

Congress of the Philippines)
First Regular Session)

COPY WITH APPROVED AMENDMENTS
AS OF AUGUST 22, 1988
Committee Amendments - ALL CAPS
Individual Amendments- ALL CAPS,
UNDERScoreD

S E N A T E

S. NO. 543

Substitute Bill
(Consolidating S. Nos. 394 and 299)

Introduced by Senators Angara, Tañada, Rasul, Gonzales
and Guingona, Jr.

AN ACT
PROVIDING FOR THE STRUCTURAL AND FUNCTIONAL ORGANIZATION OF
THE OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

1 SECTION 1. Title. - This Act shall be known as the
2 Ombudsman Act of 1988.

3 SEC. 2. Declaration of Policy. - The State shall
4 maintain honesty and integrity in the public service and
5 take positive and effective measures against graft and
6 corruption.

7 Public office is a public trust. Public officers
8 and employees must at all times be accountable to the
9 people, serve them with utmost responsibility, integrity,
10 loyalty and efficiency, act with patriotism and justice
11 and lead modest lives.

12 SEC. 3. Office of the Ombudsman. - The independent
13 Office of the Ombudsman shall be composed of the
14 Ombudsman to be known as Tanodbayan, one Overall Deputy TO
15 BE KNOWN AS SENIOR DEPUTY TANODBAYAN and one Deputy each for
16 Luzon, Visayas and Mindanao [and a separate Deputy for the
17 military establishment]. A SEPARATE DEPUTY FOR THE ARMED
18 FORCES MAY LIKEWISE BE APPOINTED. THE SPECIAL PROSECUTOR
19 SHALL BE UNDER THE OFFICE OF THE OMBUDSMAN.

20 SEC. 4. Appointment. - The Tanodbayan and his

1 Deputies, INCLUDING THE SPECIAL PROSECUTOR, shall be appointed
2 by the President from a list of at least six nominees
3 prepared by the Judicial and Bar Council, and from a list of
4 three nominees for each vacancy thereafter which shall be
5 filled within three (3) months after it occurs, EACH OF WHICH
6 LIST SHALL HAVE BEEN PUBLISHED [AFTER PUBLICATION] IN A
7 NEWSPAPER OF GENERAL CIRCULATION OR IN THE LAW JOURNALS.

8 IN THE ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN FOR
9 FILLING UP OF VACANCIES THEREIN, REGIONAL, CULTURAL OR
10 ETHNIC CONSIDERATIONS SHALL BE TAKEN INTO ACCOUNT TO THE END
11 THAT THE OFFICE SHALL BE, AS MUCH AS POSSIBLE,
12 REPRESENTATIVE OF THE REGIONAL, ETHNIC AND CULTURAL MAKE-UP
13 OF THE FILIPINO NATION.

14 SEC. 5. Qualifications. - The Tanodbayan and his
15 Deputies, INCLUDING THE SPECIAL PROSECUTOR, shall be natural-
16 born citizens of the Philippines, at least forty (40)
17 years old, of recognized probity and independence, members of
18 the Philippine Bar, and must not have been candidates for
19 any elective NATIONAL OR LOCAL office in the immediately
20 preceding election WHETHER REGULAR OR SPECIAL. The
21 Tanodbayan must have, for ten (10) years or more, been a
22 judge or engaged in the practice of law in the Philippines.

23 SEC. 6. Rank and Salary. - The Tanodbayan and his
24 Deputies shall have the same ranks and salaries as the
25 Chairman and Members, respectively, of a Constitutional
26 Commission. Their salaries shall not be decreased during
27 the term of office.

28 SEC. 7. Term of Office. - The Tanodbayan and his
29 Deputies, INCLUDING THE SPECIAL PROSECUTOR, shall serve for a
30 term of seven (7) years without reappointment.

31 SEC. 8. Removal; Filling of Vacancy. - (1) IN
32 ACCORDANCE WITH THE PROVISIONS OF ARTICLE XI OF THE

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1 CONSTITUTION, the Tanodbayan may be removed from office on
2 impeachment for, and conviction of, culpable violation of
3 the Constitution, treason, bribery, graft and corruption,
4 other high crimes, or betrayal of public trust.

5 (2) A DEPUTY, INCLUDING THE SPECIAL PROSECUTOR, AFTER
6 DUE NOTICE AND HEARING MAY BE REMOVED FROM OFFICE BY THE
7 TANODBAYAN UPON THE RECOMMENDATION OF A THREE-MAN COMMITTEE
8 TO BE APPOINTED BY THE TANODBAYAN AND WHOSE QUALIFICATIONS
9 SHALL [WILL] BE THE SAME AS THOSE OF THE APPOINTIVE MEMBERS
10 OF THE JUDICIAL AND BAR COUNCIL. [A Deputy may be removed
11 from office by the President for any of the grounds provided
12 for the removal of the Tanodbayan, and after due process]

13 (3) In case of vacancy in the Office of the Ombudsman
14 due to death, resignation, removal or permanent disability
15 of the incumbent Tanodbayan, the Overall [OR SENIOR] Deputy
16 shall serve as Acting Tanodbayan IN A CONCURRENT CAPACITY
17 until a new Tanodbayan shall have been appointed for a full
18 term IN CASE THE OVERALL DEPUTY CANNOT ASSUME THE ROLE OF
19 ACTING TANODBAYAN, THE MOST SENIOR DEPUTY IN TERMS OF
20 APPOINTMENT SHALL ASSUME THE ROLE OF ACTING TANODBAYAN UNTIL
21 A NEW TANODBAYAN SHALL HAVE BEEN APPOINTED.

22 (4) In case of temporary absence or disability of the
23 Tanodbayan, the Overall Deputy shall perform the duties of
24 the Tanodbayan until the Tanodbayan returns or is able to
25 perform his duties.

26 SEC. 9. Prohibitions and Disqualifications. - The
27 Tanodbayan, his Deputies and the Special Prosecutor shall
28 not, during their tenure, hold any other office or
29 employment. THEY SHALL NOT, DURING SAID TENURE, DIRECTLY OR
30 INDIRECTLY PRACTICE ANY OTHER PROFESSION, PARTICIPATE IN ANY
31 BUSINESS, OR BE FINANCIALLY INTERESTED IN ANY CONTRACT WITH,
32 OR IN ANY FRANCHISE, OR SPECIAL PRIVILEGE GRANTED BY THE

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1 GOVERNMENT OR ANY SUBDIVISION, AGENCY, OR INSTRUMENTALITY
2 THEREOF, INCLUDING GOVERNMENT-OWNED OR CONTROLLED
3 CORPORATIONS OR THEIR SUBSIDIARIES. THEY SHALL STRICTLY
4 AVOID CONFLICT OF INTEREST IN THE CONDUCT OF THEIR OFFICE.

5 [Neither shall they engage in the practice of any
6 profession or in the active management or control of
7 any business which in any way may be affected by the
8 functions of their office, nor shall they be financially
9 interested, directly or indirectly, in any contract with, or
10 in any franchise or privilege granted by the Government,
11 any of its subdivisions, agencies, or instrumentalities,
12 including government-owned or controlled corporations or
13 their subsidiaries] They shall not be qualified to run for
14 any office in the election immediately succeeding their
15 cessation from office. THEY SHALL NOT BE ALLOWED TO APPEAR
16 OR PRACTICE BEFORE THE TANODBAYAN FOR TWO (2) YEARS
17 FOLLOWING THEIR CESSATION FROM OFFICE.

18 NO SPOUSE OR RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN
19 THE FOURTH CIVIL DEGREE AND NO LAW, BUSINESS OR PROFESSIONAL
20 PARTNER OR ASSOCIATE OF THE TANODBAYAN, HIS DEPUTIES OR
21 SPECIAL PROSECUTOR WITHIN ONE YEAR PRECEDING THE APPOINTMENT
22 MAY APPEAR AS COUNSEL OR AGENT ON ANY MATTER PENDING BEFORE
23 THE OFFICE OF THE OMBUDSMAN OR TRANSACT BUSINESS DIRECTLY OR
24 INDIRECTLY THEREWITH.

25 THIS DISQUALIFICATION SHALL APPLY DURING THE TENURE OF
26 THE OFFICIAL CONCERNED. THIS DISQUALIFICATION LIKEWISE
27 EXTENDS TO THE LAW, BUSINESS OR PROFESSIONAL FIRM FOR THE
28 SAME PERIOD.

29 SIC. DISCLOSURE OF RELATIONSHIP. - IT SHALL BE THE
30 DUTY OF THE TANODBAYAN, HIS DEPUTIES, INCLUDING THE SPECIAL
31 PROSECUTOR TO INDIVIDUALLY MAKE UNDER OATH, TO THE BEST OF
32 THEIR KNOWLEDGE AND/OR INFORMATION, A PUBLIC DISCLOSURE OF

1 THE IDENTITIES OF AND THEIR RELATIONSHIP WITH THE PERSONS
2 REFERRED TO IN THE PRECEDING SECTION.

3 THE DISCLOSURE SHALL BE FILED WITH THE OFFICE OF THE
4 PRESIDENT AND THE OFFICE OF THE OMBUDSMAN BEFORE THE
5 APPOINTEE ASSUMES OFFICE AND EVERY YEAR THEREAFTER. THE
6 DISCLOSURES MADE PURSUANT TO THIS SECTION SHALL FORM PART OF
7 THE PUBLIC RECORDS AND SHALL BE AVAILABLE TO ANY PERSON OR
8 ENTITY UPON REQUEST.

9 SEC. 10. Structural Organization. - The authority
10 and responsibility for the exercise of the mandate of the
11 Office of the Ombudsman and for the discharge of its powers
12 and functions shall be vested in the Tanodbayan, who shall
13 have supervision and control of the said Office.

14 (1) The Office the of Ombudsman shall consist of the
15 Office of the Tanodbayan, the Office of the Overall Deputy,
16 the Office of the Deputy for Luzon, the Office of the Deputy
17 for the Visayas, the Office of the Deputy for Mindanao,
18 the Office of the Deputy for the ARMED FORCES [military
19 establishment], and the Office of the Special Prosecutor.
20 The President may appoint other deputies as the necessity
21 for it may arise, as RECOMMENDED by the Tanodbayan.

22 (2) The Office of the Ombudsman may organize such
23 directorates for administration and allied services
24 (personnel, records, budget and finance, purchasing and
25 property, general services, security, legal, investigation
26 and research). [whose heads shall have the rank and salary
27 of line bureau directors.]

28 (3) THE OFFICE OF THE OVERALL DEPUTY SHALL OVERSEE
29 AND ADMINISTER THE OPERATIONS OF THE DIFFERENT OFFICES UNDER
30 THE OFFICE OF THE OMBUDSMAN. IT SHALL LIKEWISE PERFORM SUCH
31 OTHER FUNCTIONS AND DUTIES ASSIGNED TO IT BY THE TANODBAYAN.

32 ((3) The Office of the Special Prosecutor shall be an

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1 organic component of the Office of the Ombudsman and shall
2 be under its supervision and control. The Special Prosecutor
3 shall have the rank and salary of a Deputy Ombudsman. The
4 members of the prosecution staff of the Office of the
5 Ombudsman shall receive salaries which shall not be less
6 than those of the members of the prosecution staff of the
7 Department of Justice.]

8 (4) THE OFFICE OF THE SPECIAL PROSECUTOR SHALL BE
9 COMPOSED OF THE SPECIAL PROSECUTOR AND HIS PROSECUTION
10 STAFF. THE OFFICE, UNDER THE SUPERVISION AND CONTROL AND
11 UPON THE AUTHORITY OF THE OFFICE OF THE OMBUDSMAN SHALL HAVE
12 THE FOLLOWING POWERS:

13 (A) TO CONDUCT PRELIMINARY INVESTIGATION AND PROSECUTE
14 [ALL] CRIMINAL CASES WITHIN THE JURISDICTION OF THE
15 SANDIGANBAYAN [OMBUDSMAN];

16 (B) TO ENTER INTO FLEA BARGAINING AGREEMENTS;

17 (C) [B] TO PERFORM SUCH OTHER DUTIES ASSIGNED TO IT BY
18 THE TANODBAYAN.

19 THE SPECIAL PROSECUTOR SHALL HAVE THE RANK AND SALARY
20 OF A DEPUTY TANODBAYAN. THE MEMBERS OF THE PROSECUTION STAFF
21 OF THE OFFICE OF THE OMBUDSMAN SHALL RECEIVE SALARIES WHICH
22 SHALL NOT BE LESS THAN THOSE OF THE MEMBERS OF THE
23 PROSECUTION STAFF OF THE DEPARTMENT OF JUSTICE.

24 [(5) [4] The heads of staff of the offices of the
25 regional and sectoral Deputies shall receive salaries which
26 shall not be less than those of regional directors of
27 department regional offices.]

28 (5) The position structure and staffing pattern of the
29 Office of the Ombudsman, including the Office of the Special
30 Prosecutor, shall be approved and prescribed by the
31 Tanodbayan. The Tanodbayan shall appoint all officers and
32 employees of the Office of the Ombudsman, including those of

1 the Office of the Special Prosecutor, in accordance with the
2 civil service law, rules and regulations.

3 SEC. 11. Official Stations. - The Tanodbayan, the
4 Overall Deputy, the Deputy for Luzon, and the Deputy for
5 the ARMED FORCES, IF ANY, [military establishment] shall
6 hold office in Metropolitan Manila; the Deputy for the
7 Visayas, in Cebu City; and the Deputy for Mindanao, in
8 MALAYBALAY, BUKIDNON [Davao City]. The Tanodbayan DEPUTIES
9 SHALL VISIT THE VARIOUS REGIONS [may transfer their
10 stations] within their respective geographical AREAS
11 [regions.] AT LEAST ONCE A YEAR OR OFTENER as public
12 interest may require.

13 SEC. 12. Mandate. - The Tanodbayan and his Deputies,
14 as protectors of the people, shall act promptly on
15 complaints filed in any form or manner against officers or
16 employees of the Government, or of any subdivision, agency
17 or instrumentality thereof, including government-owned or
18 controlled corporations AND ENFORCE THEIR ADMINISTRATIVE,
19 CIVIL AND CRIMINAL LIABILITY IN EVERY CASE WHERE THE
20 EVIDENCE WARRANTS IN ORDER TO PROMOTE EFFICIENT SERVICE BY
21 THE GOVERNMENT TO THE PEOPLE. [They shall, in appropriate
22 cases, notify the complainants of the action taken and the
23 result thereof.]

24 [SEC. 13. Immunities. - No civil action shall lie
25 against the Tanodbayan, or any member of his staff for any
26 act or omission in discharging the duties and responsibili-
27 ties herein provided.]

28 SEC. 13. [14] Powers, Functions and Duties. - The
29 Office of the Ombudsman shall have the following powers,
30 functions and duties:

31 (1) Investigate on its own, or on complaint by any
32 person, any act or omission of any public officer or
33 employee, office or agency, when such act or omission

1 appears to be illegal, unjust, improper or inefficient,
2 INCLUDING THE POWER TO CONDUCT PRELIMINARY INVESTIGATION AND
3 TO DIRECT THE FILING OF THE CRIMINAL CASES WITH THE PROPER
4 COURTS.

5 (2) Direct, upon complaint or at its own instance,
6 any officer or employee of the Government, or of any
7 subdivision, agency or instrumentality thereof, as well
8 as any government-owned or controlled corporation with
9 original charter, to perform and expedite any act or duty
10 required by law, or to stop, prevent, and correct any abuse
11 or impropriety in the performance of duties.

12 (3) Direct the officer concerned to take appropriate
13 action against a public officer or employee at fault OR WHO
14 NEGLECTS TO PERFORM AN ACT OR DISCHARGE A DUTY REQUIRED BY
15 LAW, and recommend[ed] his removal, suspension, demotion,
16 fine, censure, or prosecution, and ensure compliance
17 therewith; or enforce its disciplinary authority as
18 provided in Section 16 of this Act: PROVIDED, THAT THE
19 REFUSAL BY ANY OFFICER WITHOUT JUST CAUSE TO COMPLY WITH AN
20 ORDER OF THE TANODBAYAN TO REMOVE, SUSPEND, DEMOTE, FINE,
21 CENSURE, OR PROSECUTE AN OFFICER OR EMPLOYEE WHO IS AT FAULT
22 OR WHO NEGLECTS TO PERFORM AN ACT OR DISCHARGE A DUTY
23 REQUIRED BY LAW SHALL BE A GROUND FOR DISCIPLINARY ACTION
24 AGAINST SAID OFFICER.

25 (4) Direct the officer concerned, in any appropriate
26 case, and subject to such limitations as it may provide in
27 its rules of procedure, to furnish it with copies of
28 documents relating to contracts or transactions entered into
29 by his office involving the disbursement or use of public
30 funds or properties, and report any irregularity to the
31 Commission on Audit for appropriate action.

32 (5) Request any government agency for assistance and
33 information necessary in the discharge of its responsi-

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1 bilities, and to examine, if necessary, pertinent records
2 and documents.

3 (6) PUBLICIZE MATTERS COVERED BY ITS INVESTIGATION OF
4 THE MATTERS MENTIONED IN PARAGRAPHS (1), (2), (3) AND (4)
5 HEREOF, WHEN CIRCUMSTANCES SO WARRANT AND WITH DUE PRUDENCE:
6 PROVIDED, THAT THE TANODBAYAN UNDER THE RULES AND
7 REGULATIONS MAY DETERMINE WHAT CASES MAY NOT BE MADE PUBLIC:
8 PROVIDED, FURTHER, THAT ANY PUBLICITY ISSUED BY THE
9 OMBUDSMAN SHALL BE BALANCED. [PROVIDED, THAT NO PUBLICITY
10 SHALL BE ALLOWED DURING THE PENDING OF A PRELIMINARY
11 INVESTIGATION AND THE NAMES OF THE COMPLAINANT AND THE
12 RESPONDENT SHALL NOT BE MADE PUBLIC UNTIL THE FINAL
13 RESOLUTION OF THE PRELIMINARY INVESTIGATION.]

14 [(6) Publicize matters covered by its investigation
15 when circumstances so warrant and with due prudence.]

16 (7) Determine the causes of inefficiency, red tape,
17 mismanagement, fraud, and corruption in the Government, and
18 make recommendations for their elimination and the obser-
19 vance of high standards of ethics and efficiency.

20 (8) Administer oaths, issue subpoena and subpoena
21 duces tecum and take testimony in any investigation or
22 inquiry, including the power to examine and have access to
23 bank accounts and records.

24 (9) Punish for contempt in accordance with the Rules
25 of Court and under the same procedure and with the same
26 penalties provided therein.

27 (10) Delegate to the Deputies, or its investigators or
28 representatives such authority OR [,] duty [or
29 responsibility] as shall ensure the effective exercise or
30 performance of the powers, functions, and duties herein or
31 hereinafter provided.

32 (11) Investigate and initiate the proper action for
33 the recovery of ill-gotten and/or unexplained wealth and the

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1 prosecution of the parties involved therein.

2 THE OMBUDSMAN SHALL GIVE PRIORITY TO COMPLAINTS FILED
3 AGAINST HIGH RANKING GOVERNMENT OFFICIALS AND/OR THOSE
4 OCCUPYING SUPERVISORY POSITIONS, COMPLAINTS INVOLVING GRAVE
5 OFFENSES AS WELL AS COMPLAINTS INVOLVING LARGE SUMS OF MONEY
6 AND/OR PROPERTIES.

7 SEC. APPLICABILITY. - THE PROVISIONS OF THIS ACT
8 SHALL APPLY TO ALL KINDS OF MALFEASANCE, MISFEASANCE, AND
9 NONFEASANCE THAT HAVE BEEN COMMITTED BY ANY OFFICER OR
10 EMPLOYEE AS MENTIONED IN SECTION 12 HEREOF, DURING HIS
11 TENURE OF OFFICE. (PROVIDED THAT THE CAUSE OF ACTION HAS
12 NOT YET BEEN BARRED BY LACHES, ESTOPPEL AND OTHER STATUTORY
13 LIMITATIONS.)

14 SEC. 14. IMMUNITIES. - IN ALL HEARINGS, INQUIRIES, AND
15 PROCEEDINGS OF THE TANODBAYAN, INCLUDING PRELIMINARY
16 INVESTIGATIONS OF OFFENSES, NO PERSON SUBPOENAED TO TESTIFY
17 AS A WITNESS SHALL BE EXCUSED FROM ATTENDING AND TESTIFYING
18 OR FROM PRODUCING BOOKS, PAPERS, CORRESPONDENCE, MEMORANDA
19 AND OTHER RECORDS ON THE GROUND THAT THE TESTIMONY OR
20 EVIDENCE, DOCUMENTARY OR OTHERWISE, REQUIRED OF HIM MAY TEND
21 TO INCRIMINATE HIM OR SUBJECT HIM TO PROSECUTION: PROVIDED,
22 THAT NO PERSON SHALL BE PROSECUTED CRIMINALLY FOR OR ON
23 ACCOUNT OF ANY MATTER CONCERNING WHICH HE IS COMPELLED,
24 AFTER HAVING CLAIMED THE PRIVILEGE AGAINST SELF-
25 INCRIMINATION, TO TESTIFY AND PRODUCE EVIDENCE, DOCUMENTARY
26 OR OTHERWISE.

27 UNDER SUCH TERMS AND CONDITIONS AS IT MAY DETERMINE,
28 TAKING INTO ACCOUNT THE PERTINENT PROVISIONS OF THE RULES OF
29 COURT, THE TANODBAYAN MAY GRANT IMMUNITY FROM CRIMINAL
30 PROSECUTION TO ANY PERSON WHOSE TESTIMONY OR WHOSE
31 POSSESSION AND PRODUCTION OF DOCUMENTS OR OTHER EVIDENCE MAY
32 BE NECESSARY TO DETERMINE THE TRUTH IN ANY HEARING, INQUIRY

1 OR PROCEEDING BEING CONDUCTED BY THE TANODBAYAN OR UNDER ITS
2 AUTHORITY. IN THE PERFORMANCE OR IN THE FURTHERANCE OF ITS
3 CONSTITUTIONAL FUNCTIONS AND STATUTORY OBJECTIVES. THE
4 IMMUNITY GRANTED UNDER THIS AND THE IMMEDIATELY PRECEDING
5 PARAGRAPH SHALL NOT EXEMPT THE WITNESS FROM CRIMINAL
6 PROSECUTION FOR PERJURY OR FALSE TESTIMONY NOR SHALL HE BE
7 EXEMPT FROM DEMOTION OR REMOVAL FROM OFFICE.

1 ANY REPUSAL TO APPEAR OR TESTIFY PURSUANT TO THE
2 FOREGOING PROVISIONS SHALL BE SUBJECT TO PUNISHMENT FOR
3 CONTEMPT AND REMOVAL OF THE IMMUNITY FROM CRIMINAL PROSECUTION.

4 SEC. 14. [15] Rules of Procedure. - (1) The Office
5 of the Ombudsman shall promulgate its rules of procedure for
6 the effective exercise or performance of its powers, func-
7 tions, and duties.

8 [(2) The rules may provide penalties for certain
9 violations, which shall not exceed one month's suspension
10 without pay or a fine not exceeding five thousand pesos
11 (P5,000.00) for every violation.]

12 (3) The rules shall take effect after fifteen (15) days
13 following the completion of their publication in the
14 Official Gazette or in THREE [any] newspapers of general
15 circulation in the Philippines ONE OF WHICH IS PRINTED IN
16 THE NATIONAL LANGUAGE.

17 PRELIMINARY INVESTIGATION SHALL BE STARTED FORTHWITH
18 AND TERMINATED WITHIN ONE HUNDRED TWENTY (120) DAYS FROM THE
19 DATE OF THE FILING OF THE COMPLAINT.

20 SEC. 15. [16] Disciplinary Authority. - (1) The
21 Office of the Ombudsman shall have concurrent disciplinary
22 authority with the Civil Service Commission, the heads of
23 departments, or agencies, instrumentalities, provinces,
24 cities or municipalities, and bureaus or offices granted
25 administrative disciplinary authority by special laws:
26 Provided, That where the Office of the Ombudsman first takes
27 cognizance of the administrative case, it shall have
28 jurisdiction over the same to the exclusion of all others:
29 PROVIDED, FURTHER, THAT ANY DECISION, ORDER OR DIRECTIVE OF
30 THE OFFICE OF THE OMBUDSMAN SHALL BE A BAR TO THE FILING OF
31 ANOTHER CASE BASED ON THE SAME FACTS AND ON THE SAME GROUNDS
32 AS THOSE FILED WITH THE OTHER DISCIPLINARY AUTHORITIES AND
33 VICE-VERSA.

1 (2) The Office of the Ombudsman shall exercise dis-
2 ciplinary authority in administrative proceedings against
3 public officers and employees based on the following
4 grounds:

5 (a) WILFULLY [Maliciously] refraining from instituting
6 prosecution against violators of the law.

7 (b) WILFULLY [Maliciously] tolerating the commission of
8 offenses.

9 (c) Causing any undue injury to any party, including
10 the Government, or giving any private party any unwarranted
11 benefits, advantage or preference in the discharge of his
12 official, administrative or quasi-judicial functions through
13 manifest partiality, evident bad faith or gross inexcusable
14 negligence.

15 (d) Agreeing to perform, or performing, in consi-
16 deration of any offer, promise, gift or present, an act
17 constituting a crime, in connection with the performance of
18 his official duties.

19 (e) Accepting a gift in consideration of the execu-
20 tion of an act which does not constitute a crime, in
21 connection with the performance of his official duty.
22 [PROVIDED, THAT UNSOLICITED GIFTS OR PRESENTS OF
23 INSIGNIFICANT VALUE OFFERED OR GIVEN AS A MERE ORDINARY
24 TOKEN OR GRATITUDE OR FRIENDSHIP, ACCORDING TO LOCAL
25 CUSTOMS, SHALL BE EXEMPTED.]

26 (f) Agreeing to refrain, or refraining from doing
27 something which it is his official duty to do, in consi-
28 deration of a gift or promise.

29 (g) Persuading, inducing or influencing another
30 public officer to perform an act constituting a violation
31 of rules and regulations duly promulgated by competent
32 authority or an offense in connection with the official
33 duties of the latter, or allowing himself to be persuaded,

1 induced, or influenced to commit such violation or offense.

2 (h) Directly or indirectly requesting or receiving
3 any gift, present, share, percentage, or benefit, for
4 himself or for any other person, in connection with any
5 contract or transaction between the Government and any other
6 party, wherein the public officer in his official capacity
7 has to intervene under the law.

8 (i) Directly or indirectly requesting or receiving
9 any gift, present or other pecuniary or material benefit,
10 for himself or for another, from any person for whom the
11 public officer, in any manner or capacity, has secured
12 license, in consideration for the help given or to be given.

13 (j) Knowingly approving or granting any license,
14 permit, privilege or benefit in favor of any person not
15 qualified for or not legally entitled to such license,
16 permit, privilege or advantage, or of a mere representative
17 or dummy of one who is not so qualified or entitled.

18 (k) Accepting gifts offered to him by reason of his
19 office.

20 (l) Accepting or having any member of his family
21 accept employment in a private enterprise which has pending
22 official business with him during the pendency thereof or
23 within one year after its termination.

24 (m) Entering into an agreement with any interested
25 party or speculator or making use of any other scheme to
26 defraud the Government, in dealing with any person with
27 regard to furnishing supplies, the making of contracts, or
28 the adjustment or settlement of accounts RELATING to public
29 property or funds.

30 (n) Demanding directly or indirectly, the payment
31 of sums different from or larger than those authorized by
32 law, in the collection of taxes, licenses, fees, and other
33 imposts.

1 (o) Failing voluntarily to issue a receipt, as pro-
2 vided by law, for any sum of money collected by him
3 officially, in the collection of taxes, licenses, fees, and
4 other imposts.

5 (p) Collecting or receiving, directly or indirectly,
6 by way of payment or otherwise, things or objects of a
7 nature different from that provided by law, in the col-
8 lection of taxes, licenses, fees, and other imposts.

9 (q) Entering, on behalf of the Government, into any
10 contract or transaction manifestly and grossly
11 disadvantageous to the same, whether or not the public
12 officer profited or will profit thereby.

13 (r) [Taking advantage of his official position shall]
14 Committing ny of the frauds or deceits constituting swindling
15 and other deceits.

16 (s) Appropriating FOR PRIVATE GAIN public funds or property.

17 (t) Taking or misappropriating public funds or property.

18 (u) Consenting or through abandonment or negligence,
19 permitting any other person to take such public funds
20 or property.

21 (v) Failure to render account by an accountable
22 public officer.

23 (w) [Unlawfully] Leaving the Philippines FOR THE
24 PURPOSE OF RESIDING ABROAD without securing from the
25 Commission on Audit a certificate showing that his
26 accounts as an accountable officer for public funds or
27 property have been finally settled OR FOR THE PURPOSE OF
28 ABSCONDING FROM HIS FINANCIAL OBLIGATIONS TO THE GOVERNMENT.

29 (x) Applying any public funds or property under his
30 administration to any public use other than that for which
31 such funds or property were appropriated by law or ordinance.

32 (y) Failing to make payment by a public officer
33 who is under obligation to make such payment from government

1 funds in his possession.

2 (z) Refusing to make delivery by a public officer who
3 has been ordered by competent authority to deliver any
4 property in his custody or under his administration.

5 (aa) Neglecting or refusing, after due demand or
6 request, without sufficient justification, to act within a
7 reasonable time on any matter pending before him. [for the
8 purpose of obtaining, directly or indirectly, from any
9 person interested in the matter some pecuniary or material
10 benefit or advantage, or for the purpose of favoring his own
11 interest or giving undue advantage in favor of or discriminating
12 against any other interested party.]

13 (bb) Consenting to the escape of a prisoner in his
14 custody or charge.

15 (cc) Infidelity in the custody of prisoners.

16 (dd) Infidelity in the custody of documents.

17 (ee) Revelation of secrets.

18 (ff) Divulging valuable information of a confidential
19 character, acquired by his office or by him on account of
20 his official position, to unauthorized persons, or releasing
21 such information in advance of its authorized release date.

22 (gg) Disobedience, refusal of assistance, REFUSAL TO
23 DISCHARGE PUBLIC OFFICE and mal treatment of prisoners.

24 (hh) Anticipation, prolongation, and abandonment of
25 the duties and powers of public office.

26 (ii) Usurpation of powers and unlawful appointments.

27 (jj) Abuses against chastity.

28 (kk) ACTS OF GAMBLING CONTRARY TO LAW.

29 (ll) OSTENTATIOUS DISPLAY OF WEALTH AND FLAGRANTLY
30 CONSPICUOUS CONSUMPTION.

31 (mm) All other acts and omissions constituting an
32 offense committed by public officers and employees in the
33 performance of their functions and duties punishable under

1 other pertinent laws OR which may be considered unjust,
2 improper, inefficient or inimical to the public service.

3 IN ALL CASES WHERE THE COMPLAINT IS BASED ON
4 GROUND UNDER SUBSECTIONS C, J AND Q OF THIS SECTION. THE
5 TANODBAYAN MAY REQUIRE THE COMPLAINANT TO EXHAUST
6 ADMINISTRATIVE REMEDIES UNDER EXISTING LAWS AND REGULATIONS
7 BEFORE GIVING DUE COURSE TO THE COMPLAINT.

8 SEC. 16. [17] Officials Subject to Disciplinary
9 Authority: Exceptions. - The Office of the Ombudsman shall
10 have disciplinary authority over [all] elective and appointive
11 officials of the government and its subdivisions, instru-
12 mentalities and agencies, including local governments, gov-
13 ernment-owned or controlled corporations and their
14 subsidiaries. IN THE CASE OF MEMBERS OF CONGRESS, THEY
15 SHALL BE SUBJECT TO THE DISCIPLINARY POWERS OF EACH HOUSE IN
16 ACCORDANCE WITH THEIR RESPECTIVE RULES AND IN THE CASE OF
17 MEMBERS OF THE JUDICIARY, THEY SHALL BE SUBJECT TO THE
18 DISCIPLINARY POWERS OF THE SUPREME COURT IN ACCORDANCE WITH
19 SECTION 11 OF ARTICLE 3 OF THE CONSTITUTION. [except over
20 officials who may be removed only by impeachment or over
21 Members of the Congress, the Judiciary or the Cabinet:
22 Provided, however, That the Office of the Ombudsman shall
23 have the power to investigate any misconduct in office
24 committed by such officials for the purpose of initiating
25 the proper criminal or civil action, if warranted.]

26 SEC. _____ THE OFFICE OF THE
27 OMBUDSMAN SHALL HAVE THE POWER TO INVESTIGATE ANY MISCONDUCT
28 IN OFFICE COMMITTED BY OFFICIALS REMOVABLE BY IMPEACHMENT,
29 OR BY THE MEMBERS OF CONGRESS FOR THE PURPOSE OF INITIATING
30 THE PROPER CRIMINAL OR CIVIL ACTION OR FILING A VERIFIED
31 COMPLAINT FOR IMPEACHMENT IF WARRANTED.

32 IN ALL CASES OF CONSPIRACY BETWEEN AN OFFICIAL OR

1 * EMPLOYEE OF THE GOVERNMENT AND A PRIVATE PERSON. THE
2 TANODBAYAN AND HIS DEPUTIES SHALL HAVE JURISDICTION TO
3 INCLUDE SUCH PRIVATE PERSON IN THE INVESTIGATION AND PROCEED
4 AGAINST SUCH PRIVATE PERSON AS THE EVIDENCE MAY WARRANT.

5 SEC. 17. [18] Formal Investigation. - (1) Formal
6 investigations conducted by the Office of the Ombudsman
7 shall be in accordance with its rules of procedure and
8 consistent with due process.

9 (2) At its option, the Office of the Ombudsman may
10 refer certain complaints to the proper disciplinary author-
11 ity for the institution of appropriate administrative
12 proceedings against erring public officers or employees,
13 which shall be terminated within the period prescribed in
14 the civil service law. Any delay without just cause in
15 acting on any referral made by the Office of the Ombudsman
16 shall be a ground for administrative action against the
17 officers or employees to whom such referrals are addressed,
18 and shall constitute a graft offense punishable by a fine of
19 not exceeding five thousand pesos (P5,000.00).

20 (3) IN ANY INVESTIGATION UNDER THIS ACT THE OMBUDSMAN
21 MAY (A) ENTER AND INSPECT THE PREMISES OF ANY OFFICE,
22 AGENCY, COMMISSION OR TRIBUNAL; (B) EXAMINE AND HAVE ACCESS
23 TO ANY BOOK, RECORD, FILE, DOCUMENT OR PAPER; AND (C) HOLD
24 PRIVATE HEARINGS WITH BOTH THE COMPLAINING INDIVIDUAL AND
25 THE OFFICIAL CONCERNED.

26 SEC. 18. [19] Preventive Suspension. - The Tanodbayan
27 or his Deputy may suspend the respondent officer or employee
28 upon the filing of the charges against him. IF IN HIS
29 JUDGMENT THE EVIDENCE OF GUILT IS STRONG OR THE RESPONDENTS
30 CONTINUOUS STAY IN OFFICE MAY PREJUDICE THE CASE FILED
31 AGAINST HIM. The preventive suspension shall continue until
32 the case is terminated by the Office of the Ombudsman but

1 not more than [one year,] NINETY (90) DAYS, IN CASES WHERE
2 HE EXERCISES CONCURRENT JURISDICTION WITH THE CIVIL SERVICE
3 COMMISSION. except when the delay in the disposition of the
4 case by the Office of the Ombudsman is due to the fault,
5 negligence or petition of the respondent, in which case
6 the period of such delay shall not be counted in
7 computing the period of suspension herein provided.

8 SEC. 19. [20] Penalties. - (1) In administrative
9 proceedings under the Civil Service Decree, the penalties
10 provided in the civil service law and rules shall be
11 applied.

12 (2) In administrative proceedings, the penalty ranging
13 from suspension without pay for one year to dismissal with
14 forfeiture of benefits or a fine ranging from five thousand
15 pesos (P5,000.00) to twice the amount malversed, illegally
16 taken or lost, or both at the discretion of the Tanodbayan,
17 TAKING INTO CONSIDERATION CIRCUMSTANCES THAT MITIGATE OR
18 AGGRAVATE THE LIABILITY OF THE OFFICER OR EMPLOYEE, shall be
19 imposed on the officer or employee found guilty of the
20 complaint or charges.

21 SEC. 20. [21] Inquiries. - (1) The Office of the
22 Ombudsman shall inquire into acts or omissions of a public
23 officer, employee, office or agency which from the reports
24 or complaints it has received the Tanodbayan or his
25 Deputies consider to be:

26 (a) contrary to law or regulation;

27 (b) unreasonable, unfair, oppressive, irregular or
28 inconsistent with the general course of the operations and
29 functions of a public officer, employee, office or agency;

30 (c) an error in the application or interpretation of
31 law, rules or regulations, or arbitrary in the ascertainment
32 of facts OR PALPABLE ERROR IN THE APPRECIATION OF ACTS;

33 (d) based on improper motives or irrelevant considera-

1 tions;

2 (e) unclear or inadequately explained when reasons
3 should have been revealed;

4 (f) inefficiently performed or otherwise
5 objectionable.

6 (2) The Office of the Ombudsman shall receive from any
7 source all complaints in whatever form concerning an
8 official act or omission. It shall act on the complaint
9 immediately and if it finds the same entirely baseless, it
10 shall dismiss the same and inform the complainant of such
11 dismissal citing the reasons or grounds therefor. If it
12 finds a reasonable ground to investigate further, it shall
13 first furnish the respondent public officer or employee with
14 a summary of the complaint and require him to submit a
15 written answer within seventy-two (72) hours from receipt
16 thereof. If the answer is found satisfactory, it shall
17 dismiss the case.

18 (3) When the complaint consists in delay or refusal to
19 perform a duty required by law, or when urgent action is
20 necessary to protect or preserve the rights of the
21 complainant, the Office of the Ombudsman shall take steps or
22 measures and issue such orders directing the officer, office
23 or agency concerned to:

24 (a) expedite the performance of duty;

25 (b) cease or desist from the performance of a
26 prejudicial act;

27 (c) take action to correct the omission;

28 (d) explain fully the administrative act in question;

29 or

30 (e) take any other step as may be necessary under the
31 circumstances to protect and preserve the rights of the
32 complainant.

33 (4) Any delay or refusal to comply with the referral

1 or directive of the Tanodbayan or any of his Deputies, after
2 a second tracer, shall constitute a ground for adminis-
3 trative disciplinary action against the officer or employee
4 to whom it was addressed and shall likewise constitute a
5 graft offense punishable by a fine of not more than five
6 thousand pesos (P5,000.00).

7 SEC. 21. [22] Effectivity and Finality of Orders,
8 Decisions and Appeals. - (1) All provisional orders of the
9 Office of the Ombudsman are immediately effective and
10 executory UNLESS OTHERWISE STATED. THE DECISION OF THE
11 OMBUDSMAN SHALL NOT BECOME EXECUTORY [BE FINAL] UNTIL AFTER THE
12 RESOLUTION OF ANY MOTION FOR RECONSIDERATION AS STIPULATED
13 THEREIN.

14 (2) A motion for reconsideration of any order,
15 directive or decision of the Office of the Ombudsman must
16 be filed within five (5) days after notice and shall be
17 entertained only on any of the following grounds:

18 (a) New evidence has been discovered which materially
19 affects the order, directive or decision;

20 (b) Errors of law or irregularities have been
21 committed prejudicial to the interest of the movant. The
22 motion for reconsideration shall be resolved within three
23 (3) days from filing: Provided, That only one motion for
24 reconsideration shall be entertained.

25 (3) Findings of fact by the Office of the Ombudsman
26 when supported by substantial evidence are conclusive. [Any
27 order, directive or decision imposing the penalty of public
28 censure or reprimand, suspension of not more than thirty
29 (30) days, or a fine of not more than one (1) month's salary
30 shall be final and unappealable.]

31 (4) In all [other] administrative disciplinary cases,
32 orders, directive, or decisions of the Office of the
33 Ombudsman may be appealed to the Supreme Court by filing a

1 petition for CERTIORARI [review] within ten (10) days from
2 notice of the order, directive or decision or denial of the
3 motion for reconsideration in accordance with Section 45 of
4 the Rules of Court.

5 (5) An appeal shall not stop the order, directive or
6 decision from being executory, and in case the penalty is
7 suspension or removal, the respondent officer or employee
8 shall be considered as having been under preventive suspen-
9 sion during the pendency of the appeal should the appeal be
10 resolved in his favor[.], IN WHICH CASE HE SHALL BE ENTITLED
11 TO REINSTATEMENT AND PAYMENT OF ALL BACK SALARIES OR WAGES.

12 [The above rules may be amended or modified by the
13 Office of the Ombudsman as the interest of justice may
14 require.]

15 SEC. 22. [23] Investigation in Municipalities, Cities
16 and Provinces. - SUBJECT TO AVAILABILITY OF FUNDS, the
17 Office of the Ombudsman may establish offices in HIGHLY
18 URBANIZED CITIES AND CAPITALS OF PROVINCES [municipalities,
19 cities and provinces] outside Metro Manila under the
20 immediate supervision of the Deputies for Luzon, Visayas
21 and Mindanao[,] [where necessary as determined by the
22 Tanodbayan]. The investigation of administrative
23 disciplinary complaints may be assigned to the [regional or
24 sectoral] Deputy concerned or to a special investigator who
25 shall proceed in accordance with the rules or special
26 instructions or directives of the Office of the Ombudsman.
27 Pending investigation, the Deputy or investigator may issue
28 such orders and provisional remedies which are immediately
29 executory subject to review by the Tanodbayan. Within
30 three (3) days after concluding the investigation, the
31 Deputy or investigator shall transmit, together with the
32 entire records of the case, his report and conclusions to
33 the Office of the Ombudsman. Within five (5) days after

1 receipt of said report, the Tanodbayan shall render the
2 appropriate order, directive or decision.

3 SEC. 23. [25] Designation of Investigators and
4 Prosecutors. - (1) The Tanodbayan may utilize the
5 personnel of his office and[or] WITH THE CONSENT OF THE
6 DEPARTMENT HEAD CONCERNED, designate or deputize any fiscal,
7 state prosecutor or lawyer in the government service to act
8 as special investigator or prosecutor to assist in the
9 investigation and prosecution of certain cases. Those
10 designated or deputized to assist him as herein provided
11 shall be under his supervision and control.

12 (2) The Tanodbayan and his investigators and prose-
13 cutors, whether regular members of his staff or designated
14 by him as herein provided, shall have authority to
15 administer oaths, to issue subpoena AD TESTIFICANDUM and
16 subpoena duces tecum, to summon and compel witnesses to
17 appear and testify under oath before them and/or to bring
18 books, documents and other things under their control, and
19 to secure the attendance or presence of any absent or
20 recalcitrant witness [through application before the
21 Sandiganbayan or before any inferior or superior court
22 having jurisdiction of the place where the witness or
23 evidence is found.]

24 (3) The Office of the Ombudsman shall prescribe a
25 system of rating the efficiency and effectiveness of the
26 investigation or prosecution of the administrative and
27 criminal or anti-graft cases it conducts. It shall device a
28 scheme of rating its investigators and prosecutors on a
29 quarterly basis, indicating therein the number of cases they
30 received, investigated, prosecuted and disposed of during
31 the quarter. An investigator or prosecutor shall explain in
32 writing to the Tanodbayan or his Deputy concerned any delay
33 in the disposition of cases assigned to him.

1 SEC. 24. [26] Rights and Duties of Witness. - (1) A
2 person required by the Tanodbayan to provide the informa-
3 tion shall be paid the same fees and travel allowances as
4 are extended to witnesses whose attendance has been required
5 in the trial courts. UPON REQUEST OF THE WITNESS, THE
6 TANODBAYAN SHALL ALSO FURNISH HIM SUCH SECURITY FOR HIS
7 PERSON AND HIS FAMILY AS MAY BE WARRANTED BY THE
8 CIRCUMSTANCES. FOR THIS PURPOSE, THE TANODBAYAN MAY CALL
9 UPON ANY POLICE OR CONSTABULARY UNIT TO PROVIDE THE SAID
10 SECURITY AT THEIR EXPENSE.

11 (2) A person who, with or without service or
12 compulsory process, provides oral or documentary information
13 requested by the Ombudsman shall be accorded the same
14 privileges and immunities as are extended to witnesses in
15 the courts, and shall likewise be entitled to be assisted
16 by counsel while being questioned.

17 (3) If a person refuses to respond to the Tanodbayan's
18 or his Deputy's subpoena, or refuses to be examined, or
19 engaged in obstructive [mis]conduct, the Tanodbayan or his
20 Deputy shall issue an order directing the person to appear
21 before it to show cause why he should not be punished for
22 contempt. The same proceedings shall be had, the same
23 penalties may be imposed by the Tanodbayan or his Deputy,
24 and the person charged may purge himself of the contempt as
25 in the case of a person who is cited for contempt before the
26 regular courts.

27 SEC. 25. [27] Duty to Render Assistance to the Office
28 of the Ombudsman. - Any officer WITH HIGHLY TECHNICAL OR
29 SPECIALIZED QUALIFICATIONS OR EXPERTISE [or employee] of any
30 department, COMMISSION, bureau or office, subdivision, agency
31 or instrumentality of the Government, including government-
32 owned or controlled corporations and local governments,
33 WHOSE SERVICES ARE URGENTLY NEEDED [when required] by the

1 Tanodbayan [or his Deputy, shall], WITH THE APPROVAL OF HIS
2 DEPARTMENT HEAD, render assistance to the Office of the
3 Ombudsman: PROVIDED, HOWEVER, THAT NO SUCH OFFICER MAY BE
4 DETAILED OR HIS SERVICES REQUIRED WHEN HIS OFFICE OR THE
5 HEAD THEREOF IS UNDER INVESTIGATION BY THE TANODBAYAN OR HIS
6 DEPUTY.

7 SEC. 26. [29] ANY PERSON WHO
8 FILES A COMPLETELY UNWARRANTED OR FALSE COMPLAINT AGAINST
9 ANY GOVERNMENT OFFICIAL/ OR EMPLOYEE SHALL BE PUNISHED BY IMPRISONMENT
10 OF ONE (1) MONTH AND ONE (1) DAY TO SIX (6) MONTHS. OF
11 ARRESTO MAYOR AND BY A FINE NOT EXCEEDING FIVE THOUSAND PESOS
12 (P 5,000.00).

13 [SEC. 29. [30] Penalties for Obstruction. - Any person
14 who willfully obstructs or hinders the proper exercise of
15 the functions of the Office of the Ombudsman or who
16 willfully misleads or attempts to mislead the Tanodbayan and
17 his Deputies in replying to their inquiries, shall be
18 punished by a fine not exceeding five thousand pesos
19 (P5,000.00).]

20 SEC. 27. [24] TRANSMITTAL [Publication] of Decision. -
21 In every case where the Tanodbayan has reached a
22 decision, conclusion or recommendation, HE MUST PUT SUCH
23 DECISION, CONCLUSION OR RECOMMENDATION IN WRITING, BRIEFLY
24 STATING THE FINDING OF FACTS AND CIRCUMSTANCES SUPPORTING
25 THE SAME AND THE LAW ON WHICH IT IS BASED. HE SHALL
26 THEREAFTER TRANSMIT SUCH DECISION, CONCLUSION OR
27 RECOMMENDATION TO THE HEAD OF THE DEPARTMENT, AGENCY OR
28 INSTRUMENTALITY OR OF THE PROVINCE, CITY OR MUNICIPALITY
29 CONCERNED FOR THE LATTER'S IMMEDIATE AND NECESSARY ACTION.
30 THE DECISION, CONCLUSION OR RECOMMENDATION MUST BE
31 PERSONALLY SIGNED BY THE TANODBAYAN OR HIS DEPUTY. [adverse
32 to a public official or agency, he shall transmit his
33 decision, conclusion, recommendation or suggestion to the

1 head of the department, agency or instrumentality, or of
 2 the province, city or municipality concerned for such
 3 immediate action as may be necessary. When transmitting
 4 his [adverse] decision, conclusion or recommendation, he
 5 shall, unless excused by the agency or official affected,
 6 include the substance of any statement the public agency
 7 or official may have made to him by way of explaining past
 8 difficulties with or present rejection of the Tanodbayan's
 9 proposals.]

10 SEC. 28. [23] Change of Unjust Law AND REGULATIONS. -

11 If the Tanodbayan believes that A LAW OR REGULATION IS
 12 UNFAIR OR UNJUST, [the performance or non-performance of
 13 an act or omission by a public officer, employee, office
 14 or agency pursuant to the provisions of existing law has
 15 resulted in unfairness or injustice to an individual or to
 16 the public, or has proved an embarrassment to the public
 17 service], he shall recommend to the President and TO [the]
 18 Congress the necessary changes THEREIN OR THE [the law,
 19 to] repeal THEREOF. [or amend the objectionable provisions.]

20 SEC. 30. [31] Franking Privilege. - All official mail
 21 matters and telegrams of the Tanodbayan addressed for
 22 delivery within the Philippines, shall be received,
 23 transmitted, and delivered free of charge: Provided, That
 24 such mail matter when addressed to private persons or non-
 25 government offices shall not exceed one hundred and twenty
 26 (120) grams. All mail matters and telegrams containing
 27 complaints to the Office of the Ombudsman shall be transmit-
 28 ted at the maximum charge of one peso and fifty centavos
 29 (P1.50) and TEN PESOS (P 10.00) [five pesos and fifty
 30 centavos (P5.50)], respectively, provided that the telegram
 31 shall contain not more than one hundred and fifty (150)
 32 words: PROVIDED, FURTHER, THAT THE TELEGRAM IS DULY
 33 CERTIFIED AS TO THE SENDER'S IDENTITY AND ADDRESS BY A

1 MUNICIPAL JUDGE, MAYOR, ELECTION REGISTRAR OF THE COMELEC
2 OF THE MUNICIPALITY OR CITY WHERE THE SENDER RESIDES, OR
3 NOTARY PUBLIC.

4 SEC. 31. [33] Fiscal Autonomy. - The Office of the
5 Ombudsman shall enjoy fiscal autonomy. Appropriations for
6 the Office of the Ombudsman [may not be reduced below the
7 amount appropriated for the previous years and], after
8 approval, shall be automatically and regularly released.

9 SEC. 32. [28] Annual Report to the President and
10 Congress. - The Office of the Ombudsman shall render an
11 annual report of its activities and performance to the
12 President and to Congress to be submitted within thirty (30)
13 days from the start of the regular session of the Congress.

14 SEC. 33. [34] Appropriations. - The appropriation for
15 the Office of the Special Prosecutor in the 1988 General
16 Appropriations Act is hereby transferred to the Office of
17 the Ombudsman. Thereafter, such amount as shall be
18 necessary shall be included in the annual General
19 Appropriations Act.

20 SEC. 34. [31] Separability Clause. - If any provision
21 of this Act is held unconstitutional, other provisions not
22 affected thereby shall remain valid and binding.

23 SEC. 35. [32] Repealing Clause. - All laws,
24 presidential decrees, letters of instructions, executive
25 orders, rules and regulations insofar as they are
26 inconsistent with this Act, are hereby repealed: Provided,
27 That the provisions of this Act shall be in addition to and
28 shall not limit or affect the provisions of any other Act
29 under which any remedy, procedure or right is provided for
30 any person for the inquiry into or investigation of any
31 matter.

32 SEC. 36. [35] Effectivity. - This Act shall take
33 effect after fifteen (15) days following its publication in

- 1 the Official Gazette or in THREE (3) [any] newspaperS of
- 2 general circulation in the Philippines.

Approved,