



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Agham Road, Diliman, Quezon City 1104

**ADMINISTRATIVE ORDER NO. 1**  
Series of 2020

**PRESCRIBING THE PERIODS IN THE CONDUCT OF INVESTIGATIONS BY  
THE OFFICE OF THE OMBUDSMAN**

Pursuant to the authority vested in the Office of the Ombudsman under Sections 18, 23 and 27 of Republic Act. No. 6770, otherwise known as "The Ombudsman Act of 1989" and cognizant of the disquisition in the consolidated cases of *Cagang v. Sandiganbayan, et al.* in G.R. Nos. 206438 and 206458 and G.R. Nos. 210141-42, 31 July 2018, the following periods in the conduct of investigations by the Office of the Ombudsman are hereby prescribed and promulgated:

**RULE 1. FACT-FINDING INVESTIGATION**

**Section 1. Nature of Fact-Finding Investigation.** - All complaints which are not supported by material evidence but contain sufficient verifiable leads to warrant case build-up shall be subjected to a fact-finding inquiry. Such investigation is nonadversarial in nature and may not be relied upon to create any rights, substantive or procedural, enforceable by law by any party in any matter, civil, administrative or criminal.

Notwithstanding the pendency of a fact-finding investigation, the subject of the complaint or the respondent shall not be prejudiced in any manner, particularly as regards securing an Ombudsman clearance. For this purpose, the proceedings of a fact-finding investigation shall not be docketed as a pending case.

**Section 2. Commencement of Fact-Finding Investigation.** - A fact-finding investigation shall be deemed to commence from the time a complaint, grievance or request for assistance is routed to, and received by, the Field Investigation Office/Bureau/Unit, or Special Panels of the Office of the Ombudsman.

**Section 3. Period for the conduct of Fact-Finding Investigation.** - Unless otherwise provided for in a separate issuance, such as an Office Order creating a special panel of investigators and prescribing therein the period for the completion of an investigation, the period for completion of the investigation shall not exceed six (6) months for simple cases and twelve (12) months for complex cases, subject to the following considerations:

- (a) The complexity of the case shall be determined on the basis of factors such as, but not limited to, the number of respondents, the number of offenses charged, the volume of documents, the geographical coverage, and the amount of public funds involved.
- (b) The period herein prescribed may be extended by written authority of the Ombudsman or the Overall Deputy Ombudsman/Deputy Ombudsman concerned for justifiable reasons, which extension shall not exceed one (1) year.

**Section 4. Termination of Fact-Finding Investigation.** - A fact-finding investigation shall be deemed terminated when the resolution of the complaint, grievance or request for assistance, as recommended by the Ombudsman investigator/prosecutor and their immediate supervisors, is approved by the Ombudsman or the Overall Deputy Ombudsman/Deputy Ombudsman concerned. The approved recommendation may either be for the dismissal of the complaint, grievance or request for assistance, or for the filing of a complaint for administrative adjudication or preliminary investigation.

**Section 5. Nominal complainant in cases arising from fact-finding investigations.** - Whenever a fact-finding investigation results in a finding of the existence of a *prima facie* case, the investigator/s and their immediate supervisors from the Field Investigation Office/Bureau/Unit of the Office of the Ombudsman or the investigators-on-case in matters referred to other agencies/bodies shall act as the nominal complainant for purposes of filing a verified complaint for preliminary investigation or administrative adjudication.

**Section 6. Referral of complaints for fact-finding investigation.** - In cases where the subject matter of inquiry is technical, highly specialized or requires undercover operations, the Office of the Ombudsman may refer the complaint to the appropriate agency for the conduct of a fact-finding investigation. Such referral effectively renders the complaint as closed and terminated in the records of the Office of the Ombudsman, subject to re-docketing upon the filing of a verified complaint duly supported by material evidence. However, the results of such investigation shall not be binding on the Ombudsman, nor will it place any limitation on the otherwise lawful investigative and litigative prerogatives of the Office of the Ombudsman.

**RULE II. PRELIMINARY INVESTIGATION**

**Section 7. Commencement of Preliminary Investigation.** - Without prejudice to the Procedure in Criminal Cases prescribed under Rule II of Administrative Order No. 07, as amended, a preliminary investigation is deemed to commence whenever a verified complaint, grievance or request for assistance is assigned a case docket number under any of the following instances:

- (a) Upon referral by an Ombudsman case evaluator to the preliminary investigation units/offices of the Office of the Ombudsman, after determining that the verified complaint, grievance or request for assistance is sufficient in form and substance and establishes the existence of a *prima facie* case against the respondent/s; or
- (b) At any time before the lapse of the period for the conduct of a fact-finding investigation whenever the results thereof support a finding of *prima facie* case.

In all instances, the complaint, grievance or request for assistance with an assigned case docket number shall be considered as pending for purposes of issuing an Ombudsman clearance.

**Section 8. Period for the conduct of Preliminary Investigation.** - Unless otherwise provided for in a separate issuance, such as an Office Order creating a special panel of investigators/prosecutors and prescribing the period for completion of the preliminary investigation, the proceedings therein shall not exceed twelve months for simple cases or twenty-four months (24) months for complex cases, subject to the following considerations:

- (a) The complexity of the case shall be determined on the basis of factors such as, but not limited to, the number of respondents, the number of offenses charged, the volume of documents, the geographical coverage, and the amount of public funds involved.
- (b) Any delay incurred in the proceedings, whenever attributable to the respondent, shall suspend the running of the period for purposes of completing the preliminary investigation.
- (c) The period herein prescribed may be extended by written authority of the Ombudsman, or the Overall Deputy Ombudsman/Special Prosecutor/Deputy Ombudsman concerned for justifiable reasons, which extension shall not exceed one (1) year.

**Section 9. Termination of Preliminary Investigation.** - A preliminary investigation shall be deemed terminated when the resolution of the complaint, including any motion for reconsideration filed in relation to the result thereof, as recommended by the Ombudsman investigator/prosecutor and their immediate supervisors, is approved by the Ombudsman or the Overall Deputy Ombudsman/Special Prosecutor/Deputy Ombudsman concerned.

**RULE III. ADMINISTRATIVE ADJUDICATION**

**Section 10. Commencement of Administrative Adjudication.** Without prejudice to the Procedure in Administrative Cases prescribed under Rule III of Administrative Order No. 07, as amended, administrative adjudication is deemed to commence whenever a verified complaint, grievance or request for assistance is assigned a case docket number under any of the following instances:

- (a) Upon referral by an Ombudsman case evaluator to the administrative adjudication units/offices of the Office of the Ombudsman, after determining that the verified complaint - accompanied by a Certificate of Non-Forum Shopping - is sufficient in form and substance and establishes the existence of a *prima facie* case against the respondent/s;
- (b) At any time before the lapse of the period for the conduct of a fact-finding investigation and the results thereof establish the existence of a *prima facie* case; or
- (c) An administrative proceeding may also be ordered by the Ombudsman on his initiative or on the basis of a complaint originally filed as a criminal action or grievance/complaint or request for assistance.

In all instances, the verified complaint, grievance or request for assistance with an assigned case docket number shall be considered as pending for purposes of issuing an Ombudsman clearance.

**Section 11. Period for the adjudication of administrative cases.** - The proceedings for the adjudication of administrative cases shall not exceed twelve months (12) months, subject to the following considerations:

- (a) Whenever a verified complaint, grievance or request for assistance is subject to both preliminary investigation and administrative adjudication, the periods prescribed for preliminary investigation under Section 8, Rule II hereof shall be observed.
- (b) Any delay incurred in the proceedings, whenever attributable to the respondent, shall suspend the running of the period for purposes of completing the adjudication of the administrative complaint/case.
- (c) The period herein prescribed may be extended by written authority of the Ombudsman or the Overall Deputy Ombudsman/Deputy Ombudsman concerned for justifiable reasons, which extension shall not exceed one (1) year.

**Section 12. Termination of Administrative Adjudication.** - The proceedings in the adjudication of administrative cases shall be deemed terminated when the resolution of the complaint, including any motion for reconsideration filed in relation to the result thereof, as recommended by the Ombudsman investigators/prosecutors and their immediate supervisors, is approved by the Ombudsman or the Overall Deputy Ombudsman/Deputy Ombudsman concerned.

**RULE IV. GENERAL PROVISIONS**

**Section 13. Case Evaluation and Prioritization Procedure.** - Immediately upon receipt of newly filed complaints, grievances or requests for assistance, the documents shall be subjected to an evaluation and prioritization procedure which shall be completed within a period not exceeding forty-five (45) days. During this period, said complaints, grievances or requests for assistance shall undergo a *prima facie* evaluation of the ultimate facts stated, as well as the reliefs sought, to classify them into specific tracts or for other actions, as follows:

- a) Request for Assistance;
- b) Grievance Proceeding;
- c) Internal Referral to offices within the Office of the Ombudsman;
- d) External Referral to other government agencies, instrumentalities and bodies for appropriate action, or to other disciplinary authorities for appropriate fact-finding inquiry under paragraph 5, Section 15 or administrative proceedings under paragraph 2, Section 23, both of Republic Act No. 6770;
- e) Fact-finding Investigation;
- f) Preliminary Investigation;
- g) Administrative Adjudication;
- h) Preliminary Inquiry for Forfeiture of Unlawfully Acquired Wealth (Forfeiture); and
- i) Outright Dismissal.

**Section 14. Coverage of high priority complaints.** - A complaint is considered high-priority if any of the following conditions are present:

- a) the subject transaction involves money and/or property worth Ten Million Pesos (PhP10,000,000.00) or more;
- b) the complaint involves a corrupt act, or a grave offense that is graft-related;
- c) the subject transaction is highly-celebrated, widely discussed or of great notoriety; or
- d) the respondent was a high-ranking public official at the time of the commission of the questioned act, occupying a position or salary grade falling within the jurisdiction of the *Sandiganbayan*.

**Section 15. Rules of Court; application.** - In all matters not provided in these rules, the Rules of Court shall apply in a suppletory character, or by analogy, whenever practicable and convenient.

**Section 16. Effectivity.** - These rules shall take effect fifteen (15) days following the completion of their publication in a newspaper of general circulation in the Philippines. The published rules shall be filed with the Office of the National Administrative Register in the University of the Philippines Law Center.

**Section 17. Applicability.** - These rules shall apply to all cases, complaints, grievances, or requests for assistance filed or brought after they take effect and to further proceedings in cases then pending, except to the extent that their application would not be feasible or would cause injustice to any party.

**Section 18. Amendatory Clause.** - All issuances inconsistent herewith are amended accordingly.

**Section 19. Separability clause.** - If any provision of these rules is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

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