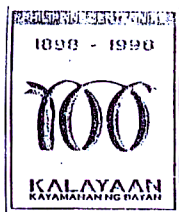




PHILIPPINES 2000



MEMORANDUM CIRCULAR NO. 16

Series of 2003

Subject: GUIDELINES FOR THE CONDUCT OF FACT FINDING INVESTIGATION

Rationale

Public office is a public trust and all government employees are enjoined to serve the public with utmost competence, integrity, diligence and probity. As such the promotion of good governance and the eradication of corruption is of utmost concern to the Department. Thus, complaints of alleged irregular transactions entered into and improper conduct committed by the employees and officials of the Department must be properly investigated.

Cognizant of the need to ascertain the truth of the complaints and in line with the complained employees/officials to be presumed innocent the following guidelines is hereby issued in order to promote a fair and impartial investigation of complaints that reach the Department.

Legal Basis

Art. XI, Section 3 of the Constitution provides that "Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, competence and efficiency, and act with patriotism and justice, and lead modest lives".

Book IV, Chapter 2, Section 7 (c) of the Administrative Code of 1987 provides that the Secretary shall "exercise disciplinary powers over officers and employees under the Secretary in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation."

Book V, Rule IV, Section 32 of the same Code provides that the Secretary shall have "jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction."

Book IV, Chapter 5, Section 27 (4) of the Administrative Code provides that Regional Directors shall "appoint personnel to positions in the first level and casual and seasonal employees, and exercise disciplinary actions over them in accordance with Civil Service Law"

REPUBLICA NG PILIPINAS
KAGAWARAN NG KAGALINGANG PANLIPUNAN AT PAGPAPAUNLAD
(DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT)
BATASAN PAMBANSA COMPLEX, CONSTITUTION HILLS
QUEZON CITY

Book IV, Chapter 5, Section 27 (14) of this Code further provides that Regional Directors shall "perform such other duties and functions as may be provided by law or further delegated by the head of the agency or other proper authorities concerned".

Section 1. Definition, Fact-Finding Investigation - It is a proceeding seeking to determine whether there is sufficient ground to engender a well founded belief that an irregularity, or an improper conduct or an offense has been committed and the employee and/or official complained of is probably guilty thereof.

Section 2. Who May Call for a Fact-Finding - The Secretary, acting on a complaint, request, or on her own initiative, can initiate the conduct of a fact-finding investigation.

A Regional Director may also initiate the conduct of a fact-finding investigation in cases that fall within his/her jurisdiction.

Section 3. Designation of Fact-Finding Committee - The Secretary or the Regional Director shall issue a special order designating a fact-finding Committee composed of competent officers and/or employees of the Department who shall conduct the fact finding investigation of a particular irregularity and/or misconduct. The Secretary/Regional Director may designate the Chairperson for the Committee.

Section 4. Authority of the Fact Finding Committee - The Committee is authorized to do the following acts:

- a. Summon witnesses and take their testimonies
- b. Issue subpoena duces tecum (ordering a person to bring documents) and ad testificandum (ordering a person to testify)
- c. Conduct *ex-parte* (without the presence of the other party) examinations of records, documents, book of entries and financial journals which are readily available in the Department and in other government agencies (e.g. Commission on Audit, Bureau of Internal Revenue, Government Services Insurance Commission, etc.)

Section 5. Duration of the Investigation- The Investigation shall commence not later than five (5) days from the issuance of the special order and shall be terminated within thirty (30) days.

Section 6. Minutes of the Investigation- The Minutes of the Investigation shall be duly recorded and transcribed. It shall be duly attested by the Chairperson or any member of the Committee. The Chairperson may designate a staff to provide support service to the Committee (i.e. typing, record keeping) for the duration of the investigation.

Section 7. Confidentiality of the Investigation- The Committee shall not disclose or make public any records or information in connection with an ongoing investigation.

Section 8. Investigation Report - After five (5) days from the termination of the Fact Finding Investigation the Fact-Finding Committee shall submit a Report to the Secretary or to the Regional Director as the case maybe.

Section 9. Contents of the Investigation Report - The following shall be the contents of the Report:

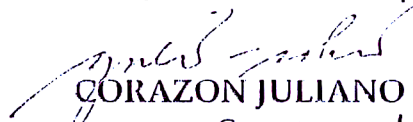
- a. Narration of material facts established in the course of the Investigation,
- b. The findings and the evidence supporting the said findings
- c. Conclusion and Recommendation

Section 10. Repealing Clause - This Guideline shall repeal Sections 8.1 and 8.2 of Department Order No. 6 Series of 2001 with subject: Conduct of Investigation and Disposition of Administrative Cases in the Department

Other orders and issuances inconsistent herewith are likewise repealed accordingly.

Section 11. Effectivity- This Order shall take effect fifteen (15) days after its filing with the Administrative Register at the University of the Philippines Law Center.

Issued in Quezon City this 16th day of June 2003,


CORAZON JULIANO SOLIMAN
Secretary *rd*

