

**[ ADMINISTRATIVE ORDER NO. 195, September  
10, 1990 ]**

**PRESCRIBING RULES AND PROCEDURES ON INVESTIGATION OF  
ADMINISTRATIVE CASES/COMPLAINTS AGAINST ELECTIVE CITY  
AND MUNICIPAL OFFICIALS IN METROPOLITAN MANILA**

WHEREAS, Section 9 of Executive Order No. 392, dated January 9, 1990 provides that the President shall continue to exercise administrative disciplinary jurisdiction over the elective city and municipal officials in the Metropolitan Manila;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and procedures to govern the investigation of administrative cases/complaints against elective city and municipal officials in Metropolitan Manila:

**Rule I**

**PRELIMINARY PROVISIONS**

Section 1. Coverage. – These rules shall apply to all administrative complaints against elective city and municipal officials, namely mayors, vice-mayors and members of the sangguniang panlungsod and sangguniang bayan, in Metropolitan Manila. Cases against barangay captains and members of the sangguniang barangay shall be filed before the respective sanggunian of the city or municipality/where the barangay is located.

Sec. 2. Disciplining Authority. – All administrative complaints against elective city and municipal officials in Metro Manila as herein provided, shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the Disciplining Authority.

Sec. 3. Investigating Authority. – The Executive Secretary shall designate a Standing Investigating Group (SIG) composed of lawyers from the Presidential Management Staff and other common Staff Support Offices in the Office of the President (Proper). An administrative complaint may be investigated either by the SIG or any member or members thereof at the discretion of the Executive Secretary. The SIG or any member or members thereof assigned for the purpose shall be referred to as the Investigating Authority.

**Rule 2**

**GROUND FOR DISCIPLINARY ACTION**

Section 1. Grounds. – An administrative complaint may be filed against any elective

city or municipal official in Metropolitan Manila on any of the following grounds committed while in office:

- (1) Disloyalty to the Republic of the Philippines;
- (2) Culpable violation of the Constitution;
- (3) Dishonesty, oppression, misconduct in office and neglect of duty;
- (4) Commission of any offense involving moral turpitude;
- (5) Abuse of authority;
- (6) Unauthorized absence for three consecutive months.

### **Rule 3**

#### **COMPLAINT**

Section 1. How initiated. – An administrative case may be initiated by any private individual or any government officer or employee by filing a written and sworn complaint accompanied by affidavits of witnesses and/or other evidences in support of the charge. It may also be initiated motu proprio by the Office of the President.

Sec. 2. Form of complaint. – The complaint shall be addressed to the President of the Philippines and shall be drawn in clear, simple and concise language and in a methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense.

The party filing the complaint shall be called the complainant, while the official against whom the complaint is filed shall be called the respondent.

Sec. 3. Where filed. – The complaint shall be filed with the Office of the President, thru the Executive Secretary, who shall forthwith refer it to the Investigating Authority.

Sec. 4. Evaluation and Preliminary Conference. – Upon receipt of the complaint, the same shall be evaluated by the Investigating Authority which shall determine, and if warranted, recommend to the Disciplining Authority the dismissal thereof motu proprio. If the complaint is not dismissed, as herein provided, the respondent shall be furnished with a copy of the complaint and the affidavits and other evidences submitted by the complainant, and shall be required to file his counter-affidavit and other evidences in support of his defense, within seven (7) days from receipt, copy furnished the complainant.

If, on the basis of the affidavits and other evidence submitted by the parties, the Investigating Authority finds no sufficient cause to warrant further proceedings, it/he may recommend to the Disciplining Authority the dismissal of the complaint. Otherwise, it/he shall summon the parties to a preliminary conference to consider the following matters:

1. Whether the parties desire a formal investigation or are willing to submit the case for resolution on the basis of the evidence on record;
2. Should the parties desire a formal investigation, to consider the simplification of issues, the possibility of obtaining stipulation or admission of facts and of documents to avoid unnecessary proof,

the limitation of number of witnesses, and such other matters as may aid the prompt disposition of the case.

After the preliminary conference, the Investigating Authority shall issue an order reciting the matters taken up therein, including the facts stipulated and the evidence/s marked, if any. Such order shall limit the issues for hearing to those not disposed of by agreement or admission of the parties.

Sec. 5. Effect of withdrawal. – The withdrawal of the complaint by the complainant does not preclude the Investigating Authority, upon clearance from the Disciplining Authority, from proceeding with the investigation, if in its/his opinion such investigation is warranted.

## **Rule 4**

### **PREVENTIVE SUSPENSION**

Section 1. Grounds. – At any time after issues are joined, the respondent may be placed under preventive suspension by the Disciplining Authority when there is reasonable ground to believe that the respondent has committed the act or acts complained of; when the evidence of culpability is strong; when the gravity of the offense so warrants; or when the continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

Sec. 2. Duration of preventive suspension. – In all cases, preventive suspension shall not extend beyond sixty (60) days after the start of said suspension. At the expiration of sixty (60) days, the suspended official shall be reinstated in office without prejudice to the continuation of the proceedings against him until its termination. However, if the delay in the proceedings of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be counted in computing the time of suspension herein provided.

Sec. 3. Salary of respondent pending suspension. – The respondent official suspended from office pending an investigation of the charges against him shall receive no salary or compensation during such suspension; but, upon subsequent exoneration and reinstatement, he shall be paid full salary or compensation including such emoluments accruing during such suspension.

## **Rule 5**

### **RIGHTS OF THE RESPONDENT**

Section 1. Rights of the respondent. – The respondent shall be accorded full opportunity to appear and defend himself in person or by counsel, to confront and cross-examine the witnesses against him, and to require the attendance of witnesses and the production of documents through the compulsory process of subpoena or subpoena duces tecum.

## **Rule 6**

### **HEARING**