



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 43

**CREATING THE PRESIDENTIAL ANTI-CORRUPTION COMMISSION
AND PROVIDING FOR ITS POWERS, DUTIES AND FUNCTIONS,
AND FOR OTHER PURPOSES**

WHEREAS, Section 1 of Republic Act (RA) No. 3019 (Anti-Graft and Corrupt Practices Act) declares that it is the policy of the Government, in line with the principle that public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices;

WHEREAS, Section 2 of RA No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) declares that it is the policy of the Government to promote a high standard of ethics in public service, and provides that public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest;

WHEREAS, this Administration has a continuing mandate to fight and eradicate graft and corruption in the different departments, bureaus, offices, and other government agencies and instrumentalities, as well as an advocacy to ensure that public officials and employees in all branches of government conduct themselves in a manner worthy of the public trust;

WHEREAS, the President's power to appoint carries with it the power to discipline and remove public officials and employees, except those who are not otherwise subject to his disciplining authority as may be provided by the Constitution and existing laws;

WHEREAS, the President's plenary powers as head of government authorize him to conduct lifestyle checks and fact-finding inquiries on all public officials and employees, including those outside the executive department;

WHEREAS, there is a need to create a separate commission under the Office of the President solely dedicated to providing assistance to the President in the investigation and hearing of administrative cases and complaints, and in the conduct

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of lifestyle checks and/or fact-finding inquiries concerning presidential appointees and other public officers allegedly involved in graft and corrupt practices, or have committed other high crimes and/or violations of the Code of Conduct and Ethical Standards for Public Officials and Employees;

WHEREAS, Section 17, Article VII of the 1987 Constitution provides that the President shall ensure that the laws be faithfully executed; and

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order (EO) No. 292 (s. 1987) (Administrative Code of 1987) gives the President a continuing authority to reorganize the administrative structure of the Office of the President in order to achieve simplicity, economy, and efficiency.

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. *Creation.* The Presidential Anti-Corruption Commission, hereinafter referred to as the "Commission," is hereby created under the Office of the President to directly assist the President in investigating and/or hearing administrative cases primarily involving graft and corruption against all presidential appointees, as defined in Section 5 hereof, and to perform such other similar duties as the President may direct.

SECTION 2. *Composition.* The Commission shall be composed of a Chairman and four (4) Commissioners to be appointed by the President. Majority of the members of the Commission shall be members of the Philippine Bar and must have been engaged in the practice of law in the Philippines for at least five (5) years. The Chairman shall have the rank, emoluments, and privileges of a Presidential Assistant II. The Commissioners, on the other hand, shall have the rank, emoluments, and privileges of a Presidential Assistant I. The Chairman shall preside over the meetings of the Commission, and shall direct and supervise the implementation and execution of policies, rules, and regulations promulgated by the Commission.

SECTION 3. *Secretariat.* The Commission shall have a Secretariat which shall provide technical and administrative support to the Commission. The Chairman shall have the authority to appoint, promote, and discipline the personnel of the Secretariat. The Secretariat shall be headed by an Executive Director with the rank, emoluments, and privileges of an Assistant Secretary. He shall be appointed by the President, upon the recommendation of the Chairman. He shall, under the control and supervision of the Chairman, execute and administer the policies and decisions of the Commission and manage the day-to-day operations thereof.

SECTION 4. *Operating Units of the Commission.* The Commission may, subject to the applicable provisions of the General Appropriations Act and other pertinent laws, rules, and regulations, organize and set in operation such organizational units as may be necessary for the performance of its powers, functions, and duties, and for the implementation of this Order.

The Chairman of the Commission shall have the authority to appoint, promote, and discipline the personnel of all its operating units, subject to pertinent laws, rules, and regulations.

The Commission may hire its own personnel; provided, that the organizational structure and staffing pattern of the Commission and subsequent changes therein shall be in accordance with pertinent laws, rules, and regulations.

SECTION 5. Jurisdiction, Powers, and Functions.

- (a) The Commission shall have the power, on complaint or *motu proprio*, and concurrently with the Office of the Ombudsman, to hear, investigate, receive, gather, and evaluate evidence, intelligence reports, and information in administrative cases against all presidential appointees in the Executive Branch of the government and any of its agencies or instrumentalities occupying the position of Assistant Regional Director or an equivalent rank and higher, otherwise classified as Salary Grade "26" and higher under RA No. 6758 (Compensation and Position Classification Act of 1989), including members of the governing board of any instrumentality, regulatory agency, or chartered institution, and directors or officers, appointees or nominees of the President to government-owned or -controlled corporations, or who otherwise represent the interests of the government, for acts or omissions constituting violations of any of the following:
- 1) RA No. 3019, as amended;
 - 2) RA No. 1379 on the unlawful acquisition of property by a public officer or employee;
 - 3) RA No. 6713;
 - 4) Provisions under Title Seven, Book Two of the Revised Penal Code;
 - 5) EO No. 292 (s. 1987) whenever it defines and imposes administrative sanctions on acts and omissions constituting violations of the foregoing laws and issuances;
 - 6) Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and
 - 7) Other violations as may be referred to the Commission by the President.
- (b) Upon instructions of the President, the Commission may investigate presidential appointees in the Armed Forces of the Philippines and the Philippine National Police whenever he deems it necessary or appropriate.
- (c) Upon instructions of the President, or *motu proprio*, the Commission may also conduct lifestyle checks and fact-finding inquiries on acts or omissions of all presidential appointees, including those outside the Executive Branch of

government, which may be violative of the Constitution, or contrary to law, rules and regulations, and/or constitute serious misconduct tantamount to betrayal of public trust. On the basis of such fact-finding inquiries, the Commission shall submit its report and recommended courses of action to the President.

The Commission shall use every and all reasonable means to ascertain the facts in each case or complaint speedily and objectively, in all instances observing due process.

The resignation or retirement of the public officer under investigation shall not divest the Commission of jurisdiction to continue the investigation or hearing thereof.

In the exercise of its functions, the Commission may enlist the aid and support of any law enforcement agency of the government. It may also call upon all government agencies and instrumentalities, including government-owned or -controlled corporations, for assistance and cooperation, whether for acquisition of documents pertinent to its investigation or to participate in or conduct the investigation, subject to the submission of a written report to the Commission. The Commission may recommend the admission of vital witnesses into the Witness Protection Program administered by the Department of Justice.

The Commission may engage the services of qualified consultants and/or deputies from the public and private sectors, subject to pertinent laws, rules, and regulations.

SECTION 6. *Preventive Suspension.* Upon the filing of a complaint or charge, the Commission may recommend to the President the issuance of an order of preventive suspension, when the circumstances of the investigation warrant the same, such as when the charges are punishable with removal from the service or when respondent's continued stay in office will prejudice the fair determination of the case. The preventive suspension shall continue until the case is terminated by the Commission, but in no case shall exceed ninety (90) days, except when the delay is due to the fault, negligence, or action of the respondent, in which case the period of such delay shall not be counted in computing the period of preventive suspension.

SECTION 7. *Power to Summon Government Personnel and Records and to Administer Oaths.* Pursuant to its authority to take testimony or receive evidence, the Commission shall have the power to administer oaths and issue subpoena *ad testificandum* and *duces tecum*.

SECTION 8. *Effect of Non-Compliance with Summons.* Any delay or refusal without adequate cause to comply with a subpoena issued by the Commission or by its authority shall constitute a ground for administrative disciplinary action, to be recommended by the Commission to the President, against the erring public officer or employee. The case shall be heard by the Commission separately from the investigation or administrative case relative to which said subpoenas were issued.

SECTION 9. *Submission of Report and Recommendations.* After completing its investigation or hearing, or fact-finding inquiry, the Commission shall submit its

report and recommendations directly to the President for approval and final disposition. The report and recommendations shall state, among others, the Commission's factual findings and legal conclusions, as well as the recommended administrative penalty or referral to the appropriate disciplinary authority.

SECTION 10. *Referral to Other Government Units.* Whenever the Commission deems it warranted and necessary, it may refer any case for appropriate action to the Office of the Ombudsman, or deputize any other office, committee, commission, bureau, agency, department, or instrumentality, including government-owned or -controlled corporations, to conduct a fact-finding investigation.

SECTION 11. *Disclosures.* The Commission and its personnel shall not disclose or make public any record or information in connection with any investigation when such disclosure will deprive the respondent of his/her right to a fair and impartial investigation of the case. All disclosures of the Commission relating to an administrative case, complaint, or inquiry shall be balanced, fair, and accurate.

SECTION 12. *Transfer of Power, Duties, and Functions.* Consistent with the provisions of this Order, the investigative, recommendatory, and other incidental functions of the defunct Presidential Anti-Graft Commission (PAGC), which were transferred to the Office of the Deputy Executive Secretary for Legal Affairs (ODESLA) by virtue of EO No. 13 (s. 2010) shall be transferred to the Commission; provided, that the ODESLA shall retain its functions of formulating national anti-corruption plans, policies, and strategies, implementing anti-corruption initiatives of the government, and monitoring compliance therewith, which include, but shall not be limited to: (1) the review and implementation of the Philippines' compliance with the United Nations Convention against Corruption (UNCAC) pursuant to EO No. 171 (s. 2014); (2) the implementation of the Integrity Management Program (IMP) pursuant to EO No. 176 (s. 2014); and (3) coordination with the Inter-Agency Anti-Graft Coordinating Council.

SECTION 13. *Transitory Provisions.* Upon effectivity of this Order, the ODESLA shall continue to perform its investigative, recommendatory, and other incidental functions under EO No. 13 (s. 2010) until the members of the Commission and its Secretariat have been duly appointed; provided, that the winding-up of the operations of the ODESLA, such as the turnover of records of all pending cases, including PAGC cases, that fall within the jurisdiction of the Commission shall be completed not later than six (6) months from the time when the Commission shall have been constituted.

SECTION 14. *Rules and Regulations.* The Commission shall promulgate or adopt its rules and regulations for the effective implementation of this Order.

SECTION 15. *Funding.* The initial budget of the Commission shall be determined in coordination with the Department of Budget and Management and submitted to the Office of the President for approval. Appropriations for the succeeding years shall be incorporated in the budget proposal for the Office of the President.

SECTION 16. Separability. In the event that any provision of this Order or any part thereof is declared invalid, illegal or unconstitutional, the provisions not thereby affected shall remain in force and effect.


SECTION 17. Repealing. All orders, rules and regulations, and issuances or parts thereof inconsistent with this Order are hereby repealed, amended or modified accordingly.

SECTION 18. Effectivity. This Order shall take effect fifteen (15) days after its publication.

DONE in the City of Manila, this 4th day of **October**, in the year of Our Lord, Two Thousand and Seventeen.

By the President:




SALVADOR C. MEDIALDEA
Executive Secretary

