

EheM! AhA! goes to Pili, Cam. Sur

By Ma. Rovil L. Caingat

SELECTED officers and employees of the Regional Field Unit No. 5 of the Department of Agriculture (DA-RFU5), San Agustin, Pili, Camarines Sur got a taste of the EheM! Aha! Cultural Sensitivity Seminar **PILI P/6**

EC and MCC-USAID support Anti-Corruption Modules for Public schools

By Angel DL. Cusi

THE OFFICE of the Ombudsman (OMB) has initiated various anti-corruption reform activities to prevent corruption. One of these is the enhancement of integrity education in school curriculum through the development of Graft and Corruption Prevention Education (GCPE) Teaching Exemplars.

The European Commission (EC) under the EC-OMB Corruption Prevention Project of the Programme Improving Governance to Reduce Poverty in the Philippines, funded the printing of more than 200,000 copies of GCPE Teaching Exemplars worth €200,000.00 or approximately PhP12,000,000.00. The distribution of teaching exemplars to public schools, 38,149 for the elementary and 6,263 for the secondary nationwide, will be funded by the Millennium Challenge Corporation (MCC) and the United States Agency for International Development (USAID) under the Millennium Challenge Account (MCA) Threshold Program pursuant to the Strategic Objective Grant Agreement between the United States of America and the Republic of the Philippines with the objective of strengthening and enforcing anti-corruption measures.

The launching of GCPE Teaching Exemplars is scheduled on March 2, 2007 to be held at P. **EU / USAID P/5**



INTEGRITY WATCH

An Official Publication of the Office of the Ombudsman with Funding Support from the European Commission

December-January 2007 / 8 pages ★ Vol. 1 No. 7 ★ ISSN 1909-112X ★ website: <http://www.ombudsman.gov.ph>



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Ombudsman finds Nani liable over MJ's \$2M extortion raps

By Joan Paullette D. Nuñez

CHARGES OF GRAFT, EXTORTION and falsification of documents will be filed by the Office of the Ombudsman against former Justice Secretary Hernando Perez, his wife Rosario and two others based on the \$2 Million extortion charges of former Manila Rep. Mark Jimenez.

Ombudsman Ma. Merceditas N. Gutierrez approved during the first week of the month the indictment of Perez, his spouse Rosario Salvador, his brother-in-law Ramon Arceo and his business associate Ernest Escaler, before the Sandiganbayan.

Perez was Gutierrez 's boss at the Department of Justice when the former was still the Secretary. Gutierrez served as one of Perez' s Undersecretaries before she became Acting Justice Secretary, Chief Presidential Legal Counsel and later as Ombudsman in Dec. 2005.

Probers said bank documents sealed the illegal acts of Perez, whom Jimenez accused of demanding money in exchange for his exclusion in the plunder case of his estranged ally detained President Joseph Estrada, under whose term he served as Presidential Adviser on Latin American Affairs.

The denial of Perez cannot overcome the positive assertion of Jimenez, moreso that the charges were substantiated with convincing evidence. **NANI P/7**



Ombudsman Ma. Merceditas N. Gutierrez (center) together with the Panel of Investigators (from right) Director Mary Susan S. Guillermo, Asst. Ombudsman Pelagio S. Apostol, Asst. Ombudsman Mark E. Jalandoni and Director Jose Tereso V. De Jesus, Jr. during a press conference on the extortion charges against Perez.

Sing Dangal takes center stage at SM Mall of Asia

By Laurrie Lane P. Cristobal

AN ANTI-CORRUPTION MUSICAL play production entitled *Sing Dangal* (A Musical): The 3rd OMB Integrity TV Show, was held live at the SM Mall of Asia Center Stage last December 9, 2006 with delayed telecast on December 12, 10:30 p.m. at Studio 23. Incidentally, the said event coincided with the celebra-

tion of the United Nations International Anti-Corruption Day.

Sing Dangal, which Tony Kwok describes as "the world's first anti-corruption musical" during a press conference held on December 6, 2006, is an activity under Component 2 of the European Commission-Office of the Ombudsman

Corruption Prevention Project. This 3rd Integrity TV Show is produced by Explorer Production, Inc. and was under the direction of renowned director Elson S. Montalbo.

The cast is composed of acclaimed theater actors/actresses and popular young stars and artists. **TV SHOW P/4**

MOU Signed for the Integrity Development Review's 2nd Cycle

By Blesilda Pilar Z. Servando

THE INTEGRITY DEVELOPMENT REVIEW (IDR) Project is the Office of the Ombudsman's response to its legal mandate on corruption prevention. The Project is financed by the European Commission (EC) and is represented by the Delegation of the European Commission to the Philippines.

After the successful run of the 1st cycle of the Integrity Development Review at the Bureau of Internal Revenue, Bureau of Customs, Department of Public Works and Highways, Land Transportation Office and the Philippine National Police last year, a Memorandum of Understanding (MOU) for the IDR's 2nd cycle was signed by and among the Office of the Ombudsman, Department of Budget and Management, Civil Service Commission, Commission on Audit, Development Academy of the Philippines and eleven (11) participating agencies, namely: Armed Forces of the Philippines (AFP), Bureau of Corrections (BuCor), Bureau of Fire Protection (BFP), Department of Agrarian Reform (DAR), Department of Budget and Management - Procurement Service (DBM-PS), Department of Environment and Natural



Deputy Head for Operations of EC Delegation Roger De Backer, DAP President Antonio Kalaw, Jr. and Acting Assistant Ombudsman Evelyn A. Baliton were among the signatories of the Memorandum of Understanding (MOU) for the 2nd cycle of the IDR Project.

Resources (DENR), Department of Health (DOH), Department of National Defense (DND) - Philippine Veterans Affairs Office (PVAO), Land Registration Authority (LRA), Light Rail Transit Authority (LRTA), and National Irrigation Authority (NIA).

Present during the signing ceremonies at the Virata Hall of the Development Acad-

emy of the Philippines last December 19, 2006 were Overall Deputy Ombudsman Orlando C. Casimiro for the Office of the Ombudsman, DOH Secretary Francisco T. Duque III, Director General Oscar C. Calderon and P/Director Wilfredo V. Garcia of PNP, Colonel Rodrigo Rosqueta for the AFP, DND **IDR P/5**

NACPA Secretariat Primed to Implement Projects

By Czarina May C. Altez
DAP Project Staff for NACPA

AS PART OF ITS TECHNICAL ASSISTANCE project to the Office of the Ombudsman, the Development Academy of the Philippines (DAP), with funding support from the Asia Foundation, has successfully conducted a series of trainings specifically designed to address the needs of the National Anti-Corruption Program of Action (NACPA) Secretariat.

Acting Assistant Ombudsman Evelyn Baliton, NACPA Chairperson, said that the trainings are part of the capacity-building thrust of the NACPA to equip its Secretariat who will spearhead the synchronization of anti-corruption efforts in the country.

Most recent was the seminar on Internal Control held last 13 December 2006 at DAP, Pasig City. Aimed as a refresher course for the NACPA Secretariat, the one-day seminar was also attended by organic staff of the Bureau of Resident Ombudsman. The Re-

NACPA P/7

Two DOF officials dismissed

By Anna Maria S. Sanchez

THE OFFICE OF THE Ombudsman has dismissed from the service a ranking official of the Bureau of Customs (BOC) for unexplained wealth and an official of the Bangko Sentral ng Pilipinas (BSP) in Bacolod City for incurring a shortage of more than P5 million pesos in his accounts.

Ordered dismissed were Matilde Millare, Chief Customs Operations Officer assigned at the Ninoy Aquino International Airport (NAIA) and Lindo A. Butiong, Manager I of the BSP branch in Bacolod City.

In separate decisions, the Office of the Ombudsman found substantial evidence of Grave Misconduct and Dishonesty against Millare for which reason he was dismissed from the service, with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification to hold public office.

The Office of the Ombudsman also found substantial evidence to hold her sister, Ana Marie Concepcion-Maglasang, former Customs Operations Officer V for the same offenses. Since Maglasang had already resigned from the BOC, she was sanctioned with cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from re-employment in the government

service. The case stemmed from the complaint filed by the Department of Finance-Revenue Integrity Protection Service (DOF-RIPS).

At the same time, the Office of the Ombudsman filed criminal charges against them before the Manila Metropolitan Trial Court.

The Office of the Ombudsman filed charges of eight counts of violation of RA 6713 (Code of Conduct and Ethical Standards for Government Officials and Employees); and five counts of Perjury under Art 183 of the Revised Penal Code (RPC) against Millare. It also filed a Petition for Forfeiture of Unlawfully Acquired Properties against her and her spouse Joel in court.

Millare started working at the BOC in Sept. 1989 with an annual salary of P6,240. Her current annual gross salary is P249,876 or P20,823 monthly.

However, despite the said income, she acquired the following properties from 1978 to 2004: a house and lot in Cubao, Q.C.; vast landholdings in Zambales and Sorsogon; and a posh residence in Valle Verde.

She also acquired several vehicles including a Honda Civic, a Nissan Exalta, a Honda CRV and other vehicles, like trucks and vans used for business purposes; a speedboat; a 2002 Model Mitsubishi Pajero and a 2004 Model

Toyota RAV 4. It was found that the Mitsubishi Pajero and RAV 4 were both registered in Millare's name but were not reflected in her Statement of Assets, Liabilities and Networth (SALN).

In its complaint, the DOF-RIPS also stated that Millare failed to file her SALN for the years 1995, 1996, 1999 and 2000. She also did not declare in her SALN her husband's financial connection and business interest despite his alleged substantial capital contribution as a partner in the HWC Hydrionics Company, and her relationship with Magsalang.

It was also discovered that Millare traveled six times abroad, of which only three were authorized by the DOF.

The Office of the Ombudsman also filed charges of five counts of Perjury under Art. 183 of the RPC, and five counts of Violation of RA 3019 (Anti-graft and Corrupt Practices Act) against Millare's sister, Maglasang. The Office is also preparing a Petition for Forfeiture of Unlawfully Acquired Properties against her and her husband Guillermo.

Maglasang started her employment at the BOC in June 1989 as Customs Examiner with an annual salary of P35,508 until she was appointed to her present position with a monthly salary of P

The Office of the Ombudsman orders probe on WB-Assisted Road Project

By Anna Maria S. Sanchez

FOLLOWING PRES. GLORIA MACAPAGAL-Arroyo's pronouncements to keep corruption out of foreign-funded projects, the Office of the Ombudsman is investigating the alleged anomaly involving the award of a World Bank (WB)-assisted road project.

Ombudsman Ma. Merceditas N. Gutierrez said reports reaching her office detailed the alleged anomalous bidding for the construction of the Surigao-Davao Coastal Road Project under the Department of Public Works and Highways' (DPWH) National Road Improvement and Management Project.

The project, which costs P1.17B, covers the improvement of the 73.31 km Marihatag-Barobo and Tagbina-Hinatuan-Bislig Section of the Surigao-Davao Coastal Road which is within Surigao Del Sur highway.

Residents of Surigao del Sur have been awaiting the implementation of the project for decades. The project is expected to decrease travel time and increase business activity in the province.

The project is being funded by the International Bank for Reconstruction and Development (IBRD)

and the WB. The WB grants loans to developing countries to finance their specific programs, including poverty reduction efforts, delivery of social services, protection of the environment and promotion of economic growth that will improve living standards.

It was reported that the local and foreign companies which participated in the bidding for a portion of the Surigao-Davao Coastal Road Project manipulated the process to ensure that the contract will be awarded among the contractors.

This comes in the heels of an Asian Development Bank (ADB) Report which stated that "Many opinion leaders think that corruption eats into foreign assistance funds and produces substantial waste."

Ombudsman Gutierrez said this kind of practice results in wastage of foreign assistance funds, which were granted to benefit the people.

She vowed to "investigate the report and if evidence warrants, to prosecute those behind the anomaly."

RAS CORNER

PUBLIC ASSISTANCE

Ombudsman Helped Math Whiz

By Lirio E. de Leon-Dizon

The family of Ramon Marfil of Kingsville Subdivision, Antipolo City was happy and proud to know that their young Ramon who was then an incoming senior at the Philippine Science High School in Quezon City was selected as a member of the delegation to the American Regions Mathematics League (ARML) contest to be held at the University of Nevada on the first week of June 2006. The sixteen (16) years old kid was chosen from among the thousands of trainees nationwide after passing all the stages of the Mathematics Trainer's Guild Training Program. The team to compete in the contest was set to leave on May 25, 2006.

Much as the family wanted the young Ramon to join the delegation to compete in the contest, they can not afford to pay his travel expenses amounting to One Hundred Twenty Seven Thousand and Nine Hundred Twenty Pesos (P127,920.00). In order for him not to miss the rare opportunity, the elder Ramon has decided to write to the Philippine Charity Sweepstakes Office (PCSO) requesting said office to shoulder his son's travel expenses. For his request to be given immediate attention and action, he sought the assistance of the Public Assistance Bureau (PAB) of the Office of the Ombudsman to indorse his letter to the PCSO.

Believing that his son's participation in the ARML contest could bring honor not only to his family but to the country as well, PAB favorably indorsed Ramon's letter to Mr. Conrado Zaballa, PCSO's Acting General Manager for On-Line Operations. Acting on said request, PCSO informed PAB that their office granted Ramon's son a partial sponsorship, thus paving the way for his trip to join the competition.

On June 10, 2006, PAB received a letter from Ramon that his son was awarded a medal for being the team high scorer in the individual category of the ARML contest. Also, Team A, to which his son was a member, placed 6th in the LA-Nevada site and ranked as the 15th country in the overall out of the total Eighty-Nine (89) teams/countries participating the competition.

In behalf of his family, Ramon expressed his appreciation to PAB for the assistance given leading to PCSO's grant of partial sponsorship of his son's travel expenses to compete in the international math competition in Nevada, USA. PAB on the other hand gave credit to PCSO for immediately granting the request.

Ombudsman Clearance Falsified

By Lourdes P. Salazar

An Ombudsman Clearance is requested by a government employee or official seeking appointment, promotion and retirement from the service. The clearance determines if a government employee/official has pending or no pending administrative and/or criminal case before the Office of the Ombudsman. It is one of the factors being considered by the appointing authority in choosing the employee/official best fitted to the position subject of appointment or promotion. It also guide a government office whether or not to release the retirement benefits of an employee/official retiring from the service.

Because of the importance of Ombudsman Clearance, officials/employees with pending cases with the Ombudsman who needs an Ombudsman Clearance badly would falsify the same.

In the year 2000, a lady Engineer of the Department of Public Works and Highways who had pending cases with the Office of the Ombudsman falsified an Ombudsman Clearance and submitted the same to her office in connection with her application for promotion. The Office of the Ombudsman found out that she substituted her name in an Ombudsman clearance with no pending case issued to another employee of DPWH who was later verified to be a fictitious person. She is now facing trial before the Metropolitan Trial Court of Manila for Falsification of Document.

The other year, another top official of the Development Bank of the Philippines falsified an Ombudsman Clearance which was submitted to his office for the release of his retirement benefits. Aside from his pending administrative case, another case for falsifying an Ombudsman Clearance was added.

A falsified Ombudsman Clearance can be detected because of the usage of special paper and the assignment of control number in every clearance issued.

The Youngest Deputy Ombudsman

By Nida Aveno-Gruta

IT WAS JUST ONE OF THOSE ordinary days in the life of most prosecutors at the Office of the Special Prosecutor. But to Acting Deputy Special Prosecutor Humphrey Monteroso, the date November 6, 2006 is very significant as it is the beginning of the rest of his life as the new and the youngest Deputy Ombudsman. On that date, at about ten in the morning, Humphrey (at 42 years of age) took his oath as the fourth Deputy Ombudsman for Mindanao before the Lady Presiding Justice of the Sandiganbayan, Honorable Teresita Leonardo-De Castro.

YOUNGEST DO P/7



Deputy Ombudsman Humphrey Monteroso takes his oath as the new Deputy Ombudsman for Mindanao before Sandiganbayan Presiding Justice Teresita Leonardo-De Castro on November 6, 2006.

High Profile Case

IT IS TIME. One has retired from government service. He now feels all sorts of pains although not at the same time. He is not at peace nor is he happy despite millions of pesos worth of properties in his and his family's name. Then it is over. He makes the transition or experiences the so-called "*death of the body*."

So what if he is you? When all has been said and done and you report at the conclusion of your earthlife to a representative of the Divine Hierarchy at the gate of heaven, what will you say? What will you say as you look back and see what might have been? What you might have done?

Will you say, "*I'm sorry, give me another chance*." To that a thundering voice responds: "*It is too late! Many souls have been lost! Many opportunities wasted! It is too late!*"

There is a time and a tide. There is a space for opportunity for each one of us. When given a chance to serve in government or in communities, it is a rare opportunity for service. Give it your best shot! It is a supreme moment of service reserved for you and yours alone to give. It matters not what form of service you render to your fellow-

men. Give of your heart to inspire, to heal, to serve the ends of justice, to educate, to build structures, to develop talents, to promote peace, understanding and order, to make our world a cleaner, healthier place to live in.

As long as you give of your heart, you are moving up in vibration, making you exist world apart from the claws of evil. On the other hand, if you serve only your own selfish purposes and dishearten otherwise hopeful souls, what does it profit to gain all the riches in the world while you lose your soul in the process?

While on this topic of the downside of gaining material riches, let's focus on the lifestyle of one government functionary whose work involved building infrastructures. He and his cohorts are presently facing a forfeiture case filed before the Honorable Sandiganbayan. The Office of the Ombudsman filed a petition for forfeiture of his unlawfully acquired properties worth P51,003,071.60 which are in excess of his lawful and legitimate income. How he amassed such wealth in a span of eight years is mind-blowing to an ordinary working man who relies solely on his daily, weekly, or monthly income.

What Will You Say?

By Nida Aveno-Gruta

What kind of properties, you may ask, were illegally acquired? How does the Office of the Ombudsman determine the amount of allegedly ill-gotten wealth for purposes of initiating a forfeiture case?

Republic Act No. 1379 provides the answers to these questions. It is a law declaring forfeiture in favor of the state any property found to have been unlawfully acquired by any public officer or employee and providing for the proceedings for such purpose.

Any amount of property acquired during the incumbency of a public officer that is manifestly out of proportion to his salary as public officer and to his other lawful income and income from legitimately-acquired property is considered unlawfully acquired under the law. Other legitimately-acquired properties may include inherited property and income derived from it, gifts received before public employment, property acquired and

income already earned before public employment, and fruits and income of exclusive property of the public officer's spouse.

The Office of the Ombudsman closely studied the submitted Statement of Assets and Liabilities and Networth of the public officer and obtained documents as proof of existing properties in his name. In the petition are included as respondents, the public officer (Regional Director), his wife, his daughter, and his two sisters. The real properties acquired between the period 1994-2001 in his name and in the name of his correspondents are listed below with their respective year of acquisition and value time.

(1) Residential Home and Lot (256 square meters) in the name of the spouse P1,280,000.00 (1994); (2) Commercial Four-Storey Building and two adjacent lots in the name of the spouse P2,000,000.00 (1994); (3) Residential House and Lot (748 square meters) in Ayala, Alabang in the name of the spouse P24,800,000.00 (1999); (4) Residential House and Lot in Los Angeles, California (4,134 square feet) in the name of the spouse and daughter P12,540,300.00 (2000); (5) Residential Lot (200 square meters) in the name of the spouse P146,000.00

(1988), a total of P40,766,3000.00.

The service record of the respondent public officer shows that he entered government service in 1986 and retired in 2003. His NETWORTH in 1986 was P455,000.00 which increased to P13,208,590.50 in 2001, although his total salary for the same period amounted only to P2,516,818.90. The difference between this declared NETWORTH for year 2001 and his total salary received for the period 1986 to 2001 amounts to P10,236,771.60. This amount, according to the Petition, constitutes ill-gotten wealth. Added to acquisition value of real properties, the unlawfully acquired properties of the public officer reached a total of P51,003,071.00 or more. Why more?

From 1997 to 2002, the public respondent traveled abroad eight (8) times. But a more frequent traveler, his wife went abroad repeatedly from 1993 to 2003, twenty-eight (28) times. The expenses incurred during these travels could run to several millions of pesos. How did the Regional Director finance his or his wife's travel? While he was purportedly serving the government from 1986 to 2003, who was he actually serving?

If you were asked the same questions, **what will you say?**

The Office of the Ombudsman Files Extortion, Estafa Charge Against Labor and University Officials

By Doren May S. Flora

THE OFFICE OF THE OMBUDSMAN has charged before the Sandiganbayan four labor officials and a former Batangas University President for separate charges of extortion and estafa.

Charged for alleged extortion of P200,000 from a Filipino-Canadian citizen were Commissioner Victoriano Calaycay of the National Labor Relations Commission (NLRC) Second Division, Attys. Augustus Hidalgo and Zomer Ochavillo of the Philippine Overseas Employment Administration (POEA), and one Dennis Gabionza.

In the Information signed by Ombudsman Ma. Merceditas N. Gutierrez, it was alleged that the four respondents demanded and received P200,000 from Jocelyn Enriquez, for the processing of her license to operate a recruitment agency in the Philippines.

Records state that the four had demanded P400,000 from Enriquez. They also asked the complainant to give the down payment in the amount of P200,000 on Dec. 1, 2006. Enriquez then sought the help of the National Bureau of Investigation (NBI) which immediately conducted an

entrapment operation against the respondents.

When the NBI operatives saw the respondents accepting the P200,000 marked money from the complainant, they immediately apprehended the respondents and submitted the case to the Department of Justice (DOJ) for inquest proceedings.

The case then was forwarded to the Office of the Ombudsman for filing before the Sandiganbayan, the respondents being high-ranking government officials.

A P30,000 bail bond was recommended for each of the accused.

In a separate case, the Ombudsman also filed criminal charges against Ernesto de Chavez, former President of the Batangas State University (BSU) and two others for alleged illegal collection of fees from graduating students in 2001.

De Chavez and Rolando Lontoc Sr., former BSU Vice-President for Academic Affairs, were charged with three counts of violation of RA 3019 (Anti-Graft and Corrupt Practices Act) and Estafa under Art. 315 of the Revised Penal Code (RPC).

The University's former Dean of the College of Liberal Arts Gloria Mendoza, on the other hand, was charged with one count of graft and one count of estafa.

Based on the informations for graft and estafa filed against Chavez, Lontoc and Mendoza, the three allegedly caused the collection of graduation fees from the BSU graduating students, by making it appear that the same was compulsory and official when in fact it was not, for no official receipt was correspondingly issues, the amount of which totaling to P90,710.

It was alleged that the said amount was converted to the respondents' personal use as it was not deposited in any government bank for the account of BSU.

De Chavez and Lontoc were also charged with graft for allegedly directing the graduating BSU students to rent caps and gowns solely from their own cap-and-gown rental business, thereby receiving unwarranted benefits in the sum of at least P20,090.

The two officials were also slapped with a separate graft and estafa cases for the alleged illegal collection of internet fees without issuing an official receipt.

The Office of the Ombudsman recommended a P30,000 bail bond for the provisional liberty of each of the accused for each of the said offenses, except in the estafa case involving the three of them, for which the Office recommended for a P28,000 bail bond for each of them. Meanwhile, the Ombudsman also filed criminal charges against Manila Vice Mayor Danilo Lacuna before the Manila Metropolitan Trial Court for allegedly slandering a tabloid columnist.

The case stemmed from the complaint filed by Joey Venancio, a columnist for the tabloid "Saksi" before the Office. In his complaint, Venancio alleged that on July 9, 2004, while he was drinking coffee with his friends, the Vice-Mayor suddenly approached him and pointing a finger at his face, repeatedly shouted expletives at him and challenged him to a fight.

In his Consolidated Counter-Affidavit, Lacuna denied the allegations against him and argued that while he did make the said utterances, those words were "common vernacular expressions employed to express anger or displeasure and not to slander".

He also stated that it was the journalist who maligned him before thru a series of articles he wrote during and after the 2004 elections.

In a 7-page Resolution, the Office of the Ombudsman stated that the evidence presented by complainant sufficiently establishes that herein respondent had indeed uttered the defamatory remarks against complainant.

The Office disagreed with Lacuna's contention that the words uttered are common vernacular expressions which were employed to express anger or displeasure and not to Slander.

It said, "Needless to stress, a newspaper columnist places much value upon his reputation for journalistic integrity and when such words are uttered against him, the intent is clearly not just to express anger or displeasure but to slander and tarnish his reputation."

Because of this, the Office of the Ombudsman charged Lacuna with Grave Oral Defamation, under Art 358 of the Revised Penal Code (RPC).

The Office recommended a P6,000 bail bond for his provisional liberty.

The Office of the Ombudsman downplays survey placing RP as 2nd most corrupt in Asia

By Anna Maria S. Sanchez

THE OFFICE OF THE OMBUDSMAN downplayed the results of a survey which placed the Philippines as second in corruption in the Asia-Pacific region.

In a statement, Assistant Ombudsman Mark E. Jalandoni said that the Transparency International's Global Corruption Barometer 2006 is only based on perception. He added that the

effectiveness of the Philippines' anti-corruption efforts should be measured by the country's overall performance in the fight against corruption.

Records reveal that from January to date, the Office of the Ombudsman has dismissed from the service a total of 78 erring government officials, placed under preventive suspension a total of

17 government officials and filed cases against a total of 16 mayors and 2 governors before the Sandiganbayan.

It may be noted that the said survey shows that only 16 percent of respondents who had transactions in the Philippines admitted to paying bribes last year, while 84 percent said they did not.

This reinforces the results of

2006 Social Weather Station (SWS) Survey of Enterprises on Corruption showing a significant decline of bribery in public sector contracts—from 57% in 2003 to 46% this year in the National Capital Region (NCR); from 62% in 2004 to 47% this year in Metro Cebu; from 65% in 2005 to 38% this year in Cagayan de Oro and from 57% in 2005 to 49% now in Davao.

The SWS survey results also show a dramatic decline in public sector bribery in the following transactions: from 52% in 2000 to 29% this year in payment of income taxes; from 55% in 2000 to 33% this year in securing local government licenses and permits; and from 42% in 2000 to 29% this year in securing national government permits and licenses.

SURVEY P/7

Ombudsman's Administrative Disciplinary Authority

Editorial

IN THIS PUBLICATION'S JUNE 2006 ISSUE, THE EDITORIAL featured the Supreme Court's affirmation of the Office of the Ombudsman's administrative disciplinary authority over all elective and appointive officials of the government and its subdivisions, instrumentalities and agencies, except over officials who may be removed only by impeachment, or over Members of Congress and the Judiciary. However, due to the recent Ombudsman decisions dismissing several elective officials from the service, once more the institution's authority to impose administrative sanctions has been put into an issue. To refresh the minds of everybody, here again are the cases affirming the Ombudsman's full administrative disciplinary power over erring public servants.

In the recent case entitled "*Office of the Ombudsman versus Court of Appeals, et al* [G.R. No. 160675, June 16, 2006]"¹, the Supreme Court reiterated its ruling in *Atty. Ronaldo P. Ledesma versus Court of Appeals, et al* [G.R. No. 161629, July 29, 2005], wherein it upheld the Ombudsman's authority to mete out administrative penalties of removal or suspension from office, demotion, fine or censure against erring public officers and employees. The point of contention in the above-mentioned cases is the word "recommend", found both in the pertinent provisions of the 1987 Constitution and Republic Act No. 6770, also known as the Ombudsman Act of 1989. Section 13 of Article XI [Accountability of Public Officers] of the 1987 Constitution provides:

Section 13. The Office of the Ombudsman shall have the following powers, functions and duties:

xxx

(3) Direct the officer concerned to take appropriate action against a public official or employee at fault, and **recommend** his removal, suspension, demotion, fine, censure or prosecution, and *ensure compliance therewith*. [emphasis supplied]

xxx

Likewise, it is stated in Section 15 of RA 6770:

Section 15. *Powers, Functions and Duties.* The Office of the Ombudsman shall have the following powers, functions and duties:

xxx

(3) Direct the officer concerned to take appropriate action against

a public officer or employee at fault or who neglects to perform an act or discharge a duty required by law, and **recommend** his removal, suspension, demotion, fine, censure, or prosecution *and to ensure compliance therewith*; or enforce its disciplinary authority as provided in Section 21 of this Act; *Provided*, That the refusal of any officer without just cause to comply with an order of the Ombudsman xxx shall be a ground for disciplinary action against said officer. [emphasis supplied]

In interpreting these provisions, the Court ruled that the word "recommend" should not be given its literal meaning but instead be construed together with the phrase "and [to] ensure compliance therewith" as well as other pertinent provisions of RA 6770. By the language of the law, the Ombudsman may direct and *compel* the head of the office or agency concerned to implement the penalty imposed against the erring public official or employee. Hence, according to the Supreme Court, the word "recommend" merely concerns the *procedural* aspect of the Ombudsman's functions and not its *jurisdiction* in imposing administrative penalties. In other words, the implementation of said penalties should be coured through the proper officer, i.e., the head of the office or agency. Further, the Court held:

"... That the refusal, without just cause, of any officer to comply with such an order of the Ombudsman to penalize an erring officer or employee is a ground for disciplinary action, is a strong indication that the Ombudsman's "recommendation" is not merely advisory in nature but is actually mandatory within the bounds of law."

In addition, Section 21 of RA 6770 expressly conferred administrative disciplinary authority to the Office of the Ombudsman. Clearly, the lawmakers intended for the Ombudsman to wield such power in order to fulfill its mandate as "Protector of the People", to act promptly on complaints against officers and employees in public service and to enforce their administrative, civil and criminal liability. Without this disciplinary authority, the Office of the Ombudsman cannot attain what the Congress envisioned it to be – "an activist watchman", a tool against the prevalent graft and corrupt practices in government.

¹ Erratum: In the June 2006 issue, the title of the featured case was mistakenly labeled as Coromias vs. Court of Appeals. The actual title of the case is Office of the Ombudsman vs. Court of Appeals.

SAPAK update

By Maria Flor R. Dacanay

THE OFFICE OF THE OMBUDSMAN, through Task Force Sama-Samang Pagkilos Laban sa Katiwalian (SAPAK), continuously acts on reports and complaints of irregularities in the Department of Education (DepEd). The initial orders suspending a number of principals seem to have served as an eye opener to the public making them aware of their rights against abuses committed by government officials particularly in the Department of Education as evidenced by the increase of complaints received by this Office, now totaling to Two Hundred Fourteen (214) for the first six (6) months.

Parents and Teachers Associations are now forging linkages with the Task Force in order to help oversee the alleged abusive conduct of teachers, principals and other officials.

After it was launched, the Task Force was able to act on several complaints obtained from various sources such as reports, direct complaints, text and/or e-mail messages, and news reports.

The Office was able to place under preventive suspension three public high school principals for various offenses. They were Dr. Eleanor F. Abisado of the Taguig National High School; Dr. Helen B. Aggabao of the Olongapo City National High School and Dr. Virginia F. Bermudez of the Ramon Avancena High School.

Some significant cases were also referred for preliminary investigation and/or administrative adjudication.

Alleged violations of R.A. 3019 and R.A. 7080 were filed against former Secretary Ricardo T. Gloria by Mr. Gabriel S. Dela Paz, Investment Director of the Private Education Assistance Committee (PEAC). Said case is now pending preliminary investigation. Charged for violations of Article 217 of the Revised Penal Code (Malversation), Section 3(e) of R.A. 3019 (Anti-Graft and Corrupt Practices Act), and for Dishonesty, were Dr. Mahid M. Mutilan, then Regional Vice-Governor, ARMM; Pangalian M. Maniri, then Accountant III, DepEd-ARMM, Norinsa P. Arimao, then Regional Cashier, DepEd ARMM and Dr. Leovigilda P. Ciches, former Director II, Administrative, Finance, and other employees of Support Services Bureau, DepEd-ARMM, now referred for preliminary investigation and/or administrative adjudication at the Criminal Investigation, Prosecution and Administrative Adjudication Bureau (PIAAB).

Said case arose from an investigation conducted by the Task Force in determining the veracity of the revelation of Representative Marlo Aguja of AKBAYAN in his privilege speech that the DepEd-ARMM failed to remit the contributions and loan payments deducted and collected from the teachers and non-teaching personnel from 2003 to 2005 amounting to Thirty-Six Million, Five Hundred Twenty Thousand, One Hundred Sixty-Nine Pesos and Sixty-Five (Php36,520,169.65).

The case filed against Mrs. Fe C. Valeroso, Schools Division Su-

SAPAK P/8

TV SHOW from page 1

ists. Among them are Monique Wilson, Leo Martinez, Beverly Salvejo, Isay Alvarez, Jolina Magdangal, Jeffrey Hidalgo, Marco Alcaraz, 9th Avenue, John Prats, and Ms. Tessie Tomas. Exceptional performances were also rendered by child stars Joshua Cadelina and Robert Villar, Jr. The New Era University Masscomm Students, Likhang Galaw Dulaang Asilaw and the Ombudsman Chorale complemented these outstanding performer.

Sing Dangal is focused on corruption and its consequences to the Filipino people. The musical play production showed a medley of ordinary real life situations affected by corruption. The story revolves around Big Boy (Cadelina) and his mother (Wilson), who lives in poverty, and Big Boy (Villar), the neglected son of a wealthy but corrupt politician (Tomas). There were other characters in the story, among them, the government employee (Magdangal), the OFW (Jeffrey Hidalgo), the police officer (Alcaraz), and a young man (Prats). There was also a segment wherein Alvarez and Salvejo debated the merits of integrity and corruption while singing. The 9th Avenue performed Tigilan Mo Na Yan by Edu Reyes, a song finalist in the Anti-



The entire cast of Sing Dangal sings *May Ombudsman sa Puso ng Bawat Filipino*, written by Ricky Lee and composed by Ernie Magtuto, during the production's finale number

corruption Song Writing Competition. The narrator (Martinez) guided the audience through each scene.

Multi-awarded writer Ricky Lee provided the script, as well as the lyrics, for the musical, which was accompanied by the moving music composed by Ernie Magtuto. Beth Martin completed this powerhouse production as musical director.

Box Office Hit

The SM Mall of Asia Center Stage was filled to capacity and then some. Mr. Roger de Backer, Operations Head of the Delegation

of European Union to the Philippines, Mr. Tony Kwok, Chief Adviser to the EC-OMB Corruption Prevention Project, and Overall Deputy Ombudsman Orlando C. Casimiro graced the occasion, as well as other officials of the Office of the Ombudsman and other government agencies. Representatives from the different sectors of society also turned out to attend this momentous event. Government employees, the youth and the academe, and the general public are welcomed to this anti-corruption production intended to instill pub-

lic awareness on the evils of corruption through popular media.

Sing Dangal is undoubtedly a success. The overwhelming interest and response generated from the audience, notwithstanding the high number of people who wished to witness this event, is indeed a promising sign that the Office of the Ombudsman's efforts to prevent graft and corruption in the country does not go unnoticed. At the same time, it is also a testament to the fact that most Filipinos are willing to support, and are encouraging these efforts.

A Different Battle

By Ma. Rosanna S. Navidad

ABSENT THE SOUND OF DRUMS and bugles, amid the dust and a sea of camouflage green, our convoy negotiated the bumpy road leading to a place called Dungoan, a remote barangay in M'lang, Cotabato Province. "Dungoan" literally means landing area for smaller sea vessels, and in this instance, of those coming from the Liguasan Marsh, which is but a few kilometers away. An exaggerated and common joke we heard is that, if you want an unexplained and sudden exit on the face of this planet, you go to Liguasan. Not surprisingly, almost all members of the Ombudsman-Mindanao (OMB-MIN) medical mission team elicited the same reaction from family and friends, "why go there?". This piece aims to answer that question.

The specific target in that barangay, Sitio Ipol, has a population of 500, or 100 households, composed mainly of Maguindanao Muslims, who are into freshwater fishing. Some of them are also into marginal farming, without the benefit of irrigation facilities, draft animals, or farm implements and machinery. If we were to go by its rough road conditions, it is so easy to conclude that the area is indeed a very depressed one, and its inhabitants -the poorest. Ironically, the area is merely 2.5 kilometers from the national highway, and 1.5 kilometers away from the heart of M'lang, yet it remains undeveloped.

Once again OMB-MIN played the role of "mobilizer", as it marshalled several agencies of government into supporting the activity. The service providers from the public sector included the Provincial Government of Cotabato, the Local Government of M'lang, the Philippine Charity Sweepstakes Office (PCSO) Region XII, the Philippine Health Insurance Corporation (PHILHEALTH) Region XII, the Department of Health (DOH) Region XII Office as well as the Provincial Health Office of Cotabato, all of which contributed either medicines, their medical and non-medical support staff. The DENR-PENR Office also sent a team of land investigators to render public assistance. More than a battalion of men from the 7th IB, 6th IB and the 38th IB of the Philippine Army based in Pikit Cotabato were there to secure the team. Members of the AFP Reserve Command (AFPRESCOM) from Davao City, provided the able bodies who helped pack the giveaways and carry heavy boxes of donated goods and medicines.

Heads of these partner agencies

were there, led by Governor Emmanuel Piñol of Cotabato Province, M'lang Municipal Mayor Luigi B. Cuerpo and Vice-Mayor Joselito F. Piñol, Philhealth AVP Dr. Ramon F. Aristoza Jr., PCSO General Santos Branch Head Misael A. Hamak, PENRO Renato B. Rivera, and Lt. Col Jeavy DS Resurreccion.

It was so heartening to note that even the private sector got involved in the mission. Private medical and dental practitioners of Cotabato who are members of the Cotabato Medical Society and the North Cotabato Dental Society rendered service for free. Volunteer nursing students from the Southern Baptist College, and the St. Lukes Institute of Technology freely gave their time to the mission.

All in all, the team served a total of five hundred ten (510) beneficiaries. The health services provided to them included medical check-up, electrocardiogram (ECG), pap smear, pre-natal check-up, circumcision, dental check-up and tooth extraction. A composite team of personnel from OMB-MIN, the Local Civil Registrar and the DENR, rendered public assistance, gave legal advice and conducted registration of births. In a dialogue with Deputy Ombudsman Monteroso and Director Rodolfo Elman, several locals raised their concerns on various land problems, most common of which involve what are considered as ancestral domain.

Aside from the medicines and food packs given to the beneficiaries, used toys and clothing were also distributed that day. These items were donated by kindhearted OMB-MIN employees and their friends, who heeded the call of the Public Assistance Unit to support its Christmas drive.

The final activity of the mission, were the fun games for the children. Spectators had fun seeing the children participate and try their best to win the prizes at stake.

We proved a point that day - distance, language and culture differences were no barriers. The local folk looked just like us, ordinary people needing care and attention. The reputation of the place preceded it, but we went there undaunted by horror stories of ambushes, killing fields and kidnappings. Yes, we were in full battle gear- our military escorts were armed to the teeth with an assortment of weapons, we were armed too, with nothing but goodwill and an eagerness to serve.

It will probably take more years and more missions of such kind to ease the feelings of apathy and neglect amongst the locals, but members of the team are certain, half the battle was won that day.



SANTA IS COMING TO TOWN!

Volunteers from the Office of the Ombudsman give gifts to the 170 children beneficiaries from a barangay in Taguig City on December 20, 2006 during the MAKIBATA Outreach Program, an annual outreach project of the Office of the Ombudsman and the Junior Graftwatch Units.

Tripartite Code of Conduct in Public Procurement

By Fernando M. Mendoza

THE OFFICE OF THE OMBUDSMAN has embarked on a comprehensive capacity building effort to make the civil society more effective and efficient in its role as public procurement observers and monitors in the country. For this reason, the EC-OMB Corruption Prevention Project called for the development and adoption of commonly accepted Tripartite Code of Conduct on Public Procurement which will cover all the involved participating agencies and organizations may then develop their own customized code of conduct on public procurement base on this general code of conduct.

Development of such a draft general code of conduct necessitate the conduct of consultative meetings cum workshops between and among the targeted participants, both at the plenary and technical working group levels. Three consultative workshops among



Representatives to the 2nd Consultative Workshop for the Tripartite Code of Conduct in Public Procurement discuss among themselves during the workshop session

Project partners have been conducted from late November to early December of 2006 to collate general inputs on the possible content of the intended code. These workshops were followed by a series of 5 technical working group (TWG) meetings where specific provisions of the draft code were deliberate upon and finalized.

At present, TWG representa-

tives are preparing the final form of the draft code which is slated for violation among project partners in a plenary session tentatively scheduled on February 2007. If adopted, the draft will be submitted to the Honorable Ombudsman for endorsement to the President who in turn, is expected to support the code by making it into an Executive Order.

EC / USAID *from page 1*

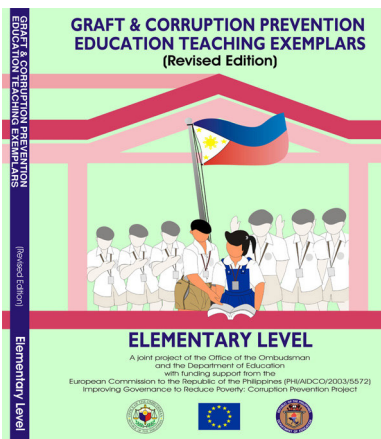
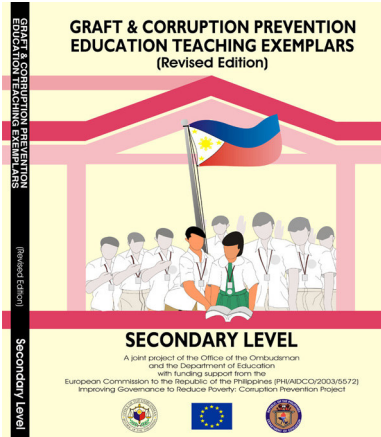
Bernardo Elementary School, Quezon City. Honorable Ombudsman Ma. Merceditas N. Gutierrez will make a ceremonial turn-over of the exemplars to DepEd Secretary Jesli A. Lapus for their implementation. Expected to attend the launching are Ambassador Alistair MacDonald from the European Commission, Mission Director Jon Lindborg from the USAID, officials from the Office of the Ombudsman, Department of Education, and delegates from other international donor communities supporting the graft prevention programs of the Office of the Ombudsman. A demonstration of how these anti-corruption modules will be taught in the elementary and secondary levels will be made by the teachers and pupils of the same school.

The GCPE Teaching Exemplars is a joint project of the Office of the Ombudsman and the Department of Education. It started in the year 1995 through the signing of a Joint Declaration of Undertaking between

then Ombudsman Aniano A. Desierto and then Secretary Ricardo T. Gloria. The implementation of the project is being continued by the Honorable Ombudsman Gutierrez

Through the joint efforts of the two offices, the GCPE Teaching Exemplars were developed and initially implemented in the year 2000. The teaching exemplars were revised in 2004 to conform with the new Basic Education Curriculum.

The teaching exemplars aim to inculcate among the pupils and students in the elementary and secondary levels positive values such as honesty, integrity, professionalism, uphold of common good and simple living. They also geared towards the integration of norms of conduct enumerated in Republic Act 6713 into the different subject areas in the curriculum. The sound values that will be taught to our children will serve as their foundation in becoming responsible citizens in the future, specially when they decide to enter public service.



IDR *from page 1*

Undersecretary Emesto Carolina, DENR Undersecretary Armi Jane Roa-Borje, DILG Undersecretary Wencilito Andanar, BFP Chief Danilo Cabrera, LRTA Administrator Melquiades A. Robles, PVAO Administrator Rodelio A. Dayan and Deputy Administrator Romeo Lazo, LRA Administrator Benedicto B. Ulep, BuCor Assistant Director Joselito Fajardo, DAR OIC-Director Marissa M. Marzo and Mr. Sixto Antonio, Jr. for DBM-PS.

The momentous event was graced by the presence of the Advisory Group members of the five agencies which underwent the IDR last year as well as some professionals from the Civil Society Organizations and the Academe.

After the completion of the IDR Project in each of the participating agencies, an Integrity Development Committee (IDC) as a sustaining mechanism, shall be established which shall be tripartite in composition.

The signatories of the eleven agencies gave their commitments for the success of the Integrity Development Review Project as embodied in the MOU.

The IDR will run from January until June of the current year. As part of the IDR's initial activity, a training of assessment teams at the Fontana Leisure Parks, Clark Field, Pampanga was held on January 8 - 12, 2007.

Notice

This is to inform the public that Bantay Bayan Foundation, Inc. (BBFI) headed by Cmdr. Willy B. Calma is no longer accredited by the Office of the Ombudsman-Central as Corruption Prevention Unit (CPU). At present, only the following NGOs are accredited CPUs of the NCR: Samahang Grupong Bantay Mamamayan, Inc. (SGBMI), Moral Recovery Officers Foundation, Inc. (MROFI), Auditor ng Bayan Group, Inc. (ABGI), Movement for Moral Values in the Phils. (MOVE-MVP) and Citizen's Truth Verifier Academy, Inc. (CTVAI).

A New Year Message

Filipinos choose hope! A new SWS survey shows that 91% of adult Filipino look to the New Year with hope rather than fear.

This is good because it means that we as a people do not give in to despair in the face of difficulties. Hope overcomes the despair that leads one to think that nothing can be done to prove our situation. Hope spurs us into action, it gives us a reason to live, to get out of bed each morning and do the best work we can for God, for our country, for our families and even for our selves.



We, as a people and specially those in government, must always nurture the hope of a better future for our country that causes us to serve our fellow Filipinos with love, faithfulness, honesty and excellence.

At the office of the Ombudsman, hopes are high that we can make significant progress in the battle against corruption this year. We are improving our investigation and prosecution capabilities and undertaking new projects that will help us prevent corruption before it starts and promote integrity in all areas of our life. We also look forward to actively fulfill our public assistance role to ensure that the people in this country have access to government service. Moreover, we are increasing circulation of this Integrity Newsletter so that people are informed of the dangers of corruption, what we are doing to fight this menace and what YOU can do to get involved.

Together, let us make our hope for a corruption - intolerant Philippines a reality.

God's blessing to one and all!

Ma. Merceditas N. Gutierrez
Ombudsman

Ehem! Trainers' Training for Non-Organic RO

By Belle D. Lim

ON OCTOBER 18-20, 2006 an "Ehem! Trainers' Training for Non-Organic Resident Ombudsmen in Mindanao (MIN) and the Visayas" was held at the Harbor Lights Hotel & Restaurant, Cagayan de Oro City aimed at strengthening the proactive corruption prevention thrust of the Office of the Ombudsman (OMB) by raising cultural sensitivity on corruption through Ehem! Seminars vis-a-vis the limited number of Ombudsman Ehem! trainers.

A total of 37 Non-Organic RO and OMB Personnel attended the said activity. The participants were chosen based upon the basic requisites, i.e. must have undergone the two or three-day Ehem! Seminar, possessing training and facilitating skills, and willing to assist as Ehem! trainers in the future.

The OMB Ehem! Aha! Technical Working Group (TWG) composed of GIO II Josephine D. Mojica (CCB), GIO I Teresita N. Angeles (OMB-MIN), GIO I Bel M. Quijano (OMB-Visayas) and GPCO V Ma. Victoria M. Roberto (PACPO) were the Resource Speakers for the "Ehem modules" while GIPO II Joy R. Arao and GIPO I Zuleika T. Lopez, both of OMB-MIN handled the topic on "Facilitation Skills". OIC Rodolfo M. Elman, CESO III, OMB-MIN and OIC Virginia T. Santiago, OMB-Visayas provided the welcome and closing remarks, respectively with Director Wilbert L. Candelaria of OMB-Luzon as guest-participant.

The OMB-MIN Area Office acted as the convenor of the activity in coordination with OIC Director Atty. Maria Iluminada Lapid-Viva of the OMB-Min Regional Office based in Cagayan de Oro City.

PILI from page 1

held on October 25-26, 2006. With the theme "Deepening Involvement in Combating Corruption," the two-day seminar workshop was assiduously conducted by the action officers of OMB-Luzon PACPO headed by their Director, Wilbert L. Candelaria.

As soon as Ms. Emily Bordado, our Non-Organic Resident Ombudsman in the D A - R F U 5, finished introducing the participants, Director Candelaria gave a thought-provoking and awe-inspiring opening remarks. Intended to primarily level off on the notions, definitions and the current state of corruption in the Philippines, **Module 1: Experience** was commenced by AGIO III Joan C. Roderos. She led the participants in undergoing the process of feeling through their experience and actually immersing them in a reality exercise of the problem of corruption. They shared their own definitions of corruption as they perceived it to be in their workplace and in their own community. A couple of the participants even verbalized how corruption existed in their own families. They wrote their one-word description of corruption in metacards which were later posted on the board for group discussion. Words like "evil," "disease," "pity," and "putrid", as they keenly described how they felt about corruption.

AGIO III Editha D. R.

Dizon set off **Module 2: Analysis** by engaging the participants into brainstorming to identify the root causes, as well as the effects/consequences of corruption. They had an animated discussion of the web charts they created and were able to examine age-old factors such as "malfeasance," "lack of monitoring," "self-indulgence" and "indifference." Noteworthy is their realization that "poverty" is both a cause and a consequence of corruption.

Atty. Cynthia V. Vivar's inspirational approach stirred everyone into **Module 3: Reflection** - a serious reflection on the cultural value systems that reinforce and perpetuate corruption. The participants were brought to recognize the cultural and spiritual factors that feed on their weaknesses and vulnerabilities. Their role-playing, cultural analysis, and reflection-sharing helped them achieve a certain degree of belief about the gravity of corruption and a sense of urgency in combating it in one's self and in society. They made their personal credo and were able to express their resolve in a concrete statement of commitment.

After the wake-up call of the third module, GPCO II Ma. Juanita G. Caballero challenged participants to identify concrete ways on how they can take part in reversing the culture of corruption. **Module 4: Action** gave them a chance to formulate their action plans at

the individual, group, community, and institutional levels. Their "Personal Integrity Plans" and "Group Credo" became their written commitment to fight corruption.

The seminar-workshop culminated with the brief yet rousing closing remarks given by the Assistant Regional Director for Operation of DA-RFU5, Dr. Jose Dayao, stressing the need to change, starting from within.

The OMB-Luzon PACPO team left Pili on a chilly drizzling morning of October 27, but each one of them felt warmed by the heartfelt appreciation shown by the participants the day before. They were all hoping that all government offices would be able to experience Ehem! Aha!. Their only regret was that it should have been held for a longer period, perhaps more than two days, and at a venue far from their office premises so as to avoid the distraction of paper-works left on their office table.

Their written feedback and evaluation showed their admiration for the diligent efforts of the speakers and facilitators, and the inspiration they evoked. Most of them expressed that they were made to realize truths about themselves that they never thought were already traces of corruption in their everyday lives, and that they were truly awakened to stand up and be vigilant fighters of corruption.



GIPO II from OMB-Luzon Atty. Cynthia V. Vivar discusses Module 3: Reflection during the Ehem! Aha! Seminar Workshop conducted for the officials and employees of the Regional Field Unit No. 5 of the Department of Agriculture.

DOF from page 2

Despite the said salary, she acquired property in Cainta, Rizal; a two-storey mansion in Cavite; several luxury vehicles including a Ford Expedition; a Mitsubishi Intercooler Pajero; and Mazda Intercooler MPV.

Maglasang also reportedly failed to submit her SALNs for the years 1998 and 2000.

Assistant Ombudsman Mark E. Jalandoni revealed that in pursuit of the new inter-agency stratagem of this Office, the cases against the two shall be endorsed to the Bureau of Internal Revenue (BIR) and the Anti-Money Laundering Council (AMLC) for possible tax evasion and money laundering charges.

On the other hand, the case against Butiong stemmed from the General Operations Review conducted by the BSP's Internal Audit Department on the cash accountabilities of officers of the Bacolod branch on April 11 to July 13, 2005.

Upon inspection of Butiong's accounts, the auditors noticed that certain bundles of P500-denominated notes were not as thick as the standard ones, leading them to suspect a shortage.

In the succeeding audits, the auditors discovered a shortage amounting to a total of P5,955,000.00, prompting them to file a complaint against Butiong.

In an affidavit executed by Butiong on June 28, 2005, he admitted using the said funds to finance his lending activities and treasure hunting, and assigned his monetary employment benefits to the BSP as payment for the shortage.

Butiong did not file a counter-affidavit on the charges filed against him. He also failed to report to work soon after the shortage in his accounts was discovered.

In a six-page decision, Ombudsman Ma. Merceditas N. Gutierrez found Butiong guilty of the charge of dishonesty and meted him the penalty of dismissal from the service, with forfeiture of all benefits, perpetual disqualification to hold public office and cancellation of all civil service eligibilities.

The Ombudsman is also set to file charges of malversation of public funds against Butiong before the lower court.

INTEGRITY WATCH

ISSN 1909-112X

Vol. 1 No. 7

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YOUNGEST DO

from page 2

Humphrey, as he is fondly called by his colleagues is a native of Cabadbaran, Agusan del Norte, in which town Don Fabian Monteroso, his grandfather had served as town mayor. On March 2, 1962, he came to the world as one of eight children born to a nurturing couple, Melicia, a teacher and Tirso, a Municipal Councilor. Under the close supervision of his mother, Humphrey was so inspired to study and learn that he finished his elementary and secondary education as class valedictorian. For his pre-law studies, he went to Mindanao State University in Marawi City, chose to take up AB, major in Political Science, and his Bachelor of Laws at the same university where he enjoyed full academic scholarship from 1979 to 1987.

As a son and grandson of politicians, Humphrey was expected to follow the path started by his grandfather who also served as Board Member of Agusan Del Norte. In fact, he considered a career in politics at one time in his youth. However, upon becoming a lawyer, he had been presented with opportunities to become a trial attorney in a private law firm. There, advocacy lured him and presented him the challenges he so needed to hone his trial advocacy skills. He later became an Arbiter for the Human Settlements Regulatory Commission (known presently as the Housing and Land Use Regulatory Board). He also served as Deputized Special Attorney of the the Office of the Solicitor General from 1989 to 1992.

In the year, 1992, Humphrey started a career path at the Office of the Ombudsman, primarily serving as Special Prosecution Officer doing trial work at the Sandiganbayan. His energy and dedication to work did not escape the discriminating eyes of former Ombudsman Aniano Desierto who years before was the Special Prosecutor of the Office of the Ombudsman when the Anti-Graft Court, Sandiganbayan, was still located at the basement of the old Congress building. Knowing Humphrey's potentials and achievements in aggressively prosecuting cases, then Ombudsman Desierto granted him an Outstanding Ombudsman Employee award in 1996. Consequently, Humphrey was designated as Prosecuting Director and included in the panel of Prosecutors to handle the prosecution of Plunder case against former President Joseph Ejercito Estrada in 2002. The daily and weekly work schedule of Humphrey during the early months of the Plunder case trial was hectic

and full of conflicting deadlines. During this period, Director Monteroso was supervising a number of Prosecutors while doing trial work on several high profile cases by himself. After office hours, he served as a faculty member of Arellano University College of Law where he held an Assistant Professor position. In 2004, he was designated as Acting Deputy Special Prosecutor in charge of two Prosecution Bureaus in addition to his usual trial work. Still he continued teaching law subjects on his spare time until 2005. It is noteworthy that he was consistently included in the Top Five Faculty Members of the Arellano University from 1989 to 2005.

Truly blessed with youth, health and energy, Humphrey seemed to be unaffected by circumstances exacting demands on his time and abilities. Asked how he coped with such tremendous mental and physical burden, Humphrey says, "Efficient time management and effective coping mechanism". He reveals that he paints to relax and for mental balance. Indeed, he always found time to observe and admire nature -- beautiful landscapes, birds and trees. These are the common subjects of his paintings on canvass. A lover of nature and animals, he keeps a mini zoo in his Quezon City residence and has maintained a pet store to make sure his pets have steady of feeds and visitors.

After Humphrey was designated as Acting Deputy Special Prosecutor, a colleague remarked how fortunate he was to be an acting DSP at such a young age. In all humility, DSP Monteroso simply said, "*I was at the right place at the right time. That's why I got the position*".

As a Deputy Ombudsman, he knows that the challenges he faces are of higher level, numerous and varied. He is well equipped, to say the least, to serve as the alter-ego of the Ombudsman in Mindanao. His personal mission is to establish and maintain a new balance at the Office of the Deputy Ombudsman for Mindanao. The kind of balance for its roles as protector of the people --always ready to defend the rights of citizens, and as courages prosecutor cum advocate of discipline --- constantly instilling in the consciousness of public servants that "*Corruption is a high risk, low reward activity*".

Alice, Humphrey's lovely wife is confident that her husband, even with his child-like countenance, gently manners, and seemingly fragile physique, has enough pioneering spirit to work

harder than ever before in his office. Of course, she is always ready to provide him constant love and inspiration.

This writer has worked under the supervision of DSP Monteroso for several years. As a master of self-discipline himself, he has taught her the value of self-discipline inside and outside the courtroom. He has also shown her that a combination of intensive study and hard work are indispensable in preparing a case for trial. His colleagues at the Office of the Special Prosecutor in expression of heartfelt gratitude to the newest Deputy Ombudsman would like to say "*Humphrey, your rise to the position of Deputy Ombudsman for Mindanao will always be an inspiration to all Assistant Special Prosecutors to aspire for notable and exemplary performance in Court, in the spirit of service and love of God and country*".

SURVEY

from page 3

Asst. Ombudsman Jalandoni also said that government's efforts to curb corruption have generated positive responses from the international community.

He cited the United States \$25M grant to the Philippines under its Millenium Challenge Account (MCA) to finance the country's anti-corruption efforts. He said the MCA is an international aid program meant "to assist countries that have shown marked improvement in governance and anti-corruption efforts".

He also said the Philippines was recently delisted in the Financial Action Task Force's Black List of non-cooperative countries in the Fight Against Money Laundering and Terrorist Financing.

For his part, Tony Kwok Man-wai, Chief Adviser for the European Technical Assistance Team (ETAT) and the country's Chief Anti-corruption Adviser, also felt strongly about the TI barometer. He said "it is only based on mere perception and such surveys should not influence us for they always have a large margin of error and contradict each other."

He also said there is no scientific method which could effectively measure corruption.

He observed the country's significant increase in revenue collection which could not have occurred had corruption remain unabated in the Phils.

He thus encouraged the public to actively participate in the government's efforts to curb corruption through its lifestyle check hotlines: 927-4102 and 927-2404.

NANI

from page 1

Perez, and over which a vendor himself had control as attorney-in-fact, the prosecutors said. Upon receiving the \$2 Million, Escaler later transferred the whole amount to EFG Bank in Geneva, Switzerland, where the recipients were Perez's wife Rosario and Arcelo.

The Ombudsman also disregarded Perez's alibi that the amount deposited form part of their family wealth, or inheritance some two years ago, because he failed to disclose such assets in the statement of assets he filed in 2001 to 2002, where he said he was worth P40 Million.

In sum, the pieces of evidence on hand clearly establish that Perez and Escaler demanded money from Jimenez under threat of inflicting on him with bodily harm by incarceration in a city jail with hardened criminals and drug addicts where he would die of boils, unless damaging affidavits against Estrada were executed.

The Ombudsman ruled that Perez took advantage of his position as Justice Secretary where he wields enormous influence on the request of the US for the extradition of Jimenez, on charges of tax evasion, illegal campaign contributions and mail fraud. Jimenez was extradited in Dec. 2002 and served his sentencing evidence, the prosecutors said in a 66-page resolution, referring to the \$2 million Jimenez deposited to Coutts Bank in Hong Kong in Feb. 2001, just a month after Perez assumed office.

Ombudsman investigators likewise noticed that Escaler, who was the direct beneficiary of the \$2 Million Jimenez had deposited, offered no explanation to show that the transfer to his account was the outcome of a legitimate transaction with Jimenez.

The Perezes said Escaler bought their property, and that they had a huge inheritance. But investigators discovered that the Perez-Escaler Memorandum of Understanding (MOU) was not notarized and was at most a mere private instrument that didn't prove at all the sale of Malvarosa Ventures, Inc.

They also submitted questionable documents that were full of alterations, inconsistencies and deficiencies which erode the credence of the entire transaction, not to mention that the Perez couple failed to secure any Board Resolution before disposing of Malvarosa.

Indeed, it is curious that as vendee, Escaler would allow the consideration for the supposed sale to be deposited in an account held by close relations of the vendor, source Person for the seminar was Director Emmie Mendoza of the Commission on Audit.

Prior to that, the NACPA Secretariat also participated in a three-day foundation course on Project Management conducted last 26-27 September and 4 October 2006, also at DAP, Pasig City. Project Management was identified as one of the most urgent skills needed by the Secretariat since they are preparing to implement and roll-out various projects under NACPA. Dr. Segundo Romero, Consultant for NACPA, conducted the training. Also joining the NACPA Secretariat in the training were other OMB personnel involved in the Millennium Challenge Account Projects.

A one-day training on R.A. 9184, otherwise known as the Procurement Act, was also organized for the NACPA Secretariat last 22

September 2006.

Among the priority projects of NACPA include the creation of a multi-sectoral council on anti-corruption, conduct of an anti-corruption roadshow, formulation of a monitoring and evaluation system and design and implementation of an advocacy and communication plan. Incidentally, the ratification of the United Nations Convention against Corruption (UNCAC) by the Senate last November is considered a significant milestone for NACPA and its stakeholders. The Philippines joined the 1st Conference of States Parties to the UNCAC in Amman, Jordan last December 2006.

NACPA was created specifically to harmonize anti-corruption initiatives of the government, business, academe and civil society sectors in the country.

need for a legal basis or mandate for MSACC. Participants were concerned that the absence of a mandate may pose an obstacle in the establishment of the council and the subsequent implementation of its projects.

Also notable is the requirement that representatives from the government must have passed the lifestyle check first and must have no pending case before being designated a member of the council.

Most of the participants envisioned that the MSACC's primary functions should be policy-making and direction-setting. Said council will be comprised of representatives from the different sectors. Who they are and how they will be chosen will be determined in the succeeding pre-conferences to be held in January and February 2007.

Most pressing among the inputs is the

tence in the US.

This office also finds that Perez, in conspiracy with Escaler, Arceo and Rosario Perez, took advantage of his position as the DOJ Secretary by demanding Jimenez to deliver the \$2 Million in connection with the execution of affidavits (against Erap cronies), the Ombudsman declared.

The act of the Perez couple, Arceo and Escaler showed their united, concerted and coordinated acts of unlawfully taking the money of Jimenez, which indicate a working conspiracy among them, making them criminally liable under the law.

Records showed that Jimenez deposited \$2 Million on Feb. 23, 2003 in beneficiary account HO133706 of Coutts Bank in Hong Kong, from Trade and Commerce Bank, Cayman Islands through the Chase Manhattan Bank in New York.

Coincidentally, the Perezes were in HK at that time (Feb. 22-25) for the signing of the Mutual Legal Assistance Agreement on Criminal Matters. Escaler was also there, and took the same flight with the couple back to Manila in Feb. 25.

Ombudsman probers also noticed that the spouses, along with Arceo

NANI NEXT PAGE

NACPA

from page 1

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Stakeholders Convene for Anti-Corruption Council

By Czarina May C. Altez
DAP Project Staff for NACPA

AROUND 50 REPRESENTATIVES FROM THE government, academe and civil society brainstormed together last 27 Nov. 2006 for the establishment of the Multi-Sectoral Anti-Corruption Council (MSACC).

The whole-day brainstorming session-cum-workshop aim to generate inputs from anti-corruption stakeholders to be used in the pre-conferences prior to the launching of the MSACC in the 1st quarter of 2007.

The MSACC is one of the priority projects under the National Anti-Corruption Program of Action (NACPA), the flagship project headed by the Ombudsman. "Through the MSACC, we hope to maximize the participation of our corruption prevention partners in the fight against corruption", said NACPA Chairperson Acting Assistant Ombudsman Evelyn Baliton.

Most pressing among the inputs is the

need for a legal basis or mandate for MSACC. Participants were concerned that the absence of a mandate may pose an obstacle in the establishment of the council and the subsequent implementation of its projects.

Also notable is the requirement that representatives from the government must have passed the lifestyle check first and must have no pending case before being designated a member of the council.

Most of the participants envisioned that the MSACC's primary functions should be policy-making and direction-setting. Said council will be comprised of representatives from the different sectors. Who they are and how they will be chosen will be determined in the succeeding pre-conferences to be held in January and February 2007.

STAKE NEXT PAGE

Ombudsman Gutierrez leads RP delegation to 1st UN anti-corruption convention in Jordan

By Anna Maria S. Sanchez

OMBUDSMAN MA. MERCEDITAS N. Gutierrez led the Philippine delegation to the 1st Conference of States Parties to the UN Convention Against Corruption (1st COSP-UNCAC) in Amman, Jordan.

During the convention hosted by the government of the Hashemite Kingdom of Jordan at the King Hussein Bin Talal Convention Centre, Ombudsman Gutierrez presented to delegates from other countries the Philippine experience on asset recovery particularly about the Marcos Swiss bank accounts.

She also discussed the Philippine's National Anti-Corruption Program of Action (NACPA) which aims to coordinate the anti-corruption efforts being conducted by the different partners from the Executive, Judicial, Legislative, Constitutional Bodies, Local Government Units (LGUs), civil society, private sector and donor agencies.

The Philippine delegation is composed of representatives from various government agencies in-

involved in anti-corruption work, namely: Asst. Ombudsman Dina Joy C. Teñala; Executive Director Julius D. Torres of the Department of Foreign Affairs' Office of the United Nations and other International Organizations (DFA-UNIO); Commissioner Nicasio A. Conti of the Presidential Commission on Good Government (PAGC); Commissioner Cesar D. Buenaflor of the Civil Service Commission (CSC); Commissioner Jose Sonny G. Matula of the Social Security System (SSS); Second Secretary Josel F. Ignacio of the Philippine Mission to the United Nations in Vienna; and Chief State Counsel Ricardo V. Paras and State Counsel Marlyn L. Angeles, both from the Department of Justice (DOJ).

UNCAC was adopted by the UN General Assembly on October 31, 2003 at the United Nations Headquarters in New York, after it decided that an effective international legal instrument against corruption is needed for an effective global

fight against corruption.

The Philippines is the second Southeast Asian country and the fifth Asian country to ratify the UNCAC. The other Asian countries which have ratified the instrument were: China, Sri Lanka, Mongolia and Indonesia.

UNCAC outlines four pillars for an effective campaign against graft and corruption: preventive measures directed at both the public and private sectors, criminalization of a wide range of acts of corruption, international cooperation in every aspect of the fight against corruption and asset recovery of the fruits of corruption.

Ombudsman Gutierrez said, "UNCAC sends a clear message to all that there is no more safe haven anywhere in the world for corrupt officials to hide their illicit assets".

The 1st COSP-UNCAC is being held at the King Hussein Bin Talal Convention Centre near the Dead Sea from December 10-14, 2006.



12 December 2006 – Philippine Ambassador to the Hashemite Kingdom of Jordan Jose P. del Rosario, Jr. (5th L) welcomes the Philippine delegation to the 1st Conference of States Parties to the UN Convention Against Corruption (1st COSP-UNCAC) upon their arrival at the Queen Alia International Airport in Amman, Jordan. The Philippine delegation headed by Hon. Ma. Merceditas N. Gutierrez (6th L) of the Office of the Ombudsman is composed of representatives from various government agencies involved in anti-corruption work such as (L – R) Atty. Marlyn L. Angeles, State Counsel of the Department of Justice; Asst. Ombudsman Atty. Dina Joy C. Teñala; Executive Director Victor S. Aquino of the Anti-Money Laundering Council; Executive Director Julius D. Torres of the DFA Office of the United Nations and other International Organizations (DFA-UNIO); Commissioner Nicasio A. Conti of the Presidential Commission on Good Government; Chair Constancia P. de Guzman of the Presidential Anti-Graft Commission; Commissioner Cesar D. Buenaflor of the Civil Service Commission; Commissioner Jose Sonny G. Matula of the Social Security System; and Chief State Counsel Ricardo V. Paras III of the DOJ. Also part of the delegation is Second Secretary Josel F. Ignacio of the Philippine Mission to the United Nations in Vienna. The 1st COSP-UNCAC is scheduled for 10 to 14 December 2006 and is being hosted by the government of the Hashemite Kingdom of Jordan at the King Hussein Bin Talal Convention Centre near the Dead Sea.

Ombudsman Orientation and Public Accountability Seminar in GSIS Region X, CDO

By Maria Iluminada S. Lapid-Viva

AS WE DEEPEN OUR INVOLVEMENT in the drive against corruption and strive to work for a graft-free Philippines, the Regional Office in Cagayan De Oro City, in coordination with the Government Service Insurance System, Regional Office X (GSIS-RO X), conducted a seminar on public accountability for GSIS RO X officials and employees. The seminar, which was the first of its kind in the history of the GSIS regional office, was aimed at giving the public officers an overview of the powers and functions of the Office of the Ombudsman and anti-corruption laws. It also reminded them of the ethical issues on corruption.

The "Ombudsman Orientation

and Public Accountability Seminar" was held on November 10, 2006 at the GSIS Bldg., Vamenta Blvd., Cagayan De Oro City. This was part of the culminating anniversary activity of GSIS RO X and, was attended by about 65 officials and employees, led by the Officer in Charge Ma. Luz I. Briones, who gave the inspirational message to the participants.

During the seminar, the participants were given lectures by OMB-MIN lawyers on three major topics, namely: 1) The Office of the Ombudsman, 2) Statutory Perspective of Corruption (Penalizing Corruption), and 3) Ethical Issues on Corruption.

While they were listening to new insights on the culture of cor-

ruption and the various roles of the public officers and institutions in the perpetuation of corruption in the country, the participants appeared to have shown great interest and enthusiasm for transformation. This was manifested by a close to perfect attendance from start to finish.

Thus, the Ombudsman Mindanao-Regional Office is exceedingly grateful to the officers and staff of GSIS RO X, who extended their full support for the success of the said activity.

Their cooperation and interest inspired and encouraged us to continue serving as instruments for a more sustained effort against graft and corruption.

OMBUDSMAN-MOLEO: Profile of cases handled

By Maria Flor R. Dacanay-Sibayan

FOR THE YEAR 2006, PERIOD OF January to October, the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (MOLEO) received a total of Two Thousand One Hundred Seventy (2,170) criminal and administrative cases.

In spite of the limited number of prosecutors handling the voluminous cases received by the Office, as of October 30, 2006, it was able to file three (3) cases with the Sandiganbayan.

These cases involved the charges of violation of R.A. 3019, Sec. 3(e) against Gen. Lisandro Abadia and B/Gen. Reynaldo A. Mendoza which arose from a fact-finding investigation conducted by the OMB-MOLEO investigators. While another case for violation of R.A. 3019 was likewise filed against B/Gen. Prospero Ocampo for asking and/or receiving a certain percentage of the contract price from a supplier.

For the period January 2006 up to October 2006, the Office recommended One Hundred Forty-Nine (149) criminal cases to be filed with the regular courts. Sixty-Six (66) of which for the Municipal Trial Court (MTC); Fifty-Eight (58) for the Regional Trial Court (RTC); and Twenty-Five (25) for the Municipal Circuit Trial Court (MCTC).

Within this same period, the office decided a total of Twenty-Four (24) cases with a penalty of suspension ranging from one (1) month to six (6) months, all of which without pay. Most of those meted the said penalty came from the Philippine National Police.

So far, OMB-MOLEO consistently monitors these cases filed with the courts. It also keeps an eye on the implementation of the suspension orders.

STAKE from page 7

Overall Deputy Ombudsman Orlando Casimiro graced the occasion by giving a warm welcome to the participants. Acting Director Rafael Hipolito of Bureau of Resident Ombudsman provided the synthesis to cap the whole-day activity. Serving as Master of Cer-

NANI from page 7

and Escaler, never denied categorically that Jimenez indeed deposited the amount, that \$1.7 million was transmitted by Escaler to Arceo and Rosario, and that \$250,000 went to Arceo alone.

No specific denial was made that Jimenez, in accordance with the instructions of Escaler, did transmit the \$2 Million to the account, and subsequently, Escaler transmitted the \$1.7 million to Arceo-Rosario and the \$250,00 to Arceo through a cheque or bank draft.

By their very nature, acts of extortion would be done in utmost secrecy, minimizing possible witnesses. At any rate, what better evidence is there to prove extortion other than the fruits of the extortion itself -the \$2 Million. Jimenez's accusation that he caused the transfer is not controverted, the Ombudsman reiterated.

If indeed Rosario and Arceo had no knowledge of, nor participated in the opening of the supposed escrow accounts, then how could they have effectively served as trustees for the amount supposedly held in escrow? Perez and Escaler imply that only they were privy to the MOU as well as the escrow agreement. This renders their defense suspect, probers said.

Clearly, Arceo and Rosario are not strangers to Perez, the investigators said. All of them were privy and their acts were interdependent with each other, they added, noting that the money was acquired through illegal means during the incumbency of Perez.

Finally, while they admit having received the amount of \$1.7 Million, no evidence was presented to show that the amount supposedly held in escrow was duly returned to Escaler, the Ombudsman ruled, in reference to the purported Malvarosa sale.

Perez did not specifically deny the accusations in the Jimenez complaint pertaining to the meeting in Feb. 13 where the act of extortion was alleged, the prosecutors likewise revealed.

SAPAK from page 7

perintendent in Surigao del Sur and Mrs. Aida U. Aribal, School Principal II, Barobo National High School, for alleged syndicated selling of teachers items and other graft and corrupt practices are under investigation. Investigators handling the case recommended that respondents be placed for preventive suspension.

Another significant case undergoing investigation is the charge for alleged anomalous construction of the Administration Building, Division Office, DepEd-Naga City, against Engineer Luis Zamudo. Task Force investigators found out that the total amount malversed or misappropriated was Two Million Six Hundred Ninety-Five Thousand Six Hundred Fifty-Six Pesos and Thirty-Nine (Php2,695,656.39).

To date the Task Force, through the Area Offices, was able to act on complaints received by the later. Ombudsman-Luzon referred a total of Thirty-One (31) cases, Ombudsman-Mindanao has Fifty-Three (53) cases, and Ombudsman-Visayas with Twenty-Three (23) cases. On the other hand, Ombudsman-Central Office referred Fifty-Nine (59) cases while Ombudsman-MOLEO received about Forty-Eight cases.

In totality, Task Force SAPAK received a total of Two Hundred Fourteen (214) complaints/reports. One Hundred Fourteen (114) were still undergoing fact-finding investigation, Twenty (20) were for preliminary investigation and/or administrative adjudication, Twenty-Five (25) were directly filed for preliminary investigation, Fourteen (14) were closed and terminated after initial evaluation and Forty-One (41) are for assignment.