



JANUARY 23, 2019

DEPARTMENT ORDER NO. 01
Series of 2019

**SUBJECT : AMENDING DEPARTMENT ORDER NO. 2, S. 2017, ENTITLED:
"RECONSTITUTION OF THE DEPARTMENT OF AGRICULTURE
DULUGAN BAYAN"**

WHEREAS, pursuant to the Office of the President Memorandum Order No. 126 s. of 2003,¹ the Department of Agriculture issued Special Order (SO) No. 15, series of 2005 (dated January 5, 2005) creating the DA *Dulugan Bayan* composed of the Core, Fact-Finding, and Formal Investigating Committees and naming specific individuals to act as members of the Core Committee and those to form the respective membership pools of the Fact-Finding and the Formal Investigating committees;

WHEREAS, Special Order No. 240, series of 2007 (dated May 24, 2007) was issued, amending the provisions of SO No. 15, S. 2005 on the composition of the Core committee and the membership pools of the Fact-Finding and Formal Investigating committees of the *Dulugan Bayan*;

WHEREAS, the composition of the *Dulugan Bayan* committees (members or membership pool) was again modified through Special Order No. 566, series of 2010 (dated November 2, 2010);

WHEREAS, on February 20, 2017, Department Order No. 02, series of 2017 was issued reconstituting the DA *Dulugan Bayan* and restating its terms of reference;

WHEREAS, the composition of the *Dulugan Bayan* committees (members or membership pool) was again modified through Special Order No. 857, series of 2018 (dated July 23, 2018);

WHEREAS, on September 5, 2018, Special Order No. 957, series of 2018 (dated September 5, 2018) was issued enlisting additional personnel to the membership pool of the Fact Finding committee;

WHEREAS, there is a need to revise the Department Order No. 02, series of 2017 and previous Special Orders to further rationalize the composition of the *Dulugan Bayan* committees with the mandate and competencies of the concerned services and offices of the Department.

WHEREFORE, The *Dulugan Bayan* is hereby reconstituted and directed to operate under the following Terms of Reference:

1. The *Dulugan Bayan* is a public assistance desk tasked to receive and process, in accordance with the provisions of this Order, complaints, reports or allegations of improper and/or corrupt practices by officials and employees of the Department.

2. The *Dulugan Bayan* shall function through three (3) committees, namely:

- a. Core Committee
- b. Fact-Finding Committee
- c. Formal Investigating Committee

The above committees shall be composed of employees and officials of the Department whose work or responsibilities relative to *Dulugan Bayan* matters shall form part of their respective regular functions. Performance of said work or responsibilities shall be evaluated and considered as part of the IPCR and OPCR, respectively. The same shall apply to officials and employees who may be tasked to perform work as part of a Secretariat assisting any of the *Dulugan Bayan* committees.

3. Core Committee

3.1. Composition

Chairperson	:	Service Director
Vice-Chairperson	:	Service Director
Members	:	Five (5) members composed of four (4) Division Chief level employees and the DAEA President

3.2. For the conduct of business, four (4) Core Committee and the Chairperson or vice-chairperson shall constitute a quorum; provided that the vice-chair shall be counted as a member when the Chairperson is present.

3.3. Secretariat -- The Core Committee shall have a Secretariat composed of five (5) individual members, two (2) of whom shall be holders of supervisory positions (e.g. SG-22) and the remaining three (3), at least shall be holders of salary grades (SG) 15-20. The secretariat shall provide complete staff work to the Core committee.

3.4. Responsibilities of the Core Committee

1. Assess, evaluate and docket (through the Records Division) the complaintⁱⁱ if found to be sufficient in form and substance;
2. Constitute the Fact-Finding and Formal Investigating Committees for each docketed complaint as necessary;
3. Refer or assign complaints to the Fact-Finding Committee, Formal Investigating Committee, the Civil Service Commission, the Office of the Ombudsman, or other pertinent office and monitor the progress of such referred or assigned cases. This shall be without prejudice to the Core Committee dismissing the case outright for reasons provided under item 3.5 hereof;
4. If warranted, endorse the Fact-Finding Committee Report to the Formal Investigating Committee for purposes of determining the existence of a *prima facie* case;
5. If warranted, endorse for the Secretary's approval the Issuance of a Formal Charge and Preventive Suspension and Decisions of the Formal Investigating Committee;
6. Forward the approved Report of the Fact Finding Committee to the Records Division, copy furnished the Legal Service;
7. Device a scheme to ensure that all members of the pool of employees for the Fact Finding Committee and Formal Investigating Committee shall all have been given

assignments before an employee identified under a committee membership pool is once again designated to and work under the pertinent Committee for a specific Dulugan Bayan case or matter.

3.5. Grounds for Dismissal of Complaint

1. Anonymous Complaint³;
2. Complaint is not sufficient in form and substance⁴;
3. Complaint does not contain a certification or statement of non-forum shopping;
4. Complaint does not contain a narration of the relevant and material facts which shows the acts or omissions allegedly committed; or
5. Complaint does not contain full name and address of the person complained of /positions /offices.

4. The Fact-Finding Committee

4.1. Composition

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|------------------|---|--|
| Chairperson | : | Division Chief (SG-24) |
| Vice-Chairperson | : | Holder of a permanent plantilla position, at least SG-22 |
| Members | : | Holders of permanent plantilla position/s at least SG-18
SG- 20 |

4.2. The Fact-Finding Committee shall be constituted from a pool of permanent officials and employees occupying SG-15 to SG-24 and the members of specific Fact-Finding committees shall be assigned on a **rotation basis** (per complaint). Officials and employees designated under the Fact-Finding Committee membership pool may undergo trainings and seminars relative to functions as members of the said committee.

4.3. Secretariat -- Employees holding permanent plantilla positions at least SG 15 to SG 16 shall be named/appointed from the Fact Finding committee membership pool

4.4. Responsibilities of a Fact-Finding Committee

1. Receive docketed complaint;
2. Establish facts and gather evidence to ascertain the veracity of the allegations in the complaint;
3. Summon parties to conference for purposes of conducting clarificatory questioning and/or investigations;
4. Prepare and submit verified report/s on the assigned complaint to the Core Committee.

5. Formal Investigating Committee

5.1. Composition

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| Chairperson | : | Attorney V (SG-25) |
| Vice-Chairperson | : | Lawyer occupying permanent plantilla position at least (SG-24) |
| Members and Prosecutors: | : | Minimum two (2) and maximum of three (3) lawyers occupying permanent plantilla positions from SG-21 to SG-23 from the Legal Service (DA-OSEC), Legal Division from attached Agencies and Bureau. |

5.2. Secretariat- The staff of the Legal Service shall act as the Secretariat which shall provide complete staff work to the Formal Investigating Committee.

5.3. Responsibilities of a Formal Investigating Committee

1. Assess, evaluate, and determine the existence of a *prima facie* case giving due consideration to the Fact Finding Committee Report;
2. Conduct Preliminary Investigation;
3. Conduct Formal Investigation;
4. Recommend the issuance of a Formal Charge and Preventive Suspensions, if warranted to the Core Committee;
5. Rule on Objections, Motions, Petitions, Appeals and other pleadings; and
6. Submit decisions /resolutions on the assigned complaint to the Core Committee.

5.4. The Legal Service shall be responsible for the issuance of clearances and/or certification of pendency of administrative cases.

7. General Provisions

- a. Upon receipt of the complaint, the same shall be referred to the Records Division for assignment of a docket number. Copy thereof shall be provided to the Legal Service for monitoring and record purposes.
- b. This Order shall not apply to complaints involving consultants, job order and contract of service personnel of the Department.
- c. The Department has no jurisdiction over complaints involving presidential appointees, which shall be referred to the Ombudsman or to the Office of the Anti-Corruption Commission, Office of the President for appropriate action.
- d. The **Revised Rules on Administrative Cases in the Civil Service** shall be strictly observed.

This Department Order shall take effect immediately and shall remain in force until revoked in writing. All orders inconsistent herewith are deemed revoked.


EMMANUEL F. PINOL
Secretary

DEPARTMENT OF AGRICULTURE
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