto Sandoval, Deputy Ombudsman for Luzon Gerard Mosquera, Deputy Ombudsman for the MOLEO Cyril Ramos, Deputy Ombudsman for Mindanao Rodolfo Elman, Deputy Ombudsman for Visayas Paul Elmer Clemente and Assistant Ombudsman for Legal Affairs Asryman Rafanan.

The two-day meeting served as a platform for the ten SEAPAC members to articulate the substantive parts of their country paper presentations which outline the agencies' action plans for 2017-2019, their contributions to the areas of cooperation and the challenges which could stymie the accomplishment of their mandates.

For a more comprehensive coverage of the 13th SEAPAC Meeting, please see photos in pages 10-11



TURNOVER. Ombudsman Conchita Carpio Morales acknowledges the transfer of the SEAPAC chairmanship from Commissioner Myat Myat So of Myanmar during the opening program of the 13th SEAPAC Meeting.

AQUINO'S LIABILITY *from page 2*

ular, much less illegal, about his act of utilizing all the resources available at his disposal, including sourcing information and inputs from anyone—whether they are in active service or not.” He further added that “his only intent was to utilize the expertise of Purisima and not for Purisima to command or plan anything but just to help him understand what Napeñas and his people were talking about and that he was a passive receiver of information regarding an on-going operation.” Finally, Aquino alleged that he was denied due process as he was not informed of the nature and cause of the accusations against him.

On the other hand, the VACC stated that President Aquino's negligence is the proximate cause of the deaths of 44 SAF soldiers within the contemplation of the law on reckless imprudence. Complainants added that the first act that set off the chain of events that led to the death of SAF 44 was President Aquino's reckless imprudence and negligence in at least three instances (1) approving Oplan Exodus which was later found to have serious flaws; (2) allowing suspended Purisima to lead and oversee Oplan Exodus, tactically, strategically and operationally; and (3) failing to send reinforcement and aid to the SAF 44 as they were besieged by superior anti-government forces, until they died.

According to Ombudsman Morales, “in addition to the absence of probable cause, the counsel's theory that 44 counts of reckless imprudence resulting in homicide lie against respondents is clearly bereft of merit.”

In affirming the charges, the Ombudsman reiterated that “any negligence during the planning, preparation and actual implementation of Oplan Exodus was subsequently broken by the occurrence of an efficient intervening cause,” which was the intentional act of shooting by the hostile forces. The Ombudsman added that “on certain points of law concerning the quasi-offense of reckless imprudence, the careless act is single whether the injurious result affects one person or several persons, and criminal negligence remains one and the same and cannot be split into different crimes and prosecutions.” In other words, in an instance of reckless imprudence resulting in multiple homicide, the careless act is single whether the injurious result affects one person or several persons, and criminal negligence

See AQUINO'S LIABILITY page 6

Ombudsman orders forfeiture of P29M ill-gotten wealth of ex-PNP chief Purisima

The Office of the Ombudsman has ordered the filing of a petition before the Sandiganbayan to initiate forfeiture proceedings for the recovery of the unexplained wealth of former Philippine National Police (PNP) Director General Alan Purisima and his family amounting to P29.2 million.

In its 04 July 2017 Consolidated Resolution, Ombudsman Conchita Carpio Morales ordered that forfeiture proceedings be initiated under Republic Act No. 1379 for the recovery of the unexplained wealth accumulated by respondents Purisima, his wife Ma. Ramona Lydia Purisima, sons Rainier Van Albert, Eumir Von Andrei, Alan, Jr. and Jason Arvi. Ombudsman Morales also ordered the filing of Informations for nine counts of Perjury against General Purisima for willfully and deliberately failing to disclose all of his properties in his Statement of Assets Liabilities and Net Worth (SALN) for 2006 to 2014.

In the parallel administrative case, Purisima was found guilty of Grave Misconduct, Serious Dishonesty and Acquisition of Unexplained Wealth and was ordered dismissed from the service. In the event of separation from the service, the penalty is convertible to a fine equivalent to respondent's salary for one year.

Records show that during his stint at the PNP, General Purisima received salaries, allowances and other benefits in the total amount of P9,550,621.44 for 14 years from 2000 to 2014. His wife, Ma. Ramona, received a gross total compensation and other income of P6,382,530.84 as an employee of the AFP Mutual Benefits Association, Inc. for the same period. Thus, their combined lawful earnings amounted to P15,933,152.28 only. In addition, General Purisima declared business interests and financial connections with RAS Construction from 2000-2006 as partner; I@Link Computer Center from 2002 to 2006 as proprietor; Aliakbar Hauling and Trucking Services from 2008 to 2014; and EALRAJ Corporation, a family owned general merchandising corporation,

Northern Samar congressman, DSWD officials involved in P62M PDAF scam

The Office of the Ombudsman has found probable cause to indict former Northern Samar Representative Emil Ong before the Sandiganbayan for his involvement in the Priority Development Assistance Fund (PDAF) scam. Ong and 24 others are facing multiple criminal charges for the misuse of Ong's 2007 to 2009 PDAF amounting to P62 million.

In the Resolution, Ombudsman Conchita Carpio Morales ordered the filing against Ong of 19 counts of violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019), 12 counts of Malversation thru Falsification of Public Documents and seven counts of Malversation. Standing as his co-accused in the various charges are Department of Social Welfare and Development (DSWD) officials, former Secretary Esperanza Cabral, Undersecretary Luwalhati Pablo, Assistant Secretary Mateo Montaña, Director Deseree Fajardo, staff members Joselita Enciso and Leonila Hayahay.

The Ombudsman also ordered the inclusion in the charge sheet the representatives of implementing agencies (IA), National Livelihood Development Corporation (NLDC) Godelina Amata, Emmanuel Alexis Sevidal, Chita Jalandoni, Gregoria Buenaventura, Ofelia Ordoñez, Sofia Cruz and Filipina Rodriguez; National Agri-Business Corporation (NABCOR) Alan Javellana, Rhodora Mendoza, Victor Roman Cacal, Maria Ninez Guañizo and Romulo Relevo; NGO representatives, Roberto Solon of the Economic and Social Cooperation for Local Development Foundation, Inc. (ECOSOC), Margie Luz and Ma. Cristina Vizcarra of Gabaymasa Development Foundation, Inc. (GDFI), Rowena Adriano and Nestor Serdeña of Interactive Training Opportunity Needs Alleviations Movement, Inc. (ITONAMI). Also included as co-accused is Ong's representative Jesus Acebuche.

In-depth investigation and actual field verification uncovered that from 2007 to 2009, Ong received the following amounts as part of his PDAF:

AQUINO'S LIABILITY *from page 4*

remains one and the same and cannot be split into different crimes and prosecutions.” In other words, in an instance of reckless imprudence resulting in multiple homicide, only one count of Information may be filed against an accused regardless of the number of deaths involved, and only one penalty is imposed, not as many counts as the number of deaths.

Expounding on its legal point, the Ombudsman highlighted that the prescribed penalty for reckless imprudence resulting in multiple homicide as insisted to be filed by VACC is only four months and one day to four years and two months (except in an instance arising from the use of motor vehicle). On the other hand, Usurpation of Official Functions carries the penalty of six months and one day to four years and two months while the graft charge carries a penalty of imprisonment of six years and one month to fifteen years.

“President Aquino has repeatedly admitted and asserted in his counter-affidavit and in the instant motion that he utilized the services of Purisima for Oplan Exodus, albeit he is insisting that it was only for a limited role of a resource person. To this Office, however, the evidence on record regarding the extent of Purisima’s actual participation in Oplan Exodus, shows that he was certainly much more than a mere resource person. That President Aquino utilized the services of the preventively suspended Purisima, prior to and during the implementation, thereby giving Purisima an active role in Oplan Exodus as he was exercising a degree of authority and discretion over Napeñas, is the crux of the finding of probable cause against President Aquino.”

“To this Office, President Aquino’s act of utilizing the services of Purisima for Oplan Exodus set into motion the latter’s participation and involvement therein prior to and during its implementation. In fact, measured against the nature and extent of the short message service (SMS) exchanges alone between Purisima and President Aquino on January 8, 13 and 25, 2015, as quoted in the Resolution, President Aquino’s insistence on Purisima’s role as a mere resource person for Oplan Exodus does not lie vis-à-vis the evidence.”

Ombudsman Morales stated that “clearly the Office found probable cause against President Aquino not simply for having

See AQUINO'S LIABILITY page 7

BINAYS FACE *from page 3*

misrepresentations regarding the alleged bid negotiations, submission and opening of bids. The Ombudsman observed that the project “did not provide for a timeline or period within which the contractor must complete its services.”

Respondents claimed that seven companies were invited to submit proposals during a negotiation conference on 18 September 2007. The meeting with the bidders lasted only for an hour following which the BAC decided to recommend the award to Infiniti. The next day, or on 19 September 2007, Binay Sr. awarded the contract for the A & E services to Infiniti.

Witnesses from two of the architectural firms which allegedly participated in the negotiation conference, however, executed affidavits denying that they joined the bid negotiations and submitted proposals for the project. They also denied having consented to the use of the names of their companies. Investigators observed that all the six other purported bidders tendered bids in excess of the Approved Budget for the Contract (ABC) and that only Infiniti submitted a bid within the ABC.

After the A&E phase of the project, respondents rigged the procurement processes for the construction of the Makati Science Building which was divided into six phases (2008 to 2013), all of which were awarded to Hilmarc’s Construction at a total net cost of ₱1.33 billion. This was made possible by respondents, acting in conspiracy, through the falsification of bidding documents, suppression of information to prospective bidders, and undue haste in the award of the contracts.

For phase 1 of the project, the chief operating officer of JBros Construction, an alleged bidder, submitted an affidavit to the Ombudsman “disowning the signatures appearing above the name on the bid documents” he purportedly submitted. Graft probers also uncovered that the alleged publications of the Invitation to Bid in phases 1, 2, 4 and 5 were fake. Certified true copies of the issues of Balita obtained from the National Library confirmed that no invitations to bid for the project were published in violation of procurement rules.

According to Ombudsman Morales, “Hilmarc’s was

See BINAYS FACE page 8

AQUINO'S LIABILITY *from page 6*

assented to, or at the very least failed to prevent Purisima from committing a violation of Article 177 and Section 3(a) of R.A. No. 3019, but actually for having utilized the services of Purisima for Oplan Exodus while the latter was under preventive suspension, thus, President Aquino's complicity and influence in the commission of said offenses."

Citing Supreme Court jurisprudence, "in all cases of preventive suspension, the suspended official is barred from performing the functions of his office and does not receive salary in the meanwhile."

The Ombudsman junked Aquino's claims that he was denied due process and stated that "the offenses for which probable cause was found against President Aquino actually included in the allegations of the complaints and that Aquino was afforded the opportunity to be heard during the preliminary investigation."

"Indeed, the totality of Purisima's acts starting on 19 December 2014 until the execution of Oplan Exodus on 25 January 2015, despite his lame defense that he did said acts in his capacity as a responsible citizen, clearly show that Purisima acted as if he was not under preventive suspension at that time from his position as PNP Chief, as if no OIC PNP Chief was designated," stated the Order.

As a final note, the Ombudsman said that, "while a President of the Republic is certainly possessed with broad discretionary powers, the exercise thereof must not, however, be done in violation of a law or laws, much less when such exercise constitutes a crime. Every public official and office is expected under the law to fully comply with it, without any form of circumvention, run-around, equivocation or pretense. Obedience to the rule of law forms the bedrock of our system of justice. A government of laws, not of men, excludes the exercise of broad discretionary powers by those acting under its authority."

The Informations against Aquino are set to be filed before the Sandiganbayan.

OMB ORDERS *from page 5*

from 2012 to 2014. According to Ombudsman investigators, General Purisima's net worth for 2014 was ₱16,762,948.85.

Based on the investigation and analysis, General Purisima and his family accumulated unexplained acquisitions totaling at least ₱29,292,459.92. It was also found that Purisima had other properties and business investments under his name and/or that of his wife or sons, which he failed to declare in his SALN. These properties consisted of the following: real properties in Aulo, Palayan City; residential land in Zaragosa, Nueva Ecija; 11 parcels of land in Talisay, Batangas; land in San Ildefonso, Ilocos Sur; and personal properties consisting of firearms acquired from 2010 to 2014.

Records from the Bureau of Immigration showed that Purisima made frequent travels abroad from 2001 to 2014. General Purisima has a record of 19 foreign trips, 12 of which were official in nature, while seven of his foreign trips "were financed from private funds." Respondent Ramona had 19 travels abroad; Rainier, 10; Eumir, four; Alan, Jr., five; and Jayson, seven.

According to the Ombudsman, "said travels show that they lived a lavish lifestyle which is not commensurate with their declared earnings and financial resources."

In its Consolidated Resolution, the Ombudsman observed that "respondent P/DG Purisima effected wholesale amendments of his annual income tax returns for calendar years 2004 to 2013. The wholesale amendment was completed on November 18, 2014, or 24 days after the Bureau of Internal Revenue (BIR) issued a Certification dated October 28, 2014 in compliance with the subpoena issued by the FFIB-MOLEO during the fact-finding stage."

In amending his ITRs, Purisima used a different BIR form for business, profession, and compensation income and all of a sudden declared sales, revenues from businesses, professional income and combined net taxable income for himself and Ramona. The former general also paid a total of ₱5,087,314.00 in income tax only in November 2014.

According to Ombudsman Morales, "a closer scrutiny of respondent P/DG Purisima's amended ITRs also reveals they are

See OMB ORDERS page 8

BINAYS FACE from page 6

placed on higher footing than any potential bidders who, by lack of publication of the [invitation] in newspapers of general circulation and by the limited time of posting in the PhilGEPS, City's website or conspicuous places, were deprived of sufficient chance to participate in the biddings. In fact, no other bidder participated in the public biddings for phases 2, 4, 5 and 6."

The Ombudsman also cited the utterly flawed procurement process followed by respondents "as at the time of the commencement of the bidding process for phase 1 on 05 December 2007, no architectural design and engineering plans were provided to prospective bidders to apprise them of the details of the construction to be made so that they could submit their bids. The records are also bereft of a showing that there were completed architectural design and engineering plans before the publication of the invitation for phase 2. This logically shows that the public biddings were nothing but a sham."

In the related administrative case, the Ombudsman found Binay, Jr. guilty of Serious Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service and ordered his dismissal from the service which carries the accessory penalties of perpetual disqualification from public office, cancellation of eligibility, forfeiture of retirement benefits and bar from taking the civil service examination. Also found administratively liable were Dasal, Amores, Badillo, Querijero, Barlis, Lim, Condes, Flores, Orienza, Uyaco, San Gabriel, Mendoza, Jr., Liberato and Pestaño.

Manindigan

kontra

katiwalian

OMB ORDERS from page 7

replete with badges of falsity and misdeclaration. The reported income from businesses is not supported by financial statements and taxes withheld and remitted by withholding agents."

"The fact that he took so long to declare these other income casts doubt as to their existence. Clearly, amending his ITRs for CYs 2004 to 2013 was a mere afterthought in response to the lifestyle check then being conducted by the FFIB MOLEO," added Ombudsman Morales.

Insofar as Purisima's claims that the properties registered under the name of his sons who were gainfully employed, the Ombudsman stated that as "there is no sufficient proof that reasonably supports the financial or earning capacity of P/DG Purisima's children, the inevitable conclusion is that their acquisitions and investments were made possible through the funds of P/DG Purisima himself who failed to account for the sources of these."

"Their (sons) acquisitions and investments may be added to the forfeitable assets by reason of unexplained wealth," Ombudsman Morales stated.

As to the charges for Perjury, the Ombudsman found probable cause to fault Purisima for failing to disclose the following properties in his SALN: three properties in Aulo, Palayan City, Nueva Ecija; residential land in San Vicente, Zaragosa, Nueva Ecija; agricultural land in San Ildefonso, Ilocos Sur; and four firearms.

The Ombudsman also referred Purisima's acquisition of the property located in Aulo, Palayan City to the Department of Agriculture considering that the lots are covered by the Comprehensive Agrarian Reform Program.

The Consolidated Resolution covers 15 docketed complaints filed by the Fact-Finding and Investigation Bureau of OMB-MOLEO, Volunteers Against Crime and Corruption, Coalition of Filipino Consumers and Jose Teddie Del Rosario.

"The whole art of government consists in the art of being honest." - Thomas Jefferson

NORTHERN SAMAR *from page 5*

10 October 2007	P 4,000,000.00
7 May 2008	5,000,000.00
14 April 2009	15,000,000.00
7 June 2009	9,000,000.00
29 June 2009	10,000,000.00
18 August 2009	9,000,000.00
26 November 2009	10,000,000.00
TOTAL	P 62,000,000.00

The multi-million peso funds were supposed to benefit the congressman's constituents in the 2nd district of Northern Samar in the form of livelihood capital assistance, distribution of fruit and vegetable seedlings, vermi-culture livelihood training packages, distribution of off-season vegetables, trainings, and manuals. Ong had earlier requested the DSWD, NABCOR and NLDC to act as IAs with ECOSOC, GDFI and ITONAMI as NGO project-implementers.

The Ombudsman, however, found the projects turned out to be non-existent or "ghost projects" facilitated by Ong and his cohorts. Local officials in the 2nd district attested that "they were not even aware of the projects" and that "they denied receiving anything from the office of Ong or any of the project partners." As part of the cover-up, respondents submitted fake documents to support the liquidation such as project reports, distribution lists of beneficiaries, receipts, certificates of acceptance and inspection. Ombudsman investigators also ascertained that the alleged suppliers denied transacting with respondents, while others were not registered with the Securities and Exchange Commission or with the Department of Trade and Industry. Worse, the Bureau of Internal Revenue has no records of any tax returns, tax clearances, audited financial statements and/or financial reports of any of the NGOs or alleged suppliers. Neither was there any public bidding conducted for the procurement of farm implements and livelihood projects.

Ong failed to file any counter-affidavit despite filing several motions of extension of time.

According to Ombudsman Morales, "despite this irregularity, Ong endorsed these NGOs as the project implementers. He entered into MOAs with the IAs and the NGOs, approved the project proposals, and thereafter, continuously sought the release of the funds in the NGO's favor. His representative, Acebuche, assisted him in perpetrating the fraud by signing a certificate of acceptance in his behalf." Meantime, DSWD officers and employees released the funds to the NGOs with unusual accommodation, as it did not conduct any verification of the implementation of the projects. The Resolution stated that, "to be able to repeatedly divert substantial funds from the PDAF, access thereto must be made available, and this was made possible by Ong who indorsed ECOSOC, GDFI and ITONAMI to implement his PDAF-related undertakings. Ong sent or caused the sending of the requisite indorsement letters and similar documentation to DBM, DSWD, NABCOR and NLDC, acts which were necessary to ensure that the preferred NGOs would be awarded the project."

In the related administrative case, the Ombudsman ordered the dismissal from the service of Pablo, Montaña, Fajardo, Enciso, Amata, Jalandoni, Sevidal, Buenaventura, Ordoñez, Cruz and Rodriguez. They were found guilty of Grave Misconduct, Serious Dishonesty and Conduct Prejudicial to the Best Interest of the Service and were meted the accessory penalties of perpetual disqualification from holding public office, cancellation of eligibility and forfeiture of retirement benefits.

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SPECIAL FEATURE

THE SEVEN DEFTLY (SHOT) SCENES

In the January-June 2017 edition of the Integrity Watch News (IWN), we carried a news article on the INTEGRITY VIDEO CHALLENGE - a collaborative project on corruption prevention between the Office of the Ombudsman and Jollibee Foods Corporation. Out of the 35 entries, seven films have been shortlisted as finalists. In this special feature, IWN shares snippets of the films' unique perspectives. The finalists went through the rigors of mentorship at the UP Film Institute (UPFI) under the tutelage of Professors Roehl Jamon, Melissa dela Merced, Choy Pangilinan, Ferdie Jarin, and Renan Saliva.

No doubt, film is an effective and potent medium in articulating the voice of the youth. It is also an important keystone in framing political, cultural and/or social issues.

These seven short films prove that millennials have much to say and contribute in further enriching the discourse on the notions of integrity, nation and national identity.

image credit: acupofkarachi.com



KATARONG NI JUAN

Lyceum/PUP/Colegio de San Lorenzo
Alfred Delin
Shirlyn Rostata
Michaela Torres

'Katarong ni Juan' has a simple premise and creates a relatable narrative arc. It takes the viewer to a series of values-laden vignettes. It hews to the Gramscian ideology: pessimism of the intellect and the optimism of the will.

In the end, a discerning young boy commits to doing a good turn despite his personal struggles and the harsh realities in his community.



GEN Z

University of San Jose Recoletos
Merian Febe Teleron
Jevan Parilla
Francia Corazon Teves

GENZ takes media and technology to task as willing conduits to the vicious cycle of corruption. In this film, a young investigative vlogger gets to meet and interview a vlogging congressman. The narrative exposes their hypocrisies and frailties as soon as personal interests get into the picture. In the end, they betray the very import of their respective professions.



CROSSROADS

West Visayas State University & UP Visayas
Ryan Nicole Flores
Keneth Gadian
Nicole Garcia

Poetry in film, film in poetry - either way, it strikes deeply into the emotional realm of the viewer. An emotional clutch is achieved because the director ingeniously engages in and disengages from prose and/or poetry at the perfect moment. The opening scene is deliciously shot in terms of cinematography, composition and lighting.



LABAN PILIPINAS

San Beda University (Mendiola)

Gabriel Ron Alfonso

Glice Christiana Xerus Batulan

Emmanuel Joseph F. Bonagua

LABAN PILIPINAS' sensibilities are very millennial to the core and celebrates the ethos of the generation without guilt or remorse.

The fictive documentary approach works well in *LABAN PILIPINAS* as it endeavors to unpack a wide array of integrity issues in politics by riding on the drawing power of romantic #hugots.



TAMA. HINDI TAMA. MALI.

University of the Philippines Diliman

Meika Vieve Catog

Mariannel Crisostomo

Lorgel Marfil

This film takes a serious look at corruption as a systemic problem - one that is perpetuated by the commission of venial forms of corruption like plagiarism, and to a large extent, nurtured by culture enmeshed in a web of power struggles. A great deal of semiotics is put into the material. The film language is pristine. An intelligent film steeped in visual metaphors.



SENYAS

Univ. of Science & Tech. of Southern Philippines

Apryl Tena Garcia

Cris Roger Olape

Ann Natalie Louisa Balane

SENYAS has a tendency to be didactic and talkative but the twist towards the end puts the film back on an even keel.

The film builds on the ordinary scenes in government offices as entry point of its theme and narrative.



ANG SAPATOS NI ROY

University of the Philippines Diliman

Rafael Maria Tibayan

Don Senoc

ANG SAPATOS NI ROY has the most poignant and dramatic treatment in this group of finalists.

The direction is discerning and instinctive as the actors come out with sublime portrayals and the visuals are organic and uncontrived.

While the use of the pair of shoe is not unconventional, the film navigates the story with uncanny depth and defiance on so many levels.



image credit: Bigapplemetstalk.com





OMBUDSMAN BALLROOM DANCE CUP 2017

THE FORM



THE FLAMBOYANCE



FIERCENESS



SOUTH EAST ASIAN PARTIES AGAINST CORRUPTION



REGION
OF PEACE AND
UNDERSTANDING



THE 13TH SEAPAC MEETING

MANILA, PHILIPPINES NOVEMBER 27-28, 2017



TECH NEWS

Ombudsman, US embassy launch data integrity project

The Office of the Ombudsman launched its first-ever Data Migration System (DMS) for its case records management system on 22 August 2017. Top officials from the Office of the Ombudsman, the United States Embassy in Manila, Bureau of International Narcotics and Law Enforcement Affairs (INL), United States Agency for International Development (USAID) and institutional partners graced the event.

The DMS is a project initiative of the Office of the Ombudsman together with the INL and USAID, which aims to digitize the case records of Ombudsman area and sectoral offices. The project takes off from the data migration project for the Central Office and is envisioned to strengthen the Complaint and Case Monitoring System developed in-house to ensure completeness, accuracy and security of case records.

In her message of commitment, Ombudsman Conchita Carpio Morales stated that, "I cannot overemphasize the importance of data integrity. It is an intangible tool for any public institution to effectively perform its mandate." She added that "the Ombudsman values the delivery of information in real time, anytime, all the time, as information without integrity is a waste of time and other resources."

For his part, Ambassador Sung Kim expressed the United States government's commitment in supporting the mandate of the Office by providing technical assistance programs such as data migration, noting that "the DMS program is a prime example of a strong partnership among agencies and institutions based on unified anti-corruption goals."

As part of the project's implementation, Ombudsman Morales created a committee for the institution-wide physical inventory of cases; and an information technology governance committee mandated to provide policy recommendations on all IT-related concerns of the Office.

image credit: www.videohive.net

She also added that "these parallel and complementing actions demonstrate our firm resolve to maximize available technology in harnessing reliable and timely data in the fight against corruption."

The launch was attended by Director Brandon Hudspeth of the INL, Director Jeff Lehrer of the Office of Economic Development and Governance (US-AID Philippines), representatives of World Bank, International Development Law Organization, Commission on Audit, CD Technologies Asia and other development partners.

OMB rolls out eSALN program

The Office of the Ombudsman gears up for the full swing of its web-based electronic filing system of the Statement of Assets, Liabilities and Net Worth (SALN) of government officials and employees.

Ombudsman Conchita Carpio Morales signed Memorandum Circular No. 2 directing all heads of departments, bureaus, offices and agencies of the national and local governments, the Armed Forces of the Philippines, government-owned and controlled corporations and their subsidiaries and all other concerned offices, to submit to the Ombudsman all original hard copies of the SALN of officials and employees together with the corresponding electronic copies on or before 30 June of every year. The e-SALN must be in PDF format and individually saved per declarant in compact discs or flash drives. The circular also requires the submission of a certification stating that the electronically submitted SALNs are faithful reproductions of the original copies.

It will be recalled that in May 2013, the Office of the Ombudsman and the World Bank signed a Memorandum of Agreement on the project dubbed as the "Enhancing the Income and Asset Declaration System" aimed at developing a digital-based online system for the bureaucracy-wide filing of SALNs beginning 2018.

Under the new system, any official or employee of the government may access, fill-up and file the SALN over the internet using a web browser. The electronic SALN is a "key institutional mechanism to combat corruption and promote accountability and ethical standards in public service," the Ombudsman stated.

The circular took effect on 27 September 2017.

FEATURE STORY

A Dream Come True

By now, Google, mobile applications and other cutting-edge mapping technologies should be carrying in their virtual systems one of Davao City's marquee landmarks – the iconic and state-of-the-art Office of the Ombudsman Mindanao building. Built with post-modern aesthetics, the new edifice heralds what Deputy Ombudsman for Mindanao Rodolfo Elman says as the ushering in of a new era. Here's their story.

There's no question that the officials and employees of the Office of the Deputy Ombudsman for Mindanao could meet their responsibilities—or wing some of them as the case maybe—for prompt and quality public service no matter what are the circumstances. They epitomize the kind of civil servants whose sense of dedication is borne by sheer tenacity and nurtured by sentimentality. For 21 years, they have kindred stories to tell about their affinity with the hallways, nooks and spaces of their office at the H & C Building in Alvarez Street –one of the busier streets in downtown Davao City. These have become part of their lived experiences, and although the office has seen the best of times, it has served them in good stead.

“Despite the challenging work conditions, the men and women of OMB Mindanao rose to the occasion in order to perform their tasks and ultimately achieve the office's targets in the performance of its main function,” said DO Elman.

But these threads of making-do-with-what-we-have narratives now appear to be a thing of the past. The rise of the new Office of the Ombudsman in Mindanao—now located in the prime hub of GSIS Heights in Matina, Davao—is a rich and poignant plot point: that dreams do come true.

This dream finally came into fruition when Ombudsman Conchita Carpio Morales, together with City Administrator Zuleika Lopez as the representative of Davao City Mayor Sara Duterte-Carpio, formally opened the doors of the building to the public on November 21, 2017.

Widely acclaimed as the newest architectural wonder in Davao City, the imposing building befits the much-anticipated 'reveal' it was accorded on its inauguration day. The words uttered by Ombudsman Morales when the project broke ground in May 2015 all the more resonate as the construction reached its completion: an edifice envisioned as a fitting metaphor for integrity, transparency, and accountability and a place “where citizens shall find refuge in the face of government abuse.”

THE INITIAL PHASE

It was on March 28, 2014 when the vision was sparked by ember. On this day, Ombudsman Morales, Deputy Ombudsman for Mindanao Rodolfo Elman and Deputy Ombudsman for Luzon Gerard Mosquera led the candle lighting ceremony for the formal blessing of the 2,798 sq. m. lot. The project broke ground in May 2015 while the actual construction commenced in January 2016. The inauguration came after 23 months. Taking everything into account, the project ran for 3 years and 8 months.

If one could glean a sense of urgency from these dates and periods, it was because the construction of the building was a priority project of the Office of the Ombudsman.

For one, foot traffic has increased by leaps and bounds at the OMB Mindanao office. In the same breath, the number of complaint and cases filed had also gone up over the years. The same was true with personnel, equipment, and documents which, owing to the increasing role of OMB Min in the dynamics of good governance in the region, were indicators of the concomitant realities of managing a government institution: higher volume of cases to resolve, greater number of constituency to serve and a wider consciousness to engage with. Everything was increasing except its 1,300 square meter office space, and this posed occupational hazard to personnel and the physical integrity of case files and stacks of documentary evidence. In the words of DO Elman, the situation could be likened to a scene dotted with “overcrowded workstations, overflowing storage and obstructed aisles.”

There was a need to address the problem head on and management did not lose precious time in making crucial but challenging decisions.

A DREAM from page 17

GAZE TO THE FUTURE

Could quality be had at a reasonable cost? Take a look at the OMB Mindanao building and be the judge. But wrestling with a P180.68M budget and coming up with an architectural and engineering marvel is a tough balancing act.

By government standards, the cost of the project was not a drop in the bucket. It's good that equally-minded project partners, Arch. Mariano Arce, Jr. of Arce-Bailon-Arce Architects (architecture and engineering design provider) and Engr. James Liong of AIMM Builder and Construction Supply (contractor), took on the project. Being visionaries themselves, their overarching concern was to come up with an iconic building.

Two teams were created to ensure that the project proceeded smoothly: the Project Management Team (PMT) and the Technical Inspection and Acceptance Committee (TIAC).

In fact, it was noted that “the construction process went through rigorous planning among the engineers, architects, the PMT, and the TIAC to ensure that the building is legally sound, would withstand the test of time, and serves its purpose long into the future.”



AWED AND AMAZED

After 29 years, the OMB Mindanao has finally found its niche - at the corner of Earth and Libra streets. Needless to say - not only because it sits between a “planet” and a “constellation”, the place has universal appeal, subdued magnificence and muted elegance. The building eschewed tacky adornments, and made investment on a classic facade and ergonomic design, details and interiors while incorporating indigenous elements, historical allusions and unique materials.

“Let us not just marvel at this magnificent edifice where the Ombudsman Mindanao is now housed but also, hopefully, recognize that the more enduring grandeur and legacy lie not in the beauty of the building, but in the people who give life to the structure - their integrity, competence and passion,” said DO Elman.

Atty. Lopez echoed the same sentiment when she said, “May this new building inspire the men and women of the OMB Mindanao to continue to protect the people of Mindanao against social injustices.”

For her part, Ombudsman Morales praised the commitment of the people behind the project to come up with an impeccable and iconic design and exhorted the officials and employees of OMB Mindanao to remain as beacons of hope. She said that the institution finds its strength in the moral courage to relentlessly pursue the ideals of good governance.

FEATURE STORY

SO LET IT BE DONE

When the professional philosophy of a man of justice is imbued with biblical references, trust that his concept of truth and justice is invested with clarity and conscience. In his very own words, “so let it be done”. Just what does he mean by this? Read on.

The Office of the Ombudsman has a new Special Prosecutor.

On July 5, 2017, Justice Edilberto Sandoval, a former Presiding Justice or “PJ” (September 17, 2010-October 4, 2011) of the Sandiganbayan and Chairman of the Second Division, after having been vetted by the Judicial and Bar Council, was appointed Special Prosecutor by President Rodrigo Duterte.

Today, the “PJ” is now referred to as “SP”, but let it not be said that the kind of respect he’s able to draw in had diminished on account of this change. Conversely, admiration of him grew stronger because of his humility, i.e., being able to transcend the “sense of entitlement” engendered by titles and positions--all for the sake of service to the nation. In this case, the SP never thought of it as a demotion in rank.

In his speech during the Flag Raising program on July 10, SP Sandoval said, “I wish to express my public and formal, albeit short, expression of gratitude to everybody present here for your warm welcome. Expect that for the next seven years that we will be together under the fraternal roof of this great institution, our relationship would be more cordial, would be more friendly in pursuit of the public duties we will be performing.”

If his words resonate with familiarity, it is because his professional engagement with prosecutors and lawyers of the Office of the Ombudsman goes a long way back.

“When I was in the Sandiganbayan, I was there for (almost) 16 years, I have observed the performance of the male and female prosecutors. They have been performing their duties well, their actuations during the court trial are well and good and they deserve the commendation. I refer to those whom I have observed while I was a Sandiganbayan justice,” said the newly-installed Ombudsman official in his first speaking engagement before the employees of the Office.

Observably too, his achievements bespeak of his commitment to excellence. A distilled version of his wide range of accomplishments as a student of law, member of the bar and bench reveals his commitment with and passion for the law. It says thus: “A well-known professor of Criminal Law, he obtained his Associate in Arts degree (with High Honors) and Bachelor of Laws (valedictorian and cum laude) from Far Eastern University. He undertook special post graduate training course in Harvard University, Boston, USA in June 2006.”

“During his ten-year stint as RTC Judge of Manila, Justice Sandoval was named Most Outstanding Regional Trial Court Judge of Manila for three consecutive years (1991-1994). After serving ten years in Manila, Justice Sandoval was appointed as Associate Justice of (the) Sandiganbayan on March 11, 1996. He was nominated for the position of Chief Justice of the Supreme Court (in 2010), the only non-Supreme Court Justice then who has been nominated for the position by the Judicial and Bar Council.”

Now 76 years old, SP Sandoval has not shown signs of slowing down, and he’s sharp as he has always been. Two months after assuming his post, coming on the heels of the Supreme Court decision allowing Senator Jinggoy Estrada to post bail, SP Sandoval faced print, television and online journalists covering the justice beat in a press conference (called in short notice). Consistent with his reputation, the SP came off genial and authoritative. In command of the subject, SP Sandoval put the position of the Office across simply and fluently.

“In other words, even if the co-conspirator has performed one part or several in the continuous concatenation of criminal acts, he will be considered the main or principal accused. If the charge is plunder, he will be considered the main plunderer,” SP Sandoval said, putting his experience as a criminal law professor

LET IT BE *from page 19*

and reviewer to good use. He knows whereof he speaks.

Speaking of which, while his days in the academe put him in good light, there is now more to it than pedagogical skills. A common refrain among lawyers in the Office of the Ombudsman is this: SP Sandoval looks much like the way he did during his early days in the academe. And not only that. In fact, even his gait belies his age.

The SP, of course, knows his self better than anyone else. So he fires away a joke in subtle agreement: “They say I’m the oldest person appointed to the position of Special Prosecutor. I would like to counter (that idea); at least, I’m the youngest looking.”

Humor may be one of his stronger suits, but perhaps, only next to being an experienced communicator and motivator. At the end of the day, his leadership will be measured by the way he’ll lead the prosecutorial arm of the Office.

“You know, I am fortunate to head the Office of the Special Prosecutor with four Deputy Special Prosecutors. With them behind me, I can’t ask for more. And to those whom I still have yet to meet, I will guide you in (knowing) the more vigorous ways of prosecuting a case,” the SP vowed in July 2017.

To borrow a concept in law, SP Sandoval personifies the “diligence of a good father.” One could not escape getting inspired by his fatherly affect, as well as his unassuming demeanor which speaks of his depth—in intellect and integrity.

“As head of the Special Prosecutor’s office, I pledge to bring to the successful conclusion your prosecution of cases filed with the Sandiganbayan. To the best light that God has given me, I vow to prosecute these cases without fear or favor,” he said in his speech as he echoed the mandate of the Office of the Special Prosecutor.

“And as the king of Egypt pronounced, when he ordered the banishment of Moses from all over the land, so it was said (in Exodus 11:5): ‘so let it be written, so let it be done.’”



SP Edilberto Sandoval takes his oath of office before Supreme Court Associate Justice Samuel Martires.



SP Sandoval attends his first flag raising ceremony at the Office of the Ombudsman.



SP Sandoval delivers his inaugural speech as head of the Office of the Special Prosecutor.