

**[DOJ Department Circular No. 010, S. 2015,
March 25, 2015]**

**2015 REVISED PROCEDURE FOR THE INTERNAL AFFAIRS UNIT
(IAU)**

Adopted: 25 March 2015

Date Filed: 04 June 2015

In the interest of the service and pursuant to the provisions of existing laws, and in order to rationalize the procedure in the handling of administrative complaints, the following are hereby adopted:

Section 1. Title - These rules shall be known as *Revised Rules of Procedure of the Internal Affairs Unit (IAU) of the National Prosecution Service (NPS), Department of Justice.*

Section 2. Interpretation and Construction - These rules shall be liberally construed to promote their objective of ascertaining the truth through a just, speedy, simple, non-technical and inexpensive proceeding, especially in favor of complainants who are non-lawyers and, are unable to afford the services of a lawyer to assist them in the filing of the administrative complaint, for as long as the complaint sufficiently informs the official or employee of the nature of the complaint against him and enabling said official or employee to prepare his defense. Technical rules on evidence and procedure shall not be binding in these proceedings.

Section 3. Form of Complaint - A complaint against an official or employee of the National Prosecution Service (NPS) may be initiated by any person or the head of office. The complaint shall be in writing and, if initiated by any person other than the head of office, it shall be subscribed by the complainant.

The complaint shall be written in clear, simple and concise language that is sufficient to inform the official or employee of the acts or omissions complained of to enable said official or employee to prepare his defense. As far as practicable, it shall contain the following:

- a) the full name and address of the complainant;
- b) the full name and address of the person complained of, or any appellation by which he is known, as well as his position and place of station. For this purpose, the office address of the person complained of will suffice;
- c) statement of ultimate, relevant and material facts relating to the acts or omissions complained of;
- d) specific reference to the laws, rules and regulations, codes or policies violated;
- e) affidavits of complainant and witnesses and documentary evidence, if

- any; and
f) a certification of non-forum shopping.

Anonymous complaints shall be acted upon when there is obvious truth to the allegations contained therein or documentary evidence tend to support the same and may be a basis to initiate a fact-finding investigation to determine the truth or falsity thereof.

The head of office may *motu proprio* initiate administrative action against subordinates.

Section 4. Where to file complaint - The complaint shall be filed before the Internal Affairs Unit (IAU), Office of the Secretary.

Any official or employee of the NPS who receives a complaint shall be under obligation to treat the same with utmost confidentiality and to forward the same to the IAU within twenty-four (24) hours from its receipt.

Section 5. Offenses which may be subject of complaint - An official or employee of the NPS may be administratively charged in connection with the following violations:

- a) Acts punishable under Title VII, Book One of the Revised Penal Code (Crimes Committed by Public Officers), as amended, which may be classified as grave or less grave depending on the nature of the act and the effects of the said acts on the government service;
- b) Violations of the provisions of Republic Act No. 3019 (The Anti-Graft and Corrupt Practices Act), as amended by RA. No. 3047, PD. NO. 77 and B.P. Blg. 195, which may be classified as grave, less grave or light offenses depending on the nature of the act and its effects on the government service;
- c) Republic Act No. 6713 (The Code of Conduct and Ethical Standards for Government Officials and Employees);
- d) Executive Order No. 292 (Administrative Code of 1987);
- e) The Civil Service Law and its Omnibus Rules and Regulations;
- f) The Code of Conduct for Prosecutors;
- g) The Code of Conduct for Members of the Prosecution Staff;
- h) Violation of pertinent DOJ policies, rules and regulations; and
- i) Other special laws, rules and regulations.

Section 6. Evaluation/Assignment of the Complaint -? Upon receipt of the complaint, the IAU shall assign it a reference number and, within three (3) days therefrom, designate: a) an evaluator in case there is need to determine further the sufficiency in form and substance of the complaint; or b) an investigating officer/s to do a fact-finding investigation; or c) a hearing officer/s to hear the complaint, in case it is satisfied with the sufficiency in form and substance of the complaint. The IAU may also do such other actions as may be appropriate under the circumstances, including hearing the complaint, if directed by the Secretary of Justice, or recommending to the Secretary of Justice the outright dismissal of the complaint if it is clearly without merit and patently for harassment. The IAU shall act on the evaluation or investigation report within five (5) days from its receipt.

Section 7. Action of the Hearing Officer/s - Within five (5) days from receipt of