



Date 08 SEP 2023

CUSTOMS MEMORANDUM CIRCULAR
No. 145 - 2023

**TO: THE ASSISTANT COMMISSIONER
ALL DEPUTY COMMISSIONERS
ALL DIRECTORS AND SERVICE CHIEFS
ALL DISTRICT/PORT COLLECTORS
ALL OTHERS CONCERNED**

**SUBJECT: RULES OF PROCEDURE IN THE INVESTIGATION OF ANONYMOUS
AND OTHER COMPLAINTS REFERRED BY INVESTIGATIVE
BODIES OF GOVERNMENT TO THE OFFICE OF THE OMBUDSMAN
AND DESIGNATION OF NOMINAL COMPLAINANTS**

Attached is a copy of the Office of the Ombudsman Administrative Order No. 1, Series of 2022, with the subject "Rules of Procedure in the Investigation of Anonymous and Other Complaints referred by Investigative Bodies of the Government," dated 16 September 2022, providing for the rules which shall cover cases over which the Office of the Ombudsman exercises primary and exclusive jurisdiction, pertaining to graft and corrupt practices of government officials and employees, initiated through complaints filed anonymously, containing factual allegations and verifiable leads or accompanied by documentary evidences, for purposes of case build-up, and Investigations conducted by investigation agencies of the government or of the Office of the President referred to the Office of the Ombudsman for preliminary investigation and/or administrative adjudication.

To ensure that complaints, referrals or endorsements coming from the Bureau of Customs (BOC) are properly handled, the following guidelines shall be observed:

- a. The BOC personnel or investigating officer/s who conducted and submitted the investigation report shall be clearly indicated or named as the duly authorized representative of the Commissioner, and shall act as the nominal complainant in the referral or endorsement to the Office of the Ombudsman for preliminary investigation or administrative adjudication.
- b. If the investigating officer is no longer connected with the BOC due to retirement, resignation, etc., the immediate supervisor, or the Head of the Investigation Division or unit which exercises administrative and operational supervision over the original investigating officer, shall designate another Customs Officer or investigating officer within his office, as the new nominal complainant. All records and dockets of the case shall be formally turned over to the new investigating officer for his review and representation.
- c. If there are no other investigating officer/s or Customs Officer/s available for the purpose, the immediate supervisor, or Chief of the Division or unit which

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exercises administrative and operational supervision over the original investigating officer shall act as the nominal complainant. However, if the Investigating Service has other investigating officers in another Division or unit, the Director may direct the Head of the other Division or unit to assign a new nominal complainant.

- d. If the immediate supervisor, or Chief of the Division or unit which exercise administrative and operational supervision over the original investigating officer is indisposed, the Director, or the Deputy Commissioner shall act as the nominal complainant.
- e. Should the hierarchy of officials within the group be indisposed, the Commissioner may assign any Customs Officer to act as nominal complainant or decide to be the nominal complainant.
- f. The Investigating Office shall actively cooperate with the Office of the Ombudsman in the proper handling or representation of the complaints or cases.
- g. All complaints, referrals or endorsements to be filed with the Office of the Ombudsman shall be forwarded to the Office of the Commissioner for approval.

For record purposes, please confirm the dissemination of this Circular throughout your Offices within fifteen (15) days from receipt thereof.

For information and strict guidance.



BIENVENIDO Y. RUBIO
Commissioner



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
 Agham Road, Diliman, Quezon City 1104

ADMINISTRATIVE ORDER NO. 1
Series of 2022

**RULES OF PROCEDURE IN THE INVESTIGATION OF ANONYMOUS AND
 OTHER COMPLAINTS REFERRED BY INVESTIGATIVE BODIES OF
 THE GOVERNMENT**

Pursuant to the authority vested in the Office of the Ombudsman to promulgate its own Rules of Procedure under Article XI, Sec 13(8) of the Philippine Constitution and Sections 18, 23 and 27 of Republic Act. No. 6770, otherwise known as "The Ombudsman Act of 1989" the following procedures are hereby prescribed and promulgated:

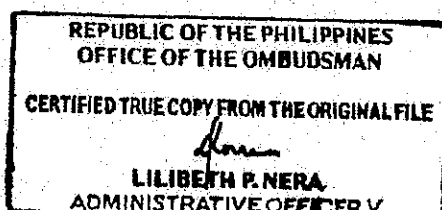
Section 1. Coverage. – These rules shall cover cases over which the Office of the Ombudsman exercises primary and exclusive jurisdiction, pertaining to graft and corrupt practices of government officials and employees, and specifically asserted in any of the following forms:

- (a) Complaints filed anonymously, containing factual allegations and verifiable leads or accompanied by documentary evidences, for purposes of case build-up;
- (b) Investigations conducted by investigative agencies of the government or of the Office of the President that are referred to the Office of the Ombudsman for preliminary investigation and/or administrative adjudication; and
- (c) Reports or Results of Congressional investigations, or inquiries of the Senate or the House of Representatives, referred or endorsed to the Office of the Ombudsman by the Chairperson or any member/s of the Committee of the Senate or the House of Representatives, for appropriate action, preliminary investigation or administrative adjudication.

Section 2. How initiated. – Except those mentioned in Section 1(C), the complaint, referral or indorsement covered by these rules should be in writing, clearly stating the facts constituting the alleged infraction and accompanied by piece/s of evidence in support of the charge including affidavits of witnesses, if any.

The anonymous complainant, the Head of agency, or his duly authorized representative, the duly authorized officer of the Office of the President or the Chairperson or any member of the investigating Committee of the Senate or the House of Representatives who made the referral/indorsement shall be considered as the nominal complainant. For this purpose, the verification of the complaint and the submission of a Certificate of Non-Forum shopping will no longer be required.

Section 3. Initial Action. – Anonymous complaints and referrals/indorsements covered by these rules shall undergo a case build up to validate the allegations or accusations contained therein. Case build-up, as understood in these Rules, refers, but not limited to, the retrieval of documents, verification of leads, identification of witnesses and, whenever necessary, the taking of statements of witnesses, resource persons, and other persons of interest.



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The period of case build-up shall not exceed ninety (90) days from receipt of the complaint, referral or indorsement unless, for meritorious reasons, such period is extended for another thirty (30) days by the Ombudsman. During this period, the proceedings shall be strictly non-adversarial and will not be considered as a pending case.

Section 4. Responsibilities of the Evaluator/Investigator. – The designated evaluator(s) or investigator(s) of the Office of the Ombudsman, assigned to build up the case, shall:

- a) Gather both documentary and testimonial evidence specifically alleged in the complaint or referral. For this purpose, the evaluator/investigator may issue subpoena or subpoena duces tecum;
- b) Verify the facts and allegations contained in the complaint or referral/indorsement and certify to such facts either of their own personal knowledge or from official records; and
- c) Submit all the documents gathered, together with the complaint or referral/indorsement, and recommend any of the following:
 - (i) referral of the matter to the appropriate government agency;
 - (ii) dismissal of the complaint for lack of corroborating evidence; or
 - (iii) docketing of the complaint either as an administrative or criminal case, or both.

Once docketed, the proceedings shall become adversarial and the case shall be considered pending. Any and all evidence gathered which do not relate to, or which are not specifically alleged in the complaint or referral/indorsement, may undergo a separate fact-finding investigation and referenced as such, subject to the approval of the Ombudsman.

Section 5. Preliminary Investigation and/or Administrative Adjudication. – The procedures outlined in Administrative Order No.7, as amended, under Rule II and Rule III, respectively shall be observed in the preliminary investigation or administrative adjudication of cases covered herein.

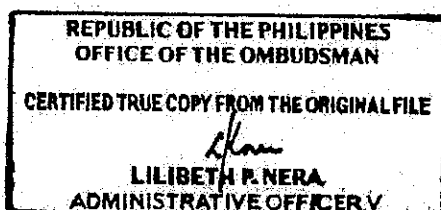
Section 6. Amendatory clause. – These procedures effectively amend all other issuances/orders inconsistent herewith.

Section 7. Rules of Court; application. – In all matters not provided in these procedures, the Rules of Court shall apply in a suppletory character, or by analogy, whenever practicable and convenient.

Section 8. Effectivity – This Order shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in a newspaper of general circulation in the Philippines. The published Order shall be filed in the Office of the National Administrative Register in the University of the Philippines Law Center.

Section 9. Separability clause. – If any provision of these procedures is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

16 September 2022, Quezon City.



Samuel R. Martires
SAMUEL R. MARTIRES
Ombudsman

19/16/2022