



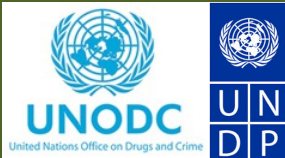
Corruption and Anti-Corruption Initiatives in the Philippines

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Overall Deputy Ombudsman

25 May 2015, Monday, Asian Development Bank



While government is seriously pursuing anti-corruption efforts at the national level under the impulse of President Aquino, the lack of a unified vision dissipates the impact of many of these initiatives at the local level.



Capacity Assessment of Anti –Corruption Infrastructure in the Philippines (December 2014)



3 areas of analysis: (1) **Enabling Environment** – in relation to vision, political leadership, power structure and influence; (2) **Organizational Level** – or the coordination between institutions, relations with stakeholders, procedures; and (3) **Individual Level** – experience and technical skills in relation to prevention and investigation.



Capacity Assessment of Anti –Corruption Infrastructure in the Philippines (December 2014)



Observations:

- need to sharpen anti-corruption efforts especially across agencies given that many of these initiatives are largely scattered and often uncoordinated;
- Issue of ownership from the implementing agencies, better coordination, and linking planning with the budget process;

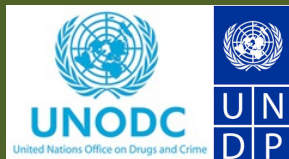


Capacity Assessment of Anti –Corruption
Infrastructure in the Philippines (December 2014)



Observations:

- Preserving the independence of constitutional bodies in relation to collaboration and information sharing; and
- Continuing vulnerability of local officials, law enforcement officers, and traditionally corrupted sectors.



Capacity Assessment of Anti –Corruption
Infrastructure in the Philippines (December 2014)



Rule of law, and not rule of men:

this same dictum is the rationale behind the Ombudsman's enforcement of public accountability.



The Ombudsman should heed the tenets of the Constitution, not the tenant in Malacañang.



The **lead anti-corruption institution** tasked by the Constitution as the **protector of the people**, mandated to **act promptly on complaints** filed **against public officials or employees**.

This Institution operates on a three-pronged approach, namely:

punitive,
prevention, and
promotional means.

Punitive Approach



This includes: build up cases, initiate lifestyle checks, conduct preliminary investigation and/or initiate administrative disciplinary proceedings, prosecute criminal and forfeiture cases in court, and monitor implementation of penalties.





High Profile Cases Resolved

- PGMA cases involving NBN-ZTE deal and PCSO Intelligence Fund.
- PNP cases involving euro-generals, rubber boats procurement, chopper deal, and light armored vehicle “ghost” repairs.
- PAGCOR case involving “Baler” movie, repackaged relief goods, and diverted funds to favored organizations.
- DBP behest loans case, Pestaño murder case, TESDA scam, Cebu Balili land deal, Quendancor cases, and Gen. Ligot’s perjury case.





High Profile Cases Resolved

- Filed charges against a former Chief Justice and his wife for violation of R.A. No. 1379, and also against the CJ for 8 counts of perjury and 8 counts of violation of Sec. 11 of R.A. NO. 6713.
- Indictment of 3 Senators, and as well as Janet Napoles together with several government employees and NGO officers with plunder and violations of Sec. 3 (e) of R.A. No. 3019 in connection with the Priority Development Assistance Fund (PDAF).





At one grievous point in time, the Philippines experienced a total failure in government in terms of combating corruption. The system of checks and balance installed under our constitution, providing for the separation of powers of the 3 branches of the government, unfortunately seems to have suffered a system failure and has remained offline during that period.



Cases Against Ombudsman Employees



- Criminal charges filed against a former Deputy Ombudsman and a former Assistant Ombudsman for tampering with official documents.
- An associate graft investigation officer was ordered dismissed from the service after attempting to extort money from a customs officer.



Cases Against Ombudsman Employees



- A records officer was dismissed from the service after demanding and receiving “facilitation money.”
- A process server was dismissed from the service after an entrapment operation caught him in the act of unlawfully demanding money with threats of initiating an Ombudsman case against a government employee involved in a gun-toting incident.



Cases Against Ombudsman Employees



- A former Deputy Ombudsman for Mindanao was found guilty of Grave Misconduct, Simple Neglect of Duty, and Conduct Prejudicial to the Best Interest of the Service.



“Ombudsman employees are not immune from public scrutiny. Everybody in government should be accountable to the people.”

8,700 year-end docket (reduction by 12%)

6,232 administrative & criminal cases resolved

631 criminal complaints disposed

2014
Status Of Administrative & Criminal Cases

825 cases imposed with administrative penalties

5,250 new cases (7%) new cases in 2014

1,400 informations filed in the last 2 years



“**ZERO** Backlog by 2018.
Moreover, **by end of 2015**, the
Office is targeting to **finally
resolve all its remaining
cases docketed 2012 and
earlier, if any are still left
unresolved.**”



“Let us help them remain honest and keep them dedicated. Let us make sure that corrupt officials and employees in government that give public service a bad name get the punishment they deserve.”

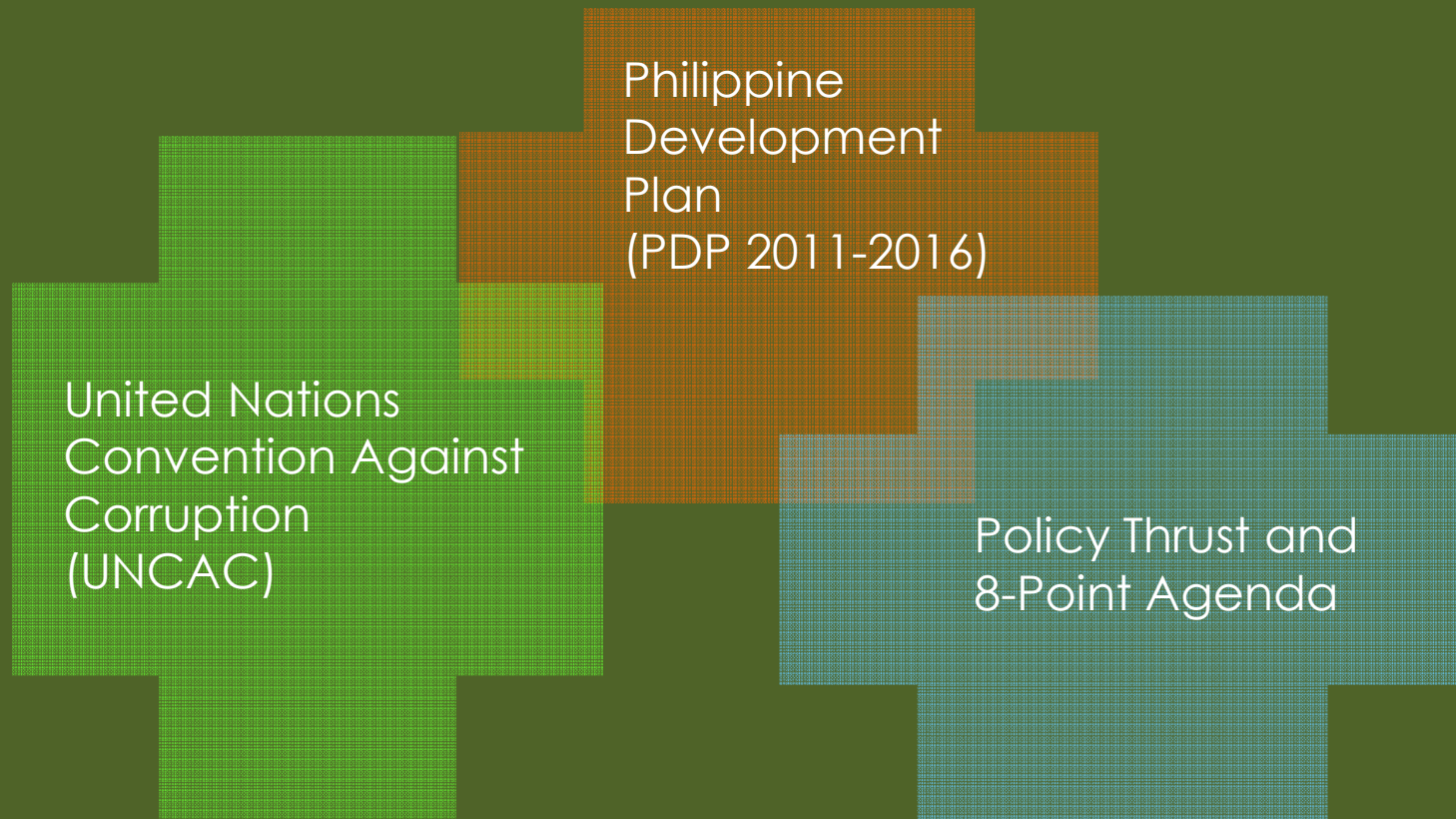
Preventive Approach



As a key pillar in the anti-corruption effort, corruption prevention goes into the root cause by answering the question: “Why did this take place?” As there is yet no absolute cure to corruption, prevention appears to be the only antidote against the spreading of this social malady.



GOOD GOVERNANCE and ANTI-CORRUPTION FRAMEWORK



Development of Programs and Projects

Institutional reforms across various agencies have been identified by the output of the review mechanisms under the United Nations Convention Against Corruption (UNCAC).

United Nations Convention Against Corruption





Environmental Ombudsman Program

The Environmental Ombudsman program was revived in July 2012. The Environmental Team of Investigators and Prosecutors is primarily tasked to ensure proper implementation & enforcement of environmental laws, & handle complaints against public officers & employees for violations of environmental laws

Carpio-Morales designates deputy as 'Environment Ombudsman'

ROUCHELLE DINGLASAN, GMA News July 13, 2012 6:53pm

Recommend 1



Investment Ombudsman Program

The Investment Ombudsman program was launched for pilot operation in June 2014. It aims to encourage local & foreign investments in the country, & improve global competitiveness through prompt action on investor-related grievances & speedy resolution of investors' complaints.

Posted on 06:25 PM, September 11, 2014

By **Melissa Luz T. Lopez**

Investment Ombudsman: A policeman for business

“The tourism industry has bannered the slogan that it’s more fun in the Philippines. Specifically with respect to the business industry, it deserves the mantra that transacting business in the Philippines is seamless.”



Corruption Prevention Units (CPU)

- CSOs, NGOs, & the private sector identify & implement anti-corruption projects in partnership with the Office.

Campus Integrity Crusaders (CIC)

- enhance the capacity of, & partnership with, & participation by the youth sector in promoting a culture of integrity.

Integrity, Transparency & Accountability Program (ITAP)

- answers the need for customized training modules for public officials & private individuals to avoid possible loopholes in areas like procurement.



All these corruption prevention initiatives are in consonance with the goal to **make a positive contribution** to the **installation of systems** that should make it easier for **public servants to do good things and harder for them to do bad things**. Creating the **proper enabling environments** advances higher professional standard in public service.

Promotional Approach



Promotional initiatives have been made to spread information and foster education about the programs and projects of the Ombudsman as well as various regulations against corruption. Through lectures, trainings, and media exposure, the message of good governance is communicated not only to government employees but also to the general public.



OMBUDSMAN @ 25

Empowering the Nation in its
Unrelenting Pursuit of Good Governance

INTEGRITY

CARAVAN



Office of the Ombudsman

"Manindigan Kontra Katiwalian"

- Luzon
- Visayas
- Mindanao
- MOLEO
- OSP



Country Review Report
of the Philippines

Investment Ombudsman

Environmental Ombudsman

Public Advisory:

Collection of Fees
for the Issuance of
OMB Clearance

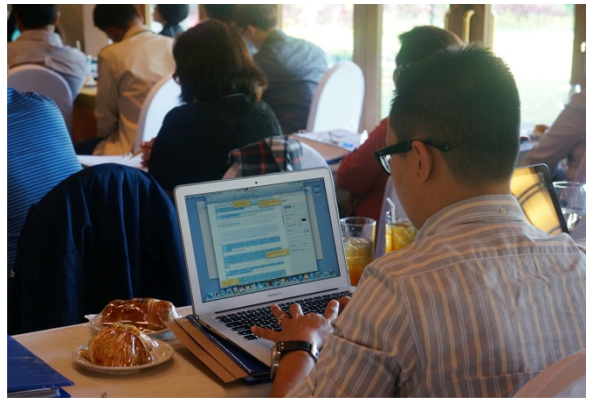
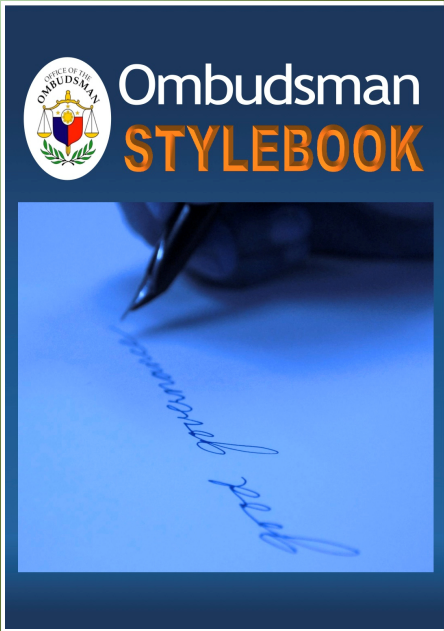
Warning against false
OMB representation



4,581 likes

1,694 visits







BREAK THE CORRUPTION CHAIN

Legislative Reforms

Proposed Legislative Reforms

Reform
Package 1

Reform
Package 2

Reform
Package 3

Reform
Package 4

Reform
Package 5

A formula to sustain and institutionalize **Good Governance** and **reduce Corruption** in the coming years....



"Manindigan Kontra Katiwalian"

Proposed Legislative Reforms

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Package 5

“Addressing Judicial Delay and Promoting Continuous Trial “ Sandiganbayan Reforms

- 1) Five additional divisions; 15 more justices;
- 2) Single justice hearings; quorum of two;
- 3) Streamline jurisdiction; download to RTC;
- 4) Deputize private lawyers to prosecute.



"Manindigan Kontra Katiwalian"

Proposed Legislative Reforms

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“Addressing Judicial Delay and Promoting Continuous Trial “
Sandiganbayan Reforms

Expected outcome:

Continuous trial; PDAF case decided in 3-5 years; average period to decide case reduced from 10 years to 5 years.



"Manindigan Kontra Katiwalian"



Aquino signs law expanding Sandiganbayan to 7 divisions

The new law aims to speed up deliberations and hearings of cases before the anti-graft court



Proposed Legislative Reforms

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“Strengthening the Ombudsman as an Institution”

Upgrading of Ombudsman Employee Skills,
Augmenting Compensation and Benefits, and
Enhancing Fiscal Autonomy

- 1) Authority of OMB to reorganize without DBM review and approval;
- 2) OMB budget as automatic appropriation and as fixed percentage of annual national budget;



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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“Strengthening the Ombudsman as an Institution”

Upgrading of Ombudsman Employee Skills,
Augmenting Compensation and Benefits, and
Enhancing Fiscal Autonomy

- 3) Authorize OMB to grant allowances from savings and other revenue sources based on performance ;
- 4) Improved compensation and retirement package to match that of DOJ-NPS and OSG;
- 5) Ombudsman Academy both as in-house source of skills and as well as revenue.



"Manindigan Kontra Katiwalian"

Proposed Legislative Reforms

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“Strengthening the Ombudsman as an Institution”

Upgrading of Ombudsman Employee Skills,
Augmenting Compensation and Benefits, and
Enhancing Fiscal Autonomy

Expected outcome:

Genuine independence, insulate against politics, greater fiscal autonomy, attract the best and the brightest professionals, sustain the effort against corruption over time.



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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“Recovering Stolen Assets”

Amending Republic Act No. 1379 Forfeiture Provisions

- 1) Remove preliminary investigation stage to facilitate filing of forfeiture cases;
- 2) Adverse claim option before case filing to prevent transfers;
- 3) Retention of OMB of 35% of forfeited assets to fund further anti-corruption efforts;



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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“Recovering Stolen Assets”

Amending Republic Act No. 1379
Forfeiture Provisions

- 4) Criminalization of illicit enrichment by public officials;
- 5) Removal of time-bar for elective officials;
- 6) Creation of asset management and disposal corporation to facilitate recovery of stolen funds and assets.



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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“Recovering Stolen Assets”

Amending Republic Act No. 1379
Forfeiture Provisions

Expected outcome:

Faster recovery of stolen funds and assets to fund further anti-corruption efforts; deprives the corrupt of “working capital” to pay for lawyers, etc., reduces incentive to commit corruption.



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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“Enhancing Investigation Effectiveness”

Strengthening the Investigative and Prosecutorial Powers of the Ombudsman

- 1) Clarifying authority to access bank records;
- 2) Stronger contempt powers;
- 3) Amendments to wire-tapping law;
- 4) Entering public buildings and premises, and seizure of public property;
- 5) Immunities & legal protection for OMB officers;



Proposed Legislative Reforms

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“Enhancing Investigation Effectiveness”

Strengthening the Investigative and
Prosecutorial Powers of the Ombudsman

Expected outcome:

Stronger anti-corruption efforts; and
increased deterrence against corruption.



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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“Enhancing Country’s International Credibility to Fight Corruption”

Compliance with the UNCAC

- 1) Criminalization of trading in influence;
- 2) Bribery of foreign public officials and officials of public international organizations;
- 3) Amendment of prescription rules;



“Manindigan Kontra Katiwalian”

Proposed Legislative Reforms

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**“Enhancing Country’s International Credibility
to Fight Corruption”**

Compliance with the UNCAC

Expected outcome:

Country compliance with UNCAC demonstrates national resolve to fight corruption; local legal framework aligned with global best practices.



“Manindigan Kontra Katiwalian”

Encouraging Results and the Way Forward



Baa2



The Philippines is now rated “**Baa2**,” the same level as that of Italy and Brazil, and higher than that of India and Indonesia (both of which are rated “Baa3”).



From a ranking of **59** the previous year, the Philippines now ranks **52** out of 144 countries.

PHILIPPINES JUMPS **SEVEN NOTCHES** IN THE WORLD ECONOMIC FORUM GLOBAL COMPETITIVENESS REPORT 2014-2015

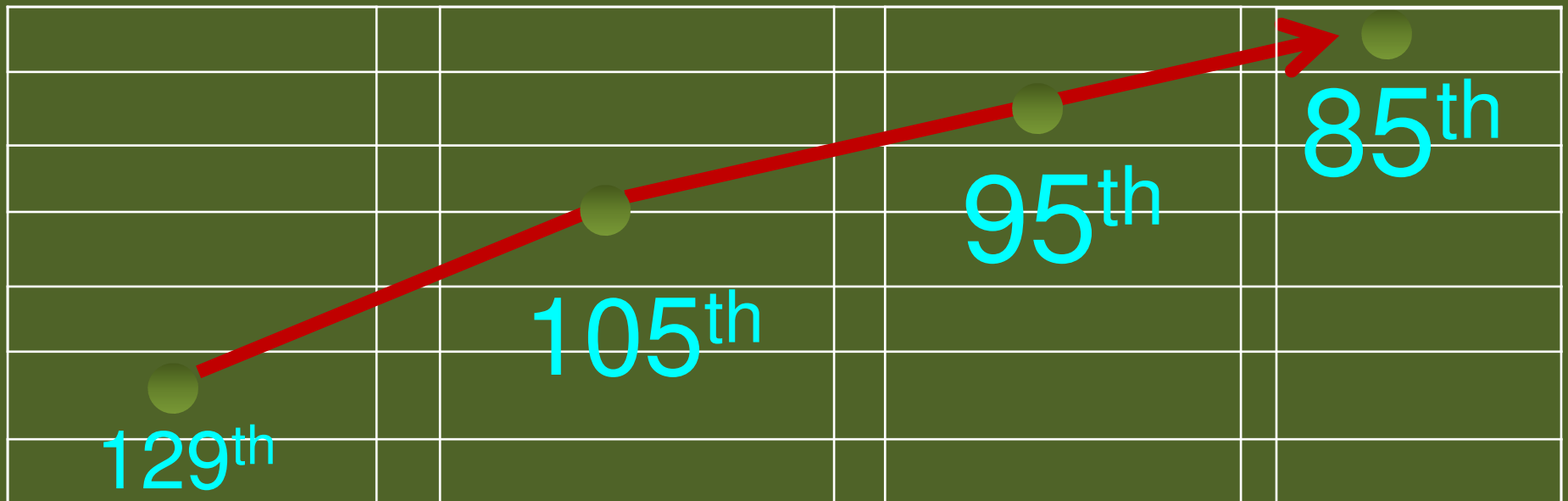
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FROM 59 IN THE LAST RANKINGS

In terms of “Ease of Doing Business,” the World Bank’s 2014 rankings place the Philippines at **95** out of 189 economies, or 13 steps higher than last year’s **108th** place.

PHILIPPINES AND ASEAN 2014-2015

ASEAN	2015 (189)	2014 (189)	Change 2014- 2015	Performance 2011-2015
1 Singapore	1	1	-	-
2 Malaysia	18	6	-12	3
3 Thailand	26	18	-8	-7
4 Vietnam	78	99	21	0
5 Philippines	95	108	13	53
6 Brunei Darussalam	101	59	-42	11
7 Indonesia	114	120	6	7
8 Cambodia	135	137	2	12
9 Lao PDR	148	159	11	23
10 Myanmar	177	182	5	5





Philippines up 13 notches in Economic Freedom Index

Rank 76 in 2015

Rank 89 in 2014



NATIONAL
COMPETITIVENESS
COUNCIL PHILIPPINES



In the 2015 Index of Economic Freedom by the Heritage Foundation, the Philippines continues its upward trend with an improvement of 21 notches in a span of two years, from **97** in 2013, to **89** in 2014, to **76th** place this year.



The Philippines cannot afford to pause and lose the momentum. We are confident that the spirit of good governance and integrity will triumph over the forces that sow social inequities and economic disparities.



After all, these are not just the gains of the Office of the Ombudsman, these are not just the gains of one administration. These gains redound ultimately to the Filipino people united under one solemn Constitution.

*Mabuhay at
Maraming Salamat!*

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