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REITERATION OF THE GUIDELINES IN THE FILING OF CRIMINAL CASES FOR MALVERSATION OF PUBLIC FUNDS COMMITTED BY PPC OFFICIALS AND REMEDY OF ATTACHMENT

PHILPOST ADMINISTRATIVE ORDER NO. 06-04, January 07, 2006

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To ensure greater recovery of the shortage incurred for malversation of Public Funds by erring Postal Officials/employees of the Corporation, and for uniformity of procedure in the filing of criminal cases, the following guidelines shall be adhered to strictly:

1. Institution of a Criminal Action.

1.1 Who and Where to File. – In all cases involving Malversation of Public Fund (SHORTAGE) committed by erring officers and employees of the Corporation, the Director, Legal Service, with respect to officer or employee of the Central Office or the Regional Director with respect to officer of employees in the regional office shall, simultaneously or even before the filing of the formal charge in the administrative case, institute a criminal complaint against the respondent officer or employee in the proper office of the Ombudsman or Prosecutor's Office within their territorial jurisdiction.

1.2 When to File. – The filing of the criminal and administrative charge referred to in the preceding paragraph shall be instituted immediately upon receipt of the final audit report of examining officer/s but not later than ten (10) working days from receipt thereof. However, before filing the criminal case, utmost efforts must be exerted to recover the amount malversed.

To avoid delays, in the trial and resolution of the case before the courts, the examining officer/s shall furnish the Director, Legal Service, and the Regional Director concerned, with the duplicate original of the final audit report and other documents. The original audit report and other documents shall be under the custody of the head of the examining officer.

All criminal cases filed by the Regional Director with the proper court or agency shall be furnished the Legal Service, Central office, for monitoring and technical supervision.

1.3 Prosecution of Criminal Cases. – the Director, Legal Service, or the Regional Director concerned shall coordinate with the Ombudsman or Prosecutor's Office (DOJ) in the prosecution and litigation of the criminal case filed at the Sandiganbayan or regular courts. In criminal cases where civil liability can be recovered, the above officials shall exert efforts to protect the interest of the Corporation.

If necessary, the Regional Director may request that a lawyer of the Corporation shall act as the Private Prosecutor under the control and supervision of the Public Prosecutor of the DOJ to ensure a greater percentage of conviction.

In this connection, the examining officer must at all times be ready to testify in court when issued a subpoena. Failure of the examining officer to appear on the scheduled hearings of the case, resulting to the dismissal on the ground of failure to prosecute, shall be a ground for disciplinary action without prejudice to the filing of criminal

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action under existing laws against the examining officer/s.

2. Application of the Provisional Remedy of Attachment

2.1 In all cases of Malversation of Public Funds like shortage, the officials mentioned in the preceding paragraphs shall, if practicable make use of the provisional remedy of attachment, pursuant to rule 127 of the Rules of Court in the Philippines, of the real and personal properties of erring officers/employees to ensure that the defalcated amount be recovered.

3. Recovery from Bonds

3.1 In the event that the attached properties are not enough to cover the amount of shortage incurred, the Director, Legal Service, with respect to accountable officers of the Central Office or the Regional Director with respect to accountable officers of the region, shall institute actions for the recovery of bonds from the Bureau of Treasury not later than ten (10) days from the finality of the decision rendered by the court finding the erring officer/s guilty of Malversation of Public Funds.

4. Application for Hold Departure Order

4.1 The Director, Legal Service, or the Regional Manager shall coordinate with the Ombudsman and/or Prosecutor's Office, upon the filing of the information in court, to request immediately for the issuance of a Hold Departure Order from the Bureau of Immigration and Deportation and the Department of Foreign Affairs against the defaulting officer or employee.

5. Computation of Time

5.1 In computing the period of time prescribed in these guidelines, the first day shall be excluded and the last day included unless it be a Saturday, Sunday, or a legal holiday, in which case the period shall run until the end of the next day which is neither a Saturday, a Sunday, or a legal holiday.

6. Non-Implementation of These Guidelines

6.1 Any responsible official of the Corporation who willfully and deliberately refuses or fails to implement any of these guidelines to the prejudice of the Corporation shall be liable for administrative, civil, or criminal sanctions as provided for under existing laws.

7. Docket and Reports

7.1 The Director, Legal Service, and the Regional Director shall maintain docket records and inventory of all criminal and administrative cases lodged at their respective offices, as well as actions for recovery of bonds. The monthly progress report shall be made and forwarded to the Office of the Postmaster General indicating therein the summary and particulars of the case, its status and corresponding action taken thereon.

Nothing in these guidelines shall prevent the Postmaster General, thru the Director, Legal Service, from instituting the criminal interest of the Corporation so demands.

All office orders, circulars, memoranda and issuances inconsistent herewith are hereby modified, superseded and/or revoked accordingly.

For strict and immediate compliance.

Adopted: 7 Jan. 2006

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