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SOCIAL
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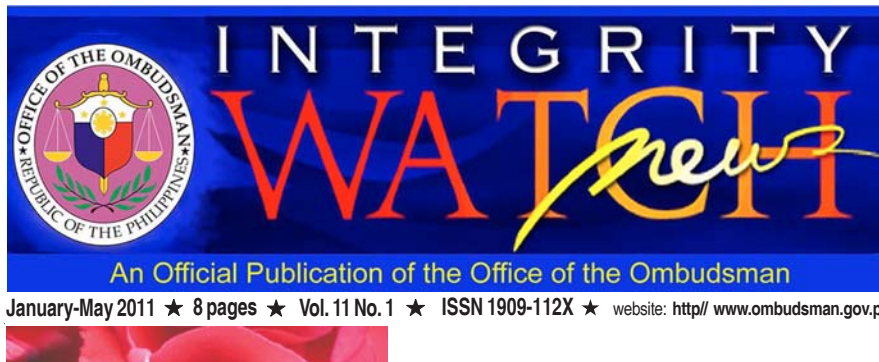
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Wednesdays, 10-11:00 AM

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OMB GUTIERREZ: The interests of the nation must prevail

(OMB Gutierrez' statement read during the presscon on April 29, 2011)

THIS MORNING AT 10:30 A.M. I PERSONALLY WENT TO MALACAÑANG to meet with our President, His Excellency Benigno Aquino III, to tender my resignation. I thank the President for graciously accommodating me on very short notice, and for all the kind words he said to me.

In almost four decades of devoting my life to government service, I have always been guided by the precepts that the public and moral responsibilities of public officials transcend all other considerations. It is in accordance with these principles that I have strived and persevered to build and maintain an unblemished record in public service. For me, this is the greatest and lasting legacy that I can leave my family, my children and my children's children.

Since September of last year, I have been subjected to impeachment proceedings which seek my removal as the Ombudsman. I have been charged with allegedly betraying the public trust which was vested in me when I assumed office in December of 2005 - this because I allegedly slept and failed to act promptly on cases of national concern.

Because of my strong belief in the falsity of the charges leveled against me, I was firm and resolute that I shall participate in the impeachment trial before the Senate and prove to the Filipino people that the allegations against me are untrue, as they are groundless. I felt that I owed it to the people and the Office of the Ombudsman to vindicate and protect the integrity and independence of the institution. I also believed that in the Senate, I shall receive a verdict that would come only after the presentation of credible witnesses and evidence, unswayed by any kind of pressure, whether open or subtle, in proceedings that are devoid of histrionics that might detract from its basic aim to ferret out the truth and decreed by the cold neutrality of Senator-jurors.

GUTIERREZ / 4

OMBUDSMAN MA. MERCEDES N. GUTIERREZ

Four Cebu City Officials Convicted For Unliquidated Cash Advance

By Doren May F. Manzanero

THE SANDIGANBAYAN convicted four ranking officials of Cebu City of graft charges for allowing a paymaster to accumulate unliquidated cash advances amounting to more than P11M in 1998.

In a 43-page Decision, the First Division of the Sandiganbayan found Alan Gaviola, then City Administrator; Eustaquio Cesa, then City

CONVICTED / 8

Ombudsman stands pat on validity of Garcia plea bargain agreement

By Anna Maria S. Sanchez

THE OFFICE OF THE OMBUDSMAN MAINTAINS THAT THE plea bargaining agreement it entered into with Major Gen. Carlos Garcia is valid.

This is in reaction to the asseveration of Justice Secretary Leila de Lima during the Senate hearing, where she seconded the opinion given by UP Dean Marvic Leonen. In his letter sent to the Senate, Leonen said that the plea bargaining agreement was void from the beginning because the consent of the offended party, the Armed Forces of the Philippines was not obtained, allegedly contrary to the Rules of Court.

Deputy Special Prosecutor Jesus Micael clarifies that the provision of the Rules of Court being referred to by de Lima and Leonen is applicable only when a private offended party is involved. In the Garcia case, however, the offended party is the "People of the Philippines" duly represented by the Office of the Ombudsman through the Office of the Special Prosecutor.

GARCIA / 4

Ombudsman happy with US turnover of forfeited Ligot assets

By Anna Maria S. Sanchez

THE OFFICE OF THE Ombudsman expressed satisfaction at the recent turnover to the Philippine government of the \$132,000 check representing the proceeds of forfeiture sale of the Buena Park, California property owned by former military comptroller Jacinto Ligot.

Asst. Ombudsman (AO) Jose T. de Jesus, Jr. said that the turnover was the fruit of the

LIGOT / 7

Ombudsman moves for improvement of veterans' lives

By Anna Maria S. Sanchez

THE OFFICE OF THE Ombudsman (OMB) has expressed its commitment to assist the Philippine Veterans Affairs Office (PVAO) in the implementation of the government's reform agenda to improve veterans' quality of life.

The OMB is represented by the Resident Ombudsman for PVAO in the Integrity Development Council (IDC) which was constituted to monitor the effective implementation of the Integrity Development Action Plan (IDAP).

Aside from the Resident Ombudsman, the other members of the IDC include the PVAO Administrator/Defense Undersecretary for Civil, Veterans and Reserve Affairs and the Commission on Audit (COA) Resident Auditor.

In implementing reforms to improve its system in the service of the Filipino veterans, the

PVAO is guided by its roadmap, the IDAP which resulted from the Integrity Development Review (IDR) jointly conducted by the Office of the Ombudsman, Commission on Audit and Development Academy of the Philippines.

In a memorandum submitted to Assistant Ombudsman Evelyn A. Baliton, Resident Ombudsman for PVAO Atty. Katherine C. Jambaro-Altubara reported on the participation of the Office of the Ombudsman in the institutionalization of reforms/policy/system changes in PVAO. The said reforms include organizational reforms, simplification of processing of claims, investment in human capital, transparency measures, improvement in pension delivery through the full implementation of direct remittance pension servicing system (DRPSS), payment of arrearages, anti-fixer

campaign and cleansing of pension list.

In a recent event, President Benigno S. Aquino III recognized that through reforms implemented at the PVAO particularly the DRPSS which shifted pension delivery from the postal to the banking system and the cleansing of PVAO pension list, the government had gotten rid of ghost pensioners and saved some P4 billion for more services to World War II veterans.

AO Baliton said despite these gains, the Office of the Ombudsman through the IDC continues to regularly evaluate and monitor the institutionalization of reforms at the PVAO.

At present, PVAO, in coordination with IDC, is in the process of finalizing its policies on Gifts and Whistleblowing, which are also among the recommendations as a result of the assessment made through the IDR.

IAAGCC Holds Training for Government Prosecutors, Investigators & Auditors

By Atty. Gerry I. Ledesma

THIRTY FIVE (35) selected prosecutors, investigators and auditors of the member-agencies of the Inter-Agency Anti-Graft Coordinating Council (IAAGCC) convened at the Estancia Resort Hotel in Tagaytay City on March 29, 2011 to undergo an intensive 3-day cross-training on effective and efficient investigation and prosecution of corruption cases.

IAAGCC was an initiative established thru a Memorandum of Agreement executed in 1997 among the key anti-corruption agencies of the government, namely: OMB, COA, CSC, DOJ, NBI and the now defunct Presidential Anti-Graft Commission (PAGC). It was officially recognized by the President of the Philippines thru the issuance of Administrative Order No. 79 in 1999.

The recently concluded cross-training is in accordance with one of the three (3) primary objectives for the creation of the IAAGCC, which is to undertake inter-agency skills training programs. This aims to address a common concern among the founding agencies since the means of committing fraud against the public interest are becoming more complex and sophisticated, that there is an urgent need for

PromptLine

CARAVAN OF SERVICES

SOCIAL SERVICES CARAVAN IN MINDANAO

OMB - MIN, IN COORDINATION WITH THE Provincial Government of Davao Oriental and Municipal Government of Manay, together with several Regional Offices of National Line Agencies, conducted a Social Services Caravan at the Municipal Gymnasium of Manay, Davao Oriental. The activity was pursued in line with the Social Services Caravan Program of Ombudsman Ma. Mercedes N. Gutierrez.

Manay is a coastal town located about 200 kilometers or about 5 hours bus ride from Davao City. Its residents are predominantly native Dabawenyos, Mandaya and Bisaya who rely on farming, animal raising and fishing as their main sources of livelihood.

During the event, public assistance desks were put up by various service providers: GSIS, SSS, NSO, LTO, PAO, DA, NTC, DAR, DENR, LTRFB, PCSO, DOH, BFAR, AFP Reserve Command and Register of Deeds which served a total of 1,704 clients.

The social services caravan also featured free medical and dental services, as well as, medicine dispensation and distribution of relief goods to 132 beneficiaries previously identified by the Manay Municipal Social Welfare and Development Office.

Seminars were likewise conducted by PDEA for the 400 high school students; LTO/LTRFB/SSS seminar for the 40 drivers and operators of public transportation; and OMB-MIN Integrity Development and Public Accountability Seminar for the 140 barangay officials and employees.

The whole day affair culminated in a MOA signing between DENR and Barangay Central of Manay for a tree-planting and tree-growing activity in line with the Green Philippines Program for environment protection, enhancement and economic growth.

the agents of Government to acquire new skills for efficient and effective fraud detection, investigation, and prosecution.

A number of experts from the IAAGCC member-agencies were tapped as resource speakers on various relevant topics, such as open and discreet investigation techniques, surveillance, entrapment

operations, electronic evidence, cyber incident response, computer crimes investigation, and the conduct of preliminary investigation, clarificatory hearing and direct examination. Interactive discussions, workshops, case analyses, critiquing and practical exercises, and moot court role-playing enhanced the

Punish the Guilty

By Doren May F. Manzanero

Former Mayor Convicted by Sandiganbayan for Failure to Liquidate Cash Advances

THE SANDIGANBAYAN convicted a former municipal mayor of Balingoan, Misamis Oriental for his failure to liquidate cash advances (CAs) in 2004.

In a 36-page decision penned by Associate Justice Gregory Ong, the anti-graft court's 4th Division handed down a guilty verdict against Edgar Santos for the crime of Failure to Render Accounts penalized under Article 218 of the Revised Penal Code (RPC).

Santos was sentenced to suffer a penalty of 6 months to 1 year with all appropriate accessory penalties.

Records showed that Santos was granted a cash advance as municipal mayor of Balingoan town for his travel expenses to Manila from February 13-20, 2004 in the amount of P55,000 but failed and refused to render accounts in violation of Commission on Audit (COA) Circular No. 97-002.

The said COA Circular requires that all cash advances used for local official travels must be duly liquidated within 30 days after return to permanent official station.

The "Itinerary of Travel" attached to Santos' undated Liquidation Report clearly indicated that he reported 'back to station' on February 21, 2004.

Hence, he had thirty (30) days therefrom, or until March 22, 2004, within which to liquidate his cash advances.

The decision stated

that Santos should have rendered an account within 2 months from March 22, 2004, or by May 21 that year to save him from the application of Article 218.

However, Santos' undated Liquidated Report showed that it was submitted only on July 5, 2004.

The then town mayor likewise attempted to establish that he did not receive the demand letter dated March 1, 2005.

But the evidence showed that there was another demand letter (dated February 24, 2005) that was sent to Santos which he never denied.

The decision explained that, *"even if the required liquidation report is actually submitted, if done so by the accountable officer beyond the period, criminal liability will nonetheless subsist."*

The anti-graft court gave weight to the evidence and testimony of witnesses of the Office of the Ombudsman's prosecution team lead by Special Prosecutor Leoveminda Villanueva.

"All told, we find the prosecution has convincingly established with proof beyond reasonable doubt that accused Santos is guilty under Article 218 for his failure to render an account insofar as the public funds covered by the cash advance of P55,000 is concerned. Verily, his culpability is established as to warrant his conviction." the decision stated.

The price of principles

By: Ombudsman Ma. Mercedes N. Gutierrez

I AM IN SOME SORT OF crossroads. The members of the House of Representatives have assiduously sought for my impeachment and they succeeded out of sheer numbers. Of course, in doing that, they used the language of justice, just like a car salesman uses the language of helping when he sees you stepping into his show room.

"How can I help you, sir?" he would ask, when his real intention is to sell a car to you by hook, or, if he can get away with it, by crook. Those who voted to impeach me were also suspected as having been influenced by the promise of pork barrel-fund release, which, if true, would constitute corruption, since public officials are not supposed to exercise their office upon promises of consideration. If the suspicion is true, then those arrayed against me committed at least two wrongs: (a) disregard of the truth in their accusations, and (b) exercising their official duties based on a consideration.

But I do not feel I am in some crossroads because of all that. I am there because I had to choose painfully between resigning and standing pat on my belief in my own innocence from the charges of inaction hurled against me, and for which the members of the House who impeached me wanted me convicted by the members of the Senate. There were well-meaning friends who suggested that I just resign to save myself from the embarrassment associated with being impeached. But there were many more who encouraged me to stand up for the truth. I chose to do the latter, and I am

aware that if I am ultimately convicted by the Senate, I will reap not only the emotional shame of being forcibly removed from office, but also the physical pains of being deprived of my retirement pay. I have worked for the government for over 30 years, and all that time I have done so with the best light that God has given me. I have never been charged with corruption.

In deciding to stand up for the truth, I am not being arrogant. Our parents reared us, their children, as men and women of principles, and I am not about to abandon those principles for the sake of convenience, peace of mind or even safety. When Thomas More in *A Man for All Seasons* was visited in prison by his friend the Duke of Norfolk, the latter was astonished at the unyielding refusal of More to agree to King Henry's planned divorce of his wife and remarriage. Norfolk accused More of arrogance, which echoed the earlier accusation of Cardinal Wolsey that More was being too moralistic, when by the simple expedient of taking an oath under the law that the King was supreme over the Church in England, More could go back to his privileged life as one of the highest officials of the land. Norfolk and Wolsey were not the only ones befuddled by More's behavior. Even More's own family pleaded with him in vain to be "more practical." Indeed, more than once was More urged to be a good servant of the realm. But More met this by delivering his famous utterance, "I am the King's good servant, but God's first." More was later on

beheaded.

There is so much to pay for principles. Yes, so much. And one shudders to think if, in the end of all these, standing on one's principles is worth all the uncertainty and the pains. There is, however, one thing certain in my mind and from which I derive comfort—that from the principled courage of someone, many more people would be inspired to stand on the sacred grounds of the principles on which they themselves live by. And that from the hardships of someone voluntarily assumed the way he or she has exercised her difficult options, many more may know that there are certain appetites we serve other than our own convenience and personal well-being, appetites like love for what is true, what is noble, what is just. Wolsey had once bragged that his job as a high public official was to do what the King wanted. He died in disgrace for failing to secure the Pope's approval of Henry's divorce, unreconciled with his own conscience.

When everything is said and done, there is one great benefit to mankind that standing by one's principles, no matter how painful it proves for yourself and your family. It is that fighting for principles means, in the end, fighting for each other; that one who takes a principled stand must be treated only with respect; and that if anyone is to be condemned under law, then he be condemned only if, from all considerations of justice, he has committed real wrongs. *Originally published on March 25, 2011 in Business Mirror's "The Essential Thing"*

Life changing word

By: Perry Galario

“Oh, the joys of those who do not follow the advice of the wicked, or stand around with winners, or join in with scoffers. But they delight in doing everything the Lord wants; day and night they think about His Law.” Psalm 1:1-2

The true follower of God is the person who *delights* in God’s law and rejects those who mock it. To “delight in” means to truly enjoy, to loof forward to with eager anticipation.

If you love someone, you delight in being with that person and in reading his/her letters when you are apart.

That should be our attitude toward God’s law, the *Bible*. We should eagerly look forward to reading and meditating on it so that we can hear His message and receive His guidance.

Do you delight in God’s law?

GARCIA *from page 1*

DSP Micael emphasizes that “The complainant is not the AFP but the People prosecuting the accused through the public prosecutor. In the Garcia case whose interests are likely transgressed in the event that the government loses the case? The state is it not?”

He cited the case of People vs. Hon. Martin Villarama, which states:

“xxx The state is therefore, the offended party in this case. As guardian of the rights of the people, the government files the criminal action in the name of the People of the Philippines. The Fiscal who represents the government is duty bound to defend the public interests, threatened by crime, to the point that it is as though he was the person directly injured by the offense. Viewed in this light, the consent of the offended party, i.e., the state, will have to be secured from the fiscal who acts in behalf of the government.” (emphasis supplied)

DSP Micael also insists that the authority of the Office of the Ombudsman to enter into a plea bargaining agreement is founded not just on the Rules of Court but specifically given by Republic Act 6770, the charter which created the Office of the Ombudsman.

He suggests that those questioning the validity of the plea bargaining agreement the Office entered into with Gen. Garcia should suspend their opinions on the issue until the Sandiganbayan has promulgated its resolution on the case.

“The issue of the legitimacy or validity of the plea bargaining agreement has been submitted to the Sandiganbayan where it is pending at this time. Only this court, therefore, can settle all the issues under this agreement, including the question of whether or not the consent of anybody must be secured”. DSP Micael concludes.

UPDATES: The Sandiganbayan Second Division on May 9, 2011 approved the Plea Bargaining Agreement between the Office of the Ombudsman and Garcia. Garcia was able to comply with the anti-graft court’s condition for the immediate transfer, and conveyance of his real and personal properties including bank account to the government in the total amount of P135 Million.

GUTIERREZ *from page 1*

In the past weeks, it has become evident to me that the vilification thrown at me by my detractors will go on as it has, since September of last year. I have withstood all these with the hope that I can assuage myself with the balm of a clear conscience and a verdict of not guilty by the Senate.

I wanted to face my accusers whatever the personal agony it would have involved. But the interests of my family, my Office, and more importantly the nation, must always come before any personal considerations.

I have not shirked in the face of pressure, have never been cowed into submission, have never been influenced other than by truth and justice. To leave before the end of my term in December 2012 is abhorrent to me. But as a government official, I must place first and foremost the interests of the Nation, the interest of my Office and as a mother and wife, my family. The problems besetting our country demand a full-time Ombudsman and a full time Congress, both Senate and the House of Representatives. To fight through the months ahead for my personal vindication would, as it is, almost absorb my time and attention.

The impeachment proceedings have consumed not only the members of the House of Representatives and the Senate, but the Chief Executive of the land as well.

At a time when the present administration is in its infancy and beset with more urgent problems, the last thing that the nation needs is for the House and the Senate to be embroiled in a long drawn-out impeachment proceeding against a single public official. The President needs an Ombudsman in whom he has complete trust and confidence. To carry on my battle to cleanse my name before the Senate

PARTNERS *from page 8*

of the project, Chiefs of Police and police personnel of the 8 stations together with the CFMPI monitoring teams were awarded Certificates of Appreciation and Recognition

would detract from the time which could otherwise be devoted to legislative work which would address the needs of millions of Filipino people.

By tendering my resignation effective May 6, 2011, I hope we can now all focus on the impelling problems of our people rather than expending so much time, effort and resources to remove me from public office.

I will also be turning over immediately the day to day affairs to the Overall Deputy Ombudsman, and pray that we all give him our full support.

As I leave the Office of the Ombudsman, however, it is my fervent hope that the misconception bred that having been appointed to public office by former President Gloria Macapagal Arroyo, I owed my allegiance to her and am accountable only to her, and not to the Filipino people and the Constitution be discarded and laid to rest. While I acknowledge with deep gratitude the opportunity given me by former President Gloria Macapagal Arroyo, my undivided loyalty always was, is, and will forever remain, to the Constitution and the Filipino people. In the words of the late Chief Justice Earl Warren of the United States Supreme Court, judicial officers like me have no constituency, serve no majority or minority but serve only the public interest as they see it in accordance with their oath of office, guided only by the Constitution and their conscience and honor.

To those who have stood with during these difficult months, to my family, my friends, to many others who joined in supporting my cause because they believed I was innocent, I will be eternally grateful.

And to my detractors, I bear them no rancor because I have learned to make myself believe that we all love our country and our people no matter how our judgments might differ.

I shall leave this Office with regret at not completing my term, but with gratitude for the privilege of serving as Ombudsman for the past five years. I thank my colleagues at the Office of the Ombudsman whose continuous and selfless but unpublished efforts have made the Office of the Ombudsman what it is today. Not many know that for many years, the Office of the Ombudsman has consistently been voted the most trusted institution in the Philippines. That is all your stellar achievement. I stand proud of having worked with you through the years. And while our detractors will always find cause to criticize and charge delay in what we do, it is because we deem it better to accord due process to our own public officials whose lives we affect when we decide on their cases. God bless the Philippines and our people.

by Ombudsman Ma. Merceditas N.Gutierrez. PNP Chief Raul M. Bacalzo represented by PCSupt. Mario A. Avenido delivered an inspirational message during the ceremony on May 6, 2011.

The Integrity Project: An InterAgency Showcase

By Lourdes P. Salazar

STANDING AS WITNESS AT trials was a chilling experience for COA auditors. The questions from the defense counsel came in rapid fires - unrelenting and incisive. It was a frightening experience even if it was just a mock trial in a training seminar. But the distress was worth it. It gave the participating auditors valuable insights into critical incidents that call for attention, accuracy in details and flawless communication. It gave the COA auditors self-confidence to face such moments.

The trainings for Auditors and OMB Investigators and Prosecutors are an offshoot of a Memorandum of Agreement between the Office of the Ombudsman and the Commission On Audit signed on 16 July 2010. This is part of the Integrity Project: "Enhancing Anticorruption Efforts at the National and Local Levels." The project is a cooperative agreement between the Office of the Ombudsman and the United States Agency for International Development. It has four components: 1) Business Process Enhancement; 2) Constitutional Integrity, 3) Prosecution of Corruption Cases in the lower courts, and 4) Integrity Development Review (IDR) at the local level.

For the Office of the Ombudsman, these activities serve as avenues for more effective prosecution of cases, for building institutional cooperation to contain corruption and for cascading the IDR to local government

units. The project started in 2009 and will end in 2011.

The cooperative venture between OMB and COA calls for collegial consultations, focused group discussions and joint workshops. These seek to address internal issues and interagency concerns that hamper successful investigation and prosecution of corruption cases arising from the finding and reports of COA.

The MOA intends to institute intensive coordination between the two institutions in conducting:

- Joint investigation and prosecution of selected cases amounting to Fifty Million Pesos and above;
 - Joint capacity-building activities in critical areas affecting the prosecution of cases before the Sandiganbayan and regular courts;
- It also agrees to:
- Issue joint circulars highlighting guidelines on coordination and information sharing;
 - Develop joint investigation manual;
 - Draw guidelines on the monitoring of cases filed by COA in OMB;
 - Acknowledge as shared responsibility the effective investigation and prosecution of cases requiring highly technical and multi-disciplinary skills or strategies.

At the moment, 320 OMB Investigators and Prosecutors have been trained on COA rules of procedure; analyzing COA technical reports, source documents, and working papers and detecting fraud and irregularities.

INTEGRITY / 7

PSLINK Teacher-Leaders Trained on Procurement Process

By Janet A. Morales, PSLINK

THE PUBLIC SERVICES LABOR Independent Confederation (PSLINK) and the Office of the Ombudsman (OMB) has successfully conducted the two-day Training on Procurement Process for Education Sector last November 11-12, 2010 at the OMB Function Room, Office of the Ombudsman, Diliman, Quezon City. The said training was attended by 32 teacher-leaders of faculty school association of the Department of Education, Division of Taguig and Pateros. The said training aimed to develop and capacitate the teacher-leaders in procurement process and to serve as accredited Bantay Lustay observers in all procurement transactions at their school and division level.

Annie Enriquez-Geron, General Secretary of Public Services Labor Independent Confederation (PSLINK) said, "PSLINK is very optimistic that eradicating corruption at the school level will be achieved little by little as teacher-leaders will be capacitated and will now strengthen their ability to become watchdog and safeguard the public funds particularly in procurement process, the reports and observations taken from them will be more credible since they are insiders."

Geron also acknowledged the full support of Dr. Meleda Polita for accepting PSLINK and OMB Project "Bantay Lustay" in the Department of Education, Di-

vision of Taguig and Pateros and allowing the teacher-leaders to be trained on procurement. As Dr. Polita said: There is no reason why we should decline the project, its objectives and intentions are good especially its advocacy in promoting good governance and transparency. We at Division of Taguig and Pateros welcome this initiative of PSLINK through our teacher-leaders of Taguig and Pateros Public School Teachers Association and Office of the Ombudsman on "Bantay Lustay" project since we are also promoting and advocating the same thing. Dr. Polita further said that money used in all procurement by the government agencies are public funds that comes from the taxes of the people, thus, we have all the responsibility to ensure that public funds shall be utilized and spent according to the needs of the people and clientele.

Ombudsman Ma. Merceditas N. Gutierrez who was present at the Opening Programme is very happy and proud to know the "Bantay Lustay" Project. "This project was very unique since the watchers or the monitors of the procurement are also public servants and come from the same office. Aside from our Resident Ombudsman deployed at each government offices, these leaders of PSLINK will also served as our eyes inside their offices, but of

PSLINK / 7



OMBUDSMAN MA. MERCEDITAS N. GUTIERREZ, DR. MELEDA POLITA (seated 3rd from right), MS. ANNIE ENRIQUEZ-GERON (seated 4th from left) and OMB officials pose with the members and officers of the Public Services Labor Independent Confederation (PSLINK) during the two-day Training on Procurement Process on Education Sector on November 11, 2010 at the OMB Function Room, Office of the Ombudsman, Agham Road, Diliman, Quezon City

So the public may know....

FERTILIZER SCAM

- Case vs. Bolante, et. al. was filed in 2004 during former OMB Marcelo but it was unacted upon.
- In February 2006, two months after OMB Gutierrez assumed office, Task Force Abono (TFA) was created to specifically handle the investigation and for case build-up.
- In March 2006, the Magsaysay Report of the Senate Blue Ribbon Committee was released.
- The case build-up takes time because of the 181 number of proponents composed of 105 congressional districts, 53 provinces and 23 municipalities with 178 respondents involved covering 17 regions.
- Witnesses, if not unwilling were threatened.
- In October 2008, a Special Panel was created for the purpose of preliminary investigation (PI).
- During PI, numerous motions and pleadings were filed by the parties. Reports from the Senate Blue Ribbon Committee were likewise received for consideration.
- After the submission of pleadings and during the preparation of the resolution on March 2009, the OMB received Senate Blue Ribbon Committee's Gordon Report which placed the resolution of the case to be held in abeyance as the same was referred to TFA for further fact-finding and validation.

ing and validation.

- In July 2010, a Supplemental Complaint was filed focusing on the Department of Agriculture's Regional Directors and top officials that added 23 respondents.

EURO-GENERAL CASE

- In October 2008, the Office of the Ombudsman conducted its own independent investigation on the Euro General scandal.
- Even if there were investigation reports submitted by the Senate and by other offices, the same were not conclusive as the Office has to make its own findings.
- Findings of other bodies were validated by the panel through fact-finding and financial audit.
- It was discovered that the admissions of dela Paz and the other Generals during the Senate hearings were different from the documents gathered during the fact-finding investigation.
- After fact-finding investigation, criminal charges of violation of the Anti-Graft and Corrupt Practices Act, Falsification of Public Documents, Perjury, Obstruction (PD 1829), Prolonging of Service Duties (Art. 237, RPC); Administrative charges of grave misconduct, dishonesty and conduct prejudicial to the best interest of the service; Forfeiture; and violation of R.A 8293 (Passport Law) were filed against several

PNP officials, PNP delegates and private individuals.

- September 2010, the Office of the Ombudsman ordered the preventive suspension for 6 months without pay of the following PNP officials: Director Silverio Alarcio, Jr., Director German Doria, Chief Supt. Orgenlando Pestano, Chief Supt. Tomas Rentoy III, Supt. Samuel Rodriguez and Supt. Elmer Pelobello.

- The preliminary investigation and administrative adjudication of the cases are still ongoing.

MEGA-PACIFIC DEAL

- The Supreme Court did not order the filing of criminal cases against COMELEC officials but only directed the Office of the Ombudsman in its Decision to investigate and determine if any of the public officials and/or private individuals involved in the award should be criminally charged. As quoted:

"Let a copy of this Decision be furnished the Office of the Ombudsman which shall determine the criminal liability, if any, of the public officials (and conspiring private individuals, if any) involved in the subject Resolution and Contract."
- On 28 March 2006, the Court issued a Resolution, directing the Office of the Ombudsman to give an update on the investigation.
- OMB issued a Resolution on 28 June 2006 to which the Respondents filed a Motion for Reconsideration. A special investigatory panel was created and held twelve (12) pub-

lic hearings from 13 July 2006 to 23 August 2006.

- After the hearings and reviews of the Motion for Reconsideration, on September 2006, a Resolution was issued dismissing the complaint. The complainants filed with the Supreme Court a Petition for Certiorari which is still pending to date.

- The Office of the Ombudsman exactly obeyed what the Supreme Court wanted it to do. The Office's final determination apparently did not displease the Court; only the complainants. In fact, the above quotations indicate that the High Tribunal even affirmed the independence of the Office of the Ombudsman, the expertise of the Office in the matter of investigation and its discretionary powers in the matter of determining whether probable cause exists against anyone accused of wrongdoing before the same.

NBN-ZTE DEAL

- The Office of the Ombudsman has authority to determine whether a criminal case, given its facts and circumstances, should be filed or not.
- There was no finding of grave abuse of discretion against respondent Ombudsman with respect to her findings of probable cause in the NBN-ZTE Deal against Chairman Abalos and Secretary Romulo L. Neri.
- OMB Gutierrez acted on the complaint on 18 February 2008 or after the lapse of four (4) months, as

NEXT PAGE PLEASE

IAAGCC from page 2

active participation of the attendees.

The pool of speakers included: from DOJ - Asec. Geronimo Sy, State Prosecutor Hazel Valdez and Prosecutor Donald Lee; from NBI - Atty. Ramilo Quinto, Executive Officer Ferdinand Lavin and Mr. Palmer Mallari; from COA - Dir. Nelia Villeza; from CSC - Atty. Krunimar Escudero; and from the OMB - Deputy Special Prosecutor Robert Kallos, Special Prosecutor Bienvenida Gruta, Atty.



NBI DIRECTOR MAGTANGGOL B. GATDULA (seated, 4th fr. right), one of the IAAGCC principals together with Deputy Special Prosecutor Robert E. Kallos (seated, 4th fr. left), resource persons and participants to the Cross-Training held at Estancia Resort Hotel in Tagaytay City on March 29-April 1, 2011.

Michael Paul Israel, Atty. Francine Faith Dalumpines, Atty. Adeline Alvarado and Atty. Rex Rojas.

INTEGRITY WATCH

ISSN 1909-112X Vol. 11 No. 1

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INTEGRITY

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On the otherhand, 70 COA Auditors have been trained on substantive anti-corruption laws, techniques in Fact-Finding Investigation, COA auditors' Role in Preliminary Investigation and Prosecution. COA auditors were placed in the witness stand in mock trials and were "cross examined" to give them a feel of what to expect when grilled in the witness stand. More will undergo the experience.



OMBUDSMAN MA. MERCEDITAS N. GUTIERREZ and COA Chairman Reynaldo A. Villar sign a Memorandum of Agreement for the joint-training of investigators and auditors for the investigation and prosecution of cases.

PSLINK *from page 5*

course we don't want to hear only bad reports from them but also we want to hear their best practices in promoting transparency and good governance. "This project will also serve as a good start in the public sector, and I hope we can replicate this to other government agencies. The Office of the Ombudsman will be happy to accommodate this kind of training even on a monthly basis" Ombudsman Gutierrez said.

Under Sec. 13 of RA 9481, aside from COA representative, observers in procurement process shall only come from duly recognized private groups such as Philippine Constructor Association, Inc., National Contractors Association of the Phils., Philippine Institute for Civil Engineers, Chamber of Commerce and Industry, professional organization accredited by Professional Regulatory Commission, and duly registered Non-Government Organization. Under "Bantay Lustay" Project, PSLINK members trained in Procurement Process will serve as observers in addition to the observers mandated by RA 9481.

PUBLIC *from page 6*

the case was filed and received by the Office only on October 9, 2007

- Following its own rules of procedure, the Office of the Ombudsman conducted its "case build-up".

- OMB Gutierrez inhibited herself from the case to avert claims of bias and partiality in favor since one of the respondents, Jose Miguel T. Arroyo (FG) was a former classmate.

- The non-inclusion in the information of the then President Gloria Macapagal-Arroyo (PGMA) is legally justified because she was immune from suit.

- Though the investigation still included PGMA, the findings reveal that there exists no substantial evidence that would establish that PGMA had anything to do

with it. She pulled the plug on the matter to prevent any improper use of public funds.

- The President's husband, Jose Miguel T. Arroyo, was excluded on the ground that no evidence was presented linking him to the NBN-ZTE Deal.

- The Office of the Ombudsman, through its Overall Deputy Ombudsman, found probable cause to file criminal charges against Chairman Abalos and Secretary Neri.

PESTAÑO SUICIDE CASE

- Philip died on 27 September 1995, but it was only in 1998 that the case (i.e. OMB-MIL-98-0200) was filed with the Office of the Ombudsman, which was dismissed in 2000.

- Another Joint Complaint-Affidavit charging certain navy and police officers (i.e., OMB-P-C-05-1298-J

and OMB-P-A--05-1223-J) was filed on 27 October 2005. OMB Gutierrez assumed office in December 2005.

- From the time of Philip's death in 1995 or from the filing of the first complaint up to the filing of the second Joint Complaint-Affidavit in 2005, ten (10) years had already lapsed.

- It is unjust for Spouses Pestaños to claim delay for they contributed to the delay themselves because they filed 19 motions for extensions to file their position paper from 21 September 2007 due to their lawyer's unexpected heavy load of paper work and court appearances in other cases.

- As a matter of fairness, the Office of the Ombudsman also had to grant similar motions made by the respondents, though the number is lesser than those filed by the

LIGOT *from page 1*

prompt action initiated by Ombudsman Ma. Merceditas N. Gutierrez.

He explained that the Ombudsman had earlier requested the DOJ to assist in the return of all or some of the proceeds of the sale of the Buena Park property under the Mutual Legal Assistance Treaty (MLAT) between the Philippines and the US.

"When it came to the knowledge of the Office that the property has been sold by the US government, Ombudsman Gutierrez immediately wrote the Department of Justice to request for the return of the proceeds," AO de Jesus said.

On the basis of such request, then Justice Secretary Agnes Devanadera coordinated with the US government for the return to the Philippines of the proceeds of the sale of the property.

AO de Jesus said that the Ombudsman learned

of the turnover of the proceeds through a letter sent by Justice Secretary Leila de Lima on April 7, 2011.

"Justice Secretary de Lima informed the Ombudsman that it was US Ambassador to the Philippines Harry K. Thomas, Jr. who turned over the check for \$132,000, representing the full amount of the forfeiture sale as indicated in the Ombudsman's request for assistance," AO de Jesus said.

AO de Jesus further said that "We are happy that the efforts of the Ombudsman, under the watch of Ombudsman Gutierrez, in having this check delivered to the Philippine government have paid off."

The Buena Park property is among the alleged ill-gotten wealth covered by the forfeiture case against the Ligots, filed by the Ombudsman before the Sandiganbayan in 2005.

Spouses Pestaños.

- The Resolution dated 15 June 2009 based its decision on existing records and was approved by ODO Casimiro and not OMB Gutierrez.

- During OMB Desierto's term, the findings were lack of evidence and that the investigation was futile based on the lapse of time and tampering of evidence. The Office of the Ombudsman is not bound by the findings of other investigatory bodies.

- It is grossly unfairly and highly unjust to attribute any delay in the resolution of the case to OMB Gutierrez, who did not even take part in issuing the Resolution dismissing the case.

LOW CONVICTION RATES

- Contrary to the allegations, the conviction rate dur-

ing OMB Gutierrez's term actually reflects the highest that the Office of the Ombudsman has ever attained. In 2008, it marked an all time high of 73.42%.

- The conviction rates in 2006 and 2007 yielded the 3rd and 2nd highest rates, respectively.

- The performance of the Office of the Ombudsman should not only be gauged on the basis of conviction rates as it actually performs other functions, such as, fact-finding and corruption prevention.

- Convictions and/or acquittals are matters submitted for the Courts' sound judicial discretion. A low conviction rate, therefore, cannot be attributed to the respondent Ombudsman, who only determines the existence of probable cause in filing criminal informations before the Courts.

Ombudsman Recognizes Efforts of Partners in the fight against corruption

By Angel DL. Cusi

IN TIME FOR THE 23RD Anniversary of the Office of the Ombudsman on May 12, 2011, Ombudsman Ma. Merceditas N. Gutierrez awarded Certificates of Appreciation and Recognition to the Office's partners in their efforts to assist the Office in the fight against graft and corruption through the implementation of graft prevention programs on May 3, 2011.

The OMB partners are the following:

1) The Federation of the Philippine Industries (FPI) chaired by Mr. Jesus Lim Arranza, for the submission of reports on the alleged anomalies/illegal activities at the Bureau of Customs, the holding of Anti-Smuggling Summit and other anti-corruption activities both in public and private, and the implementation of graft prevention programs within the



OMBUDSMAN MA. MERCEDITAS N. GUTIERREZ together with the awardees from **ACTO** (1st photo fr. left) and **PSLINK** (2nd photo) during the awarding ceremony for OMB Partners on May 3, 2011 and **CFMPI** and **PNP Police Officers** on a separate ceremony for the "Project on Random Monitoring of Police Attendance" on May 6, 2011 (3rd photo). Present on said event were **PCSupt. Mariano A. Avenido** (3rd photo-3rd fr. left) who delivered an **Inspirational Message**, **Asst. Ombudsman Evelyn A. Baliton** (2nd fr. right) and **Director Cezar M. Tirol II** (1st fr. left).

business sector and government agencies/offices.

2) The Philippine Chamber of Commerce and Industry (PCCI) with its President Francis Chua, for implementing programs aimed at promoting good governance particularly transparency and accountability in the government.

3) The Public Services Labor Independent Confederation (PSLINK) headed by its General Secretary Ms. Annie Enriquez-Geron, for

the implementation of "Bantay Lustay" Project. As an initial step to prepare them to become monitors or BAC observers in the procurement proceedings, four (4) capacity-building seminars on the Procurement Process were conducted. A total of 133 participants-PSLINK members coming from DepEd, DPWH and local government units attended the seminars.

4) The Alliance of Concerned Transport Organization (ACTO) led by its Na-

tional President Mr. Efrén De Luna, for attending and resolving transport issues in partnership with the Office, in the areas of Santiago, Isabela, Iloilo and San Mateo, Rizal.

5) The Community Force Multipliers for Peace Incorporated (CFMPI) with its National President and Founding Chairman Bishop Willie M. Ricablanca, for the implementation of the "Project on Random Monitoring of Police Attendance"

which eventually improved the attendance of the police personnel in the eight (8) police stations covered which include: Police Station (PS) 1 in Tondo, Manila; PS-7 in Jose Abad Santos, Manila; BCDA Police Station in Taguig City; Parañaque City Police Station; San Juan Police Station; PS-4 in Novaliches, Quezon City; North Caloocan PS; and Bagong Silang PS.

Recognizing their cooperation in the implementation

PARTNERS / 4

CONVICTED from page 1

Treasurer; Benilda Bacasmas, then Cash Division Chief; and Edna Jaca, then City Accountant, all of the Cebu City Government, guilty beyond reasonable doubt of violation of Section 3(e) of RA 3019 (Anti-Graft and Corrupt Practices Act).

Records showed that an audit team conducted a cash examination on the cash and account of various accountable officers, including Paymaster Cleofe Delute, of the Cash Division of the City Treasurer's Office of Cebu City, covering the period Sept. 20, 1995 to March 5, 1998.

This resulted in the discovery that Delute had accumulated an unliquidated cash advances of P11,180,033.92. Delute had already been charged

for and convicted of Malversation of Public Funds before the Regional Trial Court of Cebu City. She is now serving sentence before the Bureau of Corrections.

The prosecution, led by Assistant Special Prosecutor II Sheri P. Zales of the Office of the Special Prosecutor of the Office of the Ombudsman (OSP-OMB) believed that Delute could not have possibly committed such act without the participation of accused Gaviola, Cesa, Bacasmas and Jaca.

In its Decision, the Anti-graft court said that "It is well to note that their signature followed a sequence. The voucher could only be forwarded to the next office if already signed by the prior office. xxx The

accused were expected to have done what was required of them to be able to truthfully affirm the pre-typed certification in the voucher. This includes the first step in the process and the very basic act of examining the voucher and its attachments, but which the accused had failed to do."

It said one could readily notice the incompleteness of the documents submitted by Delute for signature:

- "sheets of bond paper" served as Delute's requests for cash advances;
- The requests did not indicate that they were for payment of salaries because each request merely showed a handwritten note reading: "Cash Advance - 1,000,000.00";
- The next amount of the payrolls as reflected in

the adding tape attached to the written requests was rounded-off and the rounded-off amount was entered in the disbursement voucher in violation of paragraph 4.2.1 of COA Circular No. 97-002 which states that cash advance shall be equal to the net amount of the payroll for a pay period;

The subject vouchers only state uniformly, "TO CASH ADVANCE IN THE AMOUNT OF (various amounts) IN PAYMENT FOR SALARIES", without specifying the pay period and to which department the salaries would be paid, in violation of par. 4.1.1 of COA Circular No. 97-002 that "no cash advance shall be granted unless for a legally specific purpose"; Despite said defects in the documentation, the

four officials and Gaviola affixed their signatures on the cash advance vouchers. Hence, the Sandiganbayan said "The prosecution sufficiently established that the patent negligence of accused Gaviola, Cesa, Bacasmas and Jaca facilitated the accumulation of Delute's unliquidated cash advances of P11,180,033.92"

The Anti-Graft Court sentenced each of them to suffer the indeterminate penalty of imprisonment of six years and one day to eight years and were perpetually disqualified from holding any public office.

They were additionally directed to jointly and severally pay the City Government of Cebu the amount of P11,180,033.92.