



Republic of the Philippines  
OFFICE OF THE PRESIDENT  
**PRESIDENTIAL ANTI-CORRUPTION COMMISSION**

**Resolution No. 001, Series of 2018**  
**IMPLEMENTING RULES AND REGULATIONS**  
**OF THE PRESIDENTIAL ANTI – CORRUPTION COMMISSION**

*EC*  
Pursuant to the authority granted to the Presidential Anti-Corruption Commission (the “Commission”) by virtue of Executive Order No. 43 dated October 4, 2017, the following Implementing Rules and Regulations are hereby prescribed and promulgated:

*MR*  
**RULE I**

**General Provisions**

*[Signature]*  
**Section 1. Title** – These Rules shall be known as “The Implementing Rules and Regulations of the Presidential Anti-Corruption Commission”, and hereinafter referred to as “The Rules” for brevity.

*[Signature]*  
**Section 2. Rules of Interpretation** – The Rules shall be liberally construed in order to promote and attain the objective of Executive Order No. 43 of fighting graft and corruption in the government and promote accountability of public officers.

*[Signature]*  
Towards this end, The Commission shall not be bound by strict technical rules of procedure and evidence, and may opt, in the absence of any applicable rule herein, to apply such modes of proceedings consistent with the requirements of fair play, administrative due process, and the efficient disposition of cases.

*[Signature]*  
**Section 3. Composition** – The Commission shall be composed of a Chairman and four (4) Commissioners to be appointed by the President. The majority of the members of the Commission shall be members of the Philippine Bar and must have been engaged in the practice of law in the Philippines for at least five (5) years. The Chairman shall have the rank, emoluments, and privileges

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of a Presidential Assistant II. The Commissioners on the other hand, shall have the rank, emoluments, and privileges of a Presidential Assistant I. The Chairman shall preside over the meetings of the Commission, and shall direct and supervise the implementation and execution of policies, rules, and regulations promulgated by the Commission.

*[Blue scribble]*  
**Section 4. Secretariat** – The Commission shall have a Secretariat which shall provide technical and administrative support to the Commission. The Chairman shall have the authority to appoint, promote, and discipline the personnel of the Secretariat. The Secretariat shall be headed by an Executive director with the rank, emoluments, and privileges of an Assistant Secretary. He shall be appointed by the President, upon recommendation of the Chairman. He shall, under the control and supervision of the Chairman, execute and administer the policies and decisions of the Commission and manage the day-to-day operations thereof.

*[Black scribble]*  
**Section 6. Operating Units of the Commission** – The Commission may, subject to the applicable provisions of the General Appropriations Act and other pertinent laws, rules, and regulations, organize and set in operation such organizational units as may be necessary for the performance of its powers, functions, and duties for the implementation of its Order.

The Chairman of the Commission shall have the authority to appoint, promote, and discipline the personnel of all its operating units, subject to pertinent laws, rules, and regulations.

*[Black scribble]*  
The Commission may hire its own personnel, provided that the organizational structure and staffing pattern of the Commission and the subsequent changes therein shall be in accordance with the pertinent laws, rules and regulations.

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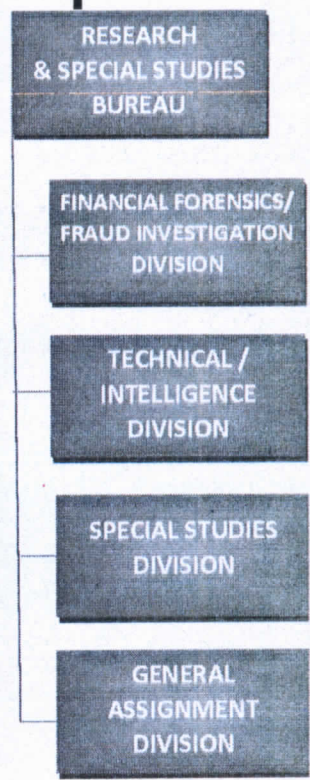
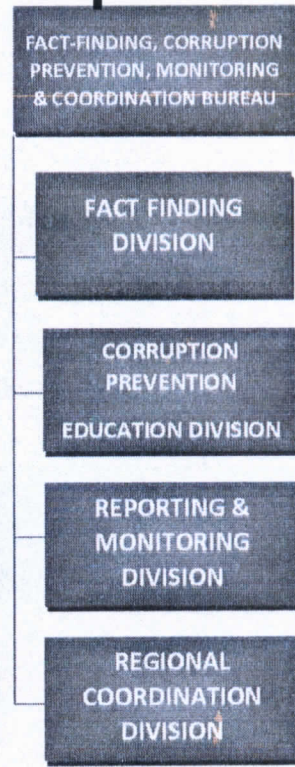
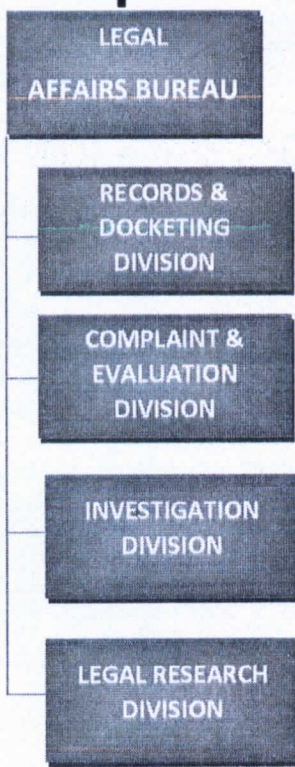
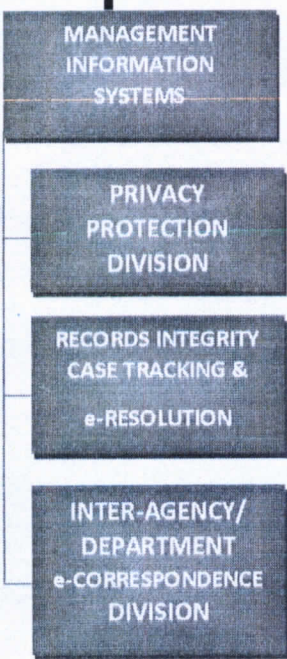
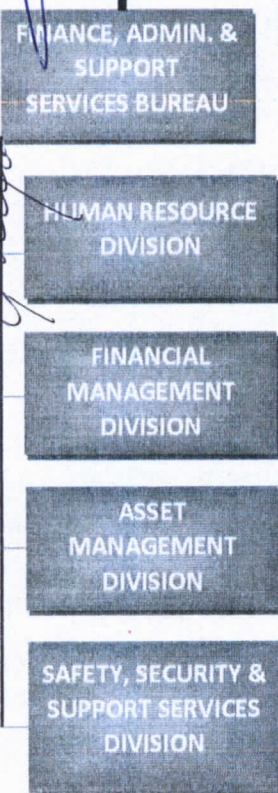
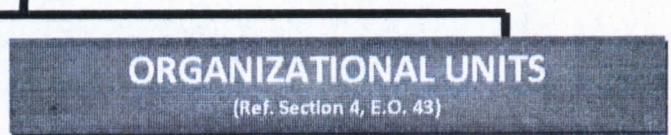
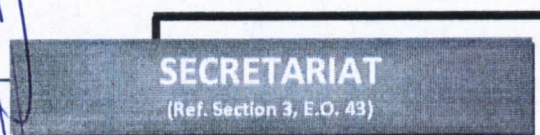
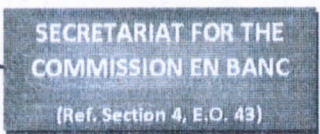
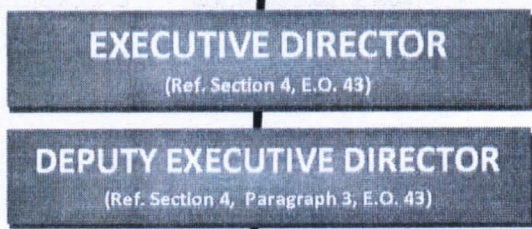
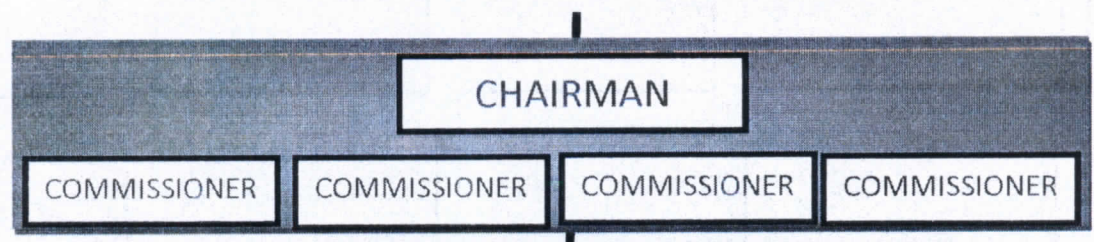
**Section 7. Structure of the Commission** – Pursuant to Sections 3 a 4 of E.O. 43, and subject to pertinent rules and regulations, the following is the Organizational Structure of the Commission:

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**RULE II**  
**Jurisdiction**

**Section 1. Jurisdiction, Powers and Functions** – In the exercise of its mandate, the Commission shall have the following powers and functions:

- a. Upon complaint or *motu proprio*, and concurrently with the Office of the Ombudsman, The Commission shall have the power to hear, investigate, receive, gather, and evaluate evidence, intelligence reports, and information in administrative cases against:
- i. All presidential appointees in the Executive Branch of government or 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 RA 6758, known as the Compensation and Position Classification Act of 1989;
  - ii. Members of the governing board of any instrumentality, regulatory agency, or chartered institution;
  - iii. Directors, or officers, appointees, or nominees of the President to government-owned or controlled corporations; or
  - iv. Those who otherwise represent the interests of government

for acts or omissions constituting violations of any of the following:

1. RA No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act";
2. RA No. 1379, otherwise known as "An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully

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Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor”;

3. RA No. 6713, otherwise known as “The Code of Conduct and Ethical Standards for Public Officials and Employees”;
4. EO 292 (S. 1987) otherwise known as “The Administrative Code”, whenever it defines and imposes administrative sanctions on acts and omissions constituting violations of the foregoing laws and issuances;
5. Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and
6. Other violations as may be referred to the Commission by the President.

b. Upon instructions of the President, the Commission may investigate Presidential appointees in the Armed Forces of the Philippines (hereinafter “AFP” for brevity) and the Philippine National Police (hereinafter “PNP” for brevity) whenever he deems it necessary and appropriate;

c. Upon instructions of the President, or *motu proprio*, the Commission may also conduct lifestyle checks and fact-finding inquiries on all presidential appointees, including those outside of the Executive Branch of government, for acts and omissions which may be violative of the Constitution, or contrary to law, rules and regulations, and/or constitute serious misconduct tantamount to betrayal of public trust. Provided that this provision shall not be applicable to impeachable officers as enumerated in Sec. 2, Article XI of the 1987 Constitution.

d. To use every and all reasonable means to ascertain the facts in each case or complaint speedily and objectively, ensuring due regard for the observance of due process in all instances;

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- e. To enlist the aid and support of the PNP, AFP, the National Bureau of Investigation (“NBI” for brevity), and other law enforcement agencies of the government, insofar as is consistent with and to fully the implement and execute the Commission’s mandate;
- over*
- f. To call upon all government agencies and instrumentalities, including government – owned or controlled corporations, for assistance and cooperation, whether for acquisition of documents pertinent to its investigation, or to participate in or conduct the investigation, subject to the submission of a verified written report to the Commission;
- over*
- g. To recommend the admission of vital witnesses into the Witness Protection Program (“WPP for brevity) of the Department of Justice (“DOJ” for brevity); and
- h. To engage the services of qualified consultants and/or deputies from the public and private sectors, subject to pertinent laws, rules, and regulations.

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**Section 2.** Resignation and Retirement not a bar – In no case shall the resignation or retirement of the public officer under investigation divest the Commission of jurisdiction to continue the investigation or hearing thereof.

**RULE III**  
**Adoption of Rules of Procedure**

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**Section 1.** *Compliance with Due Process and Institution of Complaint* – The Commission shall adopt Rules of Procedure that shall afford due process to both parties. Such Rules shall provide procedure for the Institution of ordinary complaints, motu proprio complaint and complaints against Presidential Appointees in the AFP and PNP as well as procedure on lifestyle check,

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including investigation on unexplained or ill-gotten wealth as a consequence of its lifestyle check.

**Section 2. Cognizance of Complaint.** - For complaints covered by Rule II, Sec. 1(a) of The Rules, The Commission shall *motu proprio* or upon complaint or information received or obtained in any form or from any source, or upon instruction of the President for presidential appointees in the AFP and PNP, take cognizance of and initiate the investigation of cases within its jurisdiction.

**RULE IV**  
**Common Provisions**

**Section 1. Referral to Other Government Units –** Whenever the Commission deems it warranted and necessary, it may recommend to the President, who shall ultimately decide whether to refer any case for appropriate action to the Office of the Ombudsman or other government units, as the President deems fit.

**Section 2. Lifestyle and Asset Consistency Checks. –** Even when not expressly prayed for in the complaint and except in complaints for violations of Section 5 (a) of Republic Act No. 6713 and Sections 204, 205, 206, 207, 208, 209, 234, 235, 236, 238, 239, 240, 241, 242, 243 and 245 of Title Seven Book Two of the Revised Penal Code, Lifestyle and Asset Consistency Checks shall form part of all investigations and shall, when warranted by the result, be the subject of a separate Formal Charge.

**Section 3. Disclosures –** The Commission and its personnel shall not disclose or make public any record or information in connection with any investigation when such disclosure will deprive the respondent his/her right to a fair and impartial investigation of the case. All disclosures of the Commission relating to any complaint or inquiry under these rules shall be balanced, fair, and accurate.

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**Section 4.** Separability – In the event that any provision of these Rules or any part hereof is declared invalid, illegal or unconstitutional, the provisions not thereby affected shall remain in force and effect.

**Section 5.** Repealing Clause – All orders, rules and regulations, and issuances or parts thereof inconsistent with these Rules are hereby repealed, amended or modified accordingly.

**Section 6. Effectivity Clause.** – This Rules shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of national circulation.

APPROVED BY THE COMMISSION EN BANC  
MARCH 22, 2018 AT HONG KONG CHEF RESTAURANT  
HONG KONG PLAZA ACCESS ROAD, PASAY CITY

DANTE L.A. JIMENEZ  
*Chairman*

RICKSON CHIONG  
*Commissioner*

GREGORIO LUIS CONTACTO, III  
*Commissioner*

GRECO ANTONIOUS BEDA B. BELGICA  
*Commissioner*

ATTESTED BY:

EDUARDO V. BRINGAS  
Executive Director

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