

[**EXECUTIVE ORDER NO. 43, October 04, 2017**]

**CREATING THE PRESIDENTIAL ANTI-CORRUPTION COMMISSION
AND PROVIDING FOR ITS POWERS, DUTIES AND FUNCTIONS,
AND FOR OTHER PURPOSES**

WHEREAS, Section 1 of Republic Act (RA) No. 3019 (Anti-Graft and Corrupt Practices Act) declares that it is the policy of the Government, in She with the principle that public office is a public trust, to repress certain gets of public officers and private persons alike which constitute graft or corrupt practices;

WHEREAS, Section 2 of RA No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) declares that it is the policy of the Government to promote a high standard of ethics in public service, and provides that public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest;

WHEREAS, this Administration has a continuing mandate to fight and eradicate graft and corruption in the different departments, bureaus, offices, and other government agencies and instrumentalities, as well as an advocacy to ensure that public officials and employees in all branches of government conduct themselves in a manner worthy of the public trust;

WHEREAS, the President's power to appoint carries with it the power to discipline and remove public officials and employees; except those who are not otherwise subject to his disciplining authority as may be provided by the Constitution and existing laws;

WHEREAS, the President's plenary powers as head of government authorize him to conduct lifestyle checks and fact-finding inquiries on all public officials and employees, including those outside the executive department;

WHEREAS, there is a need to create a separate commission under the Office of the President solely dedicated to providing assistance to the President In the investigation and hearing of administrative cases and complaints, and in the conduct of lifestyle checks and/or fact-finding inquiries concerning presidential appointees and other public officers allegedly involved in graft and corrupt practices, or have committed other high crimes and/or violations of the Code of Conduct and Ethical Standards for Public Officials and Employees;

WHEREAS, Section 17, Article VI! of the 1987 Constitution provides that the President shall ensure that the laws be faithfully executed; and

WHEREAS, Section 31, Chapter 10, Title 111, Book III of Executive Order (EO) No. 292 (s, 1987) (Administrative Cods of 1987) gives the President a continuing

authority to reorganize the administrative structure of the Office of the President in order to achieve simplicity, economy, and efficiency.

NOW, THEREFORE, I RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. *Creation.* The Presidential Anti-Corruption Commission, hereinafter referred to as the "Commission," is hereby created under the Office of the President to directly assist the President in investigating and/or hearing administrative cases primarily involving graft and corruption against all presidential appointees, as defined in Section 5 hereof, and to perform such other similar duties as the President may direct.

SECTION 2. *Composition.* The Commission shall be composed of a Chairman and four (4) Commissioners to be appointed by the President. Majority of the members of the Commission shall be members of the Philippine Bar and must have been engaged in the practice of law in the Philippines for at least five (5) years. The Chairman shall have the rank, emoluments, and privileges of a Presidential Assistant II. The Commissioners, on the other hand : shall have the rank, emoluments, and privileges of a Presidential Assistant I. The Chairman shall preside over the meetings of the Commission, and shall direct and supervise the implementation and execution of policies, rules, and regulations promulgated by the Commission.

SECTION 3. *Secretariat* The Commission shall have a Secretariat which shall provide technical and administrative support to the Commission. The Chairman shall have the authority to appoint, promote, and discipline the personnel of the Secretariat. The Secretariat shall be headed by an Executive Director with the rank, emoluments, and privileges of an Assistant Secretary. He shall be appointed by the President, upon the recommendation of the Chairman. He shall, under the control and supervision of the Chairman, execute and administer the policies and decisions of the Commission and manage the day-to-day operations thereof.

SECTION 4. *Operating Units of the Commission.* The Commission may, subject to the applicable provisions of the General Appropriations Act and other pertinent laws, rules, and regulations, organize and set in operation such organizational units as may be necessary for the performance of its powers, functions, and duties, and for the implementation of this Order.

The Chairman of the Commission shall have the authority to appoint, promote, and discipline the personnel of all its operating units, subject to pertinent laws, rules, and regulations.

The Commission may hire its own personnel; provided, that the organizational structure and staffing pattern of the Commission and subsequent changes therein shall be in accordance with pertinent laws, rules, and regulations.

SECTION 5. *Jurisdiction, Powers, and Functions.*

(a) The Commission shall have the power, on complaint or *motu proprio*, and concurrency with the Office of the Ombudsman, to hear, investigate, receive, gather, and evaluate evidence, intelligence reports, and information in administrative cases against all presidential appointees in the Executive Branch of the government and any of its agencies or

instrumentalities occupying the position of Assistant Regional Director or an equivalent rank and higher, otherwise classified as Salary Grade "28" and higher under RA No. 6758 (Compensation and Position Classification Act of 1389), including members of the governing board of any instrumentality, regulatory agency, or chartered institution, and directors or officers, appointees or nominees of the President to government-owned or -controlled corporations, or who otherwise represent the interests of the government, for acts or omissions constituting violations of any of the following:

- 1) RA No. 3019, as amended:
- 2) RA No. 1379 on the unlawful acquisition of property by a public officer or employee:
- 3) RA No, 6713;
- 4) Provisions under Title Seven, Book Two of the Revised Penal Code;
- 5) EO No. 292 (s, 1937) whenever it defines and imposes administrative sanctions on acts and omissions constituting violations of the foregoing laws and issuances;
- 6) Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and
- 7) Other violations as may be referred to the Commission by the President,

(b) Upon instructions of the President, the Commission may investigate presidential appointees *m* the Armed Forces of the Philippines and the Philippine National Police whenever he deems it necessary or appropriate.

(c) Upon instructions of the President, or *motu proprio*, the Commission may also conduct lifestyle checks and fact-finding inquiries on acts or omissions of all presidential appointees, including those outside the Executive Branch of government, which may be violative of the Constitution, or contrary to law, rules and regulations, and/or constitute serious misconduct tantamount to Defrayal of public trust. On the basis of such fact-finding inquiries, the Commission shall submit its report and recommended courses of action to the President.

The Commission shall use every and a(i reasonable means to ascertain the facts in each case or complaint speedily and objectively, in all instances observing due process.

The resignation *or* retirement of the public officer under investigation shall not divest the Commission of jurisdiction to continue the investigation or hearing thereof.

In the exercise of its functions, the Commission may enlist the aid and support of any Saw enforcement agency of the government, it may also call upon all government agencies and instrumentalities, including government-owned or -