

**MEMORANDUM OF AGREEMENT
ON COMPLAINTS REFERRAL SYSTEM**

This Memorandum of Agreement (“Agreement”), executed on this 12th day of December 2016 in Quezon City, Philippines, by and between the:

CIVIL SERVICE COMMISSION, a Constitutional body with principal office at the Constitution Hills, Diliman, Quezon City, hereinafter referred to as the “**COMMISSION**”, represented herein by its Chairperson, **ALICIA DELA ROSA-BALA**,

and

OFFICE OF THE OMBUDSMAN, a Constitutional body with principal office at the Ombudsman Building, Agham Road, Diliman, Quezon City, represented herein by the Ombudsman, **CONCHITA CARPIO MORALES**,

WITNESSETH: That -

WHEREAS, the Commission and the Office of the Ombudsman are mandated by the Constitution to uplift and maintain public office as a public trust, by promoting the values of utmost responsibility, integrity, loyalty, efficiency, patriotism, justice, and leading modest lives among public officers and employees;

WHEREAS, Item 11, Section 12, Chapter 3, Title I, Book V of the Administrative Code of 1987 mandates the Commission to hear and decide administrative cases;

WHEREAS, there is a need to ensure uniformity of decisions in administrative cases;

WHEREAS, under Section 15, Paragraph 1 of Republic Act No. 6770, the Office of the Ombudsman is mandated to investigate and prosecute any act or omission of any public officer or employee, office or agency when such act or omission appears to be illegal, unjust, improper, and inefficient;

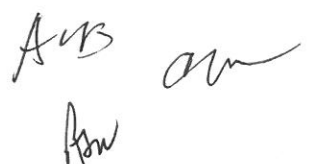
WHEREAS, under the last paragraph of Section 15 of Republic Act No. 6770, the Office of the Ombudsman is mandated to give priority to complaints filed against high ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties;

WHEREAS, under Section 23(2) of Republic Act No. 6770, the Office of the Ombudsman may refer certain complaints to the proper disciplinary authority for the institution of appropriate administrative proceedings against erring public officers or employees;

WHEREAS, the Commission and the Office of the Ombudsman share concurrent jurisdiction over certain public officers and employees in administrative disciplinary complaints;

WHEREAS, the Commission and the Office of the Ombudsman undertake to institutionalize a referral system for complaints to streamline their individual and joint processes; delineate the types of complaints over which jurisdiction shall be assumed; reduce duplication of work, clogged dockets, and inconsistencies in the application of the law; boost morale in the Government service through a more efficient disposition of complaints; and facilitate access to administrative and criminal justice by the public;

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree to institute a Complaint Referral System (CRS) for the referral

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of complaints by one agency to the other, under the following terms and conditions:

I. Scope of CRS

A. Types of Complaints Included

This Agreement shall apply to:

1. Complaints arising from irregularities in civil service examinations and eligibility;
2. Administrative disciplinary complaints arising from non-filing of the Statement of Assets, Liabilities, and Net Worth ("SALN");
3. Complaints involving personnel of the Commission;
4. Complaints where two or more persons are complained of, and one of them is outside the jurisdiction of the Commission;
5. Administrative disciplinary complaints resolved by the Commission where the respondent(s) is/are found liable or complaints dismissed by the Commission but criminal liability appears to subsist;
6. Complaints involving personnel of the Office of the Ombudsman;
7. Complaints which are in the nature of an appeal from a decision or action of a head of agency involving human resource movement in the Civil Service ("Human Resource Actions") which shall include, but not be limited to, appointment, promotion, transfer, reinstatement, reemployment, reappointment, detail, reassignment, secondment, demotion, and separation from the service.

B. Administrative Disciplinary Complaints to be Referred to the Commission


1. The Commission shall exercise jurisdiction over administrative disciplinary complaints under I.A.1, 2, and 3 where the person or all of the persons complained of are within the jurisdiction of the Commission¹.

¹ CSC jurisdiction over government employees and officials except Presidential Appointees and Elective Officials is based on Executive Order No. 292, s. 1987.

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2. The Office of the Ombudsman shall refer administrative disciplinary complaints under B.1 hereof to the Commission; Provided, that where a complaint under I.A.1 involves both administrative and criminal aspects, the Office of the Ombudsman shall proceed with the investigation and resolution of the criminal aspect but shall refer the complaint to the Commission for the investigation and resolution of the administrative aspect;
3. Where there are two or more persons complained of under I.A.2, the Office of the Ombudsman shall refer the complaint to the Commission for the investigation and resolution of the administrative aspect as to those persons who are within the jurisdiction of the Commission, while exercising jurisdiction over the remaining persons complained of.
4. In any referral, the Office of the Ombudsman shall transmit the entire records of the complaint (original) to the Commission within fifteen (15) working days from receipt of the complaint.
5. The above, notwithstanding, the Commission shall have the option of referring complaints involving its personnel under I.A.3 to the Office of the Ombudsman, as the need arises.

C. Complaints to be Referred to the Office of the Ombudsman

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1. The Office of the Ombudsman shall exercise jurisdiction over complaints in I.A.2, 5 and 6 with respect to complaints involving personnel of the Office of the Ombudsman.
 2. Where the Commission receives a complaint under I.A.2, the Commission shall refer the complaint to the Office of the Ombudsman for the investigation and resolution of the administrative aspect as to those persons who are within the jurisdiction of the Office of the Ombudsman, while exercising jurisdiction over the remaining persons complained of.
 3. The Commission shall also refer complaints in I.A.5 to the Office of the Ombudsman. The referral shall indicate that it is being made for purposes of the investigation and/or prosecution of the criminal aspect of the case.



The Commission shall provide certified true copies of the case records and designate a liaison officer to coordinate with the Field Investigation Office of the Office of the Ombudsman, within fifteen (15) working days from resolution of the complaint.

4. In any referral, the Commission shall transmit the entire records of the complaint (original) to the Office of the Ombudsman within fifteen (15) working days from receipt of the complaint.
5. The above, notwithstanding, the Office of the Ombudsman shall have the option of referring complaints involving its personnel under I.A.6 to the Commission, as the need arises.
6. Cases involving failure to implement CSC decisions and resolutions shall be referred to the Office of the Ombudsman for appropriate action.

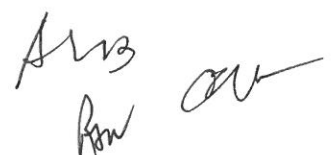
D. Complaints Filed in the Office of the Ombudsman Involving Human Resource Actions

Where the Office of the Ombudsman receives a complaint under I.A.7 which is in the nature of an appeal from a decision or action of a head of agency, it shall dismiss the same; Provided, that, if from an appreciation of the complaint there appears to be administrative and criminal liability on the part of the person complained of, then the Office of the Ombudsman shall exercise jurisdiction over it insofar as the criminal aspect is concerned.



II. Procedure for Referral

- A. Upon a determination that the complaint falls under the terms of this Agreement, the referring agency shall inform the receiving agency of the referral pursuant to this Agreement. The receiving agency shall acknowledge receipt of a referred complaint within 15 calendar days.
- B. Referrals by the Office of the Ombudsman shall be made by its General Administration Office for the Central Office, or by the pertinent



Area/Sectoral Office. The pertinent Area/Sectoral Office shall furnish the General Administration Office a copy of its transmittal for monitoring purposes.

- C. Referrals by the Commission shall be made by the Office for Legal Affairs, or the pertinent Civil Service Commission Regional Office. The pertinent Civil Service Commission Regional Office shall furnish the Office for Legal Affairs a copy of its transmittal for monitoring purposes.
- D. Referrals to the Office of the Ombudsman shall be addressed to the General Administration Office for the Central Office, or the pertinent Area/Sectoral Office. When making a referral to the pertinent Area/Sectoral Office, the referring office in the Commission shall furnish the General Administration Office, Office of the Ombudsman, a copy of its transmittal for monitoring purposes.
- E. Referrals to the Commission shall be addressed to the Office for Legal Affairs, or the pertinent Civil Service Commission Regional Office. When making a referral to the pertinent Civil Service Commission Regional Office, the referring office in the Office of the Ombudsman shall furnish the Office for Legal Affairs of the Commission a copy of its transmittal for monitoring purposes.
- F. The receiving agency shall have supervision and control over the evaluation, investigation, adjudication, and monitoring of the complaint, and the implementation of its decision. Simultaneously with the referral to the other agency, the referring agency shall notify the complainant/s by furnishing the latter copies of such referral, pursuant to Section 5(a) of Republic Act No. 6713.



III. Other Coordination Efforts

- A. The Commission shall furnish the Office of the Ombudsman copies of its must-read resolutions, decisions, and issuances, and post the same in its

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website, to enable consistency among the resolutions and decisions in the administrative cases resolved by both agencies.

- B. The Commission shall allow the Office of the Ombudsman read-only access to the Commission's government employee database upon a prior and duly approved request specifying the purpose thereof.
- C. The Commission and the Office of the Ombudsman shall develop a database on referred cases to be updated on a monthly basis, and work towards interfacing their case management systems.

IV. Administration of Agreement

The Office for Legal Affairs of the Commission and the General Administration Office of the Office of the Ombudsman shall administer the terms of this Agreement, recommend amendments thereto, as well as the issuance of office orders for an efficient and continuous implementation thereof. The Office for Legal Affairs and the General Administration Office shall meet at least quarterly to review the implementation of the Agreement. The Office for Legal Affairs and the General Administration Office shall also provide a status update to the Ombudsman and the Chairperson of the Commission, respectively.

V. Effectivity of Agreement

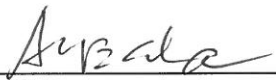


- A. This Agreement shall apply prospectively and to complaints already received by the Commission and the Office of the Ombudsman which have not yet been docketed.
- B. This Agreement may be terminated upon mutual consent of the parties with notice to the other party within 30 days prior to the intended date of termination.
- C. This Agreement shall take effect after fifteen (15) days from its publication in the Official Gazette or a newspaper of general circulation, and filing of



three (3) certified true copies with the Office of the National Administrative Register.

Adopted on this 12th day of December 2016, in Mandaluyong City, Philippines.



ALICIA DELA ROSA-BALA

Chairperson

Civil Service Commission



CONCHITA CARPIO MORALES

Ombudsman

Office of the Ombudsman

W I T N E S S E S :

