



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Sen. Miriam P. Defensor-Santiago Avenue (*formerly Agham Road*)
Brgy. Bagong Pag-asa, Diliman, Quezon City 1105

Administrative Order No. 1
Series of 2026

REVISED RULES OF PROCEDURE OF THE OFFICE OF THE OMBUDSMAN

Pursuant to the authority vested in the Office of the Ombudsman under Sections 18, 23 and 27 of Republic Act No. 6770 (The Ombudsman Act of 1989), the following Revised Rules of Procedure of the Office of the Ombudsman are hereby prescribed and promulgated:

Rule I PRELIMINARY PROVISIONS

Section 1. Title.— These rules shall be known as the “Revised Rules of Procedure of the Office of the Ombudsman.”

Section 2. Coverage.— These Rules shall apply to all criminal, administrative and forfeiture complaints, grievances or requests for assistance, and such other matters cognizable by the Office of the Ombudsman.

Section 3. Form of complaints, grievances or requests for assistance.— Complaints, grievances or requests for assistance may be in any form, either verbal or in writing. For a speedier disposition of a complaint, it is preferable that it be in writing and under oath, in consonance with Section 2 of Rule VIII hereof. As much as practicable, the complaining or requesting party must indicate his/her address and contact details, including email address, if there be any, and that of each of the concerned parties.

A complaint which does not disclose the identity of the complainant will be acted upon only if it merits appropriate consideration or contains sufficient leads or particulars to enable the taking of further action; provided, however, that the complainant, by opting to remain anonymous, shall not be notified of the action on the complaint.

Rule II CASE EVALUATION AND CLASSIFICATION

Section 1. Process outline.— All documents received by the Office of the Ombudsman shall undergo a system of evaluation and classification. The designated verifier of each records bureau/division shall initially assess such documents into any of the following categories:

- (a) New complaints;
- (b) Pleadings and other submissions filed in relation to existing cases;
- (c) External communications; or
- (d) Miscellaneous documents.

Section 2. Case evaluation.— Each records bureau/division shall have designated evaluators who shall act on new complaints and submit an evaluation report with a recommended course of action to the bureau/division head or authorized reviewing officer, who shall immediately forward the same to the Ombudsman or the concerned Deputy Ombudsman, or their authorized approving officer, for final action.

Section 3. Courses of action.— Upon evaluating the complaint, the evaluator may recommend the proper course of action such as but not limited to:

- (a) For referral to:
 - i. the concerned area or sectoral office of the Office of the Ombudsman;
 - ii. another agency/office with exclusive jurisdiction over the person/subject-matter;
 - iii. other agencies/offices that have concurrent jurisdiction with the Office of the Ombudsman; or
 - iv. other specialized agencies that have competence on the matter for their appropriate requisite action.
- (b) For consideration as a request for assistance
- (c) For fact-finding investigation
- (d) For docketing as a criminal, administrative and/or forfeiture case
- (e) For outright dismissal.

Section 4. Grounds for outright dismissal in administrative cases.— An administrative complaint may be dismissed outright if it appears that:

- (a) the complainant has an adequate remedy in another judicial or quasi-judicial body;
- (b) the complaint pertains to a matter outside the jurisdiction of the Office of the Ombudsman;
- (c) the complaint is trivial, frivolous, vexatious or made in bad faith;
- (d) the complainant has no sufficient personal interest in the subject matter of the grievance; or
- (e) the complaint was filed after one year from the occurrence of the act or omission complained of.

Section 5. Grounds for outright dismissal in criminal/forfeiture cases.— A criminal complaint, or a forfeiture complaint where applicable, may be dismissed outright if it appears that:

- (a) the complaint is devoid of palpable merit;
- (b) the crime has clearly prescribed;
- (c) there is lack of jurisdiction on the part of the Office of the Ombudsman, and a referral under Section 2(a)(ii) cannot be properly made; or
- (d) the criminal charge is inextricably linked to the merits of an actual case or matter handled by a court, tribunal or agency, and the complaint indirectly calls upon the Office of the Ombudsman to review the validity, propriety or manner of issuance of a ruling or order of such court, tribunal or agency.

Section 6. Docketing of cases.— The criminal, administrative or forfeiture components of a complaint, after evaluation/approval for docketing, shall be assigned separate docket numbers which shall be indicative of the nature of the case, the area/sectoral office handling the case, the docket period, and the unique sequence number.

Section 7. Raffle and assignment of docketed cases.— Assignment of cases to the investigating officers shall be done by raffle, except if the Ombudsman or the Deputy Ombudsman directly assigns a particular case to an investigating officer or a panel of investigating officers. The raffle of cases shall observe confidentiality and ensure the equitable distribution of cases.

Section 8. Records management.— Existing protocols shall be observed in keeping with the standards of proper records management.

Rule III REQUESTS FOR ASSISTANCE

Section 1. Scope.— All public assistance delivery units shall take cognizance of any grievance or concern seeking redress, relief or public assistance, which does not necessarily amount to a criminal, administrative or forfeiture charge. They may also render other forms of assistance.

Section 2. Definition of terms.— The terms used in this Rule shall mean:

a. *Request for Assistance (RAS)* is any concern seeking redress, relief or public assistance, which does not necessarily amount to a criminal, administrative or forfeiture charge, wherein the Office of the Ombudsman is mandated to intervene within the primary scope of its powers, functions, and jurisdiction. The subject matter of a RAS may also be referred to as a grievance.

b. *Other Forms of Assistance (OFA)* refer to all other types of assistance that may be rendered, such as but not limited to:

- 1. administration of oaths;

2. response to queries and giving of advice such as those relating to proper procedure;
3. referral of a recourse cognizable by other agencies;
4. action on copy-furnished documents;
5. action on referrals made by the records bureau/division; and
6. action on requests for Statements of Assets, Liabilities and Net Worth (SALNs).

c. *Referral* pertains to communications for endorsement to the concerned offices/units within the Office of the Ombudsman. It shall be given a transaction number before indorsement to the proper office/unit for appropriate action.

Section 3. Procedure in handling RAS/OFA.— The operations of public assistance delivery units shall follow a system of recording, evaluating, verifying and monitoring, including the assigning of RAS/OFA reference numbers, as follows:

A. *Sources and manner* – RAS/OFA may be received through the following modes:

1. Walk-in and Telephone calls – RAS/OFA received through walk-in requesters or telephone calls shall be personally handled by the Officer of the Day (Action Officer).
2. Mail/Email/SMS/social media messages, and referrals from records bureau/division – Under this mode, the designated staff shall initially record and assess the concern prior to assignment to an action officer.

The requester may also be asked to confirm whether he/she has sought the assistance of any other public assistance delivery unit in the Office of the Ombudsman or in other government agencies.

B. *Action on RAS* – A RAS may be acted upon through: (1) agency referral, or (2) RAS conference.

1. Agency referral – Where the action on the RAS involves a referral to the concerned officer of another government agency for appropriate action, the indorsement shall indicate that the requester is furnished a copy thereof. The referring public assistance delivery unit shall monitor the action/s taken by the agency.

If no response is received within thirty (30) days from notice, a tracer shall be sent with a warning under Section 7 of this Rule. If still no action is taken within fifteen (15) days after the date of the tracer, the action officer shall indorse the RAS folder to the field investigation office/bureau for the filing of the appropriate case against the concerned officer/s, if warranted.

2. RAS conference – The appropriate public assistance delivery unit may arrange a conference, if practicable, between the requester and the concerned public officer in the designated public assistance conference room or area. The notice of conference shall be signed by the head of the concerned public assistance delivery unit.

When the parties are notified through telephone call, text message, email or social media, the notice of conference should be actually received and signed by them on the day of the scheduled conference. If a party fails to appear in the initial conference, the action officer may set another conference within five (5) days, if practicable, from the date of the first conference.

Failure to appear on the part of the requester during the second conference without any valid reason shall constitute a ground to close the RAS. Failure to attend two consecutive conferences on the part of the concerned official/employee without any valid reason, despite due notice, shall be a basis for the action officer to indorse the matter to the fact-finding bureau/unit for the filing of the appropriate case against the concerned official/employee, if warranted. In such cases, the action officer shall close the RAS and elevate the records to the fact-finding bureau/unit for appropriate action.

In all cases, the action officer shall monitor compliance by the official/agency involved relative to the action on issues/concerns raised during the conference with the requester/s.

C. *Action on OFA* – An OFA shall be handled by the action officer in the following manner:

1. The action officer shall act on a request classified as OFA by responding to queries and giving advice, administering oaths, or providing any other appropriate assistance. Assistance in the preparation of complaints shall be limited to giving advice as to form and procedure as provided under the Revised Rules of Procedure of the Office of the Ombudsman.

2. In case the Office of the Ombudsman is furnished a copy of a written request or letter addressed to another government agency, public officer or private entity, the action officer shall:

- (a) acknowledge receipt of such letter;
- (b) inquire in writing from the addressee the action taken thereon, furnishing a copy thereof to the letter-sender; or
- (c) refer the request or letter to the appropriate office or bureau within the Office of the Ombudsman as regards office-related matters, furnishing a copy thereof to the letter-sender.

3. SALN requests shall be acted upon in accordance with the form and procedure prescribed by the existing guidelines on public access to SALNs.

Section 4. Urgent action prior to referral and docketing.— If an urgent interim response is required under the circumstances, the receiving officer shall initially act upon the request, prior to its referral to the concerned public assistance delivery unit of the area/sectoral office for subsequent appropriate action.

Section 5. Grounds for the denial of RAS/OFA.— Rendering assistance on a RAS/OFA may be declined on the following grounds:

- (a) the request for assistance appears to be manifestly frivolous, vexatious, made in bad faith and/or a repeated filing of the same;
- (b) the subject of the request involves a matter purely between private parties;
- (c) the remedy sought or required is not within the Office of the Ombudsman to grant and is with another forum;
- (d) the request or grievance is meant to harass employees/officials of the Office of the Ombudsman;
- (e) the requester causes undue disturbance and alarm on Ombudsman employees and other requesters; or
- (f) other analogous grounds.

Section 6. RAS/OFA report.— Upon determining that there is a sufficient basis to conclude all actions on the RAS, the action officer shall prepare a report which shall state the following:

- (a) Nature of request;
- (b) Action taken thereon; and
- (c) Details of the approval or denial of the request and the recommended directive or action.

Upon final action on the report, the requester shall be informed in writing of the final disposition.

Section 7. Delay or refusal to comply.— Any delay or refusal to comply with the referral or directive of the Office of the Ombudsman shall constitute a ground for administrative disciplinary action against the officer or employee to whom it was addressed, without prejudice to contempt proceedings under these Rules.

Rule IV **FACT-FINDING INVESTIGATION**

Section 1. Fact-finding investigation; how initiated.— A complaint may be filed in any form or manner. A complaint, for purposes of this rule, should contain verifiable leads or particulars sufficient to warrant the exercise of the Ombudsman's investigatory powers but insufficient in form and substance to warrant a preliminary investigation, administrative adjudication or forfeiture proceedings.

The conduct of fact-finding investigation may also be initiated by the Ombudsman or duly authorized officials who may refer the matter to the appropriate field investigation office or bureau. Nothing in these Rules shall be construed as a diminution of the power of the Ombudsman and Deputy Ombudsmen to investigate *motu proprio* or otherwise act promptly on any complaint.

Section 2. Period to conduct fact-finding investigation.— Unless otherwise provided, simple cases shall undergo an investigation period not to exceed sixty (60) days, while complex cases shall undergo an investigation period not to exceed ninety (90) days.

The complexity of the case shall be determined based on various factors such as but not limited to the following: number of respondents, number of offenses charged, the volume of documents, geographical coverage, and amount of public funds or value of public property involved.

An investigation period shall start from receipt by the investigator of the approved investigation plan and shall end with the submission of an investigation report to the director.

The period herein prescribed may be extended by written authority of the Ombudsman or the Deputy Ombudsman for justifiable reasons to be indicated in a progress report.

Section 3. Result of the fact-finding investigation.— Where the filing of charges is warranted, the investigator shall recommend the filing of a criminal, administrative and/or forfeiture complaint; otherwise, the investigator shall recommend that the investigation be closed and terminated.

Where appropriate and pursuant to Section 22 of Republic Act No. 6770, the investigator may also recommend that the result of the investigation be referred to Congress for the purpose of filing a verified complaint for impeachment, if warranted.

The complainant, if identified, shall be notified of the summarized result/outcome of the investigation including other relevant information for the complainant's guidance. A closed and terminated investigation is without prejudice to the sole recourse of refileing the complaint with new or additional evidence.

Section 4. Preparation of the formal complaint.— Should the recommendation be for the filing of charges, the corresponding formal complaint shall be prepared by the investigator and submitted together with the pertinent report and documentation. The complaint shall be supported by the affidavits of material witnesses, relevant documents or other kinds of evidence.

Unless otherwise provided, the investigator shall act as the nominal complainant who shall sign the formal complaint and actively participate in subsequent proceedings.

Section 5. Confidentiality.— In view of the nature of fact-finding investigation, utmost confidentiality shall be observed. Breach of confidentiality shall be dealt with accordingly. It shall also be the duty of the investigator to ensure the integrity and security of any documentary or other kinds of evidence gathered in the course of the fact-finding investigation.

Rule V CRIMINAL CASES

Section 1. Grounds.— A criminal complaint may be filed for acts or omissions penalized under Republic Act No. 3019, Republic Act No. 6713, Republic Act No. 7080, the Revised Penal Code, and any other applicable penal laws.

Section 2. Coverage.— Every elective and appointive official/employee of the government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet and Congress, local government units, government-owned and -controlled corporations and their subsidiaries, including co-conspiring private persons, may become the subject of a preliminary investigation by the Office of the Ombudsman, without prejudice to the privilege of immunity from suit, and provided that impeachable officers may only be criminally charged in court after their tenure.

Section 3. Quantum of evidence.— The quantum of evidence for preliminary investigations and inquest proceedings is *prima facie* evidence with reasonable certainty of conviction. This quantum exists when a *prima facie* case is established by the evidence-at-hand, including but not limited to testimonial evidence, documentary evidence, and real evidence; where such evidence, on its own and if left uncontroverted, shall be sufficient to establish all the elements of a crime or offense charged, and consequently warrant a conviction beyond reasonable doubt.

The quantum of evidence is met when the prosecutor is convinced that the entirety of evidence presented by the parties is (a) admissible, (b) credible, and (c) capable of being preserved and presented to establish all the elements of the crime or offense, as well as the identity of the person or persons responsible therefor. Reasonable certainty of conviction also includes a summary evaluation of the evidence presented by the respondents through their counter-affidavit.

Rule VI ADMINISTRATIVE CASES

Section 1. Grounds.— An administrative complaint may be filed for acts or omissions which are:

- (a) contrary to law or regulations;
- (b) unreasonable, unfair, oppressive or discriminatory;
- (c) inconsistent with the general course of an agency's functions though in accordance with law;
- (d) based on a mistake of law or an arbitrary ascertainment of facts;
- (e) in the exercise of discretionary powers but for an improper purpose;
- (f) otherwise irregular, immoral or devoid of justification;
- (g) due to any delay or refusal to comply with the referral or directive of the Ombudsman or a Deputy Ombudsman against the officer or employee to whom it was addressed; and
- (h) based on such other grounds provided under Executive Order No. 292 and other applicable laws.

Section 2. Public officers covered; exceptions.— Every elective and appointive official/employee of the government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet, local government units, government-owned or controlled corporations and their subsidiaries, is subject to the disciplinary authority of the Office of the Ombudsman, except Members of Congress, the Judiciary and officials removable only by impeachment; provided, however, that officials removable only by impeachment may be the subject of investigation for serious misconduct in office for the purpose of filing a verified complaint for impeachment, if warranted.

Section 3. Preventive suspension.— Pending investigation, the respondent may be preventively suspended without pay if, in the judgment of the Ombudsman or the Deputy Ombudsman, the evidence of guilt is strong, and (a) the charge against such officer or employee involves serious dishonesty, oppression, grave misconduct, or gross neglect in the performance of duty, (b) the charge would warrant removal from the service; or (c) the respondent's continued stay in office may prejudice the just, fair and independent disposition of the case filed against him.

The order of preventive suspension shall be immediately executory. Such preventive suspension shall continue until the case is terminated; however, the total period of preventive suspension shall not exceed six (6) months. Nevertheless, when the delay in the disposition of the case is due to the fault, negligence or any cause attributable to the respondent, the period of such delay shall not be counted in computing the period of suspension herein provided.

Section 4. Quantum of proof.— The quantum of proof for administrative proceedings is substantial evidence, which is defined as such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, even if other minds, equally reasonable, might conceivably opine otherwise.

Section 5. Penalties.— Upon a finding of administrative liability, the Ombudsman has the discretion to impose the principal penalty ranging from reprimand to dismissal from the service with due regard to the circumstances of the case. The penalty of dismissal from the service carries with it the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking the civil service examinations, and forfeiture of retirement benefits.

In the event that the penalty of suspension can no longer be enforced due to respondent's separation from the service (*e.g.*, retirement, resignation, or expiration of the term of office), the penalty shall be converted into a fine in an amount equivalent to respondent's salary for the number of months corresponding to the period of suspension, payable to the Office of the Ombudsman, and may be deducted from respondent's retirement benefits, accrued leave credits or any receivable from his/her office.

For purposes of implementing a fine, the same shall be computed on the basis of the respondent's gross basic monthly salary (without including allowances/benefits and prior to statutory deductions) prevailing at the time of execution of the penalty. In case the respondent is no longer in service, the computation shall be based on his or her last gross basic monthly rate as appearing in the latest service record or equivalent certification.

Rule VII FORFEITURE CASES

Section 1. Coverage.— Forfeiture proceedings under Republic Act No. 1379 in relation to Republic Act No. 3019 and Republic Act No. 6770 shall be initiated, in accordance with law, for the recovery of unlawfully acquired property, unexplained or ill-gotten wealth amassed after February 25, 1986.

Section 2. *Quantum of evidence.*— The object of preliminary inquiry akin to preliminary investigation is to determine whether there is reasonable ground to believe that the property or any part thereof acquired by a public officer or employee is unlawfully acquired, unexplained or ill-gotten wealth, and should be declared the property of the State.

A property shall be presumed *prima facie* to have been unlawfully acquired whenever any public officer or employee has acquired during his/her incumbency an amount of property which is manifestly out of proportion to his/her salary as such public officer or employee and to his/her other lawful income and the income from legitimately acquired property.

Rule VIII UNIFORM PROCEDURE FOR DOCKETED CASES

Section 1. *Applicability.*— Unless otherwise specifically provided, the following provisions shall apply to criminal, administrative and forfeiture cases upon docketing of the formal complaint.

Section 2. *Formal complaint.*— A criminal, administrative and/or forfeiture case may be initiated by a written complaint under oath accompanied by affidavits of witnesses and other evidence in support of the charge. Such complaint shall be accompanied by a Certificate of Non-Forum Shopping duly subscribed and sworn to by the complainant or his/her counsel. The complaint shall be filed in two (2) originals and such number of copies as there are respondents whose respective full names, positions and addresses, including email addresses, if any, shall be indicated in the complaint.

Section 3. *Procedure.*— The preliminary investigation, administrative adjudication, and preliminary inquiry (akin to preliminary investigation) shall be conducted in the following manner:

(a) Upon his/her receipt of the case records, the investigating officer, within a period of five (5) days, shall issue an order, attaching thereto a copy of the complaint and supporting affidavits or documents, directing the respondent to submit, within a non-extendible period of fifteen (15) days from receipt thereof, his/her counter-affidavit and controverting evidence, with proof of service to the complainant. The complainant may file a reply-affidavit, within a non-extendible period of five (5) days from receipt of the counter-affidavit, with proof of service to the respondent/s.

(b) A clarificatory hearing may be conducted at the discretion of the investigating officer, subject to the approval of the bureau director, wherein the parties shall be afforded the opportunity to be present but without the right to examine or cross-examine.

(c) If the respondent does not file a counter-affidavit within the reglementary period despite due notice, or cannot be served with the order to file counter-affidavit or refuses to receive the said order, the complaint shall be deemed submitted for resolution on the basis of the evidence on record.

(d) After submission of the last responsive pleading or upon expiration of the allowable period under Section 5 hereof, or upon the termination of a clarificatory hearing, if one is conducted, the investigating officer shall issue an order declaring that the case is submitted for resolution. Once a case is submitted for resolution, no further pleadings or documents shall be entertained.

(e) Within thirty (30) days from the date the case is submitted for resolution, the investigating officer shall prepare and submit his/her findings and recommendation together with the Information or the Petition for Forfeiture, where applicable, and the records of the case to the proper authorities for their appropriate action. The period herein prescribed may be extended by written authority of the Ombudsman or the Deputy Ombudsman for justifiable reasons.

In the manner of filing pleadings and other submissions, Section 3 of Rule 13 of the Rules of Court shall apply suppletorily, subject to the e-filing guidelines to be issued by the Office of the Ombudsman.

Section 4. *Prohibited pleadings.*— The following pleadings are prohibited and shall be expunged from the records:

- (a) Motion to dismiss;
- (b) Motion for bill of particulars;
- (c) Second and subsequent motions for reconsideration and/or reinvestigation, however denominated; and
- (d) Dilatory motions and pleadings.

Section 5. *Submission for resolution.*— Where it appears that no responsive pleading has been filed, a case is deemed submitted for resolution after the expiration of thirty (30) days from: (a) the service of the order or pleading to be answered, for purposes of Section 3(d) of this Rule; or (b) the filing of the motion for reconsideration, for purposes of Section 7 of this Rule.

Section 6. *Promulgation of ruling.*— A Resolution or Decision shall be deemed promulgated on the date of the signing thereof by the Ombudsman, the Deputy Ombudsman or the duly authorized approving officer, coupled with the transmittal thereof to the proper records office.

No Information or Petition for Forfeiture may be filed before the proper court without the written approval of the Ombudsman or any of the duly authorized officials.

Section 7. *Motion for reconsideration; grounds.*— A motion for reconsideration may be filed within a non-extendible period of ten (10) days from receipt of the resolution, decision or order, on the basis of any of the following grounds:

- (a) New evidence had been discovered which materially affects the resolution, decision or order.
- (b) Grave errors of fact or law, or serious irregularities have been committed prejudicial to the interest of the movant.

The motion shall contain a statement of material dates with an attached affidavit of service. Failure to comply with this requirement shall be a ground for the denial of the motion.

The opposing party shall have a non-extendible period of ten (10) days from receipt of the motion within which to file his/her comment. Thereafter, with or without the submission of any comment or opposition, the case shall be deemed submitted for resolution pursuant to Section 5 hereof, and no further pleadings shall be entertained. The investigating officer shall resolve the motion within five (5) days from the date of submission for resolution.

The filing of a motion for reconsideration or reinvestigation shall not bar the filing of the corresponding Information in court. Only one motion for reconsideration or reinvestigation shall be allowed, with the corresponding leave of court in case the Information has already been filed in court.

Section 8. *Implementation of decisions in administrative cases.*— The filing of a motion for reconsideration or an appeal shall not stay the immediate execution of the decision.

Where the respondent is absolved of the charge or where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory and unappealable. In all other cases, the ruling may be appealed to the Court of Appeals by way of a Petition for Review under Rule 43 of the Rules of Court within fifteen days from receipt of the Order resolving the motion for reconsideration; provided that the filing of a motion for reconsideration shall be considered a condition *sine qua non* for availing of appellate remedies in light of the principle of exhaustion of available administrative remedies.

The decision in an administrative case shall be indorsed to the appropriate implementing agency or the head of the agency of which the respondent is an official or employee, and other concerned agencies, for strict compliance with the directives therein, and other appropriate action.

The decision shall be executed as a matter of course and shall be strictly enforced and properly implemented. It shall include a directive to the head of the appropriate agency concerned for immediate implementation and submission of a report of compliance within a period not exceeding ten (10) days from receipt thereof. The refusal or failure by any officer without just cause to comply with such directive shall be a ground for contempt under these Rules and disciplinary action against said officer.

Rule IX INQUEST

Section 1. *Definition.*— For purposes of this rule, an inquest is an informal inquiry conducted by an authorized prosecutor in criminal cases cognizable by the Ombudsman involving persons arrested and detained without the benefit of a warrant of arrest issued by the court for the purpose of determining whether or not said persons should remain under custody and correspondingly be charged in court.

Section 2. *Who may conduct an inquest.*— An inquest may be conducted by the following officers:

- (a) Ombudsman prosecutors
- (b) Deputized prosecutors
- (c) Investigating officials authorized by law to conduct preliminary investigations
- (d) Lawyers in the government service, as designated by the Ombudsman.

Section 3. Duties of the inquest officer.— The inquest officer has the following duties:

(a) The inquest officer must first determine if the arrest was made in accordance with the provisions of the Rules of Court on warrantless arrests. For this purpose, the inquest officer may summarily examine the arresting officer/s about the circumstances surrounding the arrest of the detained person.

(b) Should the inquest officer find that the arrest was properly effected, the detained person shall be asked if he/she desires to avail of a preliminary investigation, and if so, he/she shall be made to execute a waiver of the provisions of Article 125 of the Revised Penal Code, as amended, with the assistance of a lawyer or, in case of non-availability of a lawyer, a responsible person of his/her choice.

(c) Upon the conclusion of the inquest proceedings, if the inquest officer finds that there exists *prima facie* evidence with reasonable certainty of conviction, the inquest officer shall forthwith prepare the resolution with the corresponding Information. The Information shall indicate the offense committed and the amount of bail recommended. Thereafter, the records of the case, together with the prepared resolution and Information, shall be forwarded to the appropriate approving authority.

(d) Should the inquest officer find, however, that the arrest was not made in accordance with the Rules, he/she shall: (i) recommend the release of the person arrested or detained; (ii) note down the disposition on the referral document; (iii) prepare a brief memorandum indicating the reasons for the action taken; and (iv) forward the same, together with the records of the case, to the appropriate approving authority.

(e) Where the recommendation for the release of the detained person is approved by the appropriate approving authority but the evidence on hand warrants the conduct of a regular preliminary investigation, the order of release shall be served on the officer having custody of the detainee and shall direct the officer to serve upon the detainee the subpoena or notice of preliminary investigation, together with the copies of the charge sheet or complaint, affidavits or sworn statements of the complainant and witnesses, and other supporting evidence.

Section 4. Approving authority.— Within the National Capital Region (NCR), the resolution and Information shall be approved by the Ombudsman or duly authorized official, except in inquest proceedings conducted by the public prosecutor in criminal cases cognizable by the regular courts, in which case it is the city/provincial prosecutor who shall approve the same.

In inquest proceedings conducted outside the NCR, including criminal cases cognizable by the Sandiganbayan, the resolution and Information may be approved by the state, regional, provincial or city prosecutor, or the duly authorized official of the Office of the Ombudsman, as the case may be.

Section 5. Where to file the Information.— In criminal cases cognizable by the Sandiganbayan, the Information may be filed with the:

(a) Sandiganbayan – for inquest proceedings conducted in the NCR.

(b) Office of the Clerk of Court of the Regional Trial Court (as *ex officio* clerk of court of the Sandiganbayan) whose territorial jurisdiction includes the place where the crime was committed – for inquest proceedings conducted outside the NCR, pursuant to SC Administrative Circular No. 18-94 dated November 29, 1994.

In criminal cases cognizable by the regular courts, the Information shall be filed with the appropriate trial court, after the inquest proceedings conducted by the public prosecutor or the prosecutor from the Office of the Ombudsman.

RULE X GENERAL PROVISIONS

Section 1. Immunity from prosecution.—

(a) Any person whose testimony or production of documents or other evidence is necessary to determine the truth in any inquiry, hearing, or proceeding being conducted by the Office of the Ombudsman or under its authority in the performance or pursuit of its constitutional functions and statutory objectives, including preliminary investigation, may be granted immunity from criminal prosecution by the Ombudsman, upon such terms and conditions as the Ombudsman may determine, taking into account the pertinent provisions of the Rules of Court.

Such immunity may be granted upon application of the party concerned, the investigating, hearing, or prosecuting officer, or at the instance of the Ombudsman; provided, however, that in all cases, the party concerned shall execute an affidavit reciting the substance of his/her proposed testimony and/or the nature of the evidence in his/her possession.

(b) In all hearings, inquiries, and proceedings of the Office of the Ombudsman, no person to whom a subpoena has been issued directing that person to testify as a witness shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and/or other records on the ground that the testimony or evidence, documentary or otherwise, required of him/her may tend to incriminate him/her or subject him/her to prosecution; provided, that no person shall be prosecuted criminally for or on account of any matter, concerning which he/she is compelled to testify and produce evidence, after having claimed the privilege against self-incrimination.

(c) The grant of immunity from criminal prosecution under the preceding paragraphs may be revoked upon proper notice in the event that the person granted immunity subsequently retracts his/her statement, or fails or refuses to testify and produce evidence in court in accordance with the sworn statement upon which his/her immunity was granted. Neither shall such grant of immunity exempt him/her from criminal prosecution for perjury of false testimony, nor shall he/she be exempt from administrative liability including removal from office.

Section 2. Contempt.—

(a) *Direct Contempt* – Any person who, during a hearing, investigation or any other proceedings officially convened or authorized by the Office of the Ombudsman, commits any of the following acts in the presence of, or so near, the Ombudsman or a duly authorized official as to directly obstruct or interrupt the proceedings, may be summarily adjudged guilty of direct contempt:

1. Misbehavior or conduct that tends to obstruct, interrupt, or disrupt the orderly conduct of the proceedings;
2. Disrespectful or offensive behavior towards the Ombudsman, duly authorized official, or any other persons present at such proceedings, which behavior undermines the authority or dignity of the Office of the Ombudsman in the conduct of such proceedings; or
3. Unjustifiable refusal to be sworn or to answer a question propounded, after being duly required to do so.

A person adjudged guilty of direct contempt may be punished by a fine not exceeding Two Thousand Pesos (₱2,000.00) or, if he/she is a public officer or employee covered by the jurisdiction of the Office of the Ombudsman, suspension from office for a period not exceeding ten (10) days, or both, at the discretion of the Ombudsman or duly authorized official. The order of contempt shall clearly and briefly state the facts constituting the contempt.

(b) *Indirect Contempt* – After a charge in writing has been filed, and an opportunity has been given to comment and be heard thereon within such period as may be fixed by the Office of the Ombudsman, any person found guilty of any of the following acts may be punished for indirect contempt:

1. Disobedience of or resistance to a lawful writ, process, decision, resolution, order or directive of the Office of the Ombudsman;
2. Any abuse of or any unlawful interference with the processes or proceedings of the Office of the Ombudsman not constituting direct contempt;
3. Any improper conduct tending to impede, obstruct, or degrade the administration of justice; or
4. Failure to obey a subpoena duly served.

Proceedings for indirect contempt may be initiated *motu proprio* by the Ombudsman or duly authorized official by an order requiring the respondent to show cause why he/she should not be punished for indirect contempt.

In all other cases, indirect contempt proceedings shall be commenced by the filing with the Office of the Ombudsman of a verified motion with supporting particulars and certified true copies of documents

or papers in support thereof. The motion shall be heard and decided separately from the pending principal action, if there be any, from which the contumacious act arose.

The proceedings for indirect contempt cases shall follow, as far as practicable, the uniform procedure for docketed cases provided under these Rules.

If adjudged guilty of indirect contempt, the respondent may be penalized by a fine not exceeding Thirty Thousand Pesos (₱30,000.00) or, if he/she is a public officer or employee covered by the jurisdiction of the Office of the Ombudsman, suspension from office ranging from one (1) month to six (6) months, or both.

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the first penalty, the respondent continues to fail or refuse to comply with the order or directive of the Office of the Ombudsman.

The fine imposed under this Section shall be paid to the Office of the Ombudsman and shall be the personal liability of the respondent. This Section is without prejudice to the filing of appropriate administrative, civil or criminal actions, if warranted.

Section 3. Subpoena power.— The Ombudsman and authorized officials, investigators and prosecutors may, at any stage of the proceedings, issue subpoena *ad testificandum* to compel the attendance of witnesses and/or subpoena *duces tecum* for the production of documents or objects relevant to the case.

The refusal or failure by any person without just cause to comply with a subpoena served upon him/her shall be a ground for contempt under these Rules, without prejudice to any disciplinary action.

Section 4. Visitorial power.— The Ombudsman or duly authorized officials may, at any stage of the proceedings, enter and inspect the premises of any government office, agency, commission or tribunal.

Section 5. Sundry powers.— The Office of the Ombudsman shall exercise all other inherent and incidental powers necessary for the effective and proper performance of its functions and duties.

Section 6. Public disclosure.— When circumstances so warrant and with due prudence, the Office of the Ombudsman may publicize in a fair and balanced manner the filing of a complaint, and the final resolution, decision or action taken thereon; provided, however, that prior to such final action, no publicity shall be made of matters which may adversely affect national security or public interest, prejudice the safety of witnesses or the disposition of the case, or unduly expose persons complained of to unnecessary public ridicule or public censure.

Section 7. Suppletory application.— In all matters not provided in these rules, the Rules of Court shall apply in a suppletory character, or by analogy whenever practicable.

Section 8. Prospective application.— These Rules shall apply to cases filed upon the effectivity hereof and to pending cases insofar as practicable.

Section 9. Separability clause.— If any provision of these Rules is declared unconstitutional, other provisions not affected thereby shall remain valid and binding.

Section 10. Repealing clause.— All other rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

Section 11. Effectivity.— These Rules shall take effect fifteen (15) days after the completion of the publication in the Official Gazette or in three newspapers of general circulation in the Philippines, one of which is being printed in the national language, and upon filing of three (3) certified copies thereof with the Office of the National Administrative Register of the University of the Philippines Law Center.

19 January 2026, Quezon City, Philippines.

(Sgd.)
JESUS CRISPIN C. REMULLA
Ombudsman