

LETTER OF INSTRUCTIONS NO. 231, December 05, 1974

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TO: Secretary VICENTE ABAD SANTOS
Department of Justice

Secretary JOSE A. ROÑO
Department of Local Government and
Community Development

WHEREAS, under Letters of Instructions Nos. 147 and 180, dated November 14, 1973 and April 3, 1974, respectively, presidential clearance was required before the investigation, of local elective officials could be made;

WHEREAS, these presidential instructions were issued to thwart the attempts of some partisan sectors of our society to harass local elective officials by filing false, frivolous and malicious charges against them;

WHEREAS, said instructions have been misconstrued as giving local elective officials a special status not enjoyed by all and, in several instances, have frustrated the government's campaign to punish erring public servants;

WHEREAS, there is a need to act speedily on all cases filed against local elective officials under the existing rules of procedure which amply safeguard the rights of the respondent and/or accused;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby modify Letters of Instructions Nos. 147 and 180, dated November 14, 1973 and April 3, 1974, respectively, as follows:

- (1) The Secretary of Justice may, without need of securing previous clearance or authority from me, authorize the preliminary investigation of a criminal complaint filed against a local elective official with the Office of the Provincial or City Fiscal.
- (2) The Secretary of Local Government and Community Development may likewise formally investigate an administrative complaint against a local elective official with out securing previous clearance or authority from me. He may also suspend the respondent local official during the pendency of the formal investigation, for a period not exceeding sixty (60) days, if the charge is serious and the evidence of guilt of the respondent is strong or if there are reasonable grounds to believe that the respondent has or will perform acts inimical to the orderly conduct of the investigation.
- (3) The Secretary of Local Government and Community Development is hereby authorized to decide administrative cases involving local elective officials, except provincial and city elective officials, and to impose the appropriate penalty upon the respondent without prior clearance from, me, except when the penalty sought to

be imposed is removal or suspension from the office for a period of more than six (6) months.

(4) The provisions of Letters of Instructions Nos. 147 and 180, dated November 14, 1973 and April 3, 1974, respectively, and this Letter of Instructions shall not be construed as effecting the jurisdiction of regular courts of justice under existing laws.

Done in the City of Manila, this 5th day of December, in the year of our Lord, Nineteen Hundred and Seventy-Four.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

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