

OFFICE OF THE OMBUDSMAN – COMMISSION ON AUDIT JOINT MEMORANDUM CIRCULAR ON JOINT INVESTIGATIONS

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Pursuant to the Memorandum of Agreement (“MOA”) between the Office of the Ombudsman (“OMB”) and the Commission on Audit (“COA”) signed on 16 July 2010, the following guidelines are hereby promulgated to govern the conduct of joint investigation of audit-related complaints or reports.

I. Coverage

The Joint Investigation Team (“JIT”) shall investigate cases involving at least Fifty Million (P50,000,000.00) or its equivalent, AND involving public officers with salary grade of 27 and above. The JIT shall likewise investigate such other cases as may be jointly determined by the Agency Heads.

II. Composition of the Joint Investigation Team

The Joint Investigation Team shall be composed of the following:

A. From the OMB

1. One (1) Deputy Special Prosecutor, as Head
2. One (1) representative from the Preliminary Investigation, Administrative Adjudication and Monitoring Office (“PAMO”)
3. Five (5) representatives from the Field Investigation Office (“FIO”)
4. One (1) GIPO from the Office of the Deputy Ombudsman for Luzon – Public Assistance and Corruption Prevention Office (“PACPO”), for Luzon cases
5. One (1) Investigator from the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (“MOLEO”), for MOLEO cases
6. One (1) AGIO from the Office of the Deputy Ombudsman for the Visayas – Field Investigation Office (“FIO”), for Visayas cases
7. One (1) GIPO from the Office of the Deputy Ombudsman for the Mindanao – Complaints Unit (“CPL”), for Mindanao cases
8. One (1) Prosecutor from the Office of the Special Prosecutor (“OSP”)
9. One (1) Prosecutor from the Central or Sectoral Offices, as the case may be

B. From the COA

1. Fraud Audit and Investigation Office (“FAIO”) Director, as Head
2. Fraud Audit and Investigation Office (“FAIO”) Assistant Director, as Assistant Head
3. Supervising Auditor

4. Audit Team Leader
5. Audit Team Members

III. Guidelines

1. Upon determination by the respective OMB and COA JIT Heads that the complaints/reports fall within the coverage of this Joint Memorandum- Circular, they shall meet and draw up a joint investigation and prosecution plan. The investigation plan shall identify the assignment/duties of the members of the JIT. Based on the investigation plan, the COA and the OMB shall issue their respective Office Order, specifying the composition of the Team and the periods for completion of the investigation, as provided for in existing and applicable guidelines.
2. The JIT Heads shall sign subpoena and other compulsory processes to be issued by the JIT.
3. The JIT shall submit periodic confidential reports to their respective Heads, conduct periodic case conferences and meetings to address and resolve issues that may arise during the investigation.
4. The JIT Heads shall have access to all evidence/information gathered during the investigation. However, the office that obtained the evidence/ information shall have custody of the original copy thereof. The COA- FAIO shall keep the final audit report while the fact-finding units of the OMB shall have a certified true copy of the said report.
5. The outputs of the investigation shall be consolidated by the JIT into a joint investigation report.
6. Should the JIT find no sufficient evidence to conduct further proceedings, it shall recommend the termination of the case, subject to the approval of the Ombudsman and the COA Chairperson. The termination is without prejudice to the re-opening of the case should additional evidence be secured.
7. Should the JIT find sufficient evidence to warrant the filing of criminal, civil, and/or administrative case, a Complaint shall be executed and signed by the JIT members who conducted the investigation.
8. In case of conflicting views of the OMB and the COA, both parties shall submit their recommendations to their respective Agency Head, who shall resolve and decide on the disposition of the case.

IV. Public Reporting of Cases

The OMB and the COA shall designate a focal person for the media. Appropriate clearance shall be secured from the JIT Heads before releasing any information to the public in accordance with the respective rules on confidentiality of both agencies.

V. Administrative Matters

The OMB and COA agree to allocate and pool their resources in the conduct of joint investigations.

The OMB and COA shall promulgate their respective rules and regulations, as may be necessary to implement and attain the objectives of this Joint Memorandum Circular.

VI. Effectivity

This Joint Memorandum Circular shall take effect immediately.

Office of the Ombudsman

Commission on Audit

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