

[EXECUTIVE ORDER NO. 268, July 18, 2000]

**CREATING THE NATIONAL ANTI-CORRUPTION COMMISSION
AND ABOLISHING THE PRESIDENTIAL COMMISSION AGAINST
GRAFT AND CORRUPTION CREATED UNDER EXECUTIVE ORDER
151, S. 1994, AS AMENDED**

WHEREAS, it has always been the avowed policy of the State, as enshrined in the constitutional principle that a public office is a public trust, to promote and maintain honesty and integrity in public service and to repress acts of public officers and private persons alike which constitute graft and corrupt practices or which may lead thereto;

WHEREAS, corrupt practices at all levels of the government are rooted in the past, have branched out and syndicated in the executive, legislative, and judicial branches of the government, and have become more serious and complicated with the involvement of several mass media practitioners in the process;

WHEREAS, despite the existence of many laws against graft and corruption, and the agencies legally and/or constitutionally mandated to enforce these laws, corruption remains prevalent and at times criminally aggressive thereby posing a very serious problem to the country and threat to the moral fabric of the Philippine society;

WHEREAS, the present Administration seriously wants to put an end to graft and corruption which poses a very dangerous threat to the moral and political existence of the Philippines as a nation;

WHEREAS, new and effective administrative mechanisms designed to eradicate corruption and implement state policy at the national level for the prevention and control of corruption are therefore imperative and needs to be urgently established;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of powers vested in me by the Constitution, do hereby order the following:

SECTION 1. ORGANIZATION. There is hereby created a National Anti-Corruption Commission, hereinafter referred to as the Commission, to implement and coordinate policy at the national level for the prevention, control of and ultimately, elimination of graft and corrupt practices at all levels in government by public officers and private persons alike. Acts or omissions constituting graft and corrupt practices shall be as defined by Republic Act No. 3019, as amended, or as declared unlawful by other existing laws. The Presidential Commission Against Graft and Corruption created and provided for under Executive Order No. 151 dated 11 January 1994, as amended, is hereby abolished.

SEC. 2. COMPOSITION OF THE COMMISSION. The Commission shall be headed by a full-time Chairman, who shall be assisted by four (4) full-time Commissioners. They shall be appointed by the President from a list of nominees, known and recognized for moral uprightness, probity and independence, proven competence, and

recognized expertise in their fields related as much as possible to the functions of the Commission as cited in this Executive Order. All five (5) of them shall be drawn from the public and private sectors.

The Chairman shall have the rank, emoluments, and privileges of a Cabinet Secretary or its equivalent. The Commissioners, on the other hand, shall have the rank, emoluments, and privileges of an Undersecretary or its equivalent.

In no case shall any member of the Commission appoint representatives to act on his behalf.

SEC. 3. THE SECRETARIAT. The Commission shall be initially assisted by an interim secretariat placed at its disposal by the Development Academy of the Philippines (hereinafter "DAP"). DAP interim secretariat shall serve as such until a regular organic secretariat shall have been organized by the Commission. The secretariat, interim and regular, shall also be composed of individuals of known moral probity and dedication to public service.

The Secretariat shall provide technical and administrative support to the Commission and shall be headed by an Executive Director.

The Executive Director shall be appointed by the Chairman. He or she shall *inter alia* execute and administer the policies and decisions of the Commission, attend the Commission's deliberations, monitor the implementation of the programs thereof, and manage the day-to-day operations thereof.

In filling the positions for the interim secretariat of the Commission, the employees of the abolished Presidential Commission Against Graft and Corruption (PCAGC) may be considered provided that they are especially qualified and have demonstrated moral probity and dedication to public service without interruption of continued government service.

PCAGC employees who will not be reconsidered shall be entitled to separation and retirement benefits provided under RA 8291, otherwise known as The GSIS Act of 1997, and other existing retirement rules and laws.

SEC. 4. FUNCTIONS OF THE COMMISSION. The Commission shall perform the following functions.

Formulate and implement a national anti-corruption framework and program strategies and a corresponding action agenda of the government in consultation with government agencies, private sector, and civil society organizations;

Implement and coordinate policies aimed at preventing and combating corruption at all levels in the government and preventing conflicts of interest;

Undertake policy analysis and shepherd the passage of appropriate legislation geared towards the prevention, control, and elimination of corruption for submission to and consideration by the President, who shall certify to Congress as urgent appropriate legislative proposals that are vital to the anti-corruption program;

Monitor the performance of government agencies in the implementation of the action agenda, provide policy advise thereto, and establish a centralized database for these purposes;

e. Identify and investigate shortcomings and weaknesses in the organization and management of public administrators and enterprises that could facilitate the commission of acts and misconduct covered by the existing laws against graft and corruption and advise government departments/agencies, offices and local government units on anti-corruption strategies and procedures for implementation;

Pre-screen and clear appointees to be confirmed by the Commission on Appointments upon request of the President.

Conduct sustained information and education drives aimed at preventing corruption and public misconduct;

Organize specialized training of staff members of the Commission and representatives of private sector and civil society in the prevention, investigation, and prosecution of graft and corrupt practices;

Centralize information regarding acts and misconduct communicated to it by the policy services and public authorities and by persons responsible for auditing the accounts or sent to it by private individuals;

Investigate or hear, *motu proprio* or on complaint filed with it in any form or manner, charges, reports, or information involving the possible violation of graft and corrupt practices at all levels in government by public officers and private persons alike;

k. Endorse to the Office of the Ombudsman or the Department of Justice for prosecution, any matter that the Commission, after investigation upon complaint by any person or at its own instance, shall find to constitute graft and corrupt practices;

Forward to judicial authorities any records, documents or information in its possession that the latter shall request in the course of hearing and deciding acts that may constitute graft and corrupt practices;

m. Render a periodic report on the progress of the anti-corruption program to the President, Congress and the general public, with the end in view of providing all sectors a balanced and objective report on graft and corruption;

n. Absorb the functions and exercise the jurisdiction and powers of the Presidential Commission Against Graft and Corruption created and provided for under Executive Order No. 151, dated January 11, 1994, which for this purpose, is hereby abolished.

SEC. 5. POWERS OF THE COMMISSION. The Commission shall have the following powers:

The Commission is hereby granted the powers of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987 including the power to summon witnesses, administer oaths, take testimony or evidence relevant to its investigation, and to issue compulsory process to produce documents, books, records and such other matters, in the performance of its functions.

Any person who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before the Commission, refuses to take oaths, give testimony or produce documents for inspection, when thereunto lawfully required, shall be subject to discipline as in the case of contempt