

AMENDING ADMINISTRATIVE ORDER 23, DATED DECEMBER 17, 1992, WHICH PRESCRIBES THE RULES AND PROCEDURES ON THE INVESTIGATION OF ADMINISTRATIVE DISCIPLINARY CASES AGAINST ELECTIVE L...

OP ADMINISTRATIVE ORDER NO. 159, November 25, 1994

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I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Sections 2 and 3, Rule 1 of Administrative Order No. 23 dated December 17, 1992, are hereby amended to read as follows:

"Sec. 2. Disciplining Authority. — All administrative complaints, duly verified, against elective local officials mentioned in the preceding Section shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the Disciplining Authority."

"Sec. 3. Investigating Authority. — The Secretary of the Interior and Local Government is hereby designated as the Investigating Authority. He may constitute an Investigating Committee in the Department of the Interior and Local Government for the purpose."

"The Disciplining Authority may, however, in the interest of the service, constitute a Special Investigating Committee in lieu of the Secretary of the Interior and Local Government."

SECTION 2. Items (d) and (h) of Section 1, Rule 2, of Administrative Order No. 23 are hereby amended to read as follows:

"(d) Commission of any offense involving moral turpitude or any offense punishable by at least prison mayor, which is from six (6) years and one (1) day to twelve (12) years imprisonment;"

"(h) Such other grounds as may be provided by the Local Government Code of 1991; Republic Act No. 6713; Republic Act No. 3019; Administrative Code of 1987; Revised Penal Code; and all other applicable general and special laws."

SECTION 3. Section 7, Rule 5, of Administrative Order No. 23 is hereby amended to read as follows:

"Sec. 7. 90-Day ban. — No preliminary investigation shall be conducted within ninety (90) days immediately prior to any local election."

SECTION 4. A new section is hereby added to Rule 7 of Administrative Order No. 23, after Section 13 thereof, to read as follows:

"Sec. 14. 90-day ban. — No formal investigation shall be conducted within ninety (90) days immediately prior to any local election."

SECTION 5. Sections 2 and 3, Rule 10, of Administrative Order No. 23 are hereby amended as follows:

"Sec. 2. Finality of decision. — The decision of the Disciplining Authority shall immediately be final and executory upon receipt of a copy thereof by the complainant or the respondent, as the case may be."

"Sec. 3. Motion for reconsideration. — A motion for reconsideration shall not stay the execution of a decision. In the event that a decision is reconsidered as to result in an exoneration, the respondent shall be paid his salary and such other emoluments accruing during the period of his suspension of removal."

SECTION 6. Section 2, Rule 11, of Administrative Order No. 23 is hereby amended to read as follows:

"Sec. 2. Suspension. — The penalty of suspension shall not exceed the unexpired term of the respondent, or a period of six (6) months for every administrative offense, nor shall said penalty be a bar to the candidacy of the respondent so suspended as long as he meets the qualifications required for the office."

"When the respondent has been meted two (2) or more penalties of suspension for two (2) or more administrative offenses, such penalties shall be served successively."

SECTION 7. This Administrative Order shall take effect immediately.

Adopted: 25 Dec. 1994

(Sgd.) FIDEL V. RAMOS
President

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