

**[OO ADMINISTRATIVE ORDER NO. 20, S. 2008,
April 29, 2008]**

OMBUDSMAN RULES OF PROCEDURE FOR MEDIATION

Policy Statement

The Office of the Ombudsman shall actively promote mediation in line with the Alternative Dispute Resolution Law (Republic Act No. 9285) to speed up the disposition of cases under its jurisdiction and give priority to complaints filed against high ranking government officials and those involving grave offenses, as mandated by The Ombudsman Act of 1989 (Republic Act No. 6770). Towards this end, the Office of the Ombudsman shall establish and institutionalize a mediation system which will enable it to render meaningful, responsive, and relevant public assistance.

Rule 1

Preliminary Provisions

SECTION 1. Title. These rules shall be known as the "Ombudsman Rules of Procedure for Mediation" hereinafter referred to as "the Rules".

SEC. 2. Scope. The Rules shall apply to all complaints, grievances, or requests for assistance and such other matters cognizable by the Office of the Ombudsman which may be the subject of mediation.

SEC. 3 Definition of Terms. For purposes of the Rules, the term:

- a) *"Complaint"* means any allegation of any act or omission which may appear to be unreasonable, unfair, oppressive, discriminatory, illegal, unjust, improper, or inefficient and may be the subject of mediation, filed by the complainant against public official or employees, including those in the government owned and controlled corporation as well as private individuals who may be involved in the acts or omissions complained of. The complaint may be filed in any form or manner with the Office of the Ombudsman or any of its area, sectoral, regional, or resident ombudsman offices.
- b) *"Director"* means the Director of the Public Assistance Bureau or its counterpart unit or bureau in the area or sectoral offices, or the Director of the Bureau of Resident Ombudsman;
- c) *"Evaluating Officer"* means an officer duly authorized to evaluate whether a complaint is appropriate for the conduct of mediation, and shall include the Director of the investigating bureau, the Resident Ombudsman or the head of the Ombudsman Regional Office for cases filed with their respective offices;

- d) *"Filing"* means the act of relaying any information or grievance to the Office of the Ombudsman in any form and in whatever manner, or the submission of an initiatory pleading;
- e) *"investigating Officer"* means any Ombudsman personnel duly authorized to conduct preliminary investigation, administrative adjudication, or fact-finding investigation;
- f) *"Mediation"* means a voluntary process in which a mediator facilitates communication and negotiation, and assists the parties in reaching a voluntary agreement regarding a dispute;
- g) *"Mediator"* means any trained officer or personnel duly designated to conduct mediation;
- h) *"Party"* means a person who participates in a mediation and whose consent is necessary to resolve the dispute;
- i) *"Private Caucus"* means a private meeting with either party called by the mediator to discuss issues in private to arrive at a mutually satisfactory agreement beneficial to all parties;
- j) *"Representative"* means a duly authorized official of an agency, corporation or organization who is directly involved in its operations involved in the subject matter of mediation and in a position to grant the relief or remedy sought or to enter into a settlement agreement;
- k) *"Resident Ombudsman"* means an employee or personnel organic to the Office of the Ombudsman and designated as such to a government agency.
- l) *"Settlement Agreement"* means mutual concessions or the consensus arrived at by the contending parties during the mediation proceedings, reduced into writing, and signed by the parties and the mediator;
- m) *"Successful Mediation"* means the parties reached a settlement agreement.

SEC. 4: Form of Complaint, Grievance or Request for Assistance. The complaint, grievance, or request for assistance subject of mediation may be in any form, either oral or in Writing or filed through electronic means. In any case, the requesting or complaining party shall indicate his address and contact numbers and those of the party complained of

SEC. 5. Subject of Mediation. The following shall be indorsed for mediation

- a) Complaints, grievances or requests for assistance seeking redress or relief concerning an act or omission of a public official or employee, office, agency alleged to be unreasonable, unfair, oppressive, illegal, unjust, discriminatory, improper or inefficient and which does not necessarily amount to a criminal or administrative offense as defined under Section 1, Rule IV, Administrative Order No. 7, Series of 1990, as amend of the Office of the Ombudsman;

- b) Light administrative offenses where the penalty imposed by pertinent laws and Civil Service Rules is reprimand, such as:
 - 1) Borrowing of Money by a Superior Officer from a Subordinate
 - 2) Willful Failure to Pay Just Debt
 - 3) Discourtesy in the Course of Official Duties;
- c) The following cases which are covered by the Revised Rules on Summary Procedure'
 - 1) violation of traffic rules and regulations
 - 2) violation of rental law
 - 3) violation of municipal and city ordinances
 - 4) violation of Batas Pambansa Big. 22 (Bouncing Checks Law)
 - 5) all other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six (6) months or a fine not exceeding one thousand pesos (P1,000), or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom;
- d) Cases which may be cognizable at the first instance by the Lupong Tagapamayapa under Section 408, Chapter VII of the Local Government-Code (Republic Act No. 7160);
- e) Criminal negligence resulting in damage to property;
- f) Such other similar offenses which may be brought by the parties for mediation, except those which by law may not be compromised.

During the mediation proceedings, only the civil aspect of the complaint may be compromised although the criminal and administrative aspect may be discussed to find out whether or not the complaint was filed due to misunderstanding or misappreciation of facts.

Rule 2 The Mediation Process

SEC. 1. Initial Evaluation. Within two (2) working days from receipt of the complaint, grievance, or request for assistance, the Evaluating Officer shall evaluate it to determine whether

- a) it is appropriate for mediation under Section 5 of the preceding Rule;
- b) it is practicable for ail parties to attend the mediation proceedings; or
- c) a need for emergency relief makes referral to mediation impracticable.

In the event the complaint, grievance or request for assistance is recommended for mediation, it shall then be indorsed to the records office for docketing as a MED case using the following codes:

MED-C-(year)-(sequential number) for the Central Office
MED-L-(year)-(sequential number) for Luzon
MED-V-(year)-(sequential number) for Visayas

MED-M-(year)-(sequential number) for Mindanao
MED-P-(year)-(sequential number) for MOLEO
MED-BRO-(agency)-(year)~(sequential number) for BRO
MED-L-CAL-(year)-(sequential number) for Calamba
MED-V-ILO-(year)-(sequential number) for Iloilo
MED-M-CDO-(year)-(sequential number) for Cagayan de Oro

For pending cases, the original docket shall also be indicated in parenthesis below the MED docket.

The docketed MED cases shall be forwarded for review within the same day to the Assistant Ombudsman of the Public Assistance and Corruption Prevention Office in the Central Office or the area or sectoral office concerned.

Within two (2) working days, the Assistant Ombudsman or his/her duly designated representative shall cause the raffling of the case to a mediator by the existing raffle committee. He/she may also indorse the case to the appropriate Ombudsman office in the place where the parties are residing or holding office. The same procedure for raffling shall be observed in the area or sectoral offices. The Director concerned shall retain the original complaint, grievance or request for assistance. The mediator shall only be provided the docket number and the title of the case, as well as the names, addresses or place of assignment, and the contact numbers of the parties.

SEC. 2. How Conducted. Mediation shall be facilitated by duly designated mediators, selected by raffle. However, complaints, grievances, or requests for assistance filed before the office of the Resident Ombudsman shall be mediated by the organic resident ombudsman concerned or a designated BRO staff.

SEC. 3. Initial Conference; Failure to Attend. Within two (2) working days from receipt of a notice to all parties to attend the initial conference for the purpose of mediating the case. The notice shall be signed by the director concerned or, in the case of the BRO, by the organic resident ombudsman.

The initial conference shall be conducted within ten (10) calendar day's from the date of assignment. Where the parties live outside the city or region where the Ombudsman office is located, the initial conference shall be conducted within thirty (30) calendar days depending on the distance. The parties may agree on the schedule of subsequent conferences if warranted.

During the initial conference, the parties shall sign a mediation agreement consenting to submit their dispute to mediation and agreeing to abide by the Rules. If any of the Parties fails to appear during the initial conference despite due notice, the mediator shall schedule another conference. Failure of any party to appear during the second setting shall be sufficient ground for the mediator to terminate the mediation and refer the case to the proper office or bureau for appropriate action or disposition.

SEC. 4. Period for Settlement; Extension. If no settlement agreement is reached within thirty (30) calendar days from the date of the initial conference, the mediator may close and terminate the mediation proceedings, unless there is a written request from parties to extend the process. In no case shall the extension exceed thirty (30) days