



Republic of the Philippines

OFFICE OF THE OMBUDSMAN

Ombudsman Building, Agham Road, Government Center, North Triangle
Diliman, 1128 Quezon City

MEMORANDUM CIRCULAR NO. 01
Series of 2009

TO : ALL DEPUTY OMBUDSMEN, THE SPECIAL PROSECUTOR, ASSISTANT OMBUDSMEN, DEPUTY SPECIAL PROSECUTOR, BUREAU DIRECTORS, GRAFT INVESTIGATION AND PROSECUTION OFFICERS, SPECIAL PROSECUTION OFFICERS, RECORD OFFICERS, THE PUBLIC ASSISTANCE BUREAU AND ALL CONCERNED

SUBJECT : REVISED GUIDELINES GOVERNING ACCESS TO SALNs FILED WITH THE OMBUDSMAN

WHEREAS, while the Office of the Ombudsman is willing to furnish copies of the statements of assets and liabilities of public officials and employees filed before it, including those of its officials and employees to persons requesting for the same, the reason for the request must be legitimate. The reasons accepted by this Office as legitimate are a) when the requested SALN is needed in school for study purposes, b) when the same is to be disseminated to the general public by news and communication media, or c) upon a court subpoena duly signed by a Presiding Judge in a pending criminal case or in the case of another quasi-judicial agency, upon request personally signed by its authorized officer/representative.

WHEREAS, this Office is cognizant of the fact that in other times, the request is made under circumstances which may endanger, diminish or destroy the independence and objectivity of the Office of the Ombudsman and its officials in the performance of their quasi-judicial functions or expose them to revenge for adverse decisions, thus the following revised guidelines are hereby adopted:

1. All SALNs filed with the Office of the Ombudsman, including its area and sectoral offices, shall be accessible and made available to the public for inspection/reproduction during reasonable hours of working days and within the view of the custodian officer.

2. The SALNs shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law. However, the statement shall be available to the public for a period of ten (10) years after receipt of the statement. The statement may be destroyed after such period unless needed in an on-going investigation.

3. The requester shall be required to accomplish the attached form which shall be subscribed and sworn to before any prosecutor in the Office of the Ombudsman.

4. All requests for copies of SALNs shall be filed with the Public Assistance Bureau (PAB) of the central and area/sectoral offices of the Office of the Ombudsman. The first duty of the processor shall be to determine if the requested SALN is in the custody of the Office of the Ombudsman pursuant to Section 1 (c), Rule VII, Republic Act No. 6713 and CSC Memorandum Circular No. 20, s. 1994. If it is not in the custody of the Office of the Ombudsman, it is the processor's duty to promptly inform the requester that it is in the custody of another office/agency.

5. All requests for copies of SALNs filed with the Office shall be made in the attached form, clearly and legibly indicating therein the requester's full name, signature, business or residential address, telephone number or other circumstances which will show that the requesting party is not fictitious, and that the purpose for the request is legitimate.

i. The requester shall present the original of at least two government issued ID bearing the requester's picture and signature for the processor's photocopying. The following shall be among the accepted IDs:

- a. GSIS/SSS ID
- b. TIN/Pag-IBIG/Philhealth ID
- c. Passport
- d. Driver's license
- e. PRC ID
- f. IBP ID
- g. (If requester is a student) Student ID

ii. Where the purpose stated is contrary to morals or public policy, or is commercial in nature other than by news and communications media for dissemination to the general public, the request shall be denied outright.

iii. Where the purpose of the inspection/reproduction is for study, the name of the owner of the SALN shall not be disclosed by the requester. In all cases the private address of the owner of the SALN shall be blackened.

iv. Where the purpose of the inspection/reproduction is not for study purposes or dissemination to the general public by news or communication media, or where the requesting party appears to be fictitious, the PAB shall refer the party's request to the Office of Legal Affairs (OLA) for final approval/denial. In granting/disapproving the request OLA shall consider the following:

- a. The independence of the Office of the Ombudsman is constitutionally important as the right

to information which is subject to limitations provided by law. Under specific circumstances, the need for the fair and just investigation, prosecution and/or adjudication of litigations may require the Office to be wary of deceptive requests for information which shall otherwise be freely available. Where the request is directly or indirectly traced to a litigant, lawyer, or interested party in a case pending before the Office, or where the Office is reasonably certain that a disputed matter will come before it under circumstances from which it may, also reasonably be assumed that the request is not made in good faith and for a legitimate purpose, but to fish for information and, with implicit threat of its disclosure, to influence an investigation/prosecution or a decision or to warn the Office or its officials of the unpleasant consequences of an adverse finding or judgment, or where a decision has just been rendered by the Office against the person making the request and the request for information appears to be a "fishing expedition" intended to harass or get back at the concerned officials of the Office, the request shall be denied.

b. Where there are reasons to believe that the request for SALNs will be utilized for extortion purposes or will pose danger to the personal safety of the official or employee concerned and/or that of his family, the request shall not only be denied but shall be immediately reported to the proper law enforcement agency.

v. The reason for the denial of the request for SALN examination, inspection or reproduction shall be specified in all cases.

6. The request for SALN shall be acted upon within the period provided for under the Citizen's Charter of the Office. The name and signature of the processor shall be clearly indicated in the request form.

7. In case the requester has reason to believe that an official or employee's assets and properties are unreasonably disproportionate to his/her income, instead of requesting for the official or employee's SALN, the requester may report the matter in writing to the Office of the Ombudsman including the reason for his/her belief. The matter will be acted upon by the Field Investigation Office (FIO) which shall request for the official or employee's SALN.

8. To protect the right to privacy of the concerned public official or employee whose SALN is being sought, the requesting party's written request accomplished in the prescribed form shall be treated as part of the public record, which shall be readily made available to the public official or employee who may avail himself of all legal remedies against the requesting party should said official or employee feel that the requesting party has unlawfully encroached on the former's right to

privacy and violated his/her undertaking. The request form shall be kept by the custodian officer of the SALN.

9. Once the request for a SALN has been approved, the processor shall ensure the following:

- i. That the requesting party pays the cost of reproduction of the requested SALN;
- ii. That the requesting party certifies under oath that he/she will abide by the undertaking stated in the prescribed form;
- iii. That the prescribed form is duly subscribed by an authorized administering officer; and
- iv. That the private address of the owner of the SALN is blackened in the copy to ensure that his/her privacy is maintained.

All previous issuances inconsistent herewith are hereby revoked and/or modified accordingly.

This Memorandum Circular shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies thereof.

Ma. Mercedes G. Gutierrez JUN 16 2009
MA. MERCEDITAS NAVARRO-GUTIERREZ
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