NATIONAL ADMINISTRATIVE REGISTER · JULY 4, 2005

RULES GOVERNING THE RECEIPT, RECORDING, CUSTODY AND MANAGEMENT OF DOCUMENTS

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I. PURPOSE

The following rules are hereby issued to preserve the integrity and security of documents, to prescribe the policies and standard procedures in the management of documents and to familiarize personnel in the proper safekeeping of documents.

The rules are also intended to ensure that personnel charged with the custody and management of records shall not use or divulge confidential or classified information officially known to them by reason of their office and to provide a system in the release of documents that have been declassified.

II. SCOPE

The rules shall apply to all officials and employees of the Office of the Ombudsman, to non-organic personnel and to persons transacting business with the Office of the Ombudsman.

III. DEFINITION OF TERMS

a. Personnel - officials and employees of the Office of the Ombudsman.

b. Document - any written source of facts or information or recording relative to a case; an instrument or other duly authorized paper by which something is proved, evidenced or set forth.

c. Records - a collective mass of papers pertaining to a case; a written account of some act, proceeding, transaction or instrument, drawn up, under authority of law, by a proper officer, and designed to remain as a memorial or permanent evidence of the matters to which it relates; also refer to any case folder or documents/pleadings/written information, drawings, photographs, videotapes and cassette tapes, etc. relative to a case.

d. Process Server- a duly authorized OMB employee assigned to the Central Records Division of the Central Office or to the Records Section of OMB area/sectoral offices and the Office of the Special Prosecutor who is in charge of delivery and service of processes/notices/ orders/ subpoenas to parties to a case and with the corresponding duty to submit After - Service Reports on proof of said delivery/service of processes.

e. Records Personnel - all officials and employees belonging to the OMB Central Records Division or to the Records Section of OMB area/sectoral offices and the Office of the Special Prosecutor with the primary responsibility of receiving and recording documents, including its management, custody and safekeeping.

f. Main Folder - the primary case folder containing one copy each of the basic complaint, counter-affidavit, reply-affidavit, annexes, resolution and decision issued by the Office relative to a case and which is available to the parties, upon written request, for inspection.

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g. Miscellaneous Folder- the folder which contains the extra copies of the basic complaint, counter-affidavit, reply-affidavit, annexes, resolution and decision, including all notes, routing slips or memoranda which are not available to the parties for inspection and therefore, for internal purposes only.

h. Exhibit and Litigation Folder - the folder which contains a list of the pieces of evidence for the prosecution and copies of said evidence including drawings, photographs, videotapes, cassette tapes, etc.

IV. POLICIES AND RULES

A. RECEIPT AND RECORDING OF DOCUMENTS

1. Only the receiving clerks of the Central Records Division of the Central Office and the respective Records Sections of the area/sectoral offices and the Office of the Special Prosecutor, including the designated records units of the different offices, bureaus and divisions, are authorized to receive any document, including complaints, counter-affidavits, pleadings or communications, from the public or party litigants. In no instance shall these authorized personnel discuss any case nor give advice in relation thereto, except on basic procedural matters.

2. The pleadings, documents and/or communications received must be duly stamped as received, showing the date, time and complete name and signature of the person receiving the same. Said pleadings, documents and/or communications shall be immediately recorded. Said recording shall not be later than the close of office hours of the same day these are received. Further, a table of contents shall be prepared for complaints received, indicating therein the number of pages, description of the annexes, if any, and a note whether the documents are originals, certified true copies or mere photocopies. In the event that certain pleadings or documents are received directly by the lawyer or investigator, the same should be immediately forwarded to the Central Records Division and/or Records Section of the Office of the Special Prosecutor or sectoral/area office concerned for proper recording.

3. Summons, processes, decisions, resolutions and other documents issued by the courts and quasi-judicial bodies shall be recorded in separate logbooks. The logbook which pertains to summons, processes, decisions, resolutions and other papers from the courts shall bear the caption COURT ISSUANCES, while the logbook pertaining to issuances, etc. issued by quasi-judicial bodies shall likewise be labeled accordingly. Upon receipt thereof and when applicable, the Ombudsman case or reference number and title shall be indicated thereon. On the same day, the said documents shall be immediately routed to the handling unit of the Office for proper action.

4. For all complaints filed with the Office (Central Office and area/sectoral offices), the same shall be assigned the following folders:

a) criminal complaints - blue folders
b) administrative complaints - red folders
c) CPL/request for assistance (RAS) - yellow folders.

There shall be a main folder and a miscellaneous folder. The main folder shall contain one copy (original) each of the basic complaint, counter-affidavit, reply-affidavit, annexes, resolutions and decisions issued by the Office. The miscellaneous folder shall contain the extra copies of the foregoing pleadings and documents, including notes or routing slips which are for internal purposes only. The lawyers involved in litigation may prepare an Exhibit and Litigation Folder which shall contain a listing of the pieces of evidence for the prosecution and copies of said pieces of evidence. Two sets of the Exhibit and Litigation Folder shall be prepared, with one folder containing original copies of all documents above stated and the other, photocopies of the same. For purposes of discussion by the handling investigator/prosecutor and his/her supervisors, only the Miscellaneous Folder and the Exhibit and Litigation Folder containing only photocopies of documents shall be used as reference with the folders

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containing the original copies kept and secured in a vault/locked steel filing cabinets or drawers to prevent theft, loss, or any damage thereto.

The words "Main Folder", "Miscellaneous Folder," "Exhibit and Litigation Folder (original)" and "Exhibit and Litigation Folder (photocopies)" shall be clearly stamped thereon.

Resolutions coming from the City or Provincial Prosecutor's Office, as well as the corresponding review actions of said resolutions by the Office, per existing policy, shall all be placed in sealed cream envelopes.

B. ACCESS TO COMPUTER AND DOCKET BOOK

1. The Central Records Division of the Central Office, the Records Section of the Office of the Special Prosecutor, all Records Sections of the area and sectoral offices and all designated records units of the different offices, bureaus and divisions shall maintain regular docket books containing all the particulars and incidents of every case, including the receipt of all documents, pleadings and records as herein defined.

2. Apart from the regular docket books, the Central Records Division of the Central Office, the Records Section of the Office of the Special Prosecutor, all Records Sections of the area and sectoral offices and all designated records units of the different offices, bureaus and divisions shall likewise maintain a uniformed computerized database to keep track of all documents, pleadings and records received by the Central Records Division, the Records Section of the Office of the Special Prosecutor and the respective records units of the area and sectoral offices.

3. Only regular employees, including their substitutes in case of their absence, shall handle the computer database and docket books to ensure the accuracy and confidentiality of the entries therein. In no case shall a contracted employee be designated to handle the computer database and docket books.

4. To control access, there shall be access tiers. The Tanodbayan shall have access to all records, while the Overall Deputy Ombudsman, the Special Prosecutor and the Deputy Ombudsman concerned, including the Assistant Ombudsmen, Deputy Special Prosecutors and Bureau Directors, shall have access only to records pertaining to their area of responsibility per existing office rules and regulations. Any exception to this rule must be approved by higher authorities.

C. VERIFICATION OF CASE STATUS

1. Only the Records Officer II and Records Officer III are authorized to answer inquiry or verification made by the party litigants or counsel of record. They should reply to said inquiries in accordance with the existing rules on confidentiality and their answers should be confined to basic procedural matters.

2. All verifications and inquiries made by the public/litigants/litigants' counsel must be referred directly to the Central Records Division for the Central Office, appropriate Records Section for the Office of the Special Prosecutor and the area/sectoral office concerned, or the appropriate records units for the different offices, bureaus and divisions.

D. TRANSACTION WITH THE RECORDS SECTION

1. All official transactions by the public, including officials and employees of this Office, shall be made at the window of the Central Records Division of the Central Office, the window or designated desk of the appropriate Records Section of the Office of the Special Prosecutor or area/sectoral office, or the designated desk of the appropriate records unit of the different offices, bureaus and divisions.

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2. In the retrieval of information or documents, only the authorized official or employee of the Central Records Division of the Central Office or those with prior pertinent approval or clearance from the Tanodbayan, Overall Deputy Ombudsman, Assistant Ombudsmen or concerned Bureau Directors for the Central Office shall be allowed to have access to information or document or physically handle the computers or the filing system of the records units of the different offices, bureaus and division.

The foregoing rules on retrieval of information or document shall likewise apply to the Records Section of the Office of the Special Prosecutor, area and sectoral offices and the records units thereat but subject to the prior approval of the Special Prosecutor or the Deputy Special Prosecutor as the case may be or the concerned Deputy Ombudsman or Bureau Director.

3. Before any document is retrieved or physically taken out of the Central Records Division of the Central Office, the Records Sections of the Office of the Special Prosecutor or area/sectoral offices, or the records units of the different offices, bureaus and divisions, the Records Officer shall require the borrower to accomplish a borrower's card, indicating therein the document taken, the particulars therein (including the docket or case numbers and case title, nature of the document), date taken, the purpose of the request, the receiving unit requesting said document and the name and signature of the borrower. Thereafter, the Records Officer shall record the same in a logbook kept for the purpose which shall contain the same entries as indicated in the borrower's card, the receiving unit requesting said document and the name and signature of the borrower. The head of said records group shall ensure that the document is properly recorded in the logbook which shall accurately reflect the physical location of the document or record. Thereafter, said transaction shall be entered in the computer database. Any borrowed records should be immediately returned within a period of three (3) days from receipt. In case of failure to return/renew request for records during the prescribed period, the Records Officer concerned shall have the authority to check the whereabouts of said records.

It is hereby declared a policy that only back-up folders or photocopies of records shall be issued to authorized borrowers.

E. PHOTOCOPYING/XEROXING OF DOCUMENTS

1. There shall be sufficient number of personnel designated as machine operators in the Central Records Division of the Central Office, the Records Section of the Office of the Special Prosecutor, the Records Sections of the area and sectoral offices and the designated records units of the different offices, bureaus and divisions. In the exigency of the service or in the absence of an assigned regular machine operator, the head of the records group shall designate the personnel assigned therein, whether organic or non-organic, as machine operators. In all instances, however, the non-organic machine operators shall be strictly supervised by organic personnel.

2. The machine operators are prohibited from bringing out records, divulging, disclosing or disseminating the contents of documents being reproduced by them. The head of the records unit or the Records Officer concerned shall supervise and control all reproduction operations. After the documents have been reproduced, the machine operator shall immediately surrender the same to the head of the records unit or Records Officer. In this regard, any spoilage must be properly disposed.

3. Under the foregoing circumstances, the reproduction of documents shall be carried out under the strict supervision and control of the heads of the Central Records Division of the Central Office, the Records Section of the Office of the Special Prosecutor, the Records Sections of the area and sectoral offices, and the records units of the different offices, bureaus and divisions. Unauthorized personnel shall not be allowed to enter the photocopying area.

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F. SERVICE OF ORDERS

1. Process Servers are not authorized to read or have access to the contents of summons, orders, judgments and other processes and their attachments. They shall also be prohibited to divulge or disclose the contents thereof. As far as practicable, there shall be a rotation of the process servers per area serviced.

2. Summons, orders, judgments and other processes served personally by the process servers within the National Capital Region, Cebu City and Davao City shall be received by its duly authorized Records Officer, who shall acknowledge receipt of the same in an appropriate form.

3. The Process Server shall make and submit a duly signed written After-Service Report within the day. If not practicable, he shall make the said report immediately at the commencement of office hours of the following day, stating therein the reasons for the delay.

4. In all instances of failure to serve or deliver, the Process Server concerned shall state with sufficient detail in his report the reasons for such failure. Further, in all instances of such failure, the report shall be made on the same day.

G. BORROWING OF CASE RECORDS

1. Borrowing of original case records or folders, while the case is pending fact-finding investigation, preliminary investigation, administrative adjudication, trial or resolution/decision, shall be subject to the approval by the concerned Assistant Ombudsman upon proper recommendation of the Bureau Director and assigned Graft Investigation and Prosecution Officer for the Central Office. The borrowing of original case records within this context shall not exceed a period of three (3) days from receipt. It is hereby understood, however, that the borrowing of original case records is more of an exception to the general rule that only the back-up copy of records may be issued to authorized borrowers.

The above rules on borrowing of original case records and folders shall also apply to the Office of the Special Prosecutor and the area and sectoral offices, which shall be approved by the designated Deputy Special Prosecutor and the concerned Deputy Ombudsman, respectively, upon proper recommendation of the Bureau Director and the Special Prosecution Officer or Graft Investigation and Prosecution Officer assigned to the case.

2. After termination of the investigation/trial, the original records and folders of cases shall be placed under the custody and safekeeping of the Chief, Records Division for the Central Office, the Records Officer of the Office of the Special Prosecutor, and the Records Officer of the records section of the area and sectoral offices. The borrowing of said original records and folders for closed and terminated cases shall be subject to the approval by the said designated Records Officers.

In all of the foregoing circumstances, the name of the borrower, his/her office, bureau and/or unit and the purpose for which these are being borrowed shall always be specified in the borrower's card to be signed, accomplished and maintained for the purpose.

3. In case of loss, tampering or damage of the records or its contents, the borrower shall be held liable.

H. RELEASE OF DOCUMENTS

1. At the Central Office, all requests for copies of documents, other than from the parties to the case or their counsel of record, while the case is pending preliminary investigation, administrative adjudication or trial, or pending resolution/decision, for cases involving low-ranking officials and employees shall be approved by the Overall Deputy Ombudsman upon proper recommendation of the Assistant Ombudsman, PAMO, subject to the

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rules on confidentiality. The purpose for which the documents are being secured shall be specified. For cases involving high-ranking government officials and employees, the same shall be approved by the Tanodbayan following the aforestated procedure.

For the Office of the Special Prosecutor and area/sectoral offices, the request shall be approved by the Special Prosecutor or the concerned Deputy Ombudsman upon proper recommendation of the Deputy Special Prosecutor/Bureau Director.

2. All request for copies of documents coursed through the Public Assistance Bureau (PAB) or the appropriate public assistance unit of the area and sectoral office shall be referred to the Central Records Division of the Central Office and the proper Records Section of the Office of the Special Prosecutor or area/sectoral offices, and if allowed by the rules, the documents shall be released directly to the requesting party. If the requested documents cannot be released due to rules on confidentiality, the same shall be immediately made known to the requesting party.

3. The rules on confidentiality as set forth under Rule IV of the Norms of Behavior for Officials and Employees of the Office of the Ombudsman and the guidelines on payment of the proper legal fees to the cashier for reproduction services shall be strictly observed and implemented.

I. STORAGE OF RECORDS

1. Before leaving their respective work places, all personnel of the various records units of the Office shall see to it that the records or documents under their custody are stored in vault/locked steel filing cabinets or drawers to prevent theft, loss or any damage thereto.

2. Except upon proper authority from the Bureau Directors, Assistant Ombudsmen, Deputy Special Prosecutors, Deputy Ombudsmen, Overall Deputy Ombudsman or the Tanodbayan, within their specific jurisdictions, in no case shall records or documents kept in storage be brought out of the office premises.

J. PHYSICAL SECURITY OF RECORDS UNIT

1. The Head of the Records Units or his representative shall inspect the various records units of the Office after office hours. He shall see to it that electrical wires, copying machines and computer plugs are all disconnected from the electric outlets.

2. The various records units of the Office shall be provided with sufficient number of fire extinguishers.

3. Where applicable, the front window where the public transact their official business shall be elevated to eye level and shall be moderately tinted for the protection of the personnel and to prevent the exposure of documents and records stored therein to the public. Where the records units have no windows for the transacting public, the heads thereof shall ensure that the documents and records are safely filed away from the transacting public. Computers containing the database files shall be safely secured and a warning posted that only authorized personnel are allowed to handle the same.

4. Closed circuit television cameras shall be installed at the various records units of the Office to monitor the operations thereat: the same shall be connected to the main monitor device as supervised by the duly-designated internal security official.

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V. SPOTCHECKING OF FOLDERS

To ensure compliance with above procedures and guidelines, spotchecking may be conducted by the Chief, Central Records Division for the Central Office and his/her counterpart in the area/sectoral offices and the Office of the Special Prosecutor.

VI. PENALTY

Any violation of these rules shall subject the offender to the proper administrative and/or criminal charges.

VII. EFFECTIVITY

This Office Order shall take effect fifteen days after publication in the Official Gazette and upon filing with the University of the Philippines Law Center of three (3) certified copies thereof.

SO ORDERED.

Adopted: 4 July 2005

(SGD.) SIMEON V. MARCELO
Tanodbayan

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