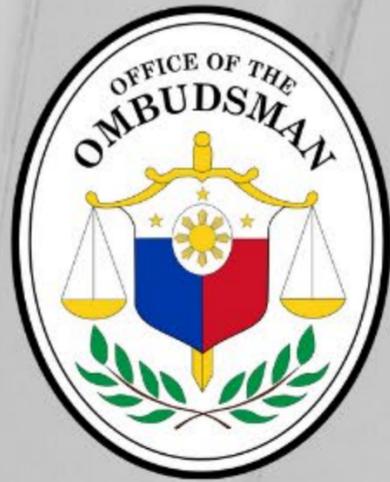


OMBUDSMAN 101





ATTY. JOSEPH MARION P. NAVARRETE

Graft Investigation and Prosecution Officer III

Public Assistance and Corruption Prevention Bureau

Office of the Deputy Ombudsman for Luzon

ABOUT THE SPEAKER



3 ~ FOLD LIABILITY

1

Administrative

2

Criminal

3

Civil



3 ~ FOLD LIABILITY

Administrative

Based on the supervisory powers of the government agency or subdivision where the government employee works

Reprimand, Fine, Suspension, Dismissal from Office

Criminal

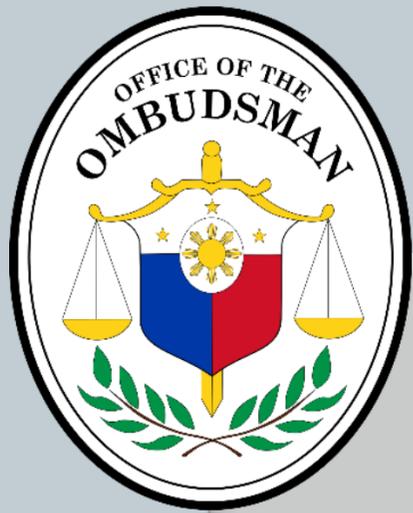
Based on the right of the State to prosecute cases caused by wrongs against the State (as a result of the violation of its laws)

Imprisonment
Fine

Civil

Based on the claim of an individual (including the government) who may have suffered injury caused by the act or omission of the government employee

Restitution, Damages



THE OMBUDSMAN ACT

REPUBLIC ACT 6770



OMBUDSMAN ACT (R.A. 6770)



BASES

The State shall maintain honest and integrity in the public service and take positive and effective measures against graft and corruption.

(Article 2, Section 27, 1987 Constitution)

Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice and lead modest lives

(Article 11, Section 1, 1987 Constitution)



MANDATE

The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

(Section 13, RA 6770, Art. XI, Sec. 12, Constitution)



ROLES

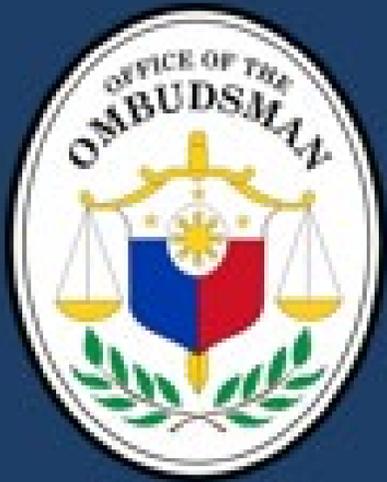




New Rules

Revised Rules of Procedure of the Office of the Ombudsman

- Administrative Order No. 1, Series of 2026
- Took effect on 27 February 2026
- Coverage:
 - ❖ *Criminal* complaints;
 - ❖ *Administrative* complaints;
 - ❖ *Forfeiture* complaints;
 - ❖ *Grievances or Request for Assistance*



Revised Rules of Procedure of the Office of the Ombudsman

Rule I, Section 3

Complaints, grievances or requests for assistance may be in any form, either verbal or in writing. For a speedier disposition of a complaint, it is preferable that it be in writing and under oath, xxx

Xxx, the complaining or requesting party must indicate his/her address and contact details, including email address, if there be any, and that of each of the concerned parties.

*A complaint which does not disclose the identity of the complainant will be acted upon only if it merits appropriate consideration or contains sufficient leads or particulars to enable the taking of further action; provided, however, that the complainant, **by opting to remain anonymous, shall not be notified of the action on the complaint.***

New Rules



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule II: Case Evaluation and Classification

All documents received by the Office of the Ombudsman shall undergo a system of evaluation and classification. The designated verifier of each records bureau/division shall initially assess such documents into any of the following categories:

- *New complaints;*
- *Pleadings and other submissions filed in relation to existing cases;*
- *External communications; or*
- *Miscellaneous documents.*



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule II: Case Evaluation and Classification

Xxx, the Evaluator may recommend xxx:

- a) *For Referral to:*
 - i. *The concerned area or sectoral office of the Office of the Ombudsman;*
 - ii. *Another agency/office with exclusive jurisdiction over the person/subject-matter;*
 - iii. *Other agencies/offices that have concurrent jurisdiction with the Office of the Ombudsman;*
 - iv. *Other specialized agencies that have competence on the matter for their appropriate requisite action.*
- b) *For Consideration as a Request for Assistance*
- c) *For Fact-Finding Investigation*
- d) *For Docketing as a criminal, administrative, and/or forfeiture case*
- e) *For Outright Dismissal*



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule II: Case Evaluation and Classification

Grounds for Outright Dismissal in Administrative Cases

The evaluator may outright dismiss the complaint if it appears:

- a) The complainant has an adequate remedy in another judicial or quasi-judicial body;*
- b) The complaint pertains to a matter outside the jurisdiction of the Office of the Ombudsman;*
- c) The complaint is trivial, frivolous, vexatious or made in bad faith;*
- d) The complainant has no sufficient personal interest in the subject matter of the grievance; or*
- e) The complaint was filed after one year from the occurrence of the act or omission complained of.*



Revised Rules of Procedure of the Office of the Ombudsman

Rule II: Case Evaluation and Classification

Grounds for Outright Dismissal in Criminal/Forfeiture Cases

The evaluator may outright dismiss the complaint if it appears:

- a) The complainant is devoid of palpable merit;*
- b) The crime has clearly prescribed;*
- c) There is lack of jurisdiction on the part of the Office of the Ombudsman and referral to the agency/office with exclusive jurisdiction cannot be properly made.*
- d) The criminal charge is inextricably linked to the merits of an actual case or matter handled by a court, tribunal or agency, and the complaint indirectly calls upon the Office of the Ombudsman to review the validity, propriety or manner of issuance of the ruling or order of such court, tribunal or agency.*

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule III:

Request for Assistance (RAS)

Any concern seeking redress, relief or public assistance, which does not necessarily amount to a criminal, administrative or forfeiture charge, wherein the Office of the Ombudsman is mandated to intervene within the primary scope of its powers, functions, and jurisdiction.

Grounds for Denial of RAS

Rendering assistance may be declined on the following grounds:

- a) The RAS appears to be manifestly frivolous, vexatious, made in bad faith and/or repeated filing of the same;*
- b) The subject involves a matter purely between private parties ;*
- c) The remedy sought is not within the Office of the Ombudsman to grant and is with another forum*
- d) The requester causes undue disturbance or alarm on Ombudsman employees and other requesters;*
- e) Analogous grounds*

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule IV:

Fact-Finding Investigation

A complaint for purposes of this rule, should contain verifiable leads or particulars sufficient to warrant the exercise of Ombudsman's investigatory powers but insufficient in form and substance to warrant preliminary investigation, administrative adjudication or forfeiture proceedings.

New Rules

Period to Conduct Fact-Finding Investigation

Unless otherwise provided, simple cases shall undergo investigation period not to exceed 60 days, while complex cases shall undergo an investigation period not to exceed 90 days.

The period may be extended by written authority of the Ombudsman or his Deputies for justifiable reasons.

The complexity of the case shall be determined based on various factors such as but not limited to the following: *number of respondents, number of offenses charged, the volume of documents, geographical coverage, and amount of public funds or value of public property involved.*



Revised Rules of Procedure of the Office of the Ombudsman

Rule V: Criminal Cases

Coverage:

Every elective and appointive official/employee of the government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet and Congress, local government units, GOCCs and their subsidiaries, including **co-conspiring private persons**, may become the subject of a preliminary investigation by the Office of the Ombudsman, without prejudice to the privilege of immunity from suit, and provided that impeachable officers may only be criminally charged in court after their tenure.

New Rules



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule V: Criminal Cases

Quantum of evidence

The quantum of evidence for preliminary investigations and inquest proceedings is *prima facie evidence with reasonable certainty of conviction*.

This quantum exists when a prima facie case is established by the evidence-at-hand, including but not limited to testimonial evidence, documentary evidence, and real evidence; where such evidence, on its own and if left uncontroverted, shall be sufficient to establish all the elements of a crime or offense charged, and consequently warrant a conviction beyond reasonable doubt.

Reasonable certainty of conviction also includes a summary evaluation of the evidence presented by the respondents through their counter-affidavit.



Revised Rules of Procedure of the Office of the Ombudsman

Rule V: Criminal Cases

The quantum of evidence is met when the prosecutor is convinced that the entirety of evidence presented by the parties is

- a) admissible,
- b) credible, and
- c) capable of being preserved and presented to establish all the elements of the crime or offense, as well as the identity of the person or persons responsible therefor.

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule VI: Administrative Cases

Grounds for Administrative Cases

A complaint may be filed for acts and omissions which are:

- a) Contrary to law or regulations;
- b) Unreasonable, unfair, oppressive or discriminatory;
- c) Inconsistent with the general course of an agency's functions though in accordance with law;
- d) Based on a mistake of law or an arbitrary ascertainment of facts;
- e) In the exercise of discretionary powers but for an improper purpose;
- f) Otherwise irregular, immoral or devoid of justification;
- g) Due to any delay or refusal to comply with the referral or directive of the Ombudsman or a Deputy Ombudsman against the officer or employee to whom it was addressed; and
- h) Based on such other grounds provided under Executive Order No. 292 and other applicable laws.

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule VI: Administrative Cases

Coverage:

Every elective and appointive official/employee of the government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet, local government units, government-owned or controlled corporations and their subsidiaries, is subject to the disciplinary authority of the Office of the Ombudsman, **except Members of Congress, the Judiciary and officials removable only by impeachment**; provided, however, that officials removable only by impeachment *may be the subject of investigation for serious misconduct in office for the purpose of filing a verified complaint for impeachment*, if warranted.

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule VI: Administrative Cases

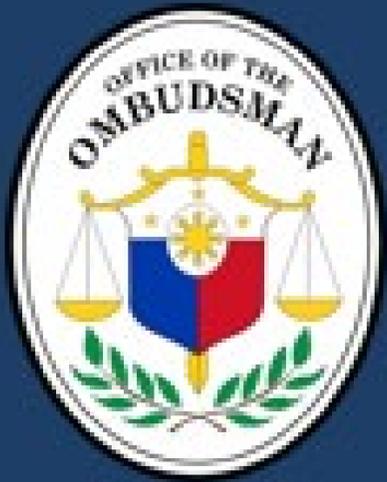
Preventive Suspension:

Pending investigation, the respondent may be preventively suspended without pay if, in the judgment of the Ombudsman or the Deputy Ombudsman, the evidence of guilt is strong, and

- (a) the charge against such officer or employee involves serious dishonesty, oppression, grave misconduct, or gross neglect in the performance of duty,
- (b) the charge would warrant removal from the service; or
- (c) the respondent's continued stay in office may prejudice the just, fair and independent disposition of the case filed against him.

The order of preventive suspension **shall be immediately executory**. Such preventive suspension shall continue until the case is terminated; however, the total period of preventive suspension shall not exceed 6 months. Nevertheless, when the delay in the disposition of the case is due to the fault, negligence or any cause attributable to the respondent, the period of such delay shall not be counted in computing the period of suspension.

New Rules



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule VI: Administrative Cases

Quantum of Proof

The quantum of proof for administrative proceedings is substantial evidence, which is defined as such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise.

Penalties

The Ombudsman has the discretion to impose the principal penalty ranging from reprimand to dismissal from the service with due regard to the circumstances of the case.

The penalty of dismissal from the service carries with it the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking the civil service examinations, and forfeiture of retirement benefits.



New Rules

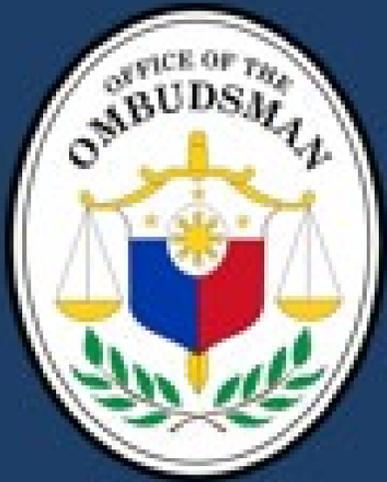
Revised Rules of Procedure of the Office of the Ombudsman

Rule VI: Administrative Cases

Penalties

In the event that the penalty of suspension can no longer be enforced due to respondent's separation from the service (*retirement, resignation, or expiration of the term of office*), the penalty shall be converted into a fine in an amount equivalent to respondent's salary for the number of months corresponding to the period of suspension, payable to the Office of the Ombudsman, and may be deducted from respondent's retirement benefits, accrued leave credits or any receivable from his/her office.

For purposes of implementing a fine, the same shall be computed on the basis of the respondent's gross basic monthly salary (without including allowances/benefits and prior to statutory deductions) prevailing at the time of execution of the penalty. In case the respondent is no longer in service, the computation shall be based on his or her last gross basic monthly rate as appearing in the latest service record or equivalent certification.



Revised Rules of Procedure of the Office of the Ombudsman

Rule VII: Forfeiture Cases

Quantum of evidence

The object of preliminary inquiry akin to preliminary investigation is to determine whether there is reasonable ground to believe that the property or any part thereof acquired by a public officer or employee is unlawfully acquired, unexplained or ill-gotten wealth, and should be declared the property of the State.

A property shall be presumed *prima facie* to have been unlawfully acquired whenever any public officer or employee has acquired during his/her incumbency an amount of property which is manifestly out of proportion to his/her salary as such public officer or employee and to his/her other lawful income and the income from legitimately acquired property.

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule VIII, Section 2

Formal complaint

A criminal, administrative and/or forfeiture case may be initiated by a written complaint under oath accompanied by affidavits of witnesses and other evidence in support of the charge. Such complaint shall be accompanied by a Certificate of Non-Forum Shopping duly subscribed and sworn to by the complainant or his/her counsel. The complaint shall be filed in 2 originals and such number of copies as there are respondents whose respective full names, positions and addresses, including email addresses, if any, shall be indicated in the complaint.

New Rules



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule VIII, Section 3

Procedure

- An Order, attaching thereto a copy of the complaint and supporting affidavits or documents, directing the respondent to submit, within a non-extendible period of 15 days from receipt thereof, his/her counter-affidavit and controverting evidence, with proof of service to the complainant. The complainant may file a reply-affidavit, within a non-extendible period of 5 days from receipt of the counter-affidavit, with proof of service to the respondent/s.
- A clarificatory hearing may be conducted at the discretion of the investigating officer, subject to the approval of the bureau director, wherein the parties shall be afforded the opportunity to be present but without the right to examine or cross-examine.
- If the respondent does not file a counter-affidavit within the reglementary period despite due notice, or cannot be served with the order to file counter-affidavit or refuse to receive the said order, the compliant shall be deemed submitted for resolution on the basis of the evidence on record.



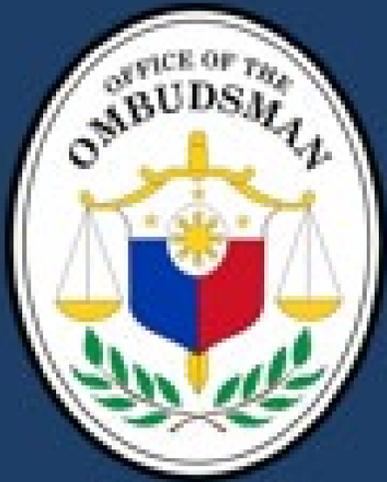
New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule VIII, Section 3

Procedure

- After submission of the last responsive pleading or upon expiration of the allowable period, or upon the termination of a clarificatory hearing, if one is conducted, the investigating officer shall issue an order declaring that the case is submitted for resolution. Once a case is submitted for resolution, no further pleadings or documents shall be entertained.
- Within 30 days from the date the case is submitted for resolution the investigating officer shall prepare and submit his/her findings and recommendation together with the Information or the Petition for Forfeiture, where applicable, and the records of the case to the proper authorities for their appropriate action. The period may be extended by written authority of the Ombudsman or his Deputies for justifiable reasons.



Revised Rules of Procedure of the Office of the Ombudsman

Rule VIII, Section 7

Motion for Reconsideration

A motion for reconsideration may be filed within a non-extendible period often 10 days from receipt of the resolution, decision or order, on the basis of any of the following grounds:

- a) New evidence had been discovered which materially affects the resolution, decision or order.
- b) Grave errors of fact or law, or serious irregularities have been committed prejudicial to the interest of the movant.

The motion shall contain a statement of material dates with an attached affidavit of service. Failure to comply with this requirement shall be a ground for the denial of the motion.

The opposing party shall have a non-extendible period of 10 days from receipt of the motion within which to file his/her comment. Thereafter, with or without the submission of any comment or opposition, the case shall be deemed submitted for resolution.

The investigating officer shall resolve the motion within five (5) days from the date of submission for resolution.

New Rules



Revised Rules of Procedure of the Office of the Ombudsman

Rule VIII, Section 7

Motion for Reconsideration

The filing of a motion for reconsideration or reinvestigation shall not bar the filing of the corresponding Information in court. Only one motion for reconsideration or reinvestigation shall be allowed, with the corresponding leave of court in case the Information has already been filed in court.

Rule VIII, Section 8

Implementation of Decisions in Administrative Cases

The filing of a motion for reconsideration or an appeal shall not stay the immediate execution of the decision.

New Rules



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule X

Immunity from Prosecution

Any person whose testimony or production of documents or other evidence is necessary to determine the truth in any inquiry, hearing, or proceeding being conducted by the Office of the Ombudsman or under its authority in the performance or pursuit of its constitutional functions and statutory objectives, including preliminary investigation, may be granted immunity from criminal prosecution by the Ombudsman, upon such terms and conditions as the Ombudsman may determine, taking into account the pertinent provisions of the Rule of Court.

Such immunity may be granted upon application of the party concerned, the investigating, hearing, or prosecuting officer, or at the instance of the Ombudsman; provided however, that in all cases, the party concerned shall execute an affidavit reciting the substance of his/her proposed testimony and/or the nature of the evidence in his/her possession.

The grant of immunity from criminal prosecution under the preceding paragraphs may be revoked upon proper notice in the event that the person granted immunity subsequently retracts his/her statement, or fails or refuses to testify and produce evidence in court in accordance with the sworn statement upon which his/her immunity was granted. Neither shall such grant of immunity exempt him/her from criminal prosecution for perjury of false testimony, nor shall he/she be exempt from administrative liability including removal from office.



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

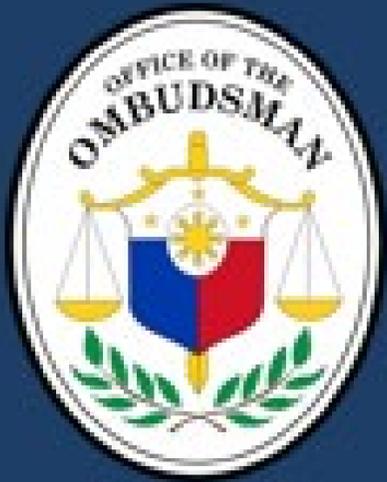
Rule X, Section 2: **Contempt**

Direct Contempt

Any person who, during a hearing, investigation or any other proceedings officially convened or authorized by the Office of the Ombudsman, commits any of the following acts in the presence of or so near, the Ombudsman or a duly authorized official as to directly obstruct or interrupt the proceeding may be summarily adjudged guilty of direct contempt:

1. Misbehavior or conduct that tends to obstruct, interrupt, or disrupt, the orderly conduct of the proceeding;
2. Disrespectful or offensive behavior towards the Ombudsman, duly authorized official, or any other persons present at such proceedings, which behavior undermines the authority or dignity of the Office of the Ombudsman in the conduct of such proceedings;
3. Unjustifiable refusal to be sworn or to answer a question propounded, after duly required to do so.

Punishment of a fine, not exceeding P2,000, or If he/she is a Public Officer/Employee suspension not exceeding 10 days, or both.



New Rules

Revised Rules of Procedure of the Office of the Ombudsman

Rule X, Section 2: Contempt

Indirect Contempt

Any person found guilty of any of the following acts may be punished for indirect contempt:

1. Disobedience of or resistance to a lawful writ, process, decision, resolution, order, or directive of the Office of the Ombudsman;
2. Any abuse of or any unlawful interference with the process or proceedings of the Office of the Ombudsman not constituting Direct Contempt;
3. Any improper conduct tending to impede, obstruct, or degrade the administration of justice. ;
4. Failure to observe a *Subpoena* duly served.

Punishment of a fine, not exceeding P30,000, or If he/she is a Public Officer/Employee suspension ranging from 1 month to 6 months, or both.

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the 1st penalty, the respondent continues to fail or refuse to comply.



2025
RACCS
RULE 10
Sec. 63

Grave Offenses

(Dismissal from Service)

- Serious Dishonesty
- Gross Neglect of Duty
- Grave Misconduct
- Being Notoriously Undesirable
- Conviction of a Crime Involving Moral Turpitude
- Falsification of Official Document
- Nepotism
- Disloyalty to the Republic of the Philippines and to the Filipino people
- Grave Sexual Harassment
- Physical or mental disorder or disability due to immoral or vicious habits



2025
RACCS
RULE 10
Sec. 63

Grave Offenses

(Dismissal from Service)

- Contracting loans of money or other property from persons with whom the office of the employee has business relations
- Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws
- Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or anything of monetary value in the course of one's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's office



2025
RACCS
RULE 10
Sec. 63

Grave Offenses

(Suspension of 6 months-1 year; Dismissal from Service)

- Conduct Prejudicial to the Best Interest of the Service
- Oppression
- Disgraceful and Immoral Conduct
- Gross Insubordination
- Frequent Unauthorized Absences (Habitual Absenteeism)
- Habitual tardiness causing prejudice to the operations of the office
- Loafing from Duty during Regular Office Hours
- Refusing to Perform Official Duty
- Less Serious Dishonesty



2025
RACCS
RULE 10
Sec. 63

Grave Offenses

(Suspension of 6 months-1 year; Dismissal from Service)

- Inefficiency and incompetence in the performance of official duties
- Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. (*Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something*)
- Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or to prejudice the public interest
- Owning, controlling, managing, or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised, or licensed by one's office, unless expressly allowed by law
- Obtaining or using any statement filed under the R.A. No. 6713 for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public



2025
RACCS
RULE 10
Sec. 63

Less Grave Offenses

(Suspension of 1-6 months; Dismissal from Service)

- Simple Neglect of Duty
- Simple Misconduct
- Discourtesy in the course of official duties
- Violation of existing Civil Service Law and rules of serious nature
- Insubordination
- Unfair discrimination in rendering public service due to a party affiliation or preference
- Failure to file SALN
- Failure to resign from private enterprise within 30 days when conflict of interest arises



2025
RACCS
RULE 10
Sec. 63

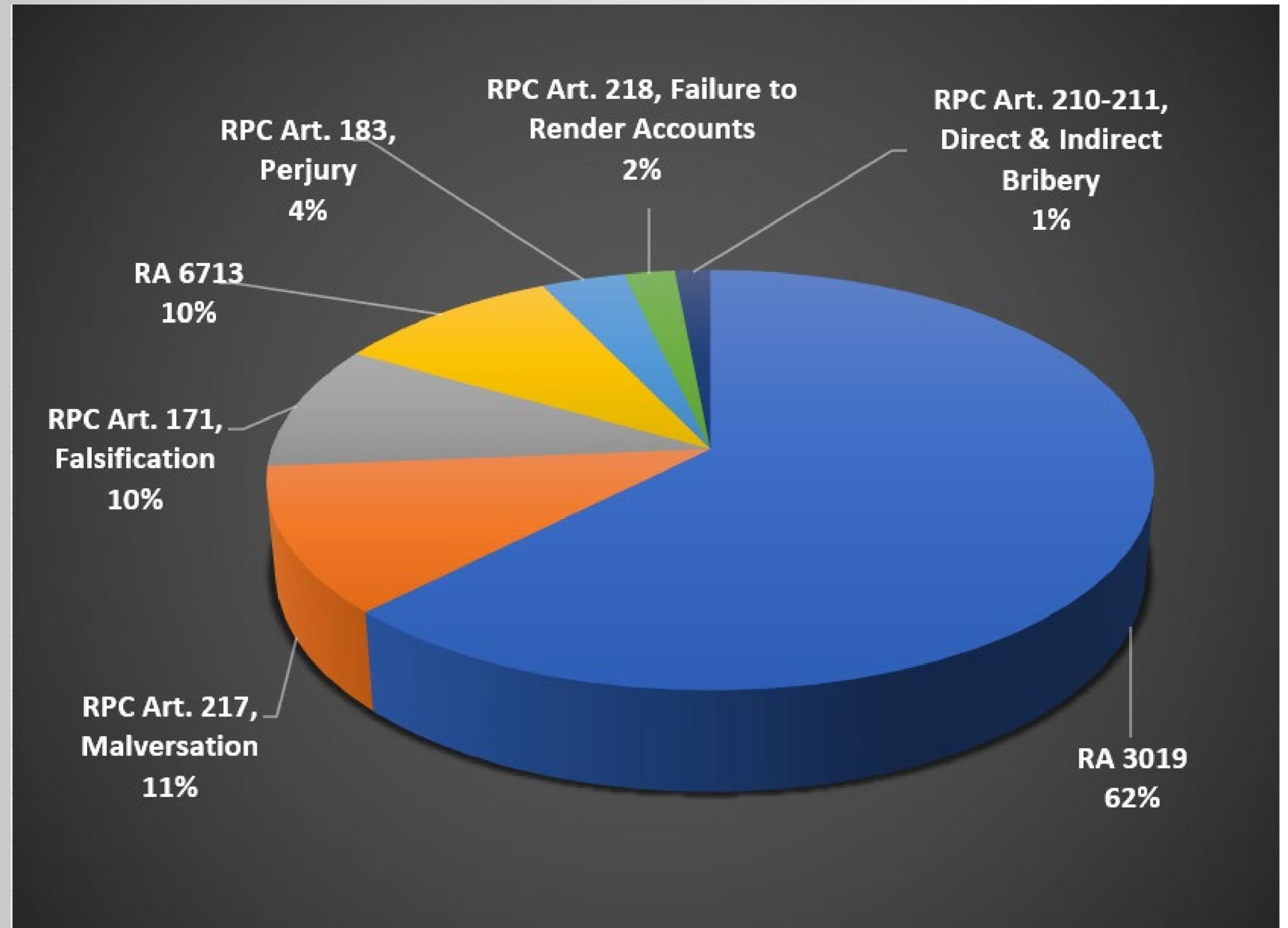
Light Offenses

(Reprimand; Suspension of 1-6 months; Dismissal from Service)

- Simple Discourtesy
- Improper or unauthorized solicitation of contributions from subordinate employees
- Violation of Reasonable Office Rules and Regulations
- Habitual Tardiness
- Gambling Prohibited by Law
- Disgraceful, Immoral or Dishonest Conduct prior to entering the service
- Engaging in private practice of one's profession unless authorized by the Constitution, law or regulation or the head of office where the employee or official is assigned



BREAKDOWN OF CASES (2024 ~ 2025)





**Sec. 3(e)
R.A. No.
3019**

Section 3(e) Anti Graft and Corrupt Practices Act

Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence.

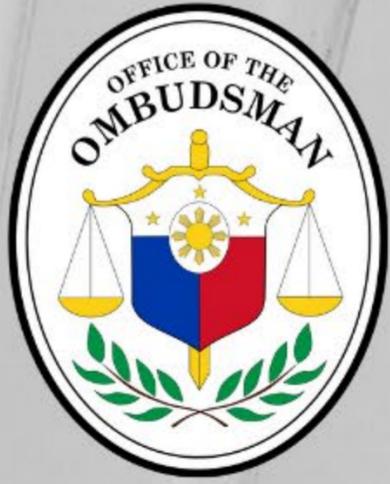


**Sec. 3(e)
R.A. No.
3019**

Section 3(e) Anti Graft and Corrupt Practices Act

Elements

- 1. Public Officer discharging official, administrative, judicial functions**
- 2. Caused undue injury or gave unwarranted benefit**
- 3. Through manifest partiality, evident bad faith or gross inexcusable negligence**



THANK
YOU!