



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 73

**AMENDING EXECUTIVE ORDER NO. 43 (S. 2017) CREATING THE
PRESIDENTIAL ANTI-CORRUPTION COMMISSION**

WHEREAS, Section 1 of Executive Order (EO) No. 43 (s. 2017) created the Presidential Anti-Corruption Commission, hereinafter referred to as the "Commission," 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 and to perform such other similar duties as the President may direct;

WHEREAS, Section 5 of the same EO provided for the jurisdiction, powers, and functions of the Commission, while Section 12 thereof further transferred to the Commission the investigative, recommendatory, and other incidental functions of the Office of the Deputy Executive Secretary for Legal Affairs (ODESLA), except its functions of formulating national anti-corruption plans, policies, and strategies, implementing anti-corruption initiatives of the government, and monitoring compliance therewith;

WHEREAS, presidential appointees come under the direct disciplining authority of the President and this proceeds from the well-settled principle that unless otherwise provided by the Constitution and existing laws, the power to appoint carries with it the power to discipline and remove public officials and employees;

WHEREAS, Section 17, Article VII of the 1987 Constitution provides that the President shall have control of all the executive departments, bureaus, and offices, and that he shall ensure that the laws be faithfully executed; and

WHEREAS, Section 31, Chapter 10, Title III, Book III of EO No. 292 (s. 1987), or the Administrative Code of 1987, gives the President a continuing authority to reorganize the administrative structure of the Office of the President;

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

SECTION 1. Section 5 of EO No. 43 is hereby amended to read as follows:

"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 on administrative cases against all presidential appointees in the Executive Branch of the government and any of its agencies or instrumentalities occupying the position of*

THE PRESIDENT OF THE PHILIPPINES

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, chartered institution, and directors or officers, appointees or nominated by 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.
- (d) Recommend to the Anti-Red Tape Authority, for investigation, violations of RA No. 9485, otherwise known as the Anti-Red Tape Act of 2007, as amended, and its Implementing Rules and Regulations.**
- (e) After due investigation, recommend to the President the filing of appropriate criminal complaints before the Office of the Ombudsman or the Department of Justice, or otherwise refer such cases for appropriate action to these Offices.**
- (f) The Commission shall perform such other functions or duties as may be assigned by 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.

The preceding paragraphs notwithstanding, nothing shall prevent the President, in the interest of the service, from directly investigating and/or hearing an administrative case against any presidential appointee or authorizing other offices under the Office of the President to do the same, as well as from assuming jurisdiction at any stage of the proceedings over cases being investigated by the Commission."

SECTION 2. Except for the foregoing amendments, all other provisions of EO No. 43 shall remain unchanged.

SECTION 3. Separability Clause. – 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 4. Repealing Clause. – All orders, rules and regulations, and issuances or parts thereof inconsistent with this Order are hereby repealed, amended or modified accordingly.

SECTION 5. Effectivity. – This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

DONE in the City of Manila, this **28th** day of **December**, in the year of Our Lord, Two Thousand and Eighteen.

By the President:



SALVADOR C. MEDIALDEA
Executive Secretary