



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
 Manila

097.13 DPWH
 11.24.2020
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DEPARTMENT ORDER

NO. 113
Series of 2020. *11.24.2020*

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SUBJECT: Internal Procedure of the Task Force Against Graft and Corruption

In line with President Rodrigo R. Duterte's stringent policy against the commission of graft and corrupt practices in the government, Department Order (D.O.) No. 101, series of 2020 was issued creating the herein Task Force Against Graft and Corruption (TAG).

Furthermore, D.O. No. 101, s. 2020 enjoins the TAG to investigate anomalies allegedly perpetrated by DPWH officials and/or employees based on valid complaints and upon observance of due process.

With the creation of the TAG, there is a need to delineate its jurisdiction from the present Complaints Validation and Investigation Committee (CVIC) and Legal Service-Internal Affairs Division (LS-IAD) of the Department which are also in place to process complaints against DPWH employees and officers.

For this reason, the internal procedure of the TAG is established for the guidance of all DPWH officials and employees and external stakeholders. Thus:

I. AUTHORITY, POWERS AND FUNCTIONS OF THE TAG

The TAG shall have the authority to investigate, hear and recommend decisions over all complaints on DPWH officials/personnel filed in the DPWH Central Office, with the following powers and functions:

1. Conduct preliminary investigation and formal investigation, review and recommend imposition of penalty on administrative charges to the Secretary against erring officers and employees of the Department;
2. The TAG, thru its Chairperson, shall designate officials and/or employees from the Central, Regional and District Engineering Offices to act as a fact-finding body to verify the allegations in a complaint;
3. The TAG, thru its Chairperson, shall designate DPWH lawyers, together with officials and/or employees from the department, to conduct the preliminary investigation of cases filed before it.
4. The TAG may also delegate to the CVIC or LS-IAD, the preliminary investigation. For this purpose, the TAG may designate officials and/or employees of the Department to assist with the fact-finding or preliminary investigation;

5. Issue summons, subpoenas, notices and show cause orders, in aid of its investigative function;
6. Receive evidence, pleadings and other documents, and conduct formal investigation;
7. Hear and decide all interlocutory motions;
8. Submit to the Secretary its recommendation for the disposition of the cases relative to the complaint under formal investigation;
9. Take custody of records pertinent to the conduct of the investigation and ensure their confidentiality;
10. The TAG, thru its Chairperson, shall designate DPWH lawyers to act as prosecutors who will present and receive evidence during the formal investigation.
11. The TAG shall sit en banc as hearing officers. As the need arises and depending on the volume of cases, the TAG may also constitute themselves in groups of three (3) members per Division, in order to facilitate the hearing and preparation of recommendations for the disposition of cases.
12. Monitor strict compliance of concerned DPWH personnel with the implementing office;
13. Recommend to the concerned agency the conduct of lifestyle check against officials and employees of the Department;
14. In coordination with the Procurement Service, monitor the strict enforcement of the performance securities of contractors with projects in the Department as well as the recoupment of advance payment;
15. The TAG shall have the power to seek assistance from other government agencies, instrumentalities and entities, including law enforcement agencies, to aid the disciplining authority in conducting investigations for cases pending before it for proper disposition.
16. The TAG may also act on matters specially assigned by the Secretary, in connection with the discharge of his powers and functions under the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).
17. The TAG, may take-over the disposition of cases currently being handled by CIVIC and LS-IAD and exercise authority or powers necessary for the disposition of the same.

II. VALID COMPLAINT

Any complaint filed in the form allowed in 2017 RACCS shall be actionable by TAG. However, the Secretary or his duly authorized representative may refer cases or complaints for investigation to the TAG. In which case, the said referral shall be deemed as actionable complaint.

III. OBSERVANCE OF DUE PROCESS

The conduct of preliminary investigation, including the issuance of order of preventive suspension until resolution of the complaint, and the execution thereof, shall be governed by the applicable provisions of the 2017 RACCS.

IV. FORMAL CHARGE

The officials and/or employees designated by the TAG shall submit an investigation report for the approval of the Secretary to determine the existence of a prima facie case against DPWH officers and employees in violation of laws, rules and regulations.

On the basis of an approved Preliminary Investigation Report, the Secretary shall issue a formal charge in accordance with Section 23 Rule 5 of the 2017 RACCS.

A notice of the formal charge shall be furnished to the following Offices:

1. LS-IAD – to warrant the denial of any subsequent request for issuance of a Certificate of no pending case;
2. Procurement Services – to monitor the membership of the DPWH Official/employee to the concerned Bids and Awards Committee during the pendency of the case.

V. DECISION

Resolution of cases cognizable by the TAG or its Divisions shall be decided based on a majority vote of the members thereof. In case of disagreement or a tie, the Chairperson of the TAG shall decide and the dissenting members thereof shall record their justification for such dissent in writing.

VI. ADMINISTRATIVE REMEDIES

Resolution of the TAG on an administrative case shall be recommended for the approval of the Secretary. The remedies provided under the 2017 RACCS shall be available to the person complained of during the period provided thereto.

VII. CONFIDENTIALITY

The TAG shall implement appropriate measures to ensure that the complaints, evidence, documents and all other communications which shall be issued or received by the TAG, in furtherance of its functions, shall be handled with strict confidentiality.

VIII. SEPARABILITY

If any part of these Rules is declared unconstitutional or invalid by competent authority, the other provisions not otherwise affected shall remain in full force and effect.

IX. TRANSITORY

The provisions of this Department Order shall apply to all pending cases which were filed prior to the effectivity of these Rules, *provided* it will not unduly prejudice substantive rights.

X. EFFECTIVITY

This Order shall take effect immediately. Any/all previous issuances inconsistent with this Order shall be repealed or amended accordingly.



MARK A. VILLAR
Secretary

AVS/KSSR/MSV/GCTA/MJIV

Department of Public Works and Highways
Office of the Secretary



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