

# [ PRESIDENTIAL DECREE NO. 1630, July 18, 1979 ]

## **FURTHER REVISING PRESIDENTIAL DECREE NO. 1487, AS REVISED BY PRESIDENTIAL DECREE NO. 1607, CREATING THE OFFICE OF THE TANODBAYAN.**

To give effect to the constitutional right of the people to petition the government for redress of grievances and to promote higher standards of integrity and efficiency in the government service, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me under the Constitution, hereby order and decree as follows:

**SECTION 1.** *Short Title.*? This Decree may be cited as the Tanodbayan Decree.

**SEC. 2.** *Establishment of Office.*—An independent Office of the Ombudsman, to be called the Office of the Tanodbayan, is hereby created. The Chief of said Office of the Tanodbayan shall be called the Tanodbayan who shall have two (2) deputies for Luzon, one for the Visayas and one for Mindanao.

**SEC. 3.** *Appointment.*—The President shall appoint the Tanodbayan and his Deputies.

**SEC. 4.** *Qualifications.*—The Tanodbayan and his Deputies shall be members of the bar, well equipped to analyze problems of law, administration, and public policy, and shall not have been actively involved in partisan affairs.

**SEC. 5.** *Disqualifications.*—The Tanodbayan and his Deputies shall not, during their tenure in office, engage in the practice of any profession or in the management of any business, or be financially interested directly or indirectly in any contract with or in any franchise or privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof including government-owned or controlled corporations.

**SEC. 6.** *Term of Office.*— (a) The Tanodbayan and his Deputies shall serve for a term of seven years without re-appointment unless removed by the President upon his determination that the Tanodbayan or any of his Deputies has become incapacitated or has been guilty of neglect of duty, or misconduct.

(b) If the Office of Tanodbayan becomes vacant for any cause, the Senior Deputy Tanodbayan shall serve as Acting Tanodbayan until the Tanodbayan shall have been appointed for a full term.

**SEC. 7.** *Salary.*—Unless otherwise *provided* by law, the Tanodbayan and each Deputy Tanodbayan shall receive an annual salary of sixty thousand pesos and fifty thousand pesos, respectively, which shall not be diminished during their continuance in office.

**SEC. 8.** *Organization of Office.*?(a) The Office of the Tanodbayan shall have one Executive Director; and Administrative Office; a Finance, Management and Planning Office; a Legal Office; and an Investigation and Prosecution Office.

The Executive Director shall have a compensation of forty two thousand (P42,000.00) pesos per annum, and each of the aforesaid offices shall be headed by

a Director with compensation of forty thousand (P40,000.00) pesos each per annum.

The Investigation and Prosecution Office shall, aside from the Director, have twelve (12) Special Prosecutors with compensation of thirty-eight thousand (P38,000.00) pesos each per annum, and twelve (12) investigators with compensation of thirty-five thousand (P35,000.00), pesos each per annum. The Special Prosecutors shall have the same qualifications as Provincial and City Fiscals.

The Legal Office shall, aside from the Director, have nine (9) Legal Officers with a compensation of thirty-five thousand (P35,000.00) pesos each per annum.

The Administrative Office shall consist of the General Service Division and Personnel Division. Until such time as the Administrative Office is actually organized, the Complaints and Investigation Office shall continue to serve as the administrative arm of the Tanodbayan.

The Finance, Management and Planning Office shall consist of the Budget Division, Accounting Division, and Management and Planning Division. Each of these divisions shall be headed by a Division Chief with a compensation of thirty-seven thousand (P37,000.00) pesos per annum. There shall also be a Private Secretary to the Tanodbayan with a compensation of twenty-seven thousand (P27,000.00) pesos per annum.

All of these officials shall be appointed by the President upon the recommendation of the Tanodbayan. The Tanodbayan may also select, appoint, and compensate in accordance with law and within the amount available by appropriation, such other assistants and employees as he may deem necessary to discharge his responsibilities under this Decree;

(b) When the Tanodbayan is disabled or absent and so notifies his office, the Senior Deputy Tanodbayan shall have authority to act in his stead.

(c) The Tanodbayan may delegate to other members of his staff any of his authority or duties under this Decree except his power of decision in all cases and the duty of formally making recommendations to administrative agencies or reports to the President or the National Assembly.

**SEC. 9. Definitions.**— *As used in this Decree, the term?* (a) "Administrative agency" means any department or other governmental unit including any government-owned or controlled corporation, any official, or any employee acting or purporting to act by reason of connection with the government but it does not include (1) any court or judge, or appurtenant judicial staff; (2) the members, committees or staffs of the National Assembly; (3) the President or his personal staff; and (4) the members of the Constitutional Commissions and their personal staffs.

(b) "Administrative Act" refers to any action, including, but not limited to, decisions, omissions, recommendations, practices or procedures of an administrative agency.

(c) "Failure of Justice" refers to the defeat of a particular right, or the failure of reparation for a particular wrong, from the lack of inadequacy of a legal remedy for the enforcement of the one or the redress of the

other. There is also failure of justice when a public official or employee commits any administrative act or omission warranting criminal prosecution or the filing of an appropriate criminal, civil or administrative case.

**SEC. 10. Powers.**—The Tanodbayan shall have the following powers:

(a) He may investigate, on complaint by any person or on his own motion or initiative, any administrative act whether amounting to any criminal offense or not of any administrative agency including any government-owned or controlled corporation;

(b) He may prescribe the methods by which complaints are to be made, received, and acted upon; he may determine the scope and manner of investigations to be made; and, subject to the requirements of this Decree, he may determine the form, frequency, and distribution of his conclusions and recommendations;

(c) He may request and unless as herein *provided* for he shall be given by each administrative agency the assistance and information he deems necessary to the discharge of his responsibilities; he may examine the records and documents of all administrative agencies; and he may enter and inspect premises within any administrative agency's control, *provided, however*, that where the President in writing certifies that such information, examination or inspection might prejudice the national interest or violate existing law, the Tanodbayan shall desist. All information so obtained shall be confidential, unless the President, in the interest of public service, decides otherwise;

(d) He may issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence the Tanodbayan deems relevant to a matter under his inquiry;

(e) If after preliminary investigation he finds a *prima facie* case, he may file the necessary information or complaint with the Sandiganbayan or any proper court or administrative agency and prosecute the same;

(f) He may file and prosecute civil and administrative cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or controlled corporations, in relation to their office;

(g) He may undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if he believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies.

In carrying out his functions, the Tanodbayan may with the approval of the President, deputize or call upon any official or employee of the government or any agency or office and during such deputation the official or employee concerned shall be under the supervision and control of the Tanodbayan.

**SEC. 11. Powers and Functions of the Tanodbayan Deputies.**—The Tanodbayan Deputies shall assist the Tanodbayan in performing his duties and functions under