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EXECUTIVE ORDER NO. 208

**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 the 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.



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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 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.

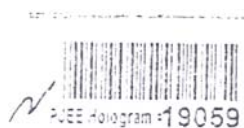
The Secretariat shall provide technical and administrative support to the mission and shall be headed by an Executive Director.

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:

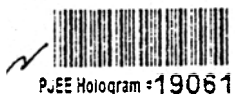
- m. Render a periodic report on the progress of the anti-corruption program to the President, Congress and the general public, with the end in view of providing all sectors a balanced and objective report on graft and corruption;
- n. Absorb the functions and exercise the jurisdiction and powers of 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 of court upon application of the Commission before the proper court, in the manner provided by law.

- b. The Commission may, in coordination with the Commission on Elections (COMELEC), verify the observance of the ceiling on electoral expenditure and the accuracy of the election campaign accounts, assist in the investigation of palpable and massive electoral fraud and monitor the actions of the different boards of canvassers during elections.



The Commission may examine the execution of public contracts as to both tendering and results.

The Commission may verify that award of public works and supply contracts and the assignment of operations by the public authorities are conducted in a proper and honest manner.

e. The Commission may undertake a lifestyle check on any public officer/employee. In this regard, the Commission:

May request for copies of statement of asset and liabilities and income tax return of any person holding public office:

May require a person holding public office to reveal the source of his property, wealth, assets and interests, as well as those of his or her spouse, departments and relatives, in accordance with law:

May require submission, by the person acting as its depository, of the register of declarations of gifts received by persons holding public offices:

4. In case of reasonable suspicion regarding the above, the Commission may seek to establish the reliability of such declarations in cooperation with relevant national bodies.

The Commission may seek the cooperation of the private sector, civil society, and other bodies (local and international) undertake anti-graft and corruption programs.

g. The Commission shall coordinate with the Inter-agency Anti-Graft Coordinating Body for the purpose of effectively implementing this Executive Order.

SEC. 6. OFFENSES COVERED. For purposes of this Executive Order, the Commission shall have jurisdiction to investigate possible violations of any of the following:

- a) Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act";
- (b) The provisions of Republic Act No. 1379 on the unlawful acquisition of property by a public officer or employee;
- (c) Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees";



Section 46 (b) of (6), Book V, Subtitle A, Chapter 6 of Executive Order No. 292, series 1987, otherwise known as the "Administrative Code of 1987";

Any provision under Title Seven of the Revised Penal Code on Crimes Committed by Public Officers;

Executive Order No. 6, series of 195

Any other relevant law, executive orders, rules or regulations.

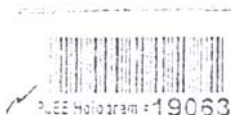
SEC. 7. The Commission shall promulgate or adopt its rules of procedure for the effective implementation of this Order.

SEC. 8. TOTAL SUPPORT OF OTHER GOVERNMENT UNITS. The Commission may call upon any government investigative and prosecutorial agencies, including the National Bureau of Investigation and the Philippine National Police, to make available their offices, personnel and facilities to attain the objectives of this Executive Order. The departments, bureaus, offices, agencies, or instrumentalities including government-owned and controlled corporations are hereby directed to extend such assistance and cooperation including detail and/or deputization of personnel as the Commission may need in the discharge of its functions.

SEC. 9. REFERRAL TO THE COMMISSION. All offices, committees, commissions, bureaus, departments, and government-owned and controlled corporations in the Executive Department are hereby directed to refer immediately to the Commission any complaint, charge, report, or information of corruption against presidential appointees and non-presidential appointees referred to under Section 4 of this Executive Order. Such referral shall include not only the complaint, report or information but also certified copies of all relevant and pertinent records of the case.

SEC. 10. ORGANIZATIONAL UNITS AND STAFFING. The Commission may create organizational units necessary for the performance of its functions, subject to relevant laws, rules and regulations. Such units shall be staffed by duly qualified personnel appointed by the Executive Director upon approval of the Chairman.

The Commission is also authorized to engage the services of resource persons, professionals and other personnel, known for moral uprightness, probity and independence including a Commission Counsel, Deputy Commission Counsel(s) or such other officials as may be required for the effective performance of its functions and responsibilities, to fix their duties and compensation, to organize the structure and staffing pattern of the Commission; and to authorize the payment of honoraria and/or allowances for deputized/detailed officers and officials.



The Commission shall be exempted from Administrative Order No. 100, series of 1999. It may hire, at its discretion, new personnel whether on a permanent, temporary, substitute, contractual, or casual status.

SEC. 11. COMPENSATION. The Commission shall prepare its salary schedule in consultation with the Department of Budget and Management.

SEC. 12. TRANSITORY PROVISIONS. The interim secretariat referred to under Section 3 of this Executive Order shall establish the regular secretariat and ensure the orderly transition to the Commission within one (1) year upon approval of this Executive Order.

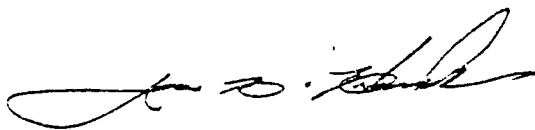
All the records, facilities, equipment, property, rights, and such other things arising from and incidental to the creation of the Presidential Commission Against Graft and Corruption are hereby transferred to the Commission.

SEC. 13. APPROPRIATIONS. The Commission shall have an initial budget of FORTY MILLION PESOS (P40,000,000.00) which shall partly be drawn from the remaining budget of the abolished Presidential Commission Against Graft and Corruption and from the Organizational Adjustment Fund. Appropriations for the succeeding years shall be incorporated in the budget proposal for the Office of the President.

SEC. 14. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

SEC. 15. EFFECTIVITY. This Executive Order shall take effect immediately

Done in the City of Manila, this 19th day of July, in the year of Our Lord, two thousand.



By the President:



RONALDO B. ZAMORA
Executive Secretary

