



Centre for Democratic Institutions

National Workshop on Anti-Corruption Action Plans and Strategies

4–8 October 1999

Manila, The Philippines

A workshop focussing on National Anti-Corruption Plans of Action and Strategies was held in Manila from 4–8 October 1999. The workshop forms part of a regional programme on anti-corruption that CDI is implementing in partnership with the Asia Office of the International Development Law Institute. The project, entitled "Asia Pacific Perspectives on Combating Corruption: Legal and Judicial Methods", was undertaken in Cambodia, the Philippines and Papua New Guinea with financial support from AusAID and USAID.

Below is the report of the Philippines National Workshop, prepared by the International Development Law Institute:

Monday, October 4

The training workshop began with an invocation delivered by the Hon. Francis E. Garchitorena, Presiding Justice of the Sandiganbayan. Mr. Gilles Blanchi, Deputy Director and Regional Representative of the International Development Law Institute - Asia Regional Training Office, delivered the opening remarks and introduced the keynote speaker, Hon. Aniano A. Desierto, Ombudsman, Office of the Ombudsman. During his Opening Remarks, Mr. Blanchi acknowledged the partnership between IDLI, the Independent Commission Against Corruption (ICAC) and Centre for Democratic Institutions (CDI), Australian National University. He likewise noted the USAID grant which provided for the workshop. He also stated that the support of the Sandiganbayan and the Office of the Ombudsman was crucial for the success of the project. He deemed it critical that the Office of the Ombudsman, the constitutionally mandated body, act as co-counterpart, along with the Sandiganbayan, the anti-graft court.

After delivering the Opening Remarks, Mr. Blanchi proceeded to introduce the Ombudsman. He related the achievements of the Office of the Ombudsman under the tutelage of the incumbent. He expressed the belief that the incumbent was truly dedicated in his aim of spearheading the drive against graft and corruption. The Hon. Desierto, Ombudsman, delivered the keynote address. He stressed the following points:

A two-pronged strategy against corruption is now being implemented. These are the confrontational approach and corruption prevention. The confrontational approach is a reactive method of combating corruption. This consists of efficient detection of wrongdoing in the bureaucracy and

aggressive investigation and prosecution of wrongdoers. It includes imposition of administrative sanctions, which by law is within the sphere of the Ombudsman's authority.

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The second component of our national strategy is a proactive policy. It is intended to prevent the commission of anomalies. Graft prevention is accepted as the better policy since experience has taught us that taxpayer's money lost to corruption is almost impossible to retrieve. The idea is to nip corruption in the bud. xxx

The second corruption prevention measure is a responsive public assistance program. The citizens are assisted by Ombudsman workers to ensure prompt

delivery of basic government services. This program obviates the need for grease money and influence peddling in government actions.

The third program is a close watch over the bureaucracy. The Ombudsman has farmed out Resident Ombudsman among graft-prone departments and agencies of the government. Their main job is to monitor official performance and transactions in order to prevent wheeling and dealing. They also address incidents of inefficiency where they happen.

The fourth program is people empowerment. The Ombudsman enlisted the support of the citizenry because the magnitude of the corruption problem needs the coordinated efforts of all sectors of society. We have organized and accredited non-governmental organizations as Corruption Prevention Units, or CPUs. The students and youth, on the other hand, are organized and accredited as Junior Graftwatch Units, or JGUs. CPUs and JGUs perform the function of monitoring the efficient delivery of basic services. They also directly assist the Ombudsman in graft detection.

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The fifth program addresses the individual psyche's to elevate his level of morality and righteousness. It is called the psychological approach. It is a sustained campaign to rekindle and strengthen the wholesome Filipino traits of yore.

xxx This program is guided by the principle that the righteous individual does not easily succumb to corruption. Those targeted are trained to develop the habit of being good. At the forefront of this program are the JGUs and CPUs. We have also enlisted the support of religious organizations.

The sixth program is the establishment of linkages with the other departments of the government and international corruption fighters. For instance, we have adopted instructional modules on corruption for the primary students in coordination with the Department of Education, Culture and Sports (DECS).

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The second half of the morning session began with the explanation of the workshop objectives and training methodology. Mr. Blanchi related the workshop objectives and expressed the goals of the workshop and the participants therein.

By the end of the Workshop, the group will have completed the draft of a National Action Plan (NAP) on Anti-Corruption that:

- Identifies current impediments to the effective control of corruption;
- Recommends strategies that could be adopted to combat corruption including:
 - the amendment of necessary legislation;
 - national education campaigns;
 - policies and guidelines for public sector officials;
- Sets time frames in the short, medium and long-term for the implementation of such strategies
- Identifies agencies that have responsibility for the implementation of strategies under the NAP;
- If appropriate, identifies areas where civil society or the donor community may be able to assist in the implementation of certain strategies under the NAP; and
- Recommends a procedure for full consultation on the draft NAP.

By the end of the Workshop, each participant will be able to:

- Explain how the following components of the draft NAP reinforce a country's anti-corruption strategy:
 - independent commissions against corruption;
 - audit procedures;
 - education;
 - declaration of assets by public officials; and
 - codes of ethics of public officials.
- Explain the differing roles of the state and civil society in formulating, implementing, enforcing and evaluating a national anti-corruption strategy.

- Explain the role which his/her agency plays in the fight against corruption in the Philippines.

Ms. Riza B. Vera, IDLI Program Legal Counsel and co-manager of the workshop, explained the IDLI training methodology. IDLI training methodology focuses on adult training whereby inter-active participation is the norm. This consists of a mixture of lecture presentations and discussions, both in plenary and working group sessions. During the working group sessions, participants are expected to freely discuss the topic among themselves. She pointed out the feature of a U-shaped training table and explained the rationale of allowing equal representation among all the participants. Hence, the formation of a "U" which allowed participants to exchange views freely with each other with no participant acting as chair of the discussion by virtue of his position at the table.

Several justices of the Sandiganbayan joined the participants during the luncheon. Justice Garchitorena expressed the preference for the absence of reserved tables for the

Sandiganbayan justices. This represented a departure from Filipino norms of protocol. Thus, the Sandiganbayan justices were able to mingle freely with the participants.

The afternoon session began with the participants introducing themselves, stating their names and the offices which they represent. It is notable that about two-thirds of the participants were lawyers, and that men and women enjoyed almost equal representation. Then, Working Groups were formed on the basis of the participants' seating arrangement. Care was taken to ensure that participants from the same office were not included in the same group. The groups presented the current approaches undertaken to combat corruption, the problems they are currently facing and the possible solutions thereto.

The first group chose to focus on the public perception of the effect of corruption. The obstacles presented are as follows:

Department of National Defense (DND) – lack of action on the part of those occupying senior positions within the department

Department of Transportation and Communications (DOTC) – understaffed
Committee on Accountability of Public Officers and Investigations, Senate (Blue Ribbon Committee) – understaffed

Non-Governmental Organization (NGO) – special attention should be given to the NGO campaign

The second group dealt with the following issues: political intervention, lack of political will to enforce laws, rules and regulations and sub-standard and unrealistic government salaries.

The third group concentrated on the problems within the departments primarily concerned with the generation of revenue. According to the group, the solutions lie in computerization, less government contact with government officials and the simplification of procedures conducive to corruption. Participants from the Sandiganbayan and the Ombudsman specifically stated the problems of their respective agencies: delay in the investigation and prosecution process. They opined that most respondents in graft cases tend to abuse their

statutory right to due process such as filing of certain pleadings, which may be considered as causing dilatory effects.

The fourth group cited the dilemma of overlapping jurisdiction in the disciplinary cases in the police wherein no less than six (6) agencies exercise jurisdiction. The representative from the Department of Trade and Industry (DTI) cited the problem of lack of education. The group likewise voiced the opinion that Republic Act. No. 3019, the Anti-Graft and Corrupt Practices Act, presented a definition of graft and corruption which is too broad and general in scope.

The fifth group offered solutions, as follows: simplify procedures and make people aware of these procedures, thus closing the opportunities for corruption. The members suggested that the Ombudsman should seek the amendment and/or the review the anti-graft law. It was opined that Section 3 of the Republic Act 3019 made it difficult to prosecute an offense involving graft and corruption. The terms “evident, manifest and gross” should be eliminated. Regarding the Commission on Audit (COA), the procurement procedures should be simplified and made transparent to avoid rigged bidding. With respect to the Department of Interior and Local Government (DILG), internal and external pressures in the investigation of cases should be eliminated. There should be pre-qualified manufacturers for the procurement of medicine and equipment at the Department of Health (DOH) to eliminate middlemen.

For the sixth group, the difficulty lies in the following areas: there is no assessment or evaluation of the system of punishment and extent of the system of implementation, existence of opportunities to commit corruption, existence of loopholes in internal rules of government agencies, lack of proper values, a mismatch exists between Filipino cultural values and the Civil Service System and the absence of a clear government system resulting to confusion, red tape and inefficiency.

According to the last group, the problem lies in the deterioration of values, lack of formal education on fiscal education and financial management (e.g., prosecutors who are not aware of the audit aspect of cases), public apathy/indifference to initiate complaints plus the refusal of witnesses to cooperate, improper use of the Countrywide Development Fund (CDF) given to members of the House of Representatives. The following solutions were offered: strengthen the supervisory authority of supervisors and correct the filing of the Statement of Assets and Liabilities so that it shows how earnings were accumulated over the years.

At this point, Peter Larmour, Director of Graduate Studies in Development Administration at the National Centre for Development Studies, Australian National University, one of the Resource Persons for the workshop, asked for comments on each group’s presentation.

Comments on the presentation of Group 1

There should be a revival of the 1992 anti-graft bill in order to plug loopholes in the present anti-graft law. The reasons for the veto of former President Aquino should be addressed. The perception is that the government is overstaffed where in fact there is misdistribution (e.g., the Senate Blue Ribbon Committee has one clerk and one messenger). There is no special training for the work assigned (e.g., government accountants have no training on government accounting). There is no inventory of pending cases. The participant from the Department of Justice (DOJ) reacted that there is an Office of the Court Administrator which is tasked with the monthly report of cases of the judges.

Comments on the presentation of Group 2

Justice Garchitorena commented that the issue on salary is ambivalent i.e., insufficient salary does not necessarily equate with corruption. He said politicians i.e., members of Congress must not influence public officials from the executive and judicial branches of government.

One of the participants responded that there must be an enlightened citizenry. The participants commented likewise that there must be a reconciliation of laws, specifically the Anti-Graft and Corrupt Practices Act. It was opined that the punishment provided for in said law is not specific. Thus, there should be a synchronization of all anti-graft laws.

Opinion was voiced regarding the issue of lack of political will. The root causes of corruption must be understood. A participant from the Department of Interior and Local Government

(DILG) spoke of corruption as being endemic in the said agency. The existence of corruption presupposes the inability of the government to implement what is prescribed by law to the point of violating laws to accommodate the whims and caprices of superiors. A contributing factor would be the tendency to accommodate friends and relatives, an inherent character of the Filipino people.

Another participant commented that there is political intervention especially in connection with the implementation of “mandated contracts”. The government official is forced to implement the contract. The intervention of the politician leads to graft and corruption. Also, the law on bidding procedure is subject to many interpretations depending on the implementing office.

Comment on the presentation of Group 3

One participant asked those present to consider the aspect of the Philippines being an underdeveloped country.

Comments on the presentation of Group 4

The Anti-Graft and Corrupt Practices Act contributes to the delays in the termination of cases. The legislators should be able to come out with specific provisions in cases like bribery and malversation. A solution would be to get to the root of graft, like social practices of bribery, influence peddling, threat and intimidation, which are all prohibited by the Act. These offenses should be dealt with in a structural manner.

Another participant interjected that the teaching values as a subject matter should be incorporated in education. The participants should change themselves before changing others.

Comments on the presentation of Group 5

There should be a right to tenure for government employees unless there is a violation. On the other hand, unproductive employees should be weeded out every year. The Civil Service evaluation should be based on performance as provided in the merit and fitness principle provision embodied in the Constitution. There should be a more stringent recruitment process.

Comments on the presentation of Group 6

The Anti-Graft and Corrupt Practices Act should be amended. Retired justices should not be allowed to practice law. The problem also lies with public apathy. Values education should be started with children because the problem needs a long range solution. Supervisory authority should be strengthened and they should be held responsible for misfeasance. There should be a strict enforcement of the requirements of the Constitution on the filing of the Statement of Assets and Liabilities so that public officials cannot unjustly enrich themselves. The present form does not serve the intent of the law. Public officials should practice simple living.

The afternoon session ended with a heated discussion regarding the drafting of the National Action Plan. Some participants expressed the belief that they were not granted the permission by their respective offices to participate in the drafting of such plan, but were granted the permission only to participate in the workshop. Other participants stated that they did not possess the authority to draft such a Plan.

Tuesday, 5 October

The morning session began with the presentation of Ms. Catherine Boardman, Senior Corruption Prevention Officer from ICAC. Ms. Boardman began with the history of ICAC. She stressed that the ICAC did not act as a prosecutor nor as a Court, appellate body or an administrative review body. Rather, she indicated that the powers of ICAC involved the following: the duty to report corrupt conduct; serve notice to produce statements of information and to deliver up documents or things; enter and search public premises, obtain (or issue) warrants to enter and search premises, notices to attend hearings and give evidence, the power to arrest witnesses, require other bodies or persons to investigate and furnish reports and to decide to investigate and furnish reports and to decide whether or not to investigate any matter within its jurisdiction, other than those referred to by Parliament. Incidentally, ICAC jurisdiction covers practically all sectors of society, namely, Parliament, the Judiciary, the Police, the Executive branch, Local Government, Universities, Consultants and Contractors, anyone who performs a public function (whether paid or unpaid) and people who deal with the public sector. She outlined the duties and responsibilities of ICAC personnel, i.e., serving the public interest, acting with integrity (honesty, openness, accountability, objectivity and courage), and demonstrating leadership. She then expounded on the factors which influence decision-making, to wit:

1. rewards and sanctions;
2. codes of ethics;
3. unfair treatment of individuals;
4. peer group influence;
5. leadership and management influence;
6. ethics training; and
7. clearly stated mission and values.

Finally, she dwelt on the functions of ICAC, which revolved around the following:

1. investigations and exposure;
2. education;
3. research; and
4. corruption prevention

During the open forum, a lively discussion ensued with the participants fielding questions regarding the mandate of ICAC. They focused on the investigatory and recommendatory powers of ICAC. They likewise noted the ability of ICAC to conduct hearings in the course of their investigations. There was a tendency to compare the powers and functions of ICAC vis-à-vis the Office of the Ombudsman. Representatives from the Office of the Ombudsman

stated that their office boasted of greater powers than that of ICAC. They noted the similarities in that both of them possessed sweeping jurisdictions.

Mr. Blanchi began the afternoon session for the day by reminding the participants that they were tasked with presenting solutions to the issues which they had raised during the previous day's session. The participants then broke into Working Groups to facilitate their in-depth discussions. Such discussion occupied the remainder of the afternoon.

Wednesday, 6 October

Peter Larmour, Ph.D. from the Centre for Democratic Institutions, Australian National University, began the day's session with his presentation. He stated the various approaches in developing an effective anti-corruption strategy, as follows:

1. classical explanations;
2. public administration explanations;
3. economic explanations;
4. political explanations; and
5. criminological explanations.

Dr. Larmour then expounded on the following topics, namely: corruption risk factors, corruption prevention strategies and corruption prevention plans. Corruption risk factors may roughly be categorized into factors which enable/optimize the occurrence of corruption and those which aid in the perpetuation of corruption. Among the items which enabled the occurrence of corruption were the nature of the work performed, working conditions and individual histories and dependencies and organization culture. Factors perpetuating corruption, on the other hand, related to the failure to identify the behavior as wrong, organizational factors which affect taking action against corruption (e.g., reporting mechanisms, employee responsibility and the history of the organization in dealing with reports of corruption) and other factors such as individual beliefs and features of wrongdoing which affect taking action against corruption.

Corruption prevention strategies involved the different approaches employed and the levels of intervention sustained. For example, some of the approaches espoused involved the increase in the training/pay/legislation and increase in the external scrutiny/pressure. It also involved prosecution and/or prevention. As to levels of intervention, several locales existed, namely: the workplace, the agency, the islands of integrity (e.g., group of bidders in a bidding process), the national integrity system, the entire government and society and business as a whole. One factor which was likewise discussed involved the priorities in the types of

corruption, that is, whether or not to focus on grand corruption (corruption on a large scale) or petty corruption (corruption on a small scale which occurred frequently). Finally, the air of cynicism which prevailed which allowed for the capture of the corrupt and the need for immediate gains.

Finally, Dr. Larmour touched upon the corruption prevention plans. He related that queries regarding the highest amount of risk involved should be taken into account. He suggested that some issues to consider were the following: release of confidential information, external sponsorship, conflicts of interest, travel payments, cash handling, purchasing, disposal and sale of assets, the hiring of equipment, use of grants, secondary employment and handling internal investigations.

One statement which drew negative reactions from the participants was the notion that one must "view all persons as potentially corrupt". During informal discussions, most participants rumbled that the statement was unfair. They proposed that it directly contradicted the constitutional precept of presumption of innocence.

During the afternoon session, a discussion of the issues and their respective recommendations ensued. Rapporteurs, who were designated by each of the working groups, reported on their recommendations.

Thursday, 7 October

Grant McKay, investigator from ICAC, delivered the presentation on the ICAC investigation process. He stated the premise that resources in the investigation process were always limited and therefore, the choice had to be made on the areas which called for the application of resources. Thus, decisions had to be made concerning who or what should become the subject of investigation. He then suggested that the following factors be employed in making an educated decision as to the subject matter of the investigation, to wit: strategic intelligence, risk management and the integrated function approach. He then expounded on each of these factors. Strategic intelligence allowed an agency to focus its investigation efforts on areas of greatest concern. He stated that the gathering of credible evidence of graft and corruption was a difficult task. He also declared that oftentimes, a mistake was committed which resulted in the exposure of the act of corruption. Regarding risk management, the systematic and critical examination of an organization's processes and functions to determine areas of public activity that are most prone or vulnerable to corruption was involved. Finally, the integrated function approach utilizes the close involvement of corruption prevention and investigation units. Both units work cooperatively and derive targets that provide opportunities for both anti-corruption methodologies.

Mr. McKay mentioned briefly the proactive and reactive strategies employed in the fight against graft and corruption. Representatives from the Office of the Ombudsman were quick to remind the rest of the participants that their office was currently enlisting both strategies in the campaign against graft and corruption.

Finally, Mr. McKay considered the assessment of complaints. He stated that the assessment of complaints is a filtering process wherein the aim is to weed out vexatious, irrelevant, trivial or baseless complaints. He related that ICAC espoused the same day philosophy wherein complaints were assessed by a panel on the same day or the next working day of the arrival of the complaint. The panel was to decide on the fate of the complaint. He then discussed the investigation process of ICAC. He stated that in the nomenclature of ICAC

legislation, investigations are either preliminary inquiries or formal investigations. Preliminary inquiries are smaller in scale and involve an assessment of the complaint to determine their correct status. Formal investigations, on the other hand, are larger in scale and are initiated, after advice to the Commissioner and after it has been decided that the matter is worthy of the application of resources.

Mr. McKay also discussed project management which involves the assignment of the investigation to a project manager who has been deemed to have the skills and experience necessary to carry out the investigation. He will plan the investigation with a view to determining the resources necessary to fulfill the objectives of the investigation.

The last portion of the presentation dwelt with the subject of the active investigation phase. The active phase of the covert investigation could take the following forms, namely: the utilization of informants in place, the operation of communication interceptions, the utilization of covert listening devices and imaging systems, static or dynamic surveillance, passive research and undercover operations. He also related that, at the appropriate moment, the decision would have to be made to convert the investigation to an overt stage, which involves the search of information repositories with the aid of search warrants. With the aid of search warrants, documents and other matters obtained may be analyzed in conjunction with the evidence obtained during the covert stage. Public or private hearings may likewise be conducted to obtain further information and by exposing the conduct to public scrutiny.

The participants were asked to focus on a particular problem which they had encountered, either in their professional or personal capacity, involving any aspect of graft and corruption. Afterwards, they were requested to apply their proposed solutions to the actual problem. The results are as follows:

Group A

Issues

1. One bidding rule, several interpretations
2. Unclear provisions (P.D. 1594 “Bidding on Infrastructure Projects”)
3. Too much discretion on the part of PBAC

Strategies

1. One rule, uniform interpretation in all government agencies without exceptions
2. Feedback mechanism should be institutionalized in P.D. 1594
3. Vigilance of citizens in monitoring projects from inception to completion
4. Amendment of P.D. 1594 to impose stiffer penalties for violations thereof

Group B

Preventing pilferage from unaccompanied baggage (“*Balikbayan*” boxes)

- Define accountable persons
- Install video camera in examination area
- Provide x-ray examination capability
- Summon consignee if baggage is locked

- Document items examined with persons present
- Restrict entry into examination area
- Require presence of consignee in cases of alerted shipment

Group C

Corruption = Monopoly + Discretion – Accountability (Klitgaard)

<ul style="list-style-type: none"> • Collegial decision-making • Establishment of agencies/offices with concurrent jurisdiction (with prohibition against forum shopping) • Decentralization 	<ul style="list-style-type: none"> • Simplify procedures • Define the limits of discretion 	<ul style="list-style-type: none"> • Public education • Widest publicity (e.g., media) • Delineate functions clearly
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Friday, 8 October

The session began with a plenary discussion of the recommendations presented by each of the WGs. The recommendations were integrated into a single document wherein the agencies responsible for implementation of each of the suggestions were listed down alongside the stated suggestions:

- Change culture/attitudes vis-à-vis corruption
- Enhance capacity to investigate, prosecute and punish corrupt practices
- Reduce risks and opportunities of corruption

A. Change Culture/Attitudes	
Programs/Actions	Agency Responsible
1. Legislation <ul style="list-style-type: none"> - Lobby for amendment/ Sponsor a bill which would focus on the expeditious process of complaints in graft cases - Pass a resolution 	<ul style="list-style-type: none"> - Office of the Ombudsman/ Sandiganbayan - Committees on Justice, Revision of Laws and Good Government (House of Representatives), Committee on Accountability of Public Officers and Investigations, Senate (Blue Ribbon Committee)
2. Education and Information Dissemination <ol style="list-style-type: none"> Home – Instill proper moral values in the family School – Inclusion of a subject in the regular curriculum on anti-graft laws with the focus on, among others, what are violative acts and where to file complaints; 	<ul style="list-style-type: none"> - Workshop participants - Office of the Ombudsman/ Department of Education, Culture and Sports (DECS)

<p>give emphasis to the manner and right conduct in the educational curriculum</p> <p>c. Government offices</p> <ul style="list-style-type: none"> • Conduct continuous educational training on value formation and awareness building programs; convene a national convention on anti-corruption to be attended by high-level officials from the executive, legislative and judicial branches of the government; the recommendations of the study group presented to national officials in a ceremony which will showcase the recognition of the gravity of the problem and political will and to heighten public awareness <p>d. Media – Publicize/disclosure of graft cases</p> <ul style="list-style-type: none"> • Exposés <p>e. Church – Create/increase awareness among members of their faiths (e.g., the Catholic Bishops Conference of the Philippines advocates seminars, the Archbishop to issue pastoral letters, etc.</p> <p>f. Civic Organizations – Conduct community dialogues and invite officials from the government offices primarily involved in the drive against graft and corruption as speakers/resource persons</p> <p>3. Non-Governmental Organizations (NGOs), People Organizations (POs) & other sectors</p> <ul style="list-style-type: none"> - Institutionalization of the partnership between government offices and members of civil society groups in their joint campaign against graft and corruption - Endorsement of the anti-corruption activities of the Integrated Bar of the Philippines (IBP) and NGOs: <p>IBP activities to consist of, among others, denouncing malpractices in the government and upholding the ethical standards of lawyers in the government;</p> <ul style="list-style-type: none"> • Activities of the Contractors Association of the Philippines: review of the existing government bidding system and in the formulation and adoption of a more 	<ul style="list-style-type: none"> - Agency concerned - Office of the Ombudsman vis-à-vis individual government agencies - Office of the Ombudsman/ Philippine Information Agency (PIA) - Office of the Ombudsman/religious groups - Office of the Ombudsman/ Non-Governmental Organizations (NGOs) - Supreme Court of the Philippines/ Sandiganbayan
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<p>effective and “corruption-proof” procurement system; e.g., creation of a databank listing detailed information on suppliers and supplies with a view to the possible adoption or consideration of the model developed by the Commission on Audit (COA)</p>	
<p>B. Enhance capacity to investigate, prosecute and punish corrupt practices</p>	
<p>1. Campaign on the importance of the Internal Audit System – conduct workshops participated in by different government agencies</p> <p>Review of existing laws on graft and corruption</p> <p>a. Amend/Review Republic Act 3019 (Anti-Graft and Corrupt Practices Act)</p> <ul style="list-style-type: none"> - Consider rephrasing/amendment of the terms “evident, manifest, gross” in Section 3(a) - Consider the elimination of these terms <p>b. Address gaps among existing laws on graft and corruption</p> <ul style="list-style-type: none"> - Focus on the issue of overlapping jurisdiction and conflict among the government agencies concerned - Provide for a more specific definition of the terms involved <p>c. Consider the enactment of a consolidated Anti-Graft Bill</p> <ul style="list-style-type: none"> - Review the proposed Anti-Graft Bill and address the reasons for the presidential veto (provide for the harmonization of the reasons stated in the veto concerning existing Constitutional provisions and jurisprudence) and ensure that it is a consolidation/codification of all the existing anti-graft laws - During the process of review, consult the Ombudsman and the Sandiganbayan as to the relevant provisions - After the review, seek the refiling/revival of the bill in the House of Representatives and identify a counterpart Senator who will sponsor it in the Senate. In identifying the counterpart Senator, 	<ul style="list-style-type: none"> - Ombudsman/Sandiganbayan/Congress - Administrative Office of the Ombudsman/ Civil Service Commission (CSC) - Congress

<p>consult the Committee on Public Officers and Investigations, Senate (Blue Ribbon Committee)</p> <p>d. Support pending bill in Congress</p> <ul style="list-style-type: none"> - Lobby with the Senate - Identify counterpart senator that will sponsor the bill - Work with the Committee on Public Officers and Investigations, Senate (Blue Ribbon Committee) <p>Propose/strengthen the Whistle Blower Protection Law as differentiated from the Witness Protection Program and Laurel Law</p> <ul style="list-style-type: none"> - The Whistle Blower Protection Law should provide for the mandatory lateral transfer of the accused to any part of the bureaucracy during the pendency of the case. <p>2. Strengthen the internal control system within the bureaucracy</p> <ul style="list-style-type: none"> - Simplify procedures, especially on investigation <p>a. Enhance the policy on transparency</p> <ul style="list-style-type: none"> - with focus on anonymous complaints: <ul style="list-style-type: none"> i. Complaints which are anonymous and do not contain sufficient leads should be dismissed ii. Complaints which are anonymous but contain sufficient leads should be entertained iii. Recognition of metalegal tactics (e.g., poison letters) iv. Special attention granted to NGO-initiated complaints - They should receive the highest priority if supported by strong evidence - The NGO's efforts should be recognized and commended if the case which they initiated results in a conviction - Determine whether or not the complaint is meritorious or filed merely for harassment purposes - A uniform format detailing the action undertaken on anonymous complaints should be adopted <p>b. Monitoring of graft cases</p> <ul style="list-style-type: none"> - aging anti-corruption cases - inventory of pending cases <p>c. Campaign on the importance of the Internal</p>	<ul style="list-style-type: none"> - Office of the Ombudsman/Agencies - Office of the Ombudsman/Civil Service Commission (CSC) - Office of the Ombudsman, Sandiganbayan and Office of the Court Administrator - Agency concerned
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<p>Audit System</p> <ul style="list-style-type: none"> - Conduct workshops participated in by prosecutors such that there be a single prosecutor assigned for every trial court - Provide for rewards/incentives for the early disposal of cases <p>3. Skills training</p> <p>Due to lack of knowledge, training and/or expertise, training in legal skills is necessary for investigators/prosecutors, paralegals (law students), legal researchers and NGOs recognized as anti-graft and corrupt practices watchdogs</p> <ul style="list-style-type: none"> i. Creation and training of a pool of hearing officers tasked with administrative cases ii. Creation of a training academy shall provide specialized training, on a regular basis, on the investigative process (gathering of evidence) and prosecution of graft cases. The training academy, in conjunction with all officers which are part of the criminal justice system and the Commission on Audit (COA), to conduct periodic workshops which will focus on the inter-active discussion on the experiences of the government officials in the investigation and prosecution of anti-graft and corrupt practices cases. <p>4. Reduced incidents and opportunities of corruption</p> <p>Focus was placed on the following:</p> <ul style="list-style-type: none"> - Understaffing/lack of personnel and maldistribution of personnel in the government offices with a view to possible reassignment of such personnel - Unattractive compensation package <p>5. Special attention should be paid to NGO-initiated complaints</p> <ul style="list-style-type: none"> - Prioritize if supported by strong evidence - Recognize/commend efforts of the NGOs if the case results in conviction - Determine whether it is a harassment case or not 	<ul style="list-style-type: none"> - All government agencies
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- C. Reduce incidents and opportunities of corruption
1. understaffing/lack of personnel/maldistribution/reassignment
 2. unattractive compensation package

1. Rationalize distribution/reassignment of personnel
- a. Understaffed/maldistributed/misplaced staff
- Solutions:
- Conduct a study of the problem
 - Create a policy on the hiring of consultants
 - Review powers of Department of Budget and – Management (DBM)
- b. Eliminate practice of re-assignments/reshuffle
- Without concern for the needs of the unit/office/division/department responsible in graft investigations/prosecutions
 - Proper consultation with their units
 - Insulate management from external, as well as internal pressures
- Lawyers & engineers, doctors, etc. – highly technical positions should not be covered by the salary standardization law
- Additional benefits
- c. Complicated and non-transparent rules and regulations
- Solutions:
- Simplification of procedures
 - Computerization of processes
 - Transparency of transactions
 - Time bounded processes
 - Work flowchart and action officer per unit in government offices
- d. Simplification of procurement procedures
- Solutions:
- Adopt Commission on Audit (COA) procurement information system
 - Transparency on procurement procedures and proceedings
 - Computerization of procedures for easy

- Agency concerned

retrieval

e. Abuse of power (discretion)

Solutions:

- Accountability of public officers
- Define the limits of discretion

f. Opportunity for corruption through direct contact between the public officer and transacting public

Solution:

- Reduction of direct contact between the public officer and the transacting public through computerization
- Monitoring of cases investigated
- Computerize data with, if possible, daily updates, using of factors:
date of filing – inventory/agency
status/reason
case file no.
- Monitor/analyze regularly

g. Delays

- Appoint at least 1 prosecutor for each sala
- Law students to have *practicum* before taking their oath as lawyers
- Lifting of Salary Standardization Law for prosecutors and judges
- Provide incentives in the form of awards/recognition/promotion

h. Simplification of procedures

- Eliminate unnecessary steps to reduce opportunity for graft
- Limit the number of pleadings to be filed
- Understandable to ordinary people through the use of layman's language

<p>Political intervention is a form of pressure. However, it is not the only source of pressure. Thus, pressure can emanate from an external source and/or an internal source</p> <p>1. External</p> <p> Political intervention Pressure Groups Media Relatives</p> <p>2. Internal</p> <p> Peers Higher Officers</p> <p>Solutions:</p> <ul style="list-style-type: none"> - Dissipate pressure by passing decision to a collegial body - Heads of government agencies should have a fixed term - Strict implementation of Sec. 3 (a) of RA 3019 	<ul style="list-style-type: none"> - Civil Service Commission (CSC) -do- -do-
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The arrival of Hon. Desierto, Ombudsman, during the second half of the morning session allowed the participants to share their suggestions with him and seek his reaction. Although several members of the Office of the Ombudsman had actively participated during discussions in the Working Group sessions, they strongly urged the participants to relay these suggestions to the Ombudsman during the plenary discussion. This would allow the participants to hear, firsthand, the feedback from the Ombudsman himself. The Ombudsman officials explained that the Ombudsman had the power and authority to order the implementation of several suggestions, which directly pertained to his office.

The Ombudsman patiently dealt with the queries of the participants. Admittedly, the participants, cognizant of the powers wielded by the Office of the Ombudsman, were initially hesitant in expressing such views, which may be mistaken as criticisms of the programs of the Office of the Ombudsman. However, they increasingly became quite vocal and forthcoming regarding their recommendations. Hon. Desierto noted that the suggestions were truly practical and vowed to seek their implementation. He likewise stated that there were several suggestions listed which were, in fact, already included in the list of ongoing programs of the Office of the Ombudsman. The participants then urged the Ombudsman to actively pursue the strict implementation of the anti-graft-and-corruption program of the Ombudsman. The participants also put forth the suggestion that the anti-graft program of the Ombudsman be widely disseminated among all the government offices so as to increase awareness of the program.

The Ombudsman continued with the discussion during the first half of the afternoon session, prior to the Closing Ceremonies. The participants commented on the apparent sincerity of the Ombudsman himself, as he immediately directed the subordinates present to note down the suggestions proffered for prompt implementation.

Afterwards, the participants were requested to properly accomplish the workshop evaluation forms. Then, the Closing Ceremonies were conducted. Justice Garchitorena and Mr. Blanchi delivered brief remarks. Then, Hon. Desierto and Justice Garchitorena, assisted by Mr. Blanchi and Dr. Larmour, distributed the certificates of participation to all the participants present. Justice Garchitorena declared the closure of the workshop.