



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

ADMINISTRATIVE ORDER NO. 23
Series of 2016

**REVISED RULES OF THE INTERNAL AFFAIRS BOARD,
AS FURTHER AMENDED**

Pursuant to the authority vested in the Office of the Ombudsman under Section 13, paragraph 8, Article XI of the Constitution, and Sections 11 and 13 of Republic Act No. 6770, otherwise known as the "Ombudsman Act of 1989," the following rules and guidelines are hereby issued, further amending Administrative Order No. 21, Series of 2009 (Revised Rules of the Internal Affairs Board), which amended Administrative Order No. 16, series of 2003:

I. STATEMENT OF POLICY

The Office of the Ombudsman (Office) shall inculcate among its officials and employees the faithful observance of the Code of Conduct and Ethical Standards for Public Officials and Employees, all laws, rules and regulations concerning the civil service and public accountability, and rules and regulations of the Office of the Ombudsman. Towards this end, it shall promulgate and execute programs and procedures that shall ensure the highest integrity of its officials and employees.

II. JURISDICTION OF THE INTERNAL AFFAIRS BOARD

The Internal Affairs Board (IAB) shall act on all complaints against any incumbent official or employee of the Office involving charge(s) allegedly committed singly or in conspiracy with any person in relation to the performance of his or her functions and duties at the Office, except charges involving sexual harassment as defined under Republic Act No. 7877 which shall be acted upon by the Committee on Decorum and investigation.

The IAB shall adopt and promulgate stringent rules that shall ensure fairness, impartiality, propriety and integrity in all its actions.

III. FUNCTIONS OF THE IAB AND IAB STAFF

The functions, duties and responsibilities, and powers of the IAB and the IAB staff are, as follows:

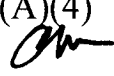
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A. INTERNAL AFFAIRS BOARD

1. The Board shall recommend to the Ombudsman policies, programs and procedures that shall ensure strict compliance by officials and employees of the Office of the Ombudsman with the Code of Conduct and Ethical Standards for Public Officials and Employees, all laws, rules and regulations concerning the civil service and public accountability, as well as rules and regulations of the Office of the Ombudsman. These policies, programs, and procedures may pertain to sustainable systems for conducting integrity checks, performance audit, personnel background investigations, lifestyle checks and the like.
2. It shall recommend to the Ombudsman the promulgation of a code of conduct and ethical standards for all officials and employees of the Office of the Ombudsman, and separate codes that shall apply to various positions, groups of positions or component units of the Office; Provided, that said codes shall form part of office rules and regulations; Provided, further, that said codes shall be consistent with the Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), and all other laws, rules and regulations concerning the civil service and public accountability.
3. It shall recommend to the Ombudsman the promulgation of manuals of operations that shall apply to bureaus, offices and/or component units of the Office to ensure the faithful performance of its mandated functions, duties and responsibilities, in accordance with the eight norms of conduct of public officials and employees as provided for in Section 4 of R.A. No. 6713.
4. The IAB may direct any official or employee to render assistance to the IAB in the formulation of policies, programs, procedures, codes of conduct and manuals of operations.
5. The IAB, consistent with the policies provided herein, may, with the approval of the Ombudsman, request any intelligence or investigating agency or direct any official, employee, or component unit of the Office of the Ombudsman other than the IAB Staff, to conduct an intelligence operation or fact-finding investigation on any official or employee of the Office.

B. IAB PROGRAM STAFF (PS)

The IAB-PS, under the supervision of the IAB Chairperson, shall render legal, technical and administrative assistance to the IAB in the performance of its functions mentioned in Parts (III)(A)(1) to (III)(A)(4) hereof.



C. INVESTIGATING STAFF (IS)

The IAB-IS, under the supervision of the Board Chairperson, shall conduct the necessary intelligence operation or fact-finding investigation, preliminary investigation and/or administrative adjudication, and shall render such other legal, technical and administrative assistance as the IAB may require in the performance of its functions as set forth in Part (III)(A)(5) hereof.

D. IAB ADMINISTRATIVE OFFICER

The IAB Administrative Officer, under the supervision of the Board Chairperson, shall render administrative assistance to the Board in the management of records; raffling for the selection of evaluating officers, investigators, members of investigating panels, and IAB Division team leaders and members; calendaring of hearings and meetings of the Board, and performance of such other functions, duties and responsibilities that may be assigned to the Administrative Officer.

IV. COMPOSITION OF THE IAB AND IAB STAFF

- A. The IAB shall be composed of six (6) members who shall be at least Assistant Ombudsmen; *Provided*, that the IAB Chairperson shall be a Deputy Ombudsman.

The chairperson and the vice-chairperson of the IAB shall be designated by the Ombudsman from among the members of the IAB.

The IAB Chairperson, Vice-Chairperson and members of the IAB as well as the IAB Program Staff, IAB Investigating Staff and IAB Administrative Officer shall all be designated by the Ombudsman for a term of two years, and may be re-designated at his or her discretion.

- B. The IAB shall have the following support staff:

1. The **IAB Program Staff or the IAB-PS** shall be composed of the (a) Human Resource Management Officer V of the Central Office; (b) the Human Resource Management Officers of the area or sectoral offices, including the Office of the Special Prosecutor; and (c) other officials and employees of the Office who may be recommended by the IAB for designation by the Ombudsman.

The Coordinator of the IAB-PS shall be designated by the Ombudsman from among the members of the PS.

2. The **IAB Investigating Staff or IAB-IS** shall be composed of officers and employees of the Office who are of known integrity and probity, and who shall be designated by the Ombudsman to act as investigators and/or hearing officers in cases cognizable by the IAB;

Provided, that the Ombudsman shall designate as members of the IAB-IS at least two (2) officers/employees from each of the area and sectoral Offices, including the Office of the Special Prosecutor.

3. The **IAB Administrative Officer** shall be designated by the Ombudsman.

V. PROCEDURES IN HANDLING COMPLAINTS

A. ***Form of Complaints.*** -The Office of the Ombudsman, through the IAB, shall act on all complaints cognizable by it, filed by the public or by any official or employee of the Office, whether said complaint is made orally or in writing, signed or unsigned, verified or not verified or in any other form.

B. ***Receipt of Complaints.***- All complaints cognizable by the IAB may be addressed to:

The Chairperson
Internal Affairs Board
Office of the Ombudsman
Agham Road, Quezon City

The complaint may be received by any of the component units of the Office, which shall immediately forward it to the IAB Administrative Officer.

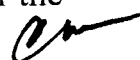
The component units of the Office of the Ombudsman are the Central Office, Office of the Special Prosecutor, Office of the Deputy Ombudsman for Luzon, Office of the Deputy Ombudsman for the Visayas, Office of the Deputy Ombudsman for Mindanao, and Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices.

The Overall Deputy Ombudsman shall be considered part of the Central Office.

C. ***Assignment of a Reference Number.*** - A complaint received by the IAB Administrative Officer shall be immediately assigned a sequential reference number upon receipt thereof, and forwarded to the IAB Chairperson.

D. ***Assignment of Complaints for Evaluation.*** - Upon receipt of the complaint, the IAB Chairperson, with the assistance of the IAB Administrative Officer, shall assign the case by raffle to a member of the IAB-IS for an initial evaluation.

In the absence of the IAB Chairperson or where he or she is disqualified or has voluntarily inhibited himself or herself from participating in the



proceedings, the IAB Vice-Chairperson or the IAB member designated by the Ombudsman, in that order, shall act in his stead.

E. Evaluation

Upon receipt of the complaint, the investigator/s shall evaluate the complaint and submit to the IAB Chairperson, within five (5) days from receipt thereof, an Evaluation Report, without indicating his or her/their name/s which Report shall contain, among other things, the following:

1. A statement as to the form and substance of the complaint;
2. The identity and rank of the respondent(s);
3. The recommended action to be taken, which may be any of the following:
 - a. To proceed with a preliminary investigation and/or administrative adjudication and to further recommend the issuance of preventive suspension where applicable; Provided, that the complaint is sufficient in form and substance; Provided, further, that if the complaint is not under oath, the investigator shall first require the complainant to subscribe to it under oath;
 - b. To conduct a fact-finding investigation or intelligence operations;
 - c. To dismiss the complaint outright; or
 - d. To refer the complaint to an official, bureau, board, committee or such other unit in the Office, for appropriate action, such as, but, not limited to any of the following:
 - i. Directing the respondent and/or his immediate supervisor to immediately act on a particular matter;
 - ii. Referring the complaint to the appropriate board, committee or office/unit such as, but not limited to the Grievance Committee (for work-related issues giving rise to employee dissatisfaction such as interpersonal relationship and linkages, protests on appointments, non-implementation of policies, practices and procedure on economic and financial issues, as well as those affecting recruitment, promotion, transfer, retirement, termination and the like), the Ombudsman (for cases against officers or employees whose terms of office are co-terminus with the Ombudsman), or the public assistance unit; or
 - iii. Recommending to the authorized official non-disciplinary management action.



F. Action on the Evaluation Report

1. Where the Evaluation Report recommends a preliminary investigation and/or administrative adjudication against any official or employee of the Office of the Ombudsman, the IAB Chairperson shall approve the same, and the case shall immediately be docketed and assigned by raffle, with the assistance of the IAB Administrative Officer, to an IAB Investigator or panel, or to the IAB, when proper.
2. Where the Evaluation Report recommends a fact-finding investigation, the case shall immediately be assigned by raffle, with the assistance of the IAB Administrative Officer, to an IAB-IS investigator or a panel of IAB-IS investigators, at the discretion of the IAB Chairperson.
3. The IAB Chairperson shall approve or disapprove the recommendation to conduct an intelligence operation, fact-finding investigation, preliminary investigation and/or administrative adjudication. However, where respondent or the highest ranking respondent occupies a position equivalent to or higher than that of the IAB Chairperson, the recommendation must be approved or disapproved by the Ombudsman.
4. A preventive suspension order, when proper, shall be approved or disapproved in accordance with the immediately preceding section.

The preventive suspension order shall be immediately executory even pending appeal. Only a Temporary Restraining Order (TRO) or a Writ of Preliminary Injunction, duly issued by a court of competent jurisdiction, stays the immediate implementation of the said order.

5. Where the evaluation report recommends any action other than a preliminary investigation and/or administrative adjudication or fact-finding investigation or intelligence operation, only the approval of the IAB Chairman is required regardless of the rank of the respondent or highest ranking respondent.

G. Fact-Finding Investigation or Intelligence Operation

1. Where a fact-finding investigation or intelligence operation is found to be proper on the basis of a complaint, the IAB Chairperson, with the assistance of the IAB Administrative Officer, shall assign the case by raffle to an IAB-IS investigator or to a panel of IAB-IS investigators.
2. The IAB-IS investigator or panel of IAB-IS investigators shall submit an Intelligence or Fact-Finding Report, together with a



recommendation, to the IAB Chairperson within sixty (60) days from receipt of the complaint.

H. Action on the Intelligence or Fact-Finding Investigation Report

1. Where the Intelligence or Fact-Finding Report recommends a preliminary investigation and/or administrative adjudication against an official or employee of the Office in cases cognizable by it, the IAB Chairman shall approve or disapprove the same. In case of approval, the IAB Chairperson shall direct the investigator or panel of IAB-IS investigators to prepare the necessary complaint. The case shall be immediately docketed and assigned by raffle, with the assistance of the IAB Administrative Officer, to another IAB investigator or panel. Otherwise, the case is deemed closed and terminated.
2. The IAB Chairperson shall approve or disapprove the recommendation to conduct preliminary investigation and/or administrative adjudication. However, where respondent or the highest ranking respondent occupies a position equivalent to or higher than that of the IAB Chairperson, the recommendation must be approved or disapproved by the Ombudsman.
3. Where the intelligence or fact-finding report recommends any action other than the preliminary investigation and/or administrative adjudication, the approval required in Part (V)(H)(2) above should likewise be obtained.

I. Docketing of Cases

The Board Chairperson shall direct the Records Officer V of the Central Records Division to assign a Central Office docket number to the case which has been recommended for preliminary investigation and/or administrative adjudication.

J. Assignment of Cases by Raffle

1. The IAB Chairperson, with the assistance of the IAB Administrative Officer, shall assign the case by raffle to an IAB-IA investigator or investigating team.
2. Where the respondent or the highest ranking respondent is the **Chairperson**, **Vice Chairperson** or member of the Board, he or she shall automatically be disqualified from participating in the proceeding except as respondent.



K. Preliminary Investigation and Administrative Adjudication

Preliminary investigation and administrative adjudication shall be conducted and completed within sixty (60) days from assignment of the case to the investigator or panel of investigators. The recommended resolution or decision shall be submitted to the approving authority within thirty (30) days upon termination of the proceedings.

L. Approval of Resolutions and Decisions

1. The presence of a simple majority of the qualified IAB members shall constitute a quorum.
2. The vote of a simple majority of all the qualified members of the IAB shall be required to pass a resolution or decision of the IAB; Provided, however, that in case of a tie for two (2) scheduled sessions of the IAB at which the matter is supposed to be taken up, the matter shall be deemed automatically submitted to the Ombudsman.
3. All cases shall be resolved and/or decided by the IAB, regardless of the rank of the respondent or of the highest ranking respondent. The Resolutions and decisions on such cases shall be submitted by the IAB to the Ombudsman for approval.
4. The name of the investigator or investigating team shall not be indicated in the Resolution or Decision which shall bear the names only of the IAB members and the Ombudsman as approving authority.

M. Motion for Reconsideration

A motion for reconsideration of any order, directive or decision of the Chairperson, the IAB or the Ombudsman, must be filed within five (5) days from receipt of a written notice thereof and may be entertained only on any of the following grounds:

1. New evidence has been discovered which materially affects the order, directive or decision.
2. Serious errors of law or irregularities have been committed prejudicial to the interest of the movant. The motion for reconsideration shall be resolved within five (5) days from filing; Provided, that only one motion for reconsideration shall be entertained.

Findings of fact of the Office of the Ombudsman, when supported by substantial evidence, shall be conclusive. Any order, directive or decision imposing the penalty of public censure, reprimand,



suspension of not more than one month and/or forfeiture of not more than one month salary, shall be final and unappealable.

N. *Disqualifications and Inhibitions*

The Chairperson, Vice Chairperson or any member of the IAB, as well as any member of the IAB Investigating Staff, shall be automatically disqualified from acting on a complaint or participating in a proceeding under any of the following circumstances:

1. He is a party to the complaint, either as a respondent or complainant.
2. He has pecuniary interest in the case or is related to any of the parties within the sixth degree of affinity or consanguinity, or to counsel within the fourth degree, computed according to the provisions of civil law.
3. He has, at one time or another, acted upon the matter subject of the complaint or proceeding.

Where the Chairperson of the IAB is disqualified or has voluntarily inhibited himself or herself from participating in a case, the Vice-Chairperson of the IAB shall act in his or her stead. Where the Vice Chairperson of the IAB is also disqualified or has inhibited himself or herself from participating in a case, the Ombudsman shall appoint an Acting Chairperson from among the qualified members of the IAB.

Where a number of the members of the IAB are disqualified for any of the above reasons, the Ombudsman shall designate such number of members in an acting capacity as will be necessary to constitute a quorum.

VI. GENERAL PROVISIONS

- A. *Separability Clause.*** - If any provision of this Order is held unconstitutional or invalid, other provisions not affected thereby shall remain valid and binding.
- B. *Modification of Existing Issuances.*** - All issuances or provisions of any issuance of the Office which may be inconsistent with any of the provisions of this Order are hereby set aside or modified accordingly.
- C. *Action on Cases Pending upon the Effectivity of this Order.*** - All cases or complaints filed against or involving any official or employee of the Office, pending or undetermined at the time of the effectivity of this Order, shall comply with the rules and procedures stated herein.
- D. *Applicability of the Rules of Court.*** - The provisions of the Rules of Court shall apply in a suppletory character, insofar as they are not inconsistent herewith and whenever practicable and convenient.



E. Effectivity. - This Order shall take effect after 15 days following its publication in the Official Gazette or in a newspaper of general circulation in the Philippines, and upon the filing with the University of the Philippines Law Center of three certified copies thereof.

SO ORDERED.

15 April 2016.


CONCHITA CARPIO MORALES
Ombudsman 20 April 16

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The Philippines Law Center
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