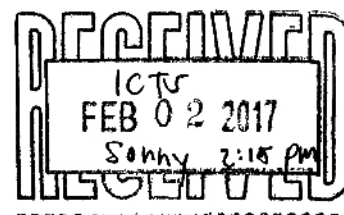




Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City 1100, Philippines



Department Order No. 02
Series of 2017

Reconstitution of the Department of Agriculture *Dulugan Bayan*

WHEREAS, the Office of the President (OP) issued Memorandum Order No. 126, s. 2003 dated December 15, 2003 entitled "ENJOINING ALL HEADS OF NATIONAL GOVERNMENT AGENCIES, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS, STATE UNIVERSITIES AND COLLEGES AND LOCAL GOVERNMENT UNITS TO SUPPORT THE DULUGAN BAYAN PROGRAM OF THE PHILIPPINE GOVERNMENT EMPLOYEES ASSOCIATION (PGEA), OFFICE OF THE OMBUDSMAN AND PRESIDENTIAL ANTI-GRAFT COMMISSION";

WHEREAS, pursuant to the OP Memorandum, the Department of Agriculture issued Special Order No. 15, s. 2005 dated January 5, 2005 creating the DA *Dulugan Bayan* composed of the Core Committee, Fact-Finding Committee and Formal Investigating Committee, and naming therein the respective members of the three (3) Committees;

WHEREAS, Department Special Order No. 240, s. 2007 dated May 24, 2007 was issued amending Special Order No. 15, s. 2005 with respect to the membership of the *Dulugan Bayan* Committees;

WHEREAS, Special Order No. 566, s. 2010 dated November 2, 2010 further amended Special Order No. 240, s. 2007 concerning the members of the *Dulugan Bayan*;

WHEREAS, as some of those appointed under Special Order No. 566, s. 2010 are no longer with the Department, and in order to deal with the new challenges of the DA, there is a need to reconstitute the *Dulugan Bayan* Committees;

WHEREFORE, the *Dulugan Bayan* is hereby reconstituted with the following terms of reference:

1. The *Dulugan Bayan* is a public assistance desk which shall receive complaints, reports or allegations of corrupt practices by officials and employees of the Department.
2. There shall be three (3) Committees which shall act on complaints that are filed in whatever form:
 - a. Core Committee
 - b. Fact-Finding Committee
 - c. Formal Investigating Committee
3. The Core Committee shall be composed of the following:

Chairperson	:	Director of Administrative Service
Vice Chair	:	Division Chief, Personnel Division
Members	:	Division Chief, Human Resource Development Division
		Division Chief, Records Division
		Division Chief, Management Division
		Division Chief, Legal Service
		DAEA President

4. The Core Committee have the following responsibilities:

- a. Assess the complaint and determine if it should be endorsed to the Fact-Finding Committee, referred to the Presidential Anti-Graft Commission, the Ombudsman or the Civil Service Commission, or be dismissed outright.
- b. Appoint the members of the Fact Finding Committee and Formal Investigating Committee for each case from among the pool of pre-selected employees
- c. Monitor cases referred to the Fact Finding and Formal Investigating Committees
- d. Endorse for the Secretary's approval the findings and recommendations of the Fact-Finding and Formal Investigating Committees

Five (5) employees from the Administrative Service shall act as Secretariat to the Core Committee which shall be appointed by the Director of Administrative Service.

5. All Division Chiefs who are not members of the Core Committee and all permanent personnel occupying positions from Salary Grade (SG)-15 up to Salary Grade (SG)-22 are **enlisted to the pool of employees to compose the Fact-Finding Committee:**

Only Division Chiefs, or in their absence, occupants of SG-22 positions shall be appointed Chairperson of a Fact-Finding Committee.

Employees of the Administrative Service shall be appointed by their Director to serve as Secretariat to the Fact-Finding Committee.

6. The Fact-Finding Committee have the following duties:

- a. Gather facts and evidence to ascertain truthfulness of the complaint
- b. Conduct preliminary investigation
- c. If necessary, summon parties to a conference where the investigator may propound clarificatory and other relevant questions
- d. Determine if a *prima facie* case exist to warrant the issuance of a formal charge
- e. Recommend to the Core Committee the issuance of a formal charge and the order of preventive suspension, if warranted.

7. The Formal Investigating Committee shall be composed of:

Chairperson	:	Director of Legal Service
Members	:	All Lawyers of the Department, Bureaus and attached agencies

The staff of the Legal Service shall act as Secretariat to the Formal Investigating Committee.

8. The Formal Investigating Committee shall have the following duties:

- a. Conduct Formal Investigation
- b. Conduct Pre-Hearing Conference
- c. Conduct hearings
- d. Rule on objections, motions, petitions, appeals and other pleadings
- e. Prepare formal investigation report for the Secretary through the Core Committee
- f. Recommend decision and appropriate actions to the Secretary through the Core Committee

9. Depending on the complexity of the case, membership in the Fact-Finding Committee and in the Formal Investigating Committee shall consist of a minimum of two (2) to a maximum of three (3) personnel.

10. Procedure:

- a. Upon receipt of the complaint, the Core Committee shall refer it to the Records Division for assignment of docket number.

Copies of the complaint shall be provided to the Legal Service for monitoring and to the respondent for information.

- b. The Core Committee shall evaluate the complaint and recommend the appropriate action, either for referral to the Fact-Finding Committee, for endorsement to the Presidential Anti Graft Commission, the Civil Service Commission or the Office of the Ombudsman, or for dismissal.
- c. If warranted, the Core Committee shall assign the complaint to a Fact-Finding Committee.
- d. Findings and recommendations of the Fact-Finding Committee shall be submitted to the Core Committee, which shall endorse the same to the Secretary for approval.

The Core Committee shall furnish the Legal Service copies of the findings and recommendation of the Fact-Finding Committee and the action of the Secretary.

- e. If a Formal Charge has been issued, the Core Committee shall assign the case to the Formal Investigating Committee.
- f. The Report of Investigation with Recommendation of the Formal Investigating Committee shall be submitted to the Core Committee for endorsement to the Secretary for approval.
- g. The Core Committee shall forward the approved Report with the records of the case to the Records Division for filing.

The Core Committee shall furnish the Legal Service a copy of the approved Report.

- 11. The pool of personnel to compose the Fact-Finding Committee shall undergo trainings and seminars to equip them in their respective tasks in the *Dulugan Bayan*.
- 12. Membership in the Core Committee, Fact-Finding Committee and Formal Investigation Committee shall form part of the regular functions of the officials and employees.
- 13. Membership in the Fact-Finding Committee and Formal Investigating Committee shall be on **rotation basis**. The Core Committee shall device a scheme to ensure that all members of the pool have been given assignments before another round of assigned works are made.
- 14. These Guidelines shall not apply to complaints involving consultants, job order and contract of service personnel who are not government employees. However, the Core Committee shall require the concerned personnel to explain in writing why his contract should not be terminated for justified causes under Article 282 of the Labor Code of the Philippines.

Moreover, copies of the complaint shall be furnished the head of the unit where the personnel is assigned to be taken into consideration in renewing his/her contract, and the Personnel Division for file.

- 15. The Department has no jurisdiction over complaints involving presidential appointees, which shall be referred to the Ombudsman or to the Office of the President for appropriate action.
- 16. The *Revised Rules on Administrative Cases in the Civil Service* shall be strictly observed.

EMMANUEL F. PIÑOL
Secretary

November 10, 2016