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KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

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DEPARTMENT CIRCULAR NO. 010

**SUBJECT: 2015 REVISED PROCEDURE FOR THE
INTERNAL AFFAIRS UNIT (IAU)**

In the interest of the service and pursuant to the provisions of existing laws, and in order to rationalize the procedure in the handling of administrative complaints, the following are hereby adopted:

Section 1. Title – These rules shall be known as *Revised Rules of Procedure of the Internal Affairs Unit (IAU) of the National Prosecution Service (NPS), Department of Justice.*

Section 2. Interpretation and Construction – These rules shall be liberally construed to promote their objective of ascertaining the truth through a just, speedy, simple, non-technical and inexpensive proceeding, especially in favor of complainants who are non-lawyers and are unable to afford the services of a lawyer to assist them in the filing of the administrative complaint, for as long as the complaint sufficiently informs the official or employee of the nature of the complaint against him and enabling said official or employee to prepare his defense. Technical rules on evidence and procedure shall not be binding in these proceedings.

Section 3. Form of Complaint – A complaint against an official or employee of the National Prosecution Service (NPS) may be initiated by any person or the head of office. The complaint shall be in writing and, if initiated by any person other than the head of office, it shall be subscribed by the complainant.

The complaint shall be written in clear, simple and concise language that is sufficient to inform the official or employee of the acts or omissions complained of to enable said official or employee to prepare his defense. As far as practicable, it shall contain the following:

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- a) the full name and address of the complainant;
- b) the full name and address of the person complained of, or any appellation by which he is known, as well as his position and place of station. For this purpose, the office address of the person complained of will suffice;
- c) statement of ultimate, relevant and material facts relating to the acts or omissions complained of;
- d) specific reference to the laws, rules and regulations, codes or policies violated;
- e) affidavits of complainant and witnesses and documentary evidence, if any; and
- f) a certification of non-forum shopping.

Anonymous complaints shall be acted upon when there is obvious truth to the allegations contained therein or documentary evidence tend to support the same and may be a basis to initiate a fact-finding investigation to determine the truth or falsity thereof.

The head of office may *motu proprio* initiate administrative action against subordinates.

Section 4. *Where to file complaint* – The complaint shall be filed before the Internal Affairs Unit (IAU), Office of the Secretary.

Any official or employee of the NPS who receives a complaint shall be under obligation to treat the same with utmost confidentiality and to forward the same to the IAU within twenty-four (24) hours from its receipt.

Section 5. *Offenses which may be subject of complaint* – An official or employee of the NPS may be administratively charged in connection with the following violations:

- a) Acts punishable under Title VII, Book One of the Revised Penal Code (Crimes Committed by Public Officers), as amended, which may be classified as grave or less grave depending on the nature of the act and the effects of the said acts on the government service;

- b) Violations of the provisions of Republic Act No. 3019 (The Anti-Graft and Corrupt Practices Act), as amended by R.A. No. 3047, P.D. No. 77 and B.P. Blg. 195, which may be classified as grave, less grave or light offenses depending on the nature of the act and its effects on the government service;
- c) Republic Act No. 6713 (The Code of Conduct and Ethical Standards for Government Officials and Employees);
- d) Executive Order No. 292 (Administrative Code of 1987);
- e) The Civil Service Law and its Omnibus Rules and Regulations;
- f) The Code of Conduct for Prosecutors;
- g) The Code of Conduct for Members of the Prosecution Staff;
- h) Violation of pertinent DOJ policies, rules and regulations; and
- i) Other special laws, rules and regulations.

Section 6. Evaluation/Assignment of the Complaint –

Upon receipt of the complaint, the IAU shall assign it a reference number and, within three (3) days therefrom, designate: a) an evaluator in case there is need to determine further the sufficiency in form and substance of the complaint; or b) an investigating officer/s to do a fact-finding investigation; or c) a hearing officer/s to hear the complaint, in case it is satisfied with the sufficiency in form and substance of the complaint. The IAU may also do such other actions as may be appropriate under the circumstances, including hearing the complaint, if directed by the Secretary of Justice, or recommending to the Secretary of Justice the outright dismissal of the complaint if it is clearly without merit and patently for harassment. The IAU shall act on the evaluation or investigation report within five (5) days from its receipt.

Section 7. Action of the Hearing Officer/s – Within five (5) days from receipt of the records of the complaint or investigation report, the hearing officer/s shall issue a notice informing the respondent of the complaint and specifying the charges against him. A copy of the

complaint, together with the affidavits of the witnesses and documentary evidence, if any, shall be furnished the respondent together with the notice.

An administrative case against the respondent is deemed pending once the IAU refers the complaint or investigation report to the hearing officer/s.

The notice shall require the respondent to submit a verified answer to the complaint, together with affidavits of witnesses and documentary evidence, if any, within ten (10) days from receipt thereof. The respondent shall furnish the complainant a copy of the verified answer. The complainant shall have a period of three (3) days from receipt thereof within which to file a reply. Failure of the respondent to submit an answer within the ten (10)-day reglementary period shall be deemed a waiver of his right to be heard and the hearing officer/s may make such recommendations to the IAU on the basis of the evidence on record.

Unless a hearing is conducted, the hearing officer/s shall submit his/their findings and recommendations, based on the evidence on record, together with the case records and appropriate action documents, to the IAU within thirty (30) days from receipt of the answer or reply, if one has been filed. The findings and recommendations of the hearing officer/s shall be contained in a Memorandum, clearly and distinctly setting forth the facts of the case, the arguments of the parties, the issues, and the facts and law upon which the findings, conclusions and recommendations are based.

Section 8. Preventive Suspension – When a complaint is given due course pursuant to Section 7, respondent may be placed under preventive suspension by the Secretary of Justice for a period of not more than ninety (90) days, without pay, pending the termination of the proceedings, based on any of the following grounds:

- a. The evidence of guilt is strong;
- b. The acts or offenses complained of involve dishonesty, oppression, grave misconduct or gross neglect of duty;
- c. The complaint/charge would warrant respondent's dismissal from the service; or
- d. The continued stay of the respondent in the service may prejudice the complaint filed against him.

The Secretary of Justice may issue an order of preventive suspension either *motu proprio* or upon the recommendation of the IAU, or the hearing officer/s.

The Regional Prosecutor may issue an order of preventive suspension to a member of the support staff in his region; *provided, however,* that a prosecution attorney may be placed under preventive suspension only by the Secretary of Justice.

When the administrative case against the respondent is not decided with finality by the Secretary of Justice within the preventive suspension period, the respondent shall automatically be reinstated upon the lapse thereof; *provided, however,* that when the delay in the disposition of the case is due to the action, fault or negligence of the respondent, the period of delay shall not be counted in computing the period of suspension herein provided. If the respondent is on official leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

Section 9. Re-Assignment in lieu of Preventive Suspension – In lieu of preventive suspension, the Secretary of Justice or the Regional Prosecutor may, as the case may be in accordance with the above paragraphs, re-assign the respondent to another unit/section/division/office for the duration of the conduct of the administrative proceedings.

Section 10. Formal Hearing – A hearing shall be conducted if the respondent requests the same in his answer, or if there are facts and issues to be clarified from either or both of the parties or from their respective witness/es, as may be determined by the investigating officer.

The direct testimonial evidence for the complainant, the respondent, and their respective witnesses, if any, shall consist of the affidavits submitted, together with the complaint or answer, as the case may be. No additional evidence shall be presented during the formal hearing unless the same was unavailable at the time of filing of the complaint, answer or reply. The parties may conduct cross-examination, re-direct and re-cross examination, and avail of the service of counsel during the hearing.

The hearing shall be conducted within ten (10) days from the filing of the answer or reply, if one has been filed, and shall be completed within fifteen (15) days from the date of initial hearing. The hearing officer/s shall submit his findings and recommendations, together with

the case records and appropriate action documents, to the IAU within twenty (20) days from the termination of the hearing. The findings and recommendations shall be contained in a Memorandum setting forth clearly and distinctly the facts of the case, the arguments of the parties, the issues, the facts and law upon which the findings, conclusions and recommendations are based.

Section 11. *Withdrawal of the Complaint* – The withdrawal of the complaint shall not result in its automatic dismissal or prevent the IAU from continuing to act on the complaint.


Section 12. *Action of the IAU* – The IAU shall evaluate and review the findings and recommendations of the hearing officer/s and within twenty (20) days from receipt thereof, submit its own recommendation to the Secretary of Justice for appropriate action.

Section 13. *Transitory Provisions* – Complaints filed, or reports submitted, against prosecutors or members of support staff prior to the effectivity of these rules and which have not been evaluated, or the preliminary investigations of which have not commenced, shall be governed by these rules.

Section 14. *Repealing Clause* - The provisions of *Revised Rules of Procedure of the Internal Affairs Unit (IAU) of the Department of Justice* and all other rules of procedure in handling administrative complaints against officials and employees of the NPS, or parts thereof, which are inconsistent with the rules are hereby modified accordingly.

This Circular shall take effect immediately and shall remain in force until further orders.

For guidance and compliance.


LEILA M. DE LIMA
Secretary

Department of Justice

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