

**[PCAGC RESOLUTION NO. R-0015-98, s. 1998,
December 02, 1998]**

REVISED RULES OF PROCEDURE

WHEREAS, by virtue of Section 6 of Executive Order No. 151 as amended, series of 1994, the Presidential Commission Against Graft and Corruption, hereinafter referred to as Commission, is authorized to formulate and adopt rules of procedure to govern its investigation of cases filed before it;

WHEREAS, the Commission has recognized the need to revise the rules of procedure which it has adopted and which presently govern its investigation of cases filed before it;

WHEREAS, said revision has resulted in the drafting of the Revised Rules of Procedure, a true copy thereof hereto attached as an integral part of this Resolution;

WHEREAS, said Revised Rules of Procedure have been discussed and deliberated upon by the Commission;

NOW, THEREFORE, the Commission hereby resolves to approve, as it does hereby approve, said Revised Rules of Procedure and hereby directs the Executive Director to file with the University of the Philippines Law Center three (3) certified copies of said Revised Rules of Procedure pursuant to Book VII, Chapter 2, Section 3, of the Administrative Code of 1987.

After the expiry of fifteen (15) days from the date of the filing of the aforementioned copies with the University of the Philippines Law Center, said Revised Rules of Procedure shall take effect and shall thereupon govern all investigations conducted by the Commission.

Adopted: 2 Dec. 1998

(SGD.) EUFEMIO C. DOMINGO
Chairman

(SGD.) JAIME L. GUERRERO
Commissioner

(SGD.) LEONARDO M. RIVERA
Commissioner

By the Commission:

(SGD.) RODOLFO C. GENERAL
Executive Director

REVISED RULES OF PROCEDURE

Rule 1

Title and Construction

SECTION 1. Title of the Rules — These Rules shall be known and cited as the Revised Rules of Procedure of the Presidential Commission Against Graft and Corruption.

SECTION 2. Construction — These Rules shall be liberally construed to carry out the objective of the accountability of public officers under Section 3 of Articles IXB and Section 1 of Article XI of the Constitution and to promote the objectives of the Charter of the Commission.

Rule 2

Commencement of Proceedings

SECTION 1. Entry of Complaints, etc. — All complaints, charges or reports received by the Commission shall be entered by the Receiving Section in its log book and assigned a permanent number and shall be referred within twenty-four (24) hours from receipt thereof to the Chairman of the Commission for notation and assignment.

SECTION 2. Governing Rules — Proceedings on verified complaints received by the Commission and on written charges by disciplining authorities whose investigation is taken over by the Commission pursuant to its charter, shall be governed by the Rules on Administrative Investigations, Part I hereof.

Proceedings on anonymous and unsworn complaints and other reports shall be governed by the Rules on Fact-Finding Inquiries, Part II hereof.

PART I

RULES ON ADMINISTRATIVE INVESTIGATIONS

Rule 3

Initiation and Evaluation of Administrative Complaints and Charges

SECTION 1. Administrative Charge, How Initiated — An administrative charge within the jurisdiction of the Commission may be initiated and prosecuted (a) by written complaint under oath accompanied by affidavits of witnesses and other evidences in support of the charge, or (b) upon written charge by the disciplining authority.

Except when initiated by the disciplining authority, no complaint shall be given due course unless the same is in writing and under oath.

SECTION 2. Preliminary Evaluation — The complaint or charge shall be forwarded to the Director of the Investigation Office of the Commission (hereafter called the Director) for preliminary evaluation and recommendation to the assigned Commissioner.

The docket number of complaints or charges referred to the Investigation Office shall, thereafter, bear and be identified as an administrative proceedings by the suffix "ADM".

SECTION 3. Recommendation for Dismissal of Proceedings Where Prima Facie Case of Jurisdiction is not Established — If the subject matter of the case or the person of the respondent is not within the jurisdiction of the Commission, the Commissioner assigned shall submit, for adoption by the Commission, an order transmitting the records to the proper disciplining authority, copy furnished the President. And if, in his opinion, no prima facie case has been established, he shall submit for adoption by the Commission a Memorandum advising the President of the motu proprio dismissal of the proceedings.

SECTION 4. Action Where Prima Facie Case and Jurisdiction are Established: Formal Charge; Recommendation for Preventive Suspension — If the Commissioner assigned finds that a prima facie has been established and the case is within the jurisdiction of the Commission, he shall cause the issuance of a formal charge on the basis of the complaint in accordance with Rule 5, Section 1 or, in case of charges filed by a disciplining authority of which the Commission has assumed jurisdiction, proceed with the investigation under these Rules.

In proper cases, the Commissioner assigned may submit, for adoption by the Commission, a recommendation to the Disciplining Authority for the preventive suspension of the respondent in accordance with the next succeeding Rule.

Rule 4 Preventive Suspension

SECTION 1. Recommendation for Preventive Suspension — (a) Pending administrative investigation, the Commission may recommend to the President the suspension, as provided by law, of a respondent against whom a formal charge has been issued.

(b) Where the administrative investigation against the respondent under preventive suspension is not completed within the period of suspension and the delay in the disposition of the case is due to the fault, negligence or request of the respondent, the Commission may recommend to the President the extension of the suspension for a period equivalent to the delay.

Rule 5 Formal Charge

SECTION 1. How Respondent Charged — Where a prima facie case is determined to have been established, the respondent shall be formally charged by the issuance of an Order notifying him of the charges against him, furnishing him with copies of the complaint, the sworn statements and other documents submitted by the complainant, and giving him an inextendible period of fifteen (15) days from receipt of the order to file his counter-affidavit/verified answer (not a Motion to Dismiss or Motion for Bill of Particulars) together with the affidavits of his witnesses and other documents in his defense and proof of service on the complainant.

Any motion to dismiss or for a bill of particulars that may be filed shall be

considered expunged from the record, and the filing thereof shall not suspend the proceedings nor the period for the filing of the respondent's counter-affidavit/verified answer.

SECTION 2. Failure to File Response — The respondent's failure to file his counter-affidavit/verified answer within the period given shall be considered a waiver of his right to file the same and to present evidence in his behalf, and the Commissioner assigned shall recommend the appropriate action to the Commission, on the basis of the complaint and documents on record.

SECTION 3. Action After Respondent's Response — If, upon evaluation of the documents submitted by both parties, it should appear either that the charge has been satisfactorily traversed by the respondent in his counter-affidavit/verified answer, or that the counter-affidavit/verified answer does not tender a genuine issue, the Commissioner assigned shall forthwith, or after clarificatory hearing to ascertain the authenticity and/or significance of the relevant documents, submit for adoption by the Commission the appropriate recommendation to the President.

If in the opinion of the Commissioner assigned a genuine issue is presented by the documents submitted by both parties, he shall schedule the case for preliminary conference.

Rule 6

Preliminary Conference

SECTION 1. Order to Submit Position Paper and to Attend — (1) The Order setting the date of preliminary conference shall:

- a. Direct the parties to appear before the Commission personally, or through counsel provided with a duly notarized special power of attorney authorizing him, to consider the matters set forth in Section 2 of this Rules;
- b. Require each party to file with the Commission and serve on the adverse party, in such manner as shall ensure their receipt thereof at least three (3) days before the date of conference, his verified Position Paper which must include the following:
 - i. A brief statement of facts supporting the party's charge or defense.
 - ii. A brief statement of the issues raised by the party.
 - iii. A brief discussion of the applicable laws and jurisprudence.
 - iv. The substance of the testimonies of the party's witnesses whose affidavits have previously been submitted to the Commission or which are attached to the Position Paper.
 - v. A list of witnesses whose testimonies will be procured through subpoena or deposition, with an abstract of their testimony.
 - vi. A list of the party's documentary evidence, copies of which have previously been submitted to the Commission or which are attached to the Position Paper,

stating the purpose thereof.

vii. A list of the documents produced by the adverse party (as part of his complaint or counter-affidavit/verified answer) which are admitted as well as a separate list of those whose authenticity or genuineness is contested.

viii. A summary of admitted facts and a proposed stipulation of facts.

ix. An indication of the approximate number of hours that will be required for the cross-examination of the adverse party's witnesses, copies of whose affidavits have been furnished.

x. The available trial dates of party/counsel within a three month period from the date of the preliminary conference.

c. Warn the parties of the consequences, pursuant to Section 4 of this rule, of the failure to file a Position Paper or to appear or to be properly represented at the preliminary conference.

2. In setting the date of preliminary conference, the Order shall take into account the location of the residences or offices of the parties and shall schedule the conference on such date as shall facilitate the service by the parties of their Position Papers upon the Commission and the adverse party within the period indicated in this Rule.

SECTION 2. Agenda of Preliminary Conference — At the preliminary conference, the parties shall be directed to consider:

a. The setting of advance dates of subsequent hearings within a three-month period from date of conference;

b. The definition and simplification of the issues;

c. Possible stipulations or admissions of facts and of documents to avoid unnecessary proof;

d. The limitation of the number of witnesses, and the exclusion of witnesses whose testimonies will be merely corroborative.

e. The advisability of the preliminary reference of technical issues to an expert or referee acceptable to both parties;

f. The advisability of taking the deposition of witnesses with residences beyond the compulsory process of the commission.

g. The authentication and marking of documentary evidence;

h. Such other matters as may aid in the prompt and just disposition of the case.

SECTION 3. Minutes of Preliminary Conference — After the preliminary conference, the Commissioner assigned shall issue an order reciting in detail the