



Republic of the Philippines
OFFICE OF THE PRESIDENT
PRESIDENTIAL ANTI-CORRUPTION COMMISSION

Resolution No. 005 Series of 2018

RULES OF PROCEDURE OF THE PRESIDENTIAL ANTI-CORRUPTION COMMISSION

Pursuant to the authority granted to the Presidential Anti-Corruption Commission (the "Commission") by virtue of Executive Order No. 43 dated October 4, 2017, the following Rules of Procedure are hereby promulgated:

**RULE I
TITLE AND CONSTRUCTION**

SECTION 1. *Title of the Rules.* - These Rules shall be known as the Rules of Procedure of the Presidential Anti-Corruption Commission.

SEC. 2. *Construction.* - Subject to the requirements of due process, these Rules shall be construed with the objective of assisting any party in obtaining just resolution of his case through an expeditious and inexpensive proceeding before the Commission.

SEC. 3. *Suppletory Application of Rules of Court and Other Pertinent Laws* - In the absence of any applicable provision in these Rules, the pertinent provisions in the Revised Rules of Court of the Philippines may, in the interest of expeditious justice and whenever practicable and convenient, be applied in a suppletory character and effect.

Where the Rules are silent, the pertinent provisions of Executive Order No. 292, Series of 1987, otherwise known as the "Administrative Code of 1987", the Rules and Regulations of the Civil Service Commission (CSC), the Rules of Court, and such other related laws shall be applied suppletorily, insofar as it is consistent with the spirit and purpose of these Rules.

SEC. 4. *Nature of Proceeding.* - Proceedings before the Commission shall be summary in nature.

**RULE II
HOW INSTITUTED**

SECTION 1. *How Instituted.* - Complaint with recommendation for dismissal, suspension or discipline of public officials appointed by the President with Salary Grade 26 or higher may be taken by the Commission motu proprio, or by filing six (6) hard copies plus additional copy/ies for the respondent/s and a soft copy of a verified complaint of any person before the Commission.

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SEC. 2. *Contents.* - The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.

SEC. 3. *When Instituted.* - Except in motu proprio cases, no complaint shall be deemed instituted unless it is sufficient in form and substance. For this purpose, the Commission shall assign an evaluator who shall evaluate the complaint and assist the complainant for compliance with this procedural requirement. Provided that, any insufficient complaint shall be forwarded to the fact finding division of the Commission for proper disposition.

**RULE III
PLEADINGS, NOTICES AND PROCEDURE**

SECTION 1. *Pleadings.* - The only pleadings allowed are verified complaint, verified answer and verified position papers.

SEC. 2. *Prohibited Pleadings.* - The following pleadings shall not be allowed, to wit:

- a. Motion to dismiss the complaint or petition
- b. Motion for a bill of particulars
- c. Motion for new trial
- d. Petition for relief from judgment
- e. Supplemental pleadings

SEC. 3. *Assignment to Investigator and Issuance of Summons.* - Within two (2) days from the institution of the verified complaint, the Commission shall assign the case to an investigator from its pool of investigators who shall issue the required summons, attaching thereto a copy of the complaint and supporting documents, if any. The summons shall indicate that the respondent has seven (7) days from receipt within which to file six (6) verified hard copies plus additional copy/ies to the complainant/s and co-respondents if any, and a soft copy of his answer.

An Investigator may be disqualified by reason of relationship within the fourth degree of consanguinity or affinity to any of the parties or their counsel, pecuniary interest, personal bias, or his having acted as counsel for either party, unless the parties sign and enter upon the record their written consent to his acting as such Investigator. Where the Investigator does not disqualify himself, a party may appeal to the Commission, which by majority vote of the members present, there being a quorum, may order his disqualification.

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Any Investigator may also be removed for cause, after due hearing, by the vote of at least majority members of the Commission. The decision of the Commission in all cases of disqualification or removal shall be final.

SEC. 4. *Duty of the Investigators.* - The Investigators shall investigate all complaints against public officials appointed by the president with Salary Grade 26 or higher referred to them by the Commission.

SEC. 5. *Dismissal.* - If the answer shows to the satisfaction of the Investigator that the complaint is not meritorious, the same may be dismissed by the Commission upon his recommendation. A copy of the resolution of dismissal as approved by the Commission En Banc shall be furnished the complainant stating clearly and concisely the reason thereof.

No investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same.

SEC. 6. *Investigation.* - Upon joinder of issues or upon failure of the respondent to answer, the Investigator shall, with dispatch, proceed with the investigation of the case. He shall have the power to issue subpoenas and administer oaths. The respondent shall be given full opportunity to defend himself and to be accorded due process.

SEC. 7. *Submission of Position Papers.* - Within three (3) days from receipt of the verified answer, the Investigating Commissioner shall direct both parties to submit simultaneously their verified position papers with supporting documents and affidavits within a non-extendible period of ten (10) days from notice of said order and to appear before the investigator within three (3) days from submission of their verified position papers for compliance hearing and clarificatory questioning, if any.

SEC. 8. *Minutes of Proceedings.* - The proceedings before the Investigator shall be recorded and certified by the stenographer or the person who actually recorded the minutes of the proceedings, counter-signed by the complainant(s), respondent(s) or their respective counsels and the investigator/hearing officer.

SEC. 9. *Non - Appearance of Parties, and Non - Verification of Pleadings.* - Non - appearance at the mandatory conference or at the clarificatory questioning date shall be deemed a waiver of right to participate in the proceeding. Ex parte conference or hearings shall then be conducted. Pleadings submitted or filed which are not verified shall not be given weight by the Investigator.

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SEC. 10. *Issuance of an Order Submitting the Case for Decision.* - After the compliance hearing and clarificatory questioning, if any, the Investigator shall terminate the investigation and issue an order expressly declaring the submission of the case for resolution.

SEC. 11. *Report of Investigator.* - Not later than ten (10) days from the termination of the investigation, the Investigator shall submit a report containing his findings of fact and recommendations to the Commission together with the stenographic notes and the transcripts thereof, if any, and all the evidence presented during the investigation. The submission of the report need not await the transcription of the stenographic notes, it being sufficient that the report reproduce substantially from the Investigator's personal notes any relevant and pertinent testimonies.

**RULE IV
PROCEDURE BEFORE THE COMMISSION**

SECTION 1. *Review and decision by the Commission En Banc.* - Every case heard by an investigator shall be reviewed by the Commission En Banc upon the record and evidence transmitted to it by the Investigator with his report. The decision of the Commission upon such review shall be in writing and shall clearly and distinctly state the facts and the reasons on which it is based. It shall be promulgated within a period not exceeding thirty (30) days from the next meeting of the Board following the submission of the Investigator's Report.

SEC. 2. *Finding of Guilt.* - If the Commission, by the vote of a majority of its total membership, determines that the respondent should be recommended for suspension or dismissal from service, or the disciplinary sanction imposed is less than suspension or dismissal (such as admonition, reprimand, or fine), it shall issue a resolution setting forth its findings and recommendations which, together with the whole record of the case, shall forthwith be transmitted to the President for final action.

SEC 3. *Dismissal of Complaint.* - If the respondent is exonerated by the Commission, it shall issue a decision exonerating respondent. The case shall then be deemed terminated unless upon petition of the complainant filed with President within fifteen (15) days from notice of the Commission's resolution, the President orders otherwise.

SEC 4. *Notice.* - Notice of the resolution or decision of the Commission shall be given to all parties through their counsel. A copy of the same shall be transmitted to the President.

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RULE V.

INVESTIGATION OF PRESIDENTIAL APPOINTEES IN THE AFP & PNP

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SECTION 1. *Complaint, How Initiated* – Upon written directive by the President and whenever he deems necessary, the Commission shall institute the conduct of investigations against a Presidential appointee in the AFP or the PNP.

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SEC. 2. *Scope of the Investigation* – the investigation shall cover the matters included in the written directive of the President, without prejudice to the finding and recommendation for the prosecution of the subject officer for other violations of existing rules and regulations.

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SEC. 3. *Procedure* – The case shall be assigned by raffle to a member of the Commission who shall head the panel of investigators (hereinafter referred to as “Commissioner-in-charge” or “CIC”). For this purpose, the CIC shall be empowered to form a panel of investigators and to seek the assistance of the PNP, AFP, the National Bureau of Investigation (“NBI” for brevity), and other law enforcement agencies of the government. The CIC shall likewise have the power to administer oaths and issue subpoena *duces tecum* and *ad testificandum* in relation to investigations under this Rule.

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SEC. 4 *Investigation Report.* – Within fifteen (15) days from the conclusion of the Investigation, if a *prima facie* case is established, in that there is substantial evidence that the allegations in the complaint may be true, the panel of investigators shall the submit its report to the Commission. The report shall include the recommended course of action to be taken, as well as the facts and law on which the recommendation is based.

On the other hand, if a *prima facie* case cannot be established, the panel of investigators shall recommend to the Commission the dismissal of the complaint, within the same period of fifteen (15) days.

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In any event, the investigator may extend the period of fifteen (15) days within which to submit the Investigation Report on reasonable ground, subject to the prior written approval of the designated Commissioner.

SEC. 5 *Submission of Report and Recommendations* – After completing its investigation, the Commission shall submit its report and recommendations directly to the President for approval and for final disposition.

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The vote of the majority of the Commission *En Banc* constituting a quorum, shall be necessary to approve the findings of the panel of investigators.

If the Commission approves the said recommendation, the Commission shall issue the appropriate Recommendation within fifteen (15) days from receipt of the Investigation Report, stating therein the facts and law on which the same is based. In addition, the Commission, through the Executive Director, may refer the dismissed complaint to the competent government agency or disciplining authority for appropriate action in accordance with Article VI, Section 2 of these Rules, and the complainant, if known, shall be informed of the action taken.

If the Commission disapproves the recommendation, the case shall be returned by the Commission within fifteen (15) days from receipt of the Investigation Report, to the panel of investigators for reinvestigation stating the facts and law on which the same is based, and the Commissioner-in-charge shall immediately designate a different panel of investigators to undertake a Fact-Finding Investigation in accordance with this Article. Provided that, the report and recommendation shall state, among others, the Commission's factual findings and legal conclusions, as well as the recommended administrative penalty or referral to the appropriate disciplinary authority. Provided further, that any dissenting or concurring opinion by any of the Commissioners shall be in writing, stating the facts and law on which it is based, and shall be appended to the report and recommendation to be forwarded to the President.

**RULE VI.
CONTEMPT AND SHOW CAUSE ORDER**

SECTION 1. Contempt. – The provisions of the Rules of Court on Contempt proceedings shall be applicable before the Commission, unless otherwise provided herein.

SEC 2. Indirect and direct Contempt. – Willful failure or refusal to obey a subpoena or any other lawful order issued by the Investigator shall be dealt with as for indirect contempt of the Commission. The corresponding charge shall be filed by the Investigator before the Commission which shall require the alleged contemnor to show cause within five (5) days from notice. The Commission may thereafter conduct hearings, if necessary. Such hearing shall, as far as practicable, be terminated within ten (10) days from its commencement. Thereafter, the Commission shall within like period of ten (10) days issue a resolution setting forth its findings and

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recommendations, which shall forthwith be transmitted to the President for final action and if warranted, the imposition of corresponding penalty.

Any act constituting direct contempt under the Rules of Court shall be dealt with accordingly pursuant to the above Rules. Provided, that if the direct contempt is committed against the Commission or any of its members, a report and recommendation shall be submitted directly to the President.

**RULE VII.
MOTU PROPIO ACTION**

Section 1. Coverage. – The Commission may act motu proprio on matters within its jurisdiction involving cases of corruption and lifestyle check, including unexplained and/or ill-gotten wealth as a natural consequence of lifestyle check.

Section 2. Procedure. – In the event that any of its volunteer, deputy or officer takes hold of information concerning corruption, the matter shall be brought to the attention of the Commissioner In Charge and if the latter finds sufficient basis to act on the information, he shall assign the matter to the Commissioner in charge for further investigation.

The General Assignment Division shall conduct its investigation and should it find substantial evidence of corruption against presidential appointees with salary grade 26 and above, and/or upon the conduct of lifestyle check, substantial evidence pertaining to unexplained or ill-gotten wealth has been established, the investigator shall act as nominal complainant and the investigation report shall serve as complaint. The case shall then proceed in accordance with these rules.

In the event that upon an initial finding, there is a need to recommend the preventive suspension of a presidential appointee with salary grade 26 or higher, the same shall be contained in a "Partial Report and Recommendation", approved by the Executive Director and endorsed by the Commissioner in Charge for the consideration and approval of the Commission in its next En Banc meeting.

Upon approval of the Partial Report and Recommendation for Preventive Suspension, the Motu Proprio Investigating Officer shall be deemed as nominal complaint and the matter considered as a complaint. The case shall then proceed in accordance with these rules, Provided, that, the General Assignment Division may continue with its case build up for a period not exceeding 3 months unless the Commission finds meritorious ground for its extension in order to determine the administrative liability of other investigation report shall serve as complaint. The case shall then proceed in accordance with these rules.

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presidential appointees who may have conspired with the respondent/s and/or for purposes of locating the proceeds of corruption and/or ill-gotten wealth. The General Assignment Division shall render its report on the case build up within the period provided herein

RULE VIII.
FACT FINDING INVESTIGATION

SECTION 1. *Fact-Finding Investigation.* – For purposes of a Fact-Finding Investigation, the Commission shall designate a panel of investigators from the Fact-Finding Investigation Division to conduct the same, who shall use all reasonable means to speedily and objectively ascertain facts without strict adherence to technicalities of law or procedure, but in all instances respecting the rights of persons and observing due process.

For this purpose, the panel of investigators shall furnish the official concerned a copy of the Complaint lodged against him with a directive to submit his answer thereto within fifteen (15) days from receipt thereof.

SEC. 2. *Determination of Facts.* – A Fact-Finding Investigation includes, but is not limited to, examination of documents submitted by the complainant, witnesses and the person complained of, gathering of documentary evidence including documents readily available from other government offices and agencies, and interview of witnesses, for the purpose of determining the existence of a prima facie case.

The panel of investigators may likewise conduct clarificatory conferences/hearings, require the complainant, witnesses and the person complained of to submit affidavits, and enlist the aid and support of any law enforcement agency for assistance, whether for acquisition of documents and objects pertinent to the investigation or to participate in the investigation itself.

SEC. 3. *Power to Summon Government Personnel and Records and to Administer Oaths.* – Pursuant to its authority to take testimony or receive evidence, the Commission shall have the power to administer oaths and issue subpoena *ad testificandum* and *duces tecum*.

SEC. 4. *Effect of Non-compliance with Summons.* – Any delay or refusal without adequate cause to comply with a subpoena issued by the Commission or by its authority shall constitute a ground for administrative disciplinary action, to be recommended by the Commission to the President against the erring public officer or employee. The case shall be heard by the

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Commission separately from the investigation or administrative case relative to which the subpoenas were issued.

**RULE IX.
PREVENTIVE SUSPENSION**

Section 1. Preventive Suspension. – Upon the filing of a complaint or charge, the Commission may recommend to the President the issuance of an Order of preventive suspension, when the circumstances of the investigation warrant the same, such as when the charges are punishable with removal from the service or when respondent's continued stay in office will prejudice the fair determination of the case.

The preventive suspension shall continue until the case is terminated. However, the total period of preventive suspension should not exceed ninety (90) days. Nevertheless, when the delay in the disposition of the case is due to the fault, negligence or any cause attributable to the respondent, the period of such delay shall not be counted in computing the period of suspension herein provided.

**RULE X.
MISCELLANEOUS PROVISIONS**

SECTION 1. *Separability Clause.* – In the event that any provision of these Rules or any part hereof is declared invalid, illegal or unconstitutional, the provisions not thereby affected shall remain in force and effect.

SEC. 2. *Repealing Clause.* – All orders, rules and regulations, and issuances or parts thereof inconsistent with these Rules are hereby repealed, amended or modified accordingly.

SEC. 3. *Effectivity Clause.* – These Rules shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

APPROVED BY THE COMMISSION EN BANC
MARCH 22, 2018 AT HONG KONG CHEF RESTAURANT
HONG KONG PLAZA ACCESS ROAD, PASAY CITY

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RICKSON CHIONG
Commissioner

GREGORIO LUIS CONTACTO, III
Commissioner

GRECO ANTONIOUS BEDA B. BELGICA
Commissioner

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ATTESTED BY:

EDUARDO V. BRINGAS
Executive Director

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