

ETHICAL STANDARDS ON INTERACTION WITH FORMER OMB OFFICIALS AND EMPLOYEES

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As embodied in the Constitution, the Office of the Ombudsman, being itself a public office, is mandated to maintain public trust and promote the highest standards of ethics in public service. Along this line, the Office, having observed that its former officials and employees who now engage in the private practice of their profession and who, from time to time, visit the Office, its officials and employees, either officially or in their private capacity, finds it proper and necessary to prescribe certain ethical standards for its incumbent officials and employees in dealing with said former officials and employees. Accordingly, the Office hereby prescribes the following rules and guidelines:

Section 1. Prohibition against meeting, transacting or dealing with former officials and employees; Exceptions. Except as provided herein, in no instance or occasion, inside or outside the office, shall incumbent Ombudsman officials and employees meet, transact or deal, directly or indirectly, on any matter with former officials and employees of this Office who are litigants or counsel in any case or CPL matter pending before this Office, as well as, in any case pending before the Sandiganbayan. The same prohibition applies to any meeting, dealing or transaction with the counsel, agent or representative of said former officials and employees.

By way of exceptions to the foregoing prohibitions, the following circumstances may be considered regular and proper:

- During official proceedings. During trials, clarificatory hearings and/or formal hearings of cases under preliminary investigation or administrative adjudication and in cases pending before the Sandiganbayan, they may be allowed to interact with each other but only in a manner consistent with, or necessary in, the conduct of the said proceedings;
- In representation of private complainants and prosecution witnesses and as volunteer lawyers. Incumbent officials and employees may interact with former Ombudsman officials and employees in cases where the latter represent on record private complainants and prosecution witnesses, including their counsel and agents, and when acting as volunteer lawyers for the Office. In this regard, it should be emphasized, however, that their interaction with incumbent Ombudsman officials and employees should be limited to cases wherein they are assisting the prosecution;
- During requests for assistance. For requests for assistance, the Public Assistance Bureau (PAB) may extend assistance to former Ombudsman officials and employees on official business only; and
- Meeting by chance or accident. If due to some unavoidable circumstances, there is a meeting by chance or accident between incumbent Ombudsman officials or employees and former Ombudsman officials and employees who are covered by the above prohibition.

Section 2. Confidentiality. Incumbent OMB officials and employees shall not disclose any confidential information acquired by them in the course of their employment in the Office, to former OMB officials and employees. Pursuant to Section 7 (c) of Republic Act 6713 otherwise known as The Code of Conduct and Ethical

Standards for Public Officials and Employees, they shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public either: (1) to further their private interests or give undue advantage to anyone; or (2) to prejudice the public interest.

Section 3. Duty to report to the Internal Affairs Board (IAB). It shall be the bounden duty of the incumbent officials and employees, who have dealt, met or transacted with former officials and employees and which interaction falls within the purview of the exceptions, to report in writing within a period of three (3) working days such meeting, dealing or transaction to the Internal Affairs Board. However, in situations covered by Section 1(a), the duty to report prescribed in the immediately preceding sentence shall not apply. Further, any act of impropriety, indiscretion, attempted influence, or lobbying between former officials and employees and incumbent officials and employees, which may be encountered in the performance of the latter's official duties and functions, shall also be reported in writing within a similar period by the same to the IAB through their immediate superior.

Section 4. IAB Registry. The Internal Affairs Board shall maintain a registry for all reports of such interaction in connection with any CPL matter or any case pending before this Office or the Sandiganbayan. With regard to requests for assistance extended by the PAB to former Ombudsman officials and employees, another registry shall be maintained by the PAB for the purpose. Both registries, which shall be properly maintained by the IAB for record purposes, shall contain the following entries:

- a. the name of the former Ombudsman official or employee concerned;
- b. the name of the incumbent official or employee with whom said former official or employee interacted; and
- c. date, time and purpose of the visit/meeting, the docket number and title of any case, CPL matter or request taken up, and other relevant details, if any.

The IAB shall make a monthly report to the Tanodbayan. The said IAB report to the Tanodbayan shall likewise include all requests for assistance acted upon by PAB involving former officials and employees as contained in the corresponding PAB monthly report.

Section 5. Prohibition to recommend the hiring of former Ombudsman officials and employees. In order to discourage the wrong perception that they are peddlers of undue patronage, all incumbent officials and employees shall not recommend the hiring of the services of former Ombudsman officials or employees engaged in the private practice of their profession to litigants, prospective litigants or to anyone dealing with this Office.

Section 6. Penalties. Any violation of these rules shall be a ground for disciplinary action against the Ombudsman official or employee concerned under the pertinent provisions of the Civil Service Laws and rules.

Section 7. Effectivity. This Office Order shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette and upon filing with the University of the Philippines Law Center of three (3) certified copies thereof.

For strict compliance.

Adopted: 24 Jan. 2005.

(SGD.) SIMEON V. MARCELO

Tanodbayan

(Ombudsman)

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