

THE OFFICE OF THE OMBUDSMAN

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I. CONSTITUTIONAL MECHANISM

We Filipinos believe that public office is a public trust and therefore, public accountability is a must.

Bearing this in mind, Articles 12 and 13 of the 1987 Philippine Constitution envisioned the Office of the Ombudsman as the constitutional accountability authority in government with full powers to exercise extraordinary oversight and investigative authority over actions of all public officials and employees.

By constitutional mandate, the Philippine Congress passed into law, Republic Act 6770, otherwise known as “The Ombudsman Act of 1989” which gave the Office of the Ombudsman specific powers such as:

1. To investigate anomalies and inefficiency;
2. To prosecute cases before courts of law;
3. To conduct administrative adjudication;
4. To render public assistance; and
5. To prevent graft and corruption.

Popularly known as the government’s watchdog, the Office of the Ombudsman is safeguarded from political influence and interference by the provisions of the 1987 Philippine Constitution, to wit:

1. The appointment of the Ombudsman and her Deputies need no congressional confirmation and they possess the rank of chairman and members, respectively, of a Constitutional Commission;

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2. The Ombudsman and her deputies have fixed terms of Office during which their salaries cannot be diminished;
3. The Ombudsman is removable from Office only by impeachment; and
4. The Office of the Ombudsman has fiscal autonomy.

The Office of the Ombudsman has jurisdiction over officials and employees of the government or any of its subdivisions, agencies or instrumentalities, including members of the cabinet, local government officials, officials of government owned and controlled corporations, and private individuals who have acted in conspiracy with the foregoing officials.

Our Ombudsman, Conchita Carpio Morales, vows to pursue these ideals and declares an 8-point priority within her term for 2011 to 2018. Thus, The Ombudsman is set to:

1. Dispose of complaints and cases involving high ranking officials, those involving large sums of money, grand corruption cases and celebrated cases;
2. Attain zero backlog;
3. Improve survival rate of cases referred for further fact-finding;
4. Enforce monitoring of referred cases;
5. Improve responsiveness of public assistance;
6. Improve anti-corruption policy and programme coordination among sectors;
7. Rationalize the functional structure of the Office of the Ombudsman; and
8. Enhance transparency and credibility of the Office of the Ombudsman.

II. WAYS TO RAISE AWARENESS

Over the years, various projects and programmes were introduced, developed and implemented to prevent corruption. Examples are the following:

A. Strengthening of the Resident Ombudsmen

A Resident Ombudsman is a lawyer from the Office of the Ombudsman who is posted to hold office in different government agencies and offices including government owned and controlled corporations to enable the head of office to have a first hand and holistic perspective of the corruption problem, situation and inefficiency in its operation.

Resident Ombudsmen also render mediation services, give lectures as part of anti-corruption education and monitor submission of Statements of Assets, Liabilities, and Net Worth of government officials and employees.

B. Integrity Development Review or IDR

In 2004, the Office of the Ombudsman piloted the IDR with assistance from the United States Agency for International Development (USAID) to review the effectiveness of its own system against corruption.

The IDR consists of two major tools, namely:

- a. Corruption Resistance Review – where a survey of employees and review of relevant policies and procedures are made and assessed; and
- b. Corruption Vulnerability Assessment – where risks and problems are determined while controls and safeguards are evaluated.

At present, the IDR is exercised in almost all agencies of the government including the Philippine Judiciary.

C. Creation of Corruption Prevention Units (CPUs) and Junior Graftwatch Units (JGUs)

Corruption Prevention Units are civil society organizations that assist the Office of the Ombudsman (OMB for brevity) in detecting corruption in the bureaucracy. Thus, any bonafide non-partisan group from any sector with identifiable leadership and structure and with demonstrated capacity to promote the interest and assist the OMB in its crusade for a clean and honest government may become a CPU.

Junior Graftwatch Units serve as the OMB's youth arm in graft prevention and control. The JGUs are designed to awaken the consciousness of young citizens and instill honesty and efficiency to curb graft and corruption. JGUs are established in schools and communities.

D. Education

The Office of the Ombudsman continuously updates its officials and employees by holding Strategic Planning Seminars, Research Symposium, Teaching Exemplars, Ehem Aha Seminars, Orientation Lectures and Briefing, Research/Thesis Assistance Program and by encouraging attendance at local and international trainings and conferences.

E. Promotion

Programs and projects of the Office of the Ombudsman are best relayed to the public by way of multimedia such as;

- a. A radio program called “Magsumbong sa Ombudsman” aired every Wednesday from 10:00 to 11:00 a.m. over DZRB Radyo ng Bayan and its provincial stations nationwide;
- b. A television program called “Ombudsman: Kakampi Mo Laban sa Katiwalian” telecast over NB Channel 4 every Saturdays from 12:00 to 1:00 p.m.;
- c. Published in 2009 is the OMB Citizen’s Charter to serve as user guide on how to avail of the services of the OMB;
- d. Improved website, hotlines, E-mails and Text Messages lead to accessibility of the services and performance of the OMB nationwide;
- e. Publication and exhibits of anti-corruption materials helped in disseminating the mission and vision of the OMB in its fight against corruption. Held in big venues such as the Philippine International Convention Center (PICC), SM Mall of Asia, and the Asian Development Bank, the exhibit is aimed to raise awareness and to encourage the public to get involved in the OMB’s goal; and
- f. Celebration of International Anti-Corruption Day proved that the private and public sectors including international development partners joined hands in reacting and formulating solutions to the problem of graft and corruption.

III. IMPLEMENTATION

According to its 2010 Annual Report, the Office of the Ombudsman resolved a total of 8,963 cases for the year 2010. 4,968 (55%) of these cases were criminal cases, while 3,995 (45%) were administrative cases. Of the criminal cases, 19% resulted in the finding of probable cause against the respondents; the rest (81%) were dismissed for lack of evidence. On the other hand, of the administrative cases, 22%

resulted in a finding of guilt and imposition of administrative penalty; while the rest (78%) were dismissed.

In 2010, some 1,747 public officials and employees were criminally indicted in court for various offenses. Of this number, 427 (24%) were high ranking officials while 1,320 (76%) were low ranking officials. The year 2010 also recorded an increase in the number of criminal informations filed before the Sandiganbayan against high-ranking officials in government. A total of 281 informations were filed, up by almost 50% from last year's 189. The total amount involved in the criminal cases for prosecution before the anti-graft court is P129.3 million. Also in 2010, the Sandiganbayan rendered its decision in 121 cases which had undergone full-blown trial. Of this number, 40 cases resulted in conviction, and hence, registered a conviction rate of 33.1%. Consequently, a total of 67 officials accused of various offenses were convicted by the anti-graft court. Among them are seven mayors, a former administrator, SUC president, judges, provincial prosecutors, assistant secretary, and a PNP director general, among others.

Conversely, a total of 190 cases involving low-ranking officials and employees of the government were decided by the regular trial courts in the National Capital Region, Visayas, and Mindanao. Of this number, 95 or 50% resulted in conviction.

Finally, during the year 2010, 1,523 public officials and employees were meted administrative penalties. A total of 504 (33%) were dismissed from the service; 837 (55%) suspended; 117 (7.7%) reprimanded and 65 (4.3%) fined. Moreover, 107 government functionaries were placed under preventive suspension pending investigation while eight were merely admonished after the adjudication of their cases.