

**EXECUTIVE ORDER NO. 531**

**STRENGTHENING THE PRESIDENTIAL ANTI-GRAFT COMMISSION BY  
AMENDING EXECUTIVE ORDER NO. 12 SERIES OF 2001, AS AMENDED BY  
EXECUTIVE ORDER NO. 327 SERIES OF 2004 AND REVOKING  
MEMORANDUM ORDER NO. 86 SERIES OF 2003**

**WHEREAS**, Article VII, Section 17 of the Constitution provides that the President shall have control of all executive department, bureaus and offices;

**WHEREAS**, improving moral standards in government is a major thrust of the Arroyo administration;

**WHEREAS**, by virtue of Executive Order No. 12 dated 16 April 2001, the Presidential Anti-Graft Commission was created to assist the President in the campaign against graft and corruption;

**WHEREAS**, there is a need to strengthen the Presidential Anti-Graft Commission;

**NOW THEREFORE, I, GLORIA M. ARROYO**, President of the Philippines, by virtue of the powers vested in me by the Constitution and the laws, do hereby order the following amendments to Executive Order No. 12:

**SECTION 1. Operating Units of the Presidential Anti-Graft Commission.** – The Presidential Anti-Graft Commission, hereinafter referred to as the “Commission”, may, subject to pertinent laws, rules and regulations, create, organize and set in operation such organizational units necessary for the performance of its powers, functions and duties and for the enforcement of this Executive Order. Such operating units shall be staffed by duly qualified personnel and those detailed to the Commission by other government entities.

The Chairperson of the Commission shall have the authority to appoint, promote and discipline the personnel of all operating units, subject to the rules and regulations of the Civil Service Commission.

The Commission may hire new personnel; provided that the organization structure and staffing pattern of the Commission and subsequent changes in the same shall be approved by the Department of Budget and Management.



**SECTION 2. Jurisdiction, Powers and Functions.** – (a) The Commission shall have the power, on complaint or *motu proprio*, and concurrent with the Office of the Ombudsman, to investigate, receive, gather and evaluate evidence, intelligence reports and information on or hear administrative cases against all Presidential appointees in the Executive Branch of the government and any of its agencies or instrumentalities occupying the position of Assistant Regional Director or an equivalent rank, and higher, otherwise classified as Salary Grade “26” and higher, under the Compensation and Position Classification Act of 1989 (Republic Act No. 6758) including members of the governing board of any instrumentality, regulatory agency, chartered institution, and directors or officers appointed or nominated by the President to government-owned or -controlled corporations or corporations where the government has a minority interest, or who otherwise represent the interests of the government, hereinafter referred to as “covered Presidential appointees,” as well as other public officers and employees, and private persons, in conspiracy or connivance with covered Presidential appointees, for acts or omissions constituting violations of any of the following:

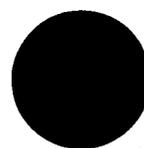
- (1) Republic Act No. 3019, as amended, otherwise known as the “Anti-Graft and Corrupt Practices Act”;
- (2) Republic Act No. 1379 on the unlawful acquisitions of property by a public officer or employee;
- (3) Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees”;
- (4) Any provisions under Title Seven, Book Two of the Revised Penal Code;
- (5) Executive Order No. 292, Series of 1987, otherwise known as the “Administrative Code of 1987”, whenever it defines and imposes administrative sanctions on acts and omissions constituting violations of the foregoing laws and issuances;
- (6) Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and
- (7) Other violations as may be referred to the Commission by the President of the Philippines.

(b) The Commission may enlist the aid and support of any law enforcement agency of the government in the exercise of its functions. It may also call upon all government agencies and instrumentalities, including government-owned and -controlled corporations for assistance, whether for acquisition of documents pertinent to its investigation or to participate in the investigation itself. The Commission may recommend the admission of vital witnesses into the Witness Protection Benefit Program administered by the Department of Justice.

(c) The Commission shall, on complaint or *motu proprio*, have the authority to administratively adjudicate all cases falling within its jurisdiction upon sufficient cause. All decisions of the Commission shall be in the form of resolutions and recommendations to the President or the Executive Secretary rendered *en banc*, and shall state, among others, the factual findings, legal conclusions and appropriate administrative penalties applicable.



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(d) Upon the filing of a complaint or charge, the Commission may recommend to the President or the Executive Secretary the issuance of an order of preventive suspension against covered Presidential appointees, when the circumstances of the investigation warrant the same, as when the charges are punishable with removal from the service or when respondent's continued stay in office would prejudice the fair determination of the case. The preventive suspension shall continue until the case is terminated by the Commission but in no case shall exceed a maximum of ninety (90) days, except when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case the period of such delay shall not be counted in computing the period of suspension.

(e) The Commission shall use every and all reasonable means to ascertain the facts in each case or complaint speedily and objectively.

(f) The Commission shall, after due investigation, file the appropriate criminal complaints with the Office of the Ombudsman or the Department of Justice, or otherwise refer cases for the appropriate action of any such offices or other appropriate Constitutional Commissions or government units, including government-owned or controlled corporations, assist the prosecuting agency or officer towards the successful prosecution of such cases, and monitor the same. The Commission shall coordinate with the Office of the Ombudsman, the Department of Justice, the Anti-Money Laundering Council, and other appropriate government agencies and instrumentalities to ensure the successful prosecution of cases investigated by the Commission.

(g) The Commission shall have the mandate to formulate national anti-corruption plans and strategies pursuant to the Medium-Term Philippine Development Plan of the Arroyo administration, and cause the efficient and effective implementation of such plans and strategies. For this purpose, the Commission shall enlist the services of the Presidential Management Staff on measures to prevent and minimize the opportunities for graft and corruption at all levels of bureaucracy.

(h) The Commission may engage the services of qualified consultants and/or deputies from the public and private sectors, subject to pertinent laws, rules and regulations.

(i) The Commission shall oversee the implementation and compliance by all agencies, instrumentalities and offices in the Executive Branch with all anti-graft and corruption laws and issuances and shall secure their compliance with integrity development or enhancement plans.

(j) The Commission may develop and conduct public awareness and information campaigns, and engage in partnerships or cooperative undertakings with local government units, civil society, people's organizations, the academe and/or the business sector, to encourage public participation in the government's anti-corruption efforts.

(k) The Commission may recommend the issuance and adoption of appropriate policies that would strengthen anti-corruption efforts and hasten the arrest and prosecution of



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corrupt government officers and employees, including private persons conspiring with them.

**SECTION 3. Power to Summon Government Personnel and Administer Oaths.** – Pursuant to its power to investigate and adjudicate, the Commission shall have the power to administer oaths and summon or subpoena government personnel and records.

**SECTION 4. Effect of Non-Compliance with Summons** – Any unreasonable delay or refusal of a Presidential appointee to comply with the summons or subpoena issued by the Commission shall constitute a ground for administrative disciplinary action to be recommended by the Commission *en banc* against the Presidential appointee to whom such summons or subpoena was addressed. The Commission *en banc* may, for this purpose, also file the appropriate criminal charge or complaint against the erring public officer or employee with the civil courts, Civil Service Commission and other appropriate tribunals.

**SECTION 5. Interagency Assistance and Cooperation** . – All government agencies and instrumentalities shall give the Commission all the assistance and cooperation required in order to ensure the success of its programs and investigation pursuant to the provisions hereof.

**SECTION 6. Disclosures.** – The Commission and its personnel shall not disclose or make public any record or information in connection with any investigation, when such disclosure would deprive the respondent of his/her right to a fair and impartial disposition of the case. Only the Chairperson may disclose any information to the public; provided, that any such disclosures shall be balanced, fair and accurate.

**SECTION 7. Personnel.** – The Commission may from time to time restructure the plantilla, transfer officers and employees from one position to another in order to comply with the ratio of eighty percent (80%) investigative personnel and twenty percent (20%) administrative personnel.

**SECTION 8. Funding.** – The Commission shall have an appropriate budget as determined by the Deputy Executive Secretary for Finance.

**SECTION 9. Separability Clause.** – In the event that any provisions of this Executive Order or any part thereof is declared invalid, illegal or unconstitutional, the remainder of this Executive Order or any provision not thereby affected shall remain in force and effect.

**SECTION 10. Revoking Memorandum Order No. 86** – Memorandum Order No. 86 dated 30 January 2003 is hereby revoked. For this purpose, the signing authority of all orders, resolutions and decisions rendered by the Commission reverts to the Executive Secretary.



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**SECTION 11. Repealing Clause.** - All orders, rules and regulations and issuances or parts thereof inconsistent with this Executive Order are hereby repealed, amended or modified accordingly.

**SECTION 12. Effectivity.** - This Executive Order shall take effect fifteen (15) days after its publication.

**DONE**, in the City of Manila this 31<sup>st</sup> day of May, 2006.

*Gloria Arroyo*



By the President:

*Eduardo R. Ermita*

**EDUARDO R. ERMITA**  
Executive Secretary



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