

**Department of Justice**

**ANNUAL REPORT  
CY 2008**

**Prepared by  
The Planning Staff  
Management Services Office**

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## **OFFICE OF THE SECRETARY (OSEC)**

The Department of Justice derives its functions from Executive Order (EO) No. 292 otherwise known as the Administrative Code of 1987. It is mandated to uphold the rule of law and ensure the effective and efficient administration of justice. It acts as the principal law agency and legal counsel of the government. The Office of the Secretary of Justice including Undersecretaries, Assistant Secretaries, The Chief State Prosecutor, the Chief State Counsel, the Board of Pardons and Parole, and Support Services namely the Technical Staff, Financial and Management Service, Administrative Service and Management Service Office, accomplished the following for the year 2008.

## **NATIONAL PROSECUTION SERVICE**

The National Prosecution Service (NPS) is mandated to assist the Secretary of Justice in the performance of powers and functions of the Department relative to its role as the prosecution arm of the government, particularly the investigation and prosecution of criminal offenses. The said mandate and present NPS organization is contained in PD No. 1275, as amended, and EO 292, Administrative Code of 1987.

As of the end of CY 2008, besides the Office of the Chief State Prosecutor (OCSA) in the Department Proper, the NPS has offices in 15 regions, 132 cities and 81 provinces (with around 110 active provincial sub-offices). At that time as well, the NPS was manned by 1,847 prosecution officers (prosecutors and prosecution attorneys) out of the existing 2,404 plantilla positions (557 or 23% vacancies) and 1,687 administrative support staff out of 1,945 plantilla positions (258 or 13% vacancies). The said NPS personnel are augmented by around 1,000 support staff provided by local government units (LGUs).

### **Investigation and Prosecution Services**

In 2008, based on available data, the NPS handled a total of about 417,000 cases for preliminary investigation which constitutes the bulk of the workload of prosecutors (including prosecution attorneys). With 1,847 prosecution officers by the end of 2008, the prosecutor–case ratio pertaining to preliminary investigation can be deduced to an average of one (1) prosecutor handling 226 cases for the entire year. This was on top of the around 700,000 to 750,000 cases prosecuted/represented in the first and second level trial courts, or an average of one (1) prosecutor handling 378 to 406 court cases for the entire year. Out of the said preliminary investigation caseload, about 321,000 cases were resolved, resulting to a disposition rate of 77%, missing the target 82% for the year. While such number of resolved cases was greater than that in 2007 (319,000), disposition rate was still lower compared to the 80% in 2007 due to significantly higher case load in 2008. Nevertheless, in nominal terms, the NPS accomplished 94% of its target disposition rate (77% out of 82%) for preliminary investigation.

There are various organizational issues and concerns that hamper the performance of the NPS. The primary concern is manpower deficiency that has been severe for many prosecution offices nationwide. For prosecutors, the above mentioned 557 or 23% vacancies have been largely due to lack of takers, delays in the recruitment and appointment, and the high rate of transfer to the judiciary. The said vacancy rate is lower than the 27.5% vacancy in 2007 due to more recruitments than separations. However, significant increase in work output resulting from new prosecutors will not be immediate since raising the productivity of new recruits will require time and resources. For the administrative support staff, there have been inadequate plantilla positions and increasing number of vacancies—258 or 13% nationwide by the end of 2008, much higher than the 115 or 7% in 2005—due to the standing moratorium on hiring under the government rationalization program. The target under the updated Medium-Term Philippine Development Plan (MTPDP) is supposed to progressively increase the disposition rate to 85% by year 2010 and further reduce backlogs. However, if the 2008 case load will remain or increase, efficiency level remains or decreases, and resources personnel will not be increased, the target disposition rate of 85% by 2010 may not be achieved.

Other internal management areas that need to be improved include the organizational and functional structures, systems and procedures, information dissemination, case management, reporting and performance monitoring, manpower/financial/physical resource management, human resource development, halls of justice and office space, and collection of fees. Increased support from the national government is also necessary to further improve operational performance of prosecution offices and reduce the level of support from LGUs.

### **Other Functions, Programs, Projects and Activities**

Besides their regular investigative and prosecutorial functions, provincial and city prosecutors are deputized by the Offices of the Solicitor General and Ombudsman, act as ex-officio legal counsel of LGUs, serve as the vice chair of the election board of canvassers, and sometimes act as local Register of Deeds.

The OCSP and Office of the Regional State Prosecutors (ORSP) administer the Witness Protection, Security and Benefit Program, Victims Compensation Program, and together with the Public Attorney's Office, the DOJ Action Center which renders free legal assistance to the public.

The NPS as a whole has also been actively involved in various efforts on human rights/women/child protection, anti-trafficking in persons, anti-money laundering, anti-smuggling and tax evasion, anti-terrorism and Katarungang Pambarangay, among others.

### **Institutional Strengthening and Internal Management Improvement**

In 2006, the Department commenced the Organizational Development (OD) Program for the NPS. It consolidates key reforms into an organized set of doable strategy-based projects, focuses on the rationalization of critical organizational systems, procedures and structures, and planned/undertaken in the context of macro bureaucratic and justice system reforms, considering government limitations and resource constraints.

Projects and activities as of the end of 2008 and still ongoing are as follows:

***Procedural Development Project*** – basic investigative, prosecutorial and case management procedures standardized and embodied by the revised Manual for Prosecutors and DOJ Handbook on Administrative Case Management developed, published and mass produced in 2008;

***Management Systems Improvement Project*** – rationalized reporting and performance monitoring system developed and implemented;

***Basic Orientation of New Prosecutors*** – orientation seminars conducted in 2008, attended by 194 new prosecutors and prosecution attorneys nationwide;

***Nationwide Management Forums*** – served as nationwide orientation on the new standard case management procedures, reporting and performance monitoring system, and the new legal research/reference material;

***Acquisition of Reference Materials*** – 500 copies of the electronic legal research/reference material “Laws and Jurisprudence for Philippine Prosecutors” produced, received and distributed nationwide in 2008; and

***Development of the NPS Information Technology (I.T.) Infrastructure*** – I.T. infrastructure buildup ongoing including mass acquisition and nationwide distribution of computers and printers.

The Department received and utilized several grants and technical assistance from development institutions including the US Agency for International Development, The Asia Foundation and Asian Development Bank for the said projects. More projects and activities are now in the pipeline and negotiations for further external support are being undertaken to augment the limited Department resources for the purpose.

### **Major Plans and Targets**

The Department is committed to undertake the strategies and activities for the NPS under the MTPDP. As earlier mentioned, the primary goal is to progressively increase disposition rate and further reduce backlogs. Also, the Department shall continue to intensify the recruitment of prosecutors and prosecution attorneys. Establishment of the I.T. systems shall also proceed as planned under the DOJ-OSEC Information Systems Strategic Plan.

The NPS OD Program shall also proceed as planned—projects will be pursued, maximizing available resources and existing partnerships with donor institutions. Other projects to be undertaken as planned for 2009 and beyond are as follows:

***Implementation, Enforcement, Monitoring and Evaluation of Standard Procedures*** – relative to investigative, prosecutorial, case management and reporting procedures;

***Review of Organization and Staffing Structures, and Reorganization Efforts*** – finalization and submission of the revised organization and staffing structure for the NPS in the context of the government rationalization program;

***Ethical Strengthening and Productivity Enhancement Project*** – development of ethical and productivity standards, performance management system and anti-corruption mechanisms; and

***Improvement of Resource Management Systems*** – programming, allocation, utilization, and accountability pertaining to manpower, financial, physical and information resources.

### **LEGAL STAFF**

The Legal Staff (Office of the Chief State Counsel) was created under R.A. No. 2705 dated June 18, 1960, as amended. It is mandated under E.O. No. 292 to, among others, assist the Secretary of Justice in the performance of his duties as Attorney General of the Philippines and as ex-officio legal adviser of government-owned or controlled corporations or enterprises and their subsidiaries and to prepare and finally act for and in behalf of the Secretary on all queries and/or requests for legal advice or guidance coming from government officials and employees as well as private parties.

For the year 2008, the Legal Staff reported that it rendered, upon the request of national government functionaries, including the Office of the President, various legislative committees, as well as senior officials of the Department, 343 opinions (memoranda/comments/legal studies) on difficult questions of law attending the performance of their respective functions, which opinions have economic, social and political implications.

The Legal Staff prepared 9,914 decisions/orders/resolutions in aid of the Secretary of Justice's exercise of adjudicatory power/jurisdiction/appellate or revisory authority concerning controversies between/among government agencies, constitutionality/legality of municipal tax ordinances grant of special non-immigrant visas and exemption from the Anti-Dummy Law, issuance/lifting of hold departure orders (HDOs) and watch list and citizenship cases transmitted by the Bureau of Immigration to the Department for review, and processed applications for recognition of refugee status as well as handled requests for extradition and/or mutual legal assistance to or from countries with extradition and/or mutual legal assistance treaties with the Philippines.

The Legal Staff also prepared for and on behalf of the Secretary of Justice, 149 replies and/or legal advice at the instance of private parties and minor government officials and employees, and 440 legal studies as well as working drafts for the ad hoc bodies/committees where State Counsels represent the Secretary or of the Department.

Members of the Legal Staff have actively participated in various inter-agency committee meetings and those called particularly by the various offices of the Department of Foreign Affairs (DFA) and the Department Trade and Industry (DTI), particularly those involving the negotiations of free trade agreements (FTA's).

## **BOARD OF PARDONS AND PAROLE**

Pursuant to Act No. 4103 dated December 5, 1933 and Executive Order No. 83 dated January 11, 1937, the Board of Pardons and Parole (BPP) is mandated to grant parole to prisoners, recommend to the President the grant of Absolute Pardon, Conditional Pardon and Commutation of Sentence, and take part in the rehabilitation of the parolees/pardonees through the Technical Service of Parole and Probation Administration which acts as the service arm of the BPP.

In the evaluation and review of petitions for parole or executive clemency, the Board relies mainly on two (2) basic documents: the prison records and the prison jackets or *carpetas* of qualified prisoners. The Board's output therefore depends on the availability of these records with complete requirements, which originate from the main prison facility in Muntinlupa City and local jails.

For the year 2008, the Board handled a total of 4,882 *carpetas* from the main prison and local jails, out of which are 390 carried over from year 2007, 3,073 received in 2008, and 1,419 resubmitted cases. From these handled cases, 4,528 resolutions were issued both for parole and executive clemency; 21 returned to the Bureau of Corrections for being premature, and 7 cases of seriously ill and old age prisoners transmitted to the Office of the President per Memorandum Order No. 155. Disposition rate in this area was 93.32% or 1.68% below the target of 95% due to the 326 pending cases (230 received during the last week of December and 96 distributed to Board Members for further study and review).

The Board received a total of 2,287 Summary Reports, 163 of which were carried over from year 2007 while 2,124 were newly received. Of this number, 1,534 were issued resolutions while 562 cases were either acknowledged, filed or verified. Disposition rate for this area was 91.65%, exceeding the target by 1.65%.

The Board handled 772 infraction reports, 61 of which were carried over from year 2007 while 772 were newly received. The Board issued resolutions to 297 with corresponding Orders of Arrest and Recommitment; 360 cases were acknowledged/filed/verified. Disposition rate for this area was 92.49% (target 90%).

In the case of transfer of residence, the Board confirmed 240 approved transfers through the issuance of the corresponding resolutions and 224 were acknowledged/filed/verified. Disposition rate for this area was 85.61% or 4.39% below the target of 90%.

The Board also acted upon the reports submitted by Parole and Probation Administration such as death reports of parolees/pardonees, requests for the lifting of Order of Arrest and Recommitment, requests for authority to travel abroad and cancellation of parole.

Special activities of the Board included interviews with prisoners qualified for parole/executive clemency in the different penitentiaries, and legal assistance concerning parole/executive clemency matters for individuals residing in depressed areas of Metro Manila as part of the DOJ Outreach Program. The Board has also been an active party-member in the Jail Decongestion Program.

The Board intends to further increase disposition of prisoners' carpentas so that more qualified prisoners will be released, increase scheduled visits to penal colonies and local jails in order to interview prisoners and facilitate their release and integration into the mainstream society, and continue to participate in the DOJ Outreach Program and the Jail Decongestion Program.

In terms of internal management, the Board has been implementing a monitoring system devised especially for prisoners' carpentas. The installation of a computer-aided document tracking system using local office network is yet to be completed. Operational constraints include the growing clerical staff vacancies which could not be filled due to the standing moratorium on hiring under the government rationalization program.

### **WITNESS PROTECTION, SECURITY & BENEFIT PROGRAM**

The Witness Protection, Security and Benefit Program (WPSBP) was established under Republic Act No. 6981 otherwise known as "The Witness Protection, Security and Benefit Act". Under the program, the government seeks to encourage a person who has witnessed or has knowledge of the commission of a crime to testify before a court or quasi-judicial body, or an investigating authority, by protecting him from reprisals and from economic dislocation.

At a time when government is under fire because of its perceived inability to stop unexplained killings as borne by recommendations of the Melo Commission, the UN Special Rapporteur Philipp Alston, EU Needs Assessment Mission and the National Consultative Summit on Extra Judicial Killings and Enforced Disappearances organized by the Supreme Court, the need to improve protection of witnesses, victims, judges and prosecutors has been consistently articulated.

There has been a marked increase in the number of applications for coverage under the Program due mainly to the increasing awareness of the importance of protecting witnesses in the prosecution of heinous crimes. With the proactive stance taken by the Justice Department in the implementation of the Program's mandate, even the courts have relied on the Program for security and other allied assistance to judges and court personnel particularly in high risk cases.

The Program has expanded its operation through the years since its inception in 1991 with only six (6) admissions then. For 2008 a record of 186 applications were filed with the Program. Out of this number 177 applicant witnesses were admitted and added to the witnesses already being maintained by the Program. By the end of 2008, the Program had under its coverage 499 witnesses nationwide. As a general rule, dependents of covered witnesses extend up to the second civil degree. Hence, this translates to additional warm bodies to feed, secure, transport, send to school and care for. The Program obtained 21 convictions in 23 important cases with 20 convicted accused and utilizing 17 covered witnesses, thereby posting a conviction rate of 91.30% for year 2008.

The Program, through its mandated operations, has continued to actively support the government's fight against media murders, extra-judicial killings, terrorism and trafficking in persons.

### **Major Plans and Recommendations**

Pursuant to the directive of the President to strengthen the Witness Protection Program the following measures have been recommended for implementation:

- Proactive implementation of the program in seeking out witnesses in cases involving political killings, media murders and human rights violations through liberalized admission requirements particularly when threat level on bona fide witness in media and political killings is high;

- Enhancement of witness benefits particularly direct financial assistance, as well as logistical support for psychological counseling;
- Skills training and education of covered witnesses in cooperation with TESDA and/or TLRC to prepare them for rejoining mainstream society and suitable employment;
- Institutionalization of coordination with Judiciary and other pillars of the criminal justice system to help expedite resolution of cases, through a team of prosecutors who will monitor and coordinate, and if circumstances so warrant, take over cases involving covered witnesses;
- Upgrade in training and equipment of protective and administrative personnel, including firearms, armor, communication, transportation and records keeping;
- Construction of a secure building for the program for security and confidentiality purposes; and
- Further regionalization of temporary shelters and safe houses in order to enhance operational efficiency, cut down on transportation cost and reduce stress on covered witnesses and their families.

### **VICTIMS COMPENSATION PROGRAM**

The Victim's Compensation Program was created by virtue of Republic Act No. 7309. The Board of Claims was created to determine whether to grant or deny the compensation to be awarded to victims of unjust imprisonment or detention and victims of violent crimes. It conducts verification, investigation or submission of applications to the program.

For 2008, out of the total of 3,378 applications handled by the Board, 2,929 or 86.71% were acted upon—2,623 granted and 306 denied. Granted compensation were 2,621 victims of violent crimes and two (2) unjustly accused, the total amount for which amounted to P24,104,200. Among the victims of violent crimes, 839 were victims of rape. Among these rape victims, 807 or 96% are minors.

Pending applications by the end of the year numbered 449 (including newly received applications and those awaiting compliance/completion of requirements), less than the 543 applications pending by the end of 2007.

### **SPECIAL COMMITTEE FOR THE PROTECTION OF CHILDREN**

The Special Committee for the Protection of Children (SCPC) was created pursuant to Executive Order No. 275 s. 1995 to report to the president actions taken to address specific issues on child abuse and exploitation brought to its attention, direct agencies to immediately respond to problems and report on actions taken, and perform other functions as necessary.

Data build-up continues for the Offenders' Database which was established in 2005 with support from the UK Embassy in partnership with the Child Protection Unit Network, Inc. and is being maintained by the SCPC. The database serves as a reference in monitoring both foreign and local offenders in the country and the status of the cases filed against them. By the end of 2008, the Database stored 6,011 cases related to child abuse and commercial exploitation including those that have long been pending.

Pursuant to its mandate of formulating policies and guidelines relating to child protection, the SCPC developed in 2008 the Revised Guide for Media in Reporting and Covering Children's Cases, which is an updated version of the guidelines developed and published in 2000. The Revised Guide used a rights-based approach (children as victims and offenders) and integrated new laws, as result of consultations and validation with media representatives from Luzon, Visayas and Mindanao.

In reviewing policy implementation in the setting up of Women and Children's Desks at the National Bureau of Investigation, the SCPC conducted inspections in Baguio City, Angeles, Pampanga and Subic. The said inspections identified policy gaps and recommendations thereon.

The SCPC coordinates with the Council for the Welfare of Children for the programs developed pertaining to the support services for children. The Comprehensive Program for Child Protection (CPCP) launched by the SCPC in 2007 is among the documents used as reference by government agencies and non-government organizations in developing projects for child protection. Constant discussion of issues concerning children with other child rights groups during SCPC meetings have paved the way for resolution of cases and development of strategies that improved support services for children.

For the year 2009, the SCPC intends to localize the CPCP starting with 10 critical areas based on the number of child abuse cases therein, develop capacity-building modules for law enforcement agencies and local community on child protection strategies, and disseminate the Revised Media Guide.

## **JUVENILE JUSTICE AND WELFARE COUNCIL**

Signed into law on 28 April 2006, RA No. 9344, the Comprehensive Juvenile Justice and Welfare Act, provided for the creation of the Juvenile Justice and Welfare Council (JJWC) chaired by the Department of Social Welfare and Development (DSWD) under the administrative supervision of the DOJ.

In addition to representatives from the DOJ and DSWD, the Council is composed of the Council for the Welfare of Children (CWC), Department of Education (DepEd), Department of Interior and Local Government (DILG), Commission on Human Rights (CHR), National Youth Commission (NYC), and two (2) non-government organizations—Consuelo Foundation, Inc. and Educational Research and Development (ERDA) Foundation, Inc. The Council is also provided with a Secretariat headed by an Executive Director.

The Implementing Rules and Regulations of RA 9344 and various guidelines were adopted by the Council together with other related rules and guidelines issued by member agencies. The JJWC held series of consultation-meetings with the different local government leagues. Advocacy was also continued on the issuance of the revised Supreme Court Rule on Juveniles in Conflict with the Law.

The JJWC conducted an inventory of the number of children in conflict with the law (CICL). By the end of 2008, there was a total of 4,392 CICL. Out of this number, 2,355 or 53.62% were under the care of DSWD. In the said year, the JJWC referred 198 cases of CICL to the Public Attorney's Office for appropriate action. The JJWC and its member agencies have been undertaking some projects including regular visits, inspection and inventory of CICL, coordination of the release of detained CICL, production and distribution of information, education and communication materials, and capacity building activities.

Among the doables and challenges for the Council are acquisition of office, necessary equipment, and official vehicle, appointment and completion of the DBM approved plantilla positions, documentation of positive impacts of the law, installation of database system that captures report of LGUs and NGOs, setting up of comprehensive intervention programs at the local level, setting up of transition homes for CICL before their reintegration into their families and communities, strengthening of institutional partnership with organizations and agencies involved with CICL, extensive and sustained implementation of the communication plan, and documentation of good practices in handling CICL.

## **INTER-AGENCY COUNCIL AGAINST TRAFFICKING**

The Inter-Agency Council Against Trafficking (IACAT) is a body created by Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”. The Council is composed of the Secretary of Justice as the Chairperson, DSWD Secretary as Co-Chair, Heads of six (6) other Departments and Agencies, and three (3) representatives from children, women and overseas Filipino worker sectors. The Secretariat for the Council is also with the DOJ.

The IACAT is mandated to formulate, promulgate, initiate, coordinate and monitor policies, programs, projects, activities and other courses of action that will prevent and suppress the trafficking in persons (TIP), as well as monitor/coordinate the implementation of RA 9208.

By the end of 2008, there have been 13 convictions involving 15 persons for violation of RA 9208, as follows:

- 2 convictions, Batangas City, November 15 and 28, 2005, respectively (2 persons)
- 1 conviction, Zamboanga City, November 29, 2005 (3 persons)
- 4 convictions, Quezon City, December 8, 2005 (2 persons)
- 1 conviction, Zamboanga City, March 27, 2007 (1 person)
- 1 conviction, Cebu City, July 20, 2007 (2 persons)
- 1 conviction, Davao City, July 27, 2007 (1 persons)
- 1 conviction, Batangas City, March 10, 2008 (1 person)
- 1 conviction, Zamboanga City, October 28, 2008 (1 person)
- 1 conviction, Parañaque City, November 27, 2008 (2 persons)

For 2008, a total of 160 complaints for TIP were filed with the NPS, 80 of which are pending resolution, 37 were filed in court as TIP cases, 16 were filed in court as violation of other related penal laws, while 27 were either dismissed, dropped or withdrawn.

On the part of the NBI, its Anti-Human Trafficking Division reported that 55 complaints were filed for investigation during the year, 18 of which were already filed in court and 37 were filed before prosecution offices for inquest and preliminary investigation.

## **TASK FORCE AGAINST POLITICAL VIOLENCE**

This task force, more popularly known as “Task Force 211”, was created by virtue of Administrative Order No. 211 issued on November 26, 2007. The task force is specifically mandated to “harness and mobilize government agencies, political groups, the religious, civil society and sectoral organizations, and all the public” for the purpose of (a) prevention, investigation and punishment of political violence, (b) care and protection of people and communities victimized and threatened with violence, and (c) promotion of a culture opposed to violence and advancement of reconciliation and peace. The group is composed of representatives from eight (8) line Departments and Agencies, headed by DOJ Undersecretary Ricardo R. Blancaflor.

In 2008, among the reported major accomplishments of the task force are as follows:

- Conviction of the killer of Bayan Muna Secretary General Jose Doton;
- Arrest and prosecution of Rafael Cardeño for the killing of Baron Cervantes, widely known as spokesman the Young Officers Union;
- Speedy resolution of four (4) cases of media killing—accomplished in an average of less than two (2) weeks or an average of 9 ½ working days;
- Paved the way for the surrender of Mayor Alfredo Arcenio (Lezo, Aklan), accused in the killing of radio station manager and commentator Herson Hinolan;
- Successfully located and arrested PFC Roderick dela Cruz of the Philippine Army, accused in the murder of a labor leader in Tarlac City; and
- Initiated the extradition of accused in the Dacer-Corbito double murder case.

The task force facilitated the prompt resolution of cases under preliminary investigation pending with different prosecution offices nationwide, and continuously monitored around 200 other cases of extralegal killings. As to “cold” cases with no progress in police investigation due to reluctance of witnesses and/or lack of sufficient evidence, the operations group of the task force conducted a thorough re-evaluation of these cases and made the necessary recommendations.

A listing of cases and incidents allegedly involving political violence and extralegal killings from all government agencies and courts nationwide are being collated and organized by the task force. This list is posted on and can be accessed from the task force website which is updated on a weekly basis. To help in the monitoring of cases, the task force has engaged into partnerships with NGOs, media groups and law schools.

Monthly updates have been sent to UN Special Rapporteur Prof. Phillip Alston, resulting to improved opinion on the Philippine situation on human rights and extra-legal killings. All details, related issues and updates on the reported cases of extra-legal killing are also made available to the public, stakeholders and members of the diplomatic community through the website, press releases, conferences and other means.

### **JUSTICE SYSTEM INFRASTRUCTURE PROGRAM**

In December 1988, President Corazon C. Aquino established a Committee headed by the Secretary of Justice, as Chairman, to implement the Justice System Infrastructure Program or (JUSIP) and provide decent office buildings and offices for judges, prosecutors, public attorneys and parole and probation officers. The selection of JUSIP projects depends primarily on the actual condition of the existing court building or facilities and the availability of a suitable building site. The donation of the building site to the Department is an auditing requirement.

The Program started in 1988 with a P350 million budget. From 1989 to 2008, JUSIP funds were included in the regular budget of the DOJ, except in 2004 to 2006. The total appropriation amounted to P3,783,672,041, out of which P3,371,202,579 was released. As of 2008, P2,508,919,485.49 was spent for the construction of 277 new buildings, repair/renovation of 27, and improvement/development of 40. The remaining balance was spent for office furniture and fixtures, water and electrical connections as well as project management, architectural and engineering fees. The Supreme Court is in charge of the repair and maintenance of completed JUSIP buildings.

There are 210 projects located in Luzon, 87 in the Visayas and 90 in Mindanao. Region IV, with 53, has the most number of projects. As for disbursement of funds, 55% were spent in Luzon, 26% in Visayas, and 19% in Mindanao. NCR now has the biggest share with P338,889,346.87 worth of projects. A number of completed projects were covered by agreements between the DOJ and LGUs whereby the latter undertook the construction of JUSIP buildings by contract or by administration.

There are 7 ongoing projects in various stages of construction with a total contract cost of P86,635,493.41, some of which are past their completion dates due to delays in release of funds, denial of requests for price adjustment/escalation, revision of plans, termination of contract, problems of local governments e.g. financial constraints and scarcity of construction materials, change of site, and abandonment of the project by the LGU.

For 2008, the DOJ was provided P435 million appropriations but only 31 projects in the total amount of P285 million was released while the rest of the projects are awaiting release from the Department of Budget and Management. For 2009, P100 million was appropriated JUSIP projects. For 2010, the proposed budget has lined up 65 projects in the total amount of P765.5 million. For 2009, JUSIP projects, pursuant to the President’s Budget submitted to Congress, P100 million was appropriated. For the year 2010, the proposed budget has lined up 65 projects in the total amount of P765.5 million.

## **DOJ ACTION CENTER**

The DOJ Action Center (DOJAC) was set up to provide free legal assistance to the people especially the marginalized sector in the speedy solution/action of their problem within the bureaus/agencies under the DOJ, other government agencies, and the existing barangay justice system. More specifically, it is mandated to act on complaints or requests for legal assistance from the public, refer to the appropriate units/agencies of the Department or to appropriate government offices the complaints or request for appropriate action, inform the writer or client of the status of the complaint or request, maintain a follow-through tracer system relative to the action taken on the complaint or request, and perform such other related functions. Complaints, requests for legal assistance and queries of walk-in or phone call clients are being acted upon. Any client can talk to a lawyer or paralegal officer who can render assistance.

The regionalization process was completed on August 7, 2007 in every region nationwide. Members of the National Prosecution Service and the Public Attorney's Office are tasked to man the regional Centers.

For the year 2008, the Centers nationwide reported a total of around 168,000 clients served with prompt action/solutions on their problems.

## **INTERNAL MANAGEMENT AND SUPPORT SERVICES**

As of 2008, the internal management and oversight operations of the DOJ-OSEC are supported by five (5) Undersecretaries, three (3) Assistant Secretaries, and (4) Staff Services, namely the Technical Staff, Administrative Service, Financial and Management Service and the Management Services Office.

The said Officials and Support Bureaus efficiently rendered various regular and special services to ensure the sustained operations of the DOJ-OSEC and compliance to laws and prescribed administrative/financial government policies, rules, regulations, systems and procedures. This includes representation in various international and local fora, oversight monitoring and coordination, participation in inter-agency activities, policy formulation and implementation, reportorial compliance to oversight agencies, various legislation efforts, and cooperation with non-government sector institutions including the media.

In line with government reforms and the Medium-Term Philippine Development Plan, special activities, efforts, programs and projects were undertaken, including integrity development, implementation of the Electronic New Government Accounting System (e-NGAS), rehabilitation/improvement of buildings and facilities, construction of a new annex buildings for prosecutors and support Services, implementation of the ISSP, and continued implementation of the NPS Organizational Development Program as earlier detailed in the NPS portion of this report.

The primary challenge in this regard is the continued attrition of technical and support staff due to the protracted moratorium on hiring of personnel. This has over-stretched the remaining personnel and limited the ability of Officials and Support Bureaus to improve support services given their voluminous tasks in compliance to rules/regulations and strict reportorial requirements by various oversight agencies. Another challenge is the inadequate funds to cover the acquisition/provision of office equipment and facilities necessary for optimal productivity and better physical work environment.

## **BUREAU OF IMMIGRATION**

The Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration, citizenship, and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act of 1940, otherwise known as Commonwealth Act No. 613, as amended. BI is also tasked to “adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement” under RA 9208 Anti-Trafficking in Persons Act of 2003.

### **AGENCY OPERATIONS**

**Revenue Collections** – In 2008, the Bureau posted a 42% above the set target in revenue collection, with a collection of P2,086,848,477.23 which is 23.33% or P394,723,033.98 higher than its P1,692,125,443.25 collection in 2007. It also surpassed the target collection of P1,471,835,000.00 by 42% or P615,013,477.23 over its targeted P1,471,835,000.00.

**Border Control and Management** – The Bureau has processed a total of 5,755,074 M foreign arrivals which is 186,783 higher than year 2007. Americans posted the biggest foreign arrivals at 676,212 followed by Koreans at 606,071. Chinese and Canadians posted the highest percentage increase at 13.33% and 11.34%, respectively.

Immigration personnel offloaded 1,215 passengers with incomplete or tampered documents, 84% of which were Filipinos. On the other hand, 693 foreign passengers were not allowed entry to the country due to improper documentation, they are likely to become public charge, or for other reasons, as a result of continued measures to tighten/maintain strict screening/monitoring of passengers at the NAIA.

**Law Enforcement** – In 2008, 851 cases were detected, 91 arrests made, 145 illegal aliens detained, and 142 deported. Among the significant arrests made involved high profile/suspected foreign terrorists, child abusers/pedophiles, kidnappers, rapist/sex offenders/ prostitutes, drug offenders and swindlers/embezzlers.

**Disposition of Deportation Cases** – As a result of speedy disposition of deportation cases against foreign detainees, there were only 63 detainees left by the end of 2008 at the detention facility out of 145 foreigners who were detained last year for various immigration-related offenses.

**Dual Citizenship** – Since the implementation of RA 9225 until the end of 2008, a total of 60,209 individuals were granted dual citizenship, 23,196 of which were approved in the BI main office while 37,013 were processed in various Philippine Consulates abroad.

### **SPECIAL PROGRAMS/PROJECTS**

**Special Visa for Employment Generation** – Thru the initiative of the Bureau, Executive Order No. 758 was issued, which provides for a special visa to non-immigrant foreigners who are engaged in business that could employ at least 10 Filipinos.

**Visa Issuance Made Simple** – The Bureau enhanced and cascaded this program to the sub-ports, dramatically cutting down the processing time by 85% and the documentary requirements by 46%.

**Mobile Immigration Counters** – Deployed and used in the NAIA for the disabled and elderly, these have resolved decongestion and long queues at the country’s premier port.

**Main Office Decongestion** – Satellite offices were opened in cities of Taytay (Rizal), Santa Rosa (Laguna), Parañaque and Caloocan towards the end of 2008.

**The “I-CARD”** – Implemented under a BOT agreement between the Bureau and a private proponent in 2003, the I-CARD is intended to automate alien registration as a tool in the fight against terrorism and other criminal activities, and aid in regulating and monitoring foreign population density worldwide. By the end of 2008, a total of 143,808 registrant aliens are holders of the microchip, credit card sized identification cards since the project was implemented in 2004.

**Real-Time Video Monitoring of Key Airports** – The CCTV cameras and monitoring at the NAIA, Diosdado Macapagal Airport, Davao International Airport and Mactan (Cebu) International Airport have been enhanced for close monitoring of the movement of incoming and outgoing passengers in the areas covered by the Bureau and its counters.

**Linkage to the Mobile Interpol Network Database (MIND)** – The Bureau launched in December 2008 the P250 million peso project granted by the International Organization for Migration to integrate the agency database with the MIND. Under the project, the Bureau now has the capability to thwart the entry of foreign terrorists and others involved in transnational crimes, e.g. drug trafficking, human smuggling, illegal recruitment and child abuse. As a connectivity project, the system simultaneously links the Bureau’s database for blacklisted aliens with that of the Interpol which enlist the names and identity of wanted terrorists and foreign criminals from all over the world.

## INSTITUTIONAL STRENGTHENING

**Integrity Development** – The Presidential Anti-Graft Commission elevated the Bureau’s rank from seventh to third place in the list of 100 government agencies that are periodically evaluated for compliance to the Integrity Development Action Plan (IDAP).

**Performance Evaluation System** – The Bureau was adjudged by the Civil Service Commission as “Valedictorian” in the implementation of the Performance Evaluation System – Office Performance Evaluation System (PMS-OPES).

**“No Lunch Break” Policy** – Offices of the Bureau ensures a continuous or uninterrupted 10-hour service to the public/clientele.

**Main Building Renovation** – The Bureau’s main building which was earlier damaged by fire has been under repair and renovation since July 2008. By the end of 2008, the ground floor area has been on renovation to accommodate all frontline services of the Bureau, for completion by April 2009.

## MAJOR PLANS

In 2009, the Bureau will continue to focus on the transformation of the agency from a strictly “hammer and shield” mindset to that of a pro-investment and pro-tourism asset under a regime of a sovereignty inspired development agenda. In support of this, the following programs will be prioritized:

- Continued work on the passage of a new Philippine Immigration Act by Congress;
- Full implementation of the e-NGAS;
- Full implementation of a case tracking and personnel information management system;
- Continued equipping and upgrading of facilities in immigration areas at the NAIA and other major sub-ports;
- Continued active participation as forefront agency in the campaign against terrorism, human smuggling, drug trafficking, illegal recruitment and other criminal activities;
- Continued close monitoring of movements of suspected foreign terrorists and preventing them from entering into the country;
- Continued nationwide campaign against fugitives from justice, and undocumented/illegal/undesirable foreigners;

- Formulation and adoption of a system for the conduct of electronic transaction of the Bureau's immigration services;
- Complete digitalization of all immigration records and documents;
- Implementation of the electronic capturing of fingerprints, signature and facial biometrics on the alien registration process;
- Continued conduct of trainings and seminars to fully professionalize the Bureau's personnel;
- Full implementation of the IDAP, PMS-OPES and the BI Code of Conduct for all officers and employees in the Bureau's sub-ports and field offices;
- Full implementation of increased immigration fees and charges;
- Continued development of linkages with other government agencies and non-government organizations on matters involving immigration;
- Construction of a new main building along Diosdado Macapagal Avenue, Pasay City;
- Execute and enter into formal agreements with various government law enforcement agencies and NGOs related to the Bureau's immigration functions; and
- Upgrade the information and communication technology infrastructure.

## **BUREAU OF CORRECTIONS**

The Bureau of Prisons was created on November 1, 1905 under the Department of Public Instruction through Reorganization Act of 1407 of the Philippine Commission. The Bureau was renamed from Prisons to Corrections on November 23, 1989 under Section 26 of the Administrative Code of 1987, to emphasize rehabilitation as the primary goal of the Bureau. The Bureau of Corrections is mandated by law to accomplish its twin objectives of effective rehabilitation and safekeeping of national prisoners.

## **AGENCY OPERATIONS**

### **Safekeeping and Rehabilitation of National Prisoners**

**Prisoners Maintained** – For the year 2008, the Bureau had in its custody 34,547 prisoners, confined in its seven (7) prisons and penal farms, as shown in the following table. This figure is about 10% higher than the previous year. Overall congestion rate increased from 54% in 2007 to 70% in 2008.

<b>Prison Facilities</b>	<b>Capacity</b>	<b>Population</b>	<b>% Share</b>	<b>Congestion Rate</b>
1. New Bilibid Prison (NBP)	8,700	20,542	59%	136%
2. Correctional Institution for Women (CIW)	1,000	1,600	5%	60%
3. Iwahig Prison and Penal Farm	3,500	3,020	9%	--
4. Davao Prison and Penal Farm	3,100	5,220	15%	68%
CIW – Mindanao	200	162	0.4%	--
5. San Ramon Prison and Penal Farm	1,300	1,178	3%	--
6. Sablayan Prison and Penal Farm	1,500	1,595	4.6%	6%
7. Leyte Regional Prison	1,000	1,230	4%	23%
<b>TOTAL</b>	<b>20,300</b>	<b>34,547</b>	<b>100%</b>	<b>70%</b>

Imprisonment profile shows 62% are between 22 and 39 years old, most are elementary level (38%) and most come from the NCR. Crimes against persons are the common offense and most of the inmates were farm workers prior to incarceration. The number of foreign nationals is 182, of which 105 are Chinese.

**Admission and Classification** – A total of 5,496 prisoners were admitted at the Reception and Diagnostic Center, higher than the 3,241 releases. Of this figure, 83% were first offenders committed directly from the courts and recidivists of 909 (at 16 % recidivism rate).

**Releases and Processing of Inmate Carpetas** – The said total released 3,241 inmates comprised 9% of the entire inmate population. The expanded record computerization system facilitated the processing of carpetas and the immediate forwarding of papers

to the Board of Pardons and Parole (BPP). For the period, a total of 3,023 carpetas were forwarded to the BPP.

**Security, Safety and Order** – In 2008, 64 escape incidents were recorded which is higher than the 55 in the previous year. The total retrieval was 15, lower than the 22 in 2007. There were 377 deaths in custody, higher than the 354 in 2007. A steady increase in terms of number of deaths may be attributed to very limited funds for health aggravated by the overcrowding in prison compounds. There were 15 unnatural deaths caused mainly by inmate assault and suicide. Nevertheless, peace and order still generally prevailed in the prison compounds. Prisoners continued to engage in livelihood programs, enjoy family visits, and participate in various spiritual programs. Search operations and confiscations of contrabands were conducted to rid the prison compounds with prohibited items.

**Provision of Inmate Basic Needs** – As shown in the following table, for CY 2008, the Bureau spent for basic needs has improved with the increase of daily food ration from P40 to P50 for each inmate and medicine allowance from P1 to P3 per day/inmate, or monthly budget of P1,856 or an annual budget per inmate of P 22,272 which is 36% higher than in 2007.

BASIC NEEDS	PROCURED
Food Ration at P50.00/day for 365 days	P 630,482,750.00
Medicine at P3.00/inmate/day	37,828,965.00
Laundry Soap (209,372 bars)	3,831,507.60
Gratuity of P200 for each released prisoner	648,200.00
Transportation of P400 for each released prisoner	1,296,400.00
<b>TOTAL (2008)</b>	<b>674,087,822.60</b>

**Inmate Health Care** – Medical and dental care services are provided to inmate patients in prison hospitals and infirmaries. However, BUCOR medical officers have to refer to outside medical facilities inmates whose medical needs are not available in the prison facilities, subject to approval of the DOJ Secretary. The most prevalent diseases among inmates in custody are upper respiratory tract infection, pulmonary tuberculosis, gastritis, peptic ulcer, skin diseases and hypertension.

### Rehabilitation Services

Inmate rehabilitation programs are made available to cater to the physical, intellectual and spiritual needs of the prisoners, and prepare them for later reintegration into the mainstream society.

**Sports and Spiritual Activities** – These are part of day-to-day rehabilitation efforts for the inmates, with the assistance of various NGOs and with the active inmate participation: 46% for recreation and 85% for religious. Sports activities attended to are basketball, volleyball, badminton, tennis, boxing, callisthenics, table games and others.

**Education and Skills Training** – There were 3,390 enrollees or 10% of the inmate population that are in formal and non-formal education programs in the Bureau. Three are schools located in the NBP medium Security Camp—Itaas Elementary School, Muntinlupa National High School Extension and University of Perpetual Help Extension—provide three levels of formal education. The education program is focused more on vocational and skills training to help inmates earn a living upon release from prison. The Muntinlupa Juvenile Training Center (MJTC) on the other hand is designed to provide a separate facility for the juvenile and youth offenders; to train them on vocational skills; and to provide a follow-up program for the Therapeutic Community Center initiated at the Reception and Diagnostic Center. In 2008, MJTC had a total of 23 juveniles undertaking vocational training courses under the NBP Vocational School. The MJTC was designed for only 24 clients. Other juveniles admitted to the Medium Security Camp are housed in a separate cell to avoid mingling with adult offenders, pursuant to RA 9344, otherwise known as the Juvenile Justice and Welfare Act. They attend special classes for youth offenders so

they can later on avail of the Bureau's Formal Education Programs. In 2008, there were 28 juveniles under the Special Youth Class at the Medium Security Camp.

***Drug Testing and Rehabilitation*** – The BUCOR Drug Treatment and Rehabilitation Center caters the drug testing at NBP Hospital and for further six-month treatment through the Therapeutic Community Program. Therapeutic Community Program focuses on reshaping an individual's behavior and attitude by creating a helping community, where the inmate's sense of belonging is enhanced and his self confidence restored. There are 448 clients out of the 3,751 convicted drug offenders.

***Work and Livelihood Program*** – Livelihood opportunities are enhanced through the operation of agro-industries and prison-based private ventures. Employment rate in 2008 was 34% of the inmate population, which is 6% higher than in 2007. For local agro-industries in relation to the work/livelihood program, the net productivity of BUCOR reached P15,793,262.41—a level within the target for 2008, but down by 2% compared to the previous year. The income derived from TADECO amounting to P37,061,561.95 was still the biggest source of revenue to augment insufficient budget for inmates' subsistence and improvement of prison facilities.

### **Internal Management**

The inadequacy of custodial positions has remained a problem. The guard to inmate ration increased from 1:23 in 2007 to 1:26 in 2008 due to the growing prison population without increase in staffing/manpower complement. Also as earlier discussed, congestion rate continues to worsen. This is due to the limited facilities and logistical resources.

### **INSTITUTIONAL STRENGTHENING**

In 2008, development/expansion of the Bureau's Information Technology System has been continued, with website development at 75% completion, Intranet Infrastructure Project at 70%, and Inmates Information Monitoring System at 50%..

The Bureau continued to comply with the IDAP and the Integrity Development Review. The Internal Complaints Unit and Internal Affairs Unit, to handle complaints relative to violations of administrative, civil service, code of conduct and anti-graft rules and regulations. Compliance to the anti-red tape law and austerity measures continued as well.

A Reservation Support Service was activated to monitor peace and order, cleanliness and beautification in the prison reservation. Besides this, the Bureau also undertook extensive efforts to reengineer the agency as a whole.

### **MAJOR PLANS**

The BUCOR intends to sustain, expand and improve its existing custodial and rehabilitation programs, projects and activities discussed above. On top of this, the Bureau has also planned the following:

The major plans of the Bureau are as follows:

- Regionalization of National Prisons in North and South of Luzon and the Visayas with NBP in Muntinlupa to cater inmates in NCR;
- Approval and adoption of Bureau's Re-engineered Organization Structure;
- Proposed enactment of Bureau's Modernization and Standardization Law or Charter;
- Continued modernization of information technology and equipment;
- Intensify Human Resources Training and Development;
- Move for Bureau's exemption from Rationalization Program;
- Education and skills training offered to the inmates be covered with certificates from TESDA and other private schools;

- Expand services of the Bureau's Drug Treatment and Rehabilitation Center through the Therapeutic Community Program;
- Putting up of a herbal nursery farm for alternative medicine at NBP and penal farms;
- Encourage more prison based industries for the livelihood of inmates;
- Establishment of Inmate's Product Display Center at NBP;
- Maximize use of arable land in the penal farms for food self sufficiency; and
- Promotion of eco-tourism in Sablayan and Iwahig Prison and Penal Farm.

## **COMMISSION ON THE SETTLEMENT OF LAND PROBLEMS**

The Commission on the settlement of Land Problems (COSLAP) was created on September 21, 1979 by virtue of Executive Order No. 561. It provides immediate but effective cross-cutting procedures in adjudicating land problems or disputes within its authority as well as settle land problems through conciliatory measures as alternative modes of resolving land disputes, for the benefit of those who have less in life such as small landowners, tillers, informal settlers and indigenous cultural minorities.

### **AGENCY OPERATIONS**

#### **Legal Services**

The main thrust of the COSLAP is the speedy and inexpensive investigation, conciliation and disposition of cases. The Commission focuses its effort towards enhancing the mediation process and other alternative methods in resolving land disputes. Its continued existence can be attributed largely to the resolutions of out-of-court disputes.

For 2008, the Commission received 572 new cases and resolved 1,574 cases which surpassed its 1,500 target. Of the cases resolved, 46 case were amicably settled, 1,141 adjudicated and resolved with finality, 15 adjudicated and resolution awaiting finality, 39 adjudicated and resolved but referred to other agencies for implementation and/or execution, and 333 dismissed for lack of jurisdiction and referred to other administrative agencies who has jurisdiction. Brought to the higher courts were 15 significant cases, 2 of which were resolved in the Court of Appeals wherein one (1) of these affirmed the decision of COSLAP, while 11 cases are still being heard. On the overall, the COSLAP exceeded the performance target by about 4.7%.

#### **Internal Management and Institutional Strengthening**

There are a total of seven (7) lawyers, including the Commissioner and two (2) Associate Commissioners, who conduct hearings pursuant to the Commission's mandate. Meeting its target to achieve the purpose of its creation is almost impossible since majority of the cases are being filed in the Central Office which has only two (2) lawyers. This is compounded by the lack of provincial offices in the localities where cases arise. Such inadequacy of lawyers, together with budgetary constraints, has limited the Commission's capacity to improve its services. The local governments of Marinduque, Davao, Iloilo and Marawi were very supportive of the Commission through the provision of office space and equipment. This is due to the numerous cases being handled by the Commission in those provinces. To strengthen the institution in the face of resource constraints, the Commission has pursued efforts relating to its Rationalization Plan, development of an Information Systems Strategic Plan (ISSP).

### **MAJOR PLANS**

For 2009 and beyond, the plan is to at least meet its target performance. Should resources warrant, the target may be gradually increased. Zero backlog is envisioned for the year 2009 and beyond. Notwithstanding the limited number of lawyers and resources, the COSLAP aims to bring its services closer to the people especially in the countryside for them to be able to obtain substantial justice in the resolution of land

disputes in an inexpensive and expeditious manner. Should resources warrant and with the support of local government units, the Commission aims to establish more provincial offices. Information campaign will also be intensified.

Policy reforms will also be pursued including the proposed COSLAP bill, and further institutionalization of the ADR through the revision of the Commission's internal rules of procedure. Other plans include the immediate filling of vacant lawyer positions, updating of research materials and continued development and later implementation of an ISSP.

## **NATIONAL BUREAU OF INVESTIGATION**

The National Bureau of Investigation (NBI) was originally established under Commonwealth Act No. 181. In 1947, the then Division of Investigation was reorganized into a Bureau by RA No. 157. Later in the same year, it was again EO No. 94 reorganized into its present setup and functions.

The Bureau is primarily mandated to investigate and detect crimes and other offenses against Philippine laws upon its own initiative or as properly requested, act as national clearing house of criminal and other information for use of all prosecuting and law-enforcement agencies, provide technical aid to such agencies as well as the courts, and establish/maintain an up-to-date scientific crime laboratory and conduct researches in furtherance of scientific knowledge in criminal investigation.

## **AGENCY OPERATIONS**

### **Investigation and Intelligence Services**

The Investigative and Intelligence Services including the regional and district offices of the bureau received a total of 12,070 crime cases, a decrease of 2.5% compared to the previous year's 12,382 received cases. Including service and miscellaneous cases, overall receipt cases accounted to 53,225 or an increase of 0.9% compared to last year's 52,767 cases for the same period.

Of the crime cases terminated, 4,274 cases with additional counts of 2,413 were recommended for prosecution, 2.6% higher than the 4,165 in the previous year. Located by NBI agents and special investigators were 243 subjects/persons by virtue of warrants/orders of arrests issued by different courts nationwide and through requests made to locate missing persons.

Among the significant cases handled by the NBI were as follows:

#### ***Illegal Drugs***

- Arrest of Abulkair Sumping , alias Mayor Sultan in Pasig City. P5M worth of shabu and paraphernalia were seized.
- Coordination with the Royal Malaysian Police rescued Cherriejoy Red Gariguez, used as a "mule"/courier by an international drug trafficking syndicate in Kuala Lumpur Malaysia

#### ***Women and Children, and Human Trafficking/Trafficking in Persons***

- Anti-Human Trafficking Division received 176 cases and 66 cases were recommended for prosecution.
- A certain Salvacion Alamares and Gina Ajero were sentenced of 20 years imprisonment and to pay a fine of 1M, both were accused in Crim Case No. 07-0244 were convicted by Judge Jaime G. Guray of the Parañaque City RTC.
- Rescue of five minors during a raid of a cybersex den in Malolos and the arrest and prosecution of 3 operators for Qualified Trafficking in Persons through internet cybersex.

#### ***Drive Against Rice Hoarding***

- NBI Task Force on Anti Rice Hoarding in coordination with the NFA and DOJ seized 150,176 sacks of palay and rice from rice mills, buying stations and warehouses in various parts of Metro Manila, and Luzon provinces.
- Appropriate charges were filed against over a dozen rice traders before the DOJ, among them were Pan Ziqing, Anna Marie Velasco Chua, Anthony C. Angeles, Eleonor Rodriguez and several others.

#### ***Illegal Firearms***

- Alleged arms dealer/gunner Benjamin (Benjo) Joseph Raymundo Ramos was arrested during a buy-bust operation in a condominium in Legaspi Village Makati City on June 28, 2008. Dozens of high-powered firearms were seized.
- Gunrunner Reynaldo D. Victorino was arrested in a joint operation of the NBI, PNP-CIDG, and ISAFP operatives during a buy-bust operation in Caloocan City. Large quantity of serviceable firearms were seized.

#### ***Violation of Intellectual Property Rights***

- The Bureau received 80 cases and served 317 search warrants which led to the seizure of computer sets with unlicensed software and accessories; CDs; DVDs; fake branded apparels, personal accessories such as bags, shoes, perfumes and jewelry, athletic wear/shoes, pharmaceuticals, electrical, electronics, beauty/health/food products and a host of other renowned imported merchandise with an estimated gross worth Php 306,377,300.00
- Confiscated 22,345 pieces of counterfeit Lacoste products worth P89 M by virtue of warrants, during simultaneous raids of a warehouse and seven business stalls in the 168 Mall in Binondo, Manila.
- Seizure of some P 200 M worth of replicating machines used in the reproduction of optical media and finished products during a raid of KONKA warehouse in Mountview Business Park, GMA Cavite City allegedly owned by Rene Ong.

#### ***Other Significant Cases***

- Recommended the filing of criminal charges against 37 police officers led by PSSupt. Ramon M. Ochotorena, Provincial Director of Zamboanga del Sur in connection with the ambush of the convoy of Vice Mayor Wilson Nandang of Labangan Zamboanga del Sur in August 2008 that resulted to the death of six persons and injuries of seven others.
- Recommended the prosecution of Robert Lao and 12 other MMDA employees who dismantled and removed an LRT vertical clearance post worth P1,781,224.28 located at 5<sup>th</sup> Ave., Caloocan City.

#### **Technical/Records Services**

Technical assistance rendered by the Bureau's experts in the fields of forensic medicine & chemistry, questioned documents, ballistics, polygraphy, dactyloscopy and investigative photography accounted to 17,739 cases. Laboratory examinations were also conducted to 41,066 specimens.

On clearance processing, the Bureau received 4,952,928 applications for various purposes nationwide, 9.3% more than the 4,530,645 in 2007. An average of 20,216 clearance applicants were serviced each day. The NBI Clearance-on-Wheels continued to operate in Metro Manila and neighboring provinces including Masbate and Bicol Region. The COA-approved NBI Clearance Renewal Cards was also implemented: 2 in the NBI Clearance Center in Carriedo and the other in NBI Marikina City

#### **Internal Management**

Various internal management improvements were put into place. However, resource constraints remained to be a challenge. There was lack of training funds and opportunities, qualified personnel to do specialized tasks, as well as proper facilities and

equipment. Due to expiration of license, the software used by the NBI is feared to be rendered useless when the grace period lapses. Additional manpower is also needed to address backlogs.

## **MAJOR PLANS**

Among the major plans of the NBI are the following:

- Intensive intelligence gathering and adoption of a proactive and aggressive response to organized/heinous crimes and transnational crimes, especially illegal drugs;
- Acquisition and/or upgrading of service vehicles for improved mobility, high-end equipment and new technologies such as surveillance gadgets, handheld radios and communication tools, AFIS (automated fingerprint identification system), firearms and computer system;
- Expansion of the NBI computer network from LAN (local area network) to WAN (wide area network), purchase of licensed software, increase of DSL (digital subscriber line) connection speed, email hosting and issuance of email account for all NBI personnel;
- Recruitment of Agents and other investigative complement to augment the present workforce, training and continuous manpower development to acquaint concerned personnel with current trends and systems in their respective line/s of work;
- Strengthening of liaison and establishment of closer coordination with other law enforcement agencies and foreign counterparts;
- Intensified management lobbying for an increase in allowance of Agents and other Bureau personnel;
- Facilitating the approval of the certificates of title covering the parcels of land being occupied by the various offices of the Bureau, construction of necessary structures in Manila and in the provinces, and creation of field offices;
- Pursuance of the project proposal "Online Quick Search of Case Status", currently under study by the World Bank; and
- Installation of Self-Service Clearance Kiosks in malls and in different NBI offices nationwide, and e-payment system to reduce queue in the payment counters of the NBI clearance center.

## **OFFICE OF THE GOVERNMENT CORPORATE COUNSEL**

The Office of the Government Corporate Counsel (OGCC), receiving its mandate from R.A. 2327, R.A. 3838, P.D.1415, E.O. 878 and other legislations and executive orders, is statutorily the legal counsel of government-owned and/or controlled corporations (GOCC's) and its subsidiaries, other corporate off-springs and government acquired asset corporations.

Its core functions are to represent government corporations before courts and quasi-judicial bodies, render legal opinions, review contracts, investigate administrative cases against officials of government corporations, and arbitrate disputes among government corporations. The agency has control over and supervision over the legal departments of these corporations and has authority to allow the hiring of private lawyers by them.

## **AGENCY OPERATIONS**

### **Legal Services**

By the end of 2008, the agency catered to the legal needs of close to 600 government corporations classified into eight sectors: gaming, economic zones, information and energy, environment and water, banking, infrastructure and transportation, agriculture and trade, and housing.

The OGCC handles approximately 11,000 cases. On the annual average, 300 new cases are referred to the Office for representation. In 2008, the Agency rendered 26,790

various legal services to client GOCCs, drafted and reviewed 405 contracts, and rendered 320 legal opinions.

### **Special Programs**

Through the Institute of Public Corporate Governance, the OGCC organizes mandatory continuing legal education modules for lawyers of OGCC and government corporations, advances corporate governance through seminars and adopt of a Code of Corporate Governance, recognizes outstanding policy and legal researches affecting government corporations, and publishes/compiles materials for use by government corporations. The OGCC is also involved in propagating public-private partnerships through joint ventures and build-operate-transfer schemes, advancing quality management systems, assisting the Office of the President in disseminating information and polices to the government corporations, as well as various outreach programs.

Through the OGCC's advocacy on Alternative Dispute Resolution, the Agency successfully arbitrated a P10 billion dispute between the NAPOCOR and the PNOC-Energy Development Corporation, and effectively conciliated controversies /differences between the Bases Conversion Development Authority and Land Bank of the Philippines on valuation of land, North Rail and National Food Authority on lease agreement for depot, and Lung Center of the Philippines and National Kidney Institute on rights over real property.

### **INSTITUTIONAL STRENGTHENING**

Various reform programs have been undertaken by the OGCC, as follows:

- Adoption of Quality Management Systems with the assistance of the Development Academy of the Philippines, towards ISO 9001:2000 certification later;
- Sustained implementation of the zero backlog policy in opinion-drafting and contract review;
- Manualization of office systems and procedures;
- Adoption of a central docket system resulting in the centralization of case records and a centralized calendar of hearings and deadlines;
- Codification, in electronic format, of all opinions issued and contracts reviewed by the OGCC from 1987 to 2007;
- Institutionalization of regular training and education sessions for legal and administrative staff, and the adoption a 1-year capability program;
- Conduct of constant dialogues and consultations with heads and corporate officers of the state corporations;
- Institutionalization of linkages with government corporations thru formal agreements;
- Launch of employees' provident fund and sports program; and
- Spearheaded the streamlining of policies directly affecting government corporations through the drafting and adoption of Joint Venture guidelines with the NEDA and GPPB, issuance of guidelines on election-related concerns confronting government corporations, issuance of Memorandum Circulars on OGCC-GOCC Legal Department relations and supplementary rules on OGCC arbitration, codification of OGCC opinions on procurement, and conduct of a forum, attended by OGCC lawyers, relative to GOCC employees' Cost of Living Allowance, GOCC's liability on real property tax, and compromise agreements.

### **MAJOR PLAN**

The Agency will be pursuing the enactment of the OGCC bill seeking to redefine, strengthen, rationalize, further professionalize the organization and upgrade employee benefits. This proposed charter consolidates all laws and converts executive issuances relevant to the OGCC as well as implementing rules and regulations and internal policies into a single statute. It clarifies the jurisdiction of the OGCC to include the authority to

issue opinions and advice involving all legal questions, review contract before they are executed, conciliate/mediate/adjudicate/arbitrate all disputes or controversies between government corporations, and exercise control and supervision over all legal departments of government corporations without exception.

Under the bill, additional entry level of lawyers will be increased, ranks will be made at par with the Judiciary, a promotion ladder integrated in the positions will be created, and additional lawyer and non-lawyer positions will be created. Under such charter, greater public accountability of lawyers in the government service will be enhanced since with the increase in legal staff in the OGCC, government corporations will hire less private lawyers to provide legal services.

## **OFFICE OF THE SOLICITOR GENERAL**

The Office of the Solicitor General (OSG) is the legal representative of the Government of the Republic of the Philippines. It is an independent and autonomous agency under the Office of the President but attached to the Department of Justice for budgetary purposes. The OSG is primarily tasked to represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents who are suing or are being sued in their official capacities before the local court system and in international fora in any litigation, proceeding, investigation, or matter requiring the services of a lawyer. It is also the counsel of the People of the Philippines before the appellate courts. As the “Tribune of the People”, the OSG is tasked to represent the Republic in any action which affects the welfare of the people as the ends of justice may require.

### **AGENCY OPERATIONS**

In 2008, the OSG rendered 33,927 judicial services in terms of cases resolved, while rendering 43,544 other legal services. With a total case load of 373,922, each of the 166 lawyers handled an average of more than 1,700 cases. In the said year, the Agency focused its efforts on strengthening the institution.

### **INSTITUTIONAL STRENGTHENING**

From the time the Implementing Rules and Regulations of the OSG Reform Law became effective until the end of the year, 23 new lawyers, 52 legal officers and 61 administrative support staff were hired. Expecting the doubling personnel by year 2010, the OSG undertook preliminary work for the construction of the new OSG building in Fort Bonifacio, Taguig City, with the Bases Conversion and Development Authority granting usufructuary rights over a parcel of land. The Office also took steps to implement employee health care and transportation benefits, and establishment of a provident fund. The OSG also signed agreements for continuing legal education and research, and other training programs for legal and non-legal employees.

Among the other major programs/projects implemented in 2008 are as follows:

**Enhanced Case Management Tool (e-CMT)** – In 2008, the OSG planned and developed its e-CMT which allows a paperless document tracking if all cases handled by the Office, easy access to case profiles, extensive search and report generation of cases in the database, and automated uploading of a copy of all pleadings filed in the system.

**ISO 9001:2000 Certification** – The OSG sought to secure the said ISO Certification for its Docket Division, which is the “nerve center” of the institution and responsible for recording, routing, transmittal, mailing and delivery of all documents and pleadings in all cases handled by the Office. The aim is to make the Division comply with international standards. The OSG, together with its private consultant has completed its Quality Management System Manual including other relevant manuals (Users, Job Description, etc.) Certification is expected to take place in the first quarter of 2009.

**Development of the Solicitor's Manual** – This manual will serve as the guidebook of all lawyers in the OSG. The manual contains policies and guidelines related to case management, other administrative policies, forms and samples/formats of pleadings being filed. The draft has been completed for review and approval, which will later be proposed for external funding later.

## **MAJOR PLANS**

The OSG plans and programs will revolve around the following goals:

- Improve the visibility of the Solicitor General to the public by maintaining its high degree of integrity and competency, through information dissemination programs and initiatives geared to make the Agency and its services better known to the public;
- Full standardization and automation of OSG's internal business systems and procedures, through programs and initiatives geared to improve the efficiency and effectiveness of its systems to improve service delivery to clients;
- Create a positive working environment where the efficiency and competency of employees are prioritized, through programs and initiatives geared to strengthen human resource development and management efforts of the Office to accompany improvements being made in the systems and development of various tools;
- Improve the internal resource allocation, through programs and initiatives geared to improve the ability of the Office in properly allocating its budget to priority programs;
- Generation of funds from external sources because of the limited budget provided by the national government; and
- Institutionalize planning to determine policy and program direction of the Office, through programs and initiatives geared to create a roadmap for the OSG in order that all policies and programs to be developed will be in line with the institution's vision and mission, and create mechanisms that will enable OSG to review its systems, policies, programs and initiatives through effective monitoring and evaluation.

## **PAROLE AND PROBATION ADMINISTRATION**

The Probation Administration was created by virtue of Presidential Decree No. 968, "The Probation Law of 1976", to administer the probation system. Under E.O. 292, "The Administrative Code of 1987" which was promulgated on November 23, 1989, the Probation Administration was renamed "Parole and Probation Administration" (PPA) and given the added function of supervising prisoners who, after serving part of their sentence in jails, are released on parole or are granted pardon with parole conditions.

The investigation and supervision of suspended sentence for the First Time Minor Drug Offenders (FMTDOs) have been an added function of the PPA pursuant to Sections 66, 68 and 81 (b) of RA 9165, "The Comprehensive Dangerous Drugs Act" of 2002 and per Dangerous Drugs Board (DDB) Resolution No. 2 dated 19 July 2005 and the Memorandum Agreement between DDB and PPA dated 17 August 2005. Further, EO No. 468 s. 2005 mandated the revitalization of the Volunteer Probation Aide program.

The PPA is mandated to conserve and/or redeem convicted offenders and prisoners who are under the probation and parole system. The goals are to promote the reformation of criminal offenders and reduce the incidence of recidivism and to provide a cheaper alternative to the institutional confinement of first-time offenders who are likely to respond to individualized, community-based treatment programs.

## **AGENCY OPERATIONS**

### **Investigation of Petitions for Probation, Parole, Executive Clemency and Suspended Sentence for the First Time Minor Drug Offenders**

For 2008, the PPA handled a total of 9,914 petitions for probation investigation, 9,388 or 94.7% of which were completed and submitted to the courts. There were 1,213 pre-

parole/executive clemency petitions handled, 1,174 or 96.8% of which were completed and submitted to the Board of Pardons and Parole. Four (4) first time minor drug offenders were also investigated. 99.40% of the total recommendations of investigating officers were sustained by the courts.

### **Supervision of Probationers, Parolees, Conditional Pardonees and First-Time Minor Drug Offenders**

This program seeks to administer and execute existing laws relative to probation and parole systems in order to effect the rehabilitation and integration of the probationers, parolees and pardonees as productive, law abiding and socially responsible members of the community. The objective of supervision is the permanent regeneration of the client's attitude towards law observance. Supervision treatment should be concerned with the total configuration of the offenders' personality in relationship to family, community and society.

In 2008, there were 34,796 probationers, 14,614 parolees/pardonees and 7 first-time minor drug offenders were supervised. 99.80% of recommendations of supervising officers were sustained by the courts.

There were also 102,413 clients and immediate family members attended sessions in moral, social reformation and counseling activities; 9,507 clients in need and their family members were referred to hospitals, health centers for free or discounted services and medicines; 9,507 unemployed clients were referred to employers, assisted in income generating activities or involved in skills enhancement seminars; 35,344 clients were involved in community service such as tree planting, "clean and green" program and other community service activities; and 1,316 clients who partially paid their civil liability.

### **Enlistment and Deployment of Volunteer Probation Aides (VPAs)**

The recruitment and deployment of volunteers play a vital role in strengthening the partnership of government and the non-government sector in ensuring the success of programs and activities that derive their existence from public funds. VPAs are provided with necessary training and orientation for them to appreciate the knowledge, skills, attitude and values that will enable them to perform their functions. In 2008, there were 7,551 were recruited as VPAs, 6,040 trained, and a total of 5,288 deployed to supervise clients.

### **Rehabilitation Services**

Rehabilitation activities were organized by field officers to facilitate the reintegration of clients into their respective communities. Most of these activities were conducted in coordination with socio-civil, charitable and religious organizations and local government units. The foci were social issues with regard to personal lives of clients and their involvement in the community, development of self-esteem through self-sustaining livelihood projects and social obligations. Further, the rehabilitation activities were aligned with national government thrust on poverty alleviation program. Among these activities with thousands of beneficiaries were moral/social/spiritual reformation, group counseling, literacy, health, sports and physical fitness, work and livelihood.

## **INTERNAL MANAGEMENT**

Budgetary barriers has so far been offset by support from local government units and foreign donors. The Agency also established its website to showcase its accomplishment and programs to the general public.

The major constraints during the year are the non-approval by the Department of Budget and Management of the rationalization plan which resulted to further reduction of personnel, as well as the increase in the budgetary allocation for training and the Information Systems Strategic Plan.

## **MAJOR PLANS**

The PPA will adhere to its seven (7) strategic pathways, as follows:

- Build the image of the Agency and media exposure through a social marketing strategy to promote its accomplishments and performance in the field of community-based rehabilitation, and generate more support from the community;
- Harmonize rehabilitation programs involving the integration of the three major flagship programs of the Agency, namely, Therapeutic Community, Volunteer Probation Aide Program and Restorative Justice;
- Benchmark best practices in rehabilitation and training technologies across regions by sharing and adopting the best practices among regional/field offices and partner agencies to enhance overall agency performance and work output;
- Strengthen funding support including the outsourcing of funds in the implementation of plans and programs from donors and lobbying for additional financial support from DBM and legislators;
- Develop information technology capability to enhance support services to field offices, improve communication of support planning, policy formulation, program implementation and evaluation, and showcase the Administration's accomplishments, programs and activities to gain assistance and tap best practices of corrections practitioners;
- Rationalize agency structure and system, geared towards formulating and implementing its own policies/programs/activities to complement government thrusts of rationalizing its services for a more responsive, effective and efficient bureaucracy; and
- Enhance personnel capability through opportunities for professional growth and development, building skills, and securing the safety and health of personnel thru an adequate wellness program.

## **PUBLIC ATTORNEY'S OFFICE**

The Public Attorney's Office (PAO) is mandated to extend free legal services to indigent persons or to the immediate members of their families in civil, administrative, labor and criminal cases, which services include judicial and quasi-judicial representation, mediation and counseling, jail visitation, inquest assistance, miscellaneous legal advice and documentation.

By the end of 2008, the PAO had 1,049 lawyers, who actively handle criminal and civil cases before 2,259 courts nationwide and about 25 lawyers devote themselves on appealed cases before the Court of Appeals and the Supreme Court. There are 17 regional and 258 district and sub-district offices, most of which are situated in Halls of Justice along with the courts and other offices involved in the administration of justice.

## **AGENCY OPERATIONS**

### **Free Legal Assistance and Judicial Representation**

In 2008, the total number of clients assisted was 4,839,988 or an average of 4,614 per PAO lawyer. The number of cases handled was 666,676 or an average of 636 per lawyer.

Despite the heavy caseload, the PAO was able to represent indigent accused in court. Of the 199,113 criminal cases represented by PAO lawyers before the courts, 147,583 or about 74% were favorable dispositions to indigent clients. PAO lawyers also facilitated the release of at least 81,966 convicts after having been acquitted or for other reasons.

As to criminal cases appealed before the Court of Appeals and Supreme Court, a total of 100 favorable decisions for PAO clients were obtained in 2008. Aside from these, 310 favorable dispositions were obtained by the PAO on appeals from the decision of the National Labor Relations Commission (NLRC), Social Security System (SSS) and Government Service Insurance System (GSIS).

By virtue of a MOA, the PAO has been maintaining its sub-station in the NLRC to facilitate the rendition of assistance to complaining workers and expedite proceedings. In 2008, a total of 5,488 clients were accommodated and were extended legal assistance.

### **Special Projects and Concerns**

***Jail Visitation and Decongestion Program*** – As approved by the Secretary of Justice, the PAO continued its nationwide free legal and medical jail visitation and decongestion program. Through the program, at least 5,337 received legal advice, 7,864 received medical/dental assistance, 1,415 provided reading glasses and/or received eye consultations, and 9,818 inmates released.

***Children in Conflict with the Law and Violence against Women*** – The PAO has continuously devoted special attention to the cause of women and children in so far as the criminal justice system is concerned. In 2008, 80,698 cases of women and 17,565 cases of children in conflict with the law were represented in court by PAO lawyers.

***Research and Communication*** – A total of 572 research works were duly accomplished, including legal queries from the public. The sudden surge in the number of research work was brought about by the increased public trust coupled with consistent tri-media linkage as a means of education and information dissemination.

### **INSTITUTIONAL STRENGTHENING**

On the average, a PAO lawyer is assigned to two (2) to four (4) courts. This is on top of the day-to-day rendition of free legal assistance to thousands of clients. While recruitment has been high and vacancy rate low, turn-over of PAO personnel especially the lawyers has been high due to transfers to other agencies such as the NPS, Office of the Ombudsman and the Judiciary, or engagement in private practice.

Pursuant to RA 9406, the ranks and salaries of incumbent public attorneys were upgraded equivalent to their respective counterparts in the NPS, which may somehow slow down the turnover of PAO lawyers. This has necessitated sustained capacity building to ensure that all, including newly hired lawyers are thoroughly equipped to discharge their duties.

In 2008, the PAO conducted two (2) Mandatory Continuing Legal Education (MCLE) - accredited seminars and trainings on Forensic Science held in Iloilo City, which were both attended by Public Attorneys and dubbed as "PAO's Advanced Training/Workshop in Forensic Medicine and Science". There were about 172 seminars attended by a total of 925 lawyers and 104 support staff. As part of the capacity building efforts, legal books and reference materials were distributed to all regional and district offices and subscription to *Lex Libris* was provided to the central office as well as all regional offices.

Through its tri-media linkage, the PAO also continued rendering legal advice to the general public through the "Say Mo Attorney" column in the People Tonight tabloid, released every Monday, Wednesday and Friday. A legal advice column "Dear PAO" started in November 2008 in The Manila Times with a total of 60 articles published by the end of the year. The PAO also cooperated with the broadcast media with the provision of on-the-air legal counseling in various radio and television stations nationwide.

The Office was able to procure much needed office furnishings and equipment in order to improve working conditions and increase office productivity. Through the computerization program, existing computer units were also upgraded.

## **MAJOR PLANS**

Hereunder the major plans and thrusts of the PAO:

- 4<sup>th</sup> MCLE-Accredited National Convention of PAO Lawyers ;
- Continued activities and outreach programs for the welfare of prisoners and inmates, including Free Legal and Medical Visitation and Decongestion Program;
- Continued enhancement of skills and competence of lawyers and staff;
- Formulation and adoption of Citizen's Charter under the Anti-Red Tape Law;
- Continued promotion of good governance, professionalism and anti-corruption measures;
- Continued improvement of communication facilities and other office equipment;
- Vigorous efforts to implement the compensation scheme and incentives of PAO lawyers and increase the number of lawyers and support staff assigned in regional and district offices pursuant to RA 9406 (new PAO Law), in order to meet the ideal ratio of one PAO lawyer assigned to one court, towards a more effective and efficient representation of clients;
- Continued coordination with the tri-media for the advancement of PAO outreach activities particularly free legal advice and counseling;
- Vigorous rendition of prompt, effective and adequate legal services to the indigent sector and continued active participation in ongoing pro-poor programs of the government; and
- Maintain programs and policies in achieving virtues of excellence, integrity, professionalism and moral values of all PAO lawyers and staff.

## **PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT**

The Presidential Commission on Good Government (PCGG) was created by virtue of Executive Order No. 1 of President Corazon C. Aquino on February 28, 1986. Its primary mandate is to assist the President in the recovery of ill-gotten wealth of former President Ferdinand E. Marcos, his immediate family, relatives, subordinates and close associates, whether in the Philippines or overseas, investigation of corruption cases as the President may assign, and the adoption of safeguards to ensure that the aforementioned practices shall not be repeated, and the institution of adequate measures to prevent the occurrence of corruption. Effective May 26, 2005, by virtue of EO No. 432, PCGG has been empowered to assume the task of investigation, filing and prosecution of cases for recovery of claims arising out of non-performing loans whether behest or non-behest. In July 2007, EO No. 643 placed the PCGG under the administrative supervision of DOJ.

## AGENCY OPERATIONS

The recovery of ill-gotten wealth involves four (4) major functions, which constitute the PCGG's areas of accountabilities, namely:

- Prosecution and litigation of cases involving the recovery of ill-gotten wealth in the Philippines and abroad;
- Preservation, administration and management of sequestered assets to prevent their dissipation;
- Disposition of surrendered assets, the proceeds of which are to be deposited with the Bureau of Treasury, in trust for the Comprehensive Agrarian Reform Program (CARP); and
- Continuing identification, investigation and conduct of research of ill-gotten wealth, both domestic and abroad.

Some of the major accomplishments of the Commission in 2008 were as follows:

- In line with the 111,415 Philippine Telecommunications Investment Corporation (PITC) shares declared ill-gotten wealth by the Sandiganbayan, the PITC had delivered to PCGG a portion of the dividends in the amount of P757,633,714.17. In November and December 2008, the PTIC paid the balance of the cash dividends in the total amount of P433,584,177.60.
- The PCGG deposited with the Bureau of the Treasury (BTr) under escrow account the amount of P1.5 million from 2008 lease rentals of six (6) condominium units in Galeria de Magallanes, Magallanes Village, Makati City. The total deposit by the end of 2008 was P16,066,327.21 in escrow account in the BTr and P454,882.82 in a Land Bank savings account.
- A gross income of P5,342,337.63 was generated in 2008 from lease of various properties, trade fair, gate receipts and sale of copra/nipa shingles in Region VIII. The total deposit by the end of 2008 was P12,389,248.74 in escrow account in the BTr and P794,709.44 in Land Bank and PNB accounts.
- Coordinated with the Privatization Council (PrC) and DBP regarding the sale of the remaining Meralco shares ceded to the National Government which were sold and to the GSIS on in January 2008. The net amount of P2,083,438,176.37 was remitted to the BTr.
- Conducted public bidding for the privatization of 42,043 sq.m. Tagaytay property, which was awarded and sold to the Philippine Amusement and Gaming Corporation (PAGCOR). The amount of P172,442,481.57 was remitted by PCGG to the BTr in February 2008.
- Continued efforts to solicit legitimate and credible evidence on all ill-gotten wealth cases. This includes in-depth research and analysis of reports of alleged money laundering activities of the Marcoses and his nominees and associates. The PCGG continually coordinated and maintained linkages with various government agencies in relation to fortification of pending ill-gotten wealth and behest loan cases filed by the PCGG.

In 2008, a total of P3.753 billion were recovered and remitted to the national treasury. The net cash recoveries from 1986 to 2008 amounted to P89.959 billion. The PCGG is

mandated to remit the net proceeds of the disposal of surrendered assets to the Bureau of Treasury for the CARP. The amount remitted in the year 2008 is P1,340,258,938.59, with a total remittance of P84.047 billion from 1987 to 2008. The PCGG has still in its possession, surrendered assets valued at P20.9 billion. The Agency had already submitted to the DBM its privatization plan for FY 2009 to 2011 for the purpose.

### **Behest Loans Project**

Loans have been classified as “behest loans” due to the presence of two or more of the eight (8) criteria mentioned under Memorandum Order No. 61, dated November 9, 1992, pursuant to Administrative Order No. 13, dated October 18, 1992 creating the now defunct Presidential Ad Hoc Fact – Finding Committee on Behest Loans, namely :

1. It is under collateralized;
2. The borrower corporation is undercapitalized;
3. Non-feasibility of the project for which financing is being sought;
4. Endorsement by high government officials (presence of marginal notes);
5. Extraordinary speed in the release of loans;
6. Stockholders or management closely associated with the Marcos cronies;
7. Corporate layering; and/or
8. Diversion of loan proceeds to other purposes.

For the Marcos era alone, there were already 419 accounts reviewed by the defunct Presidential Ad-hoc Fact Finding Committee with the total amount of P105.559 billion. It is estimated that almost similar number of accounts will have to be reviewed covering the 20-year post Marcos period. Based on latest statistics, for the Marcos period alone, there is a potential recovery of P50,290,155,000 from those accounts, which turned out to have been granted upon the behest of then President Marcos, based on the defunct Technical Working Group. This is exclusive of the possible P55,268,513,000 which may be recovered out of government-initiated projects, government-sequestered accounts, accounts which turned out to be non-behest (but will still be reviewed by the Behest Legal Team), and other accounts.

### **INSTITUTIONAL STRENGTHENING**

Continuous computerization of PCGG records has been undertaken to for purposes of preservation and easy access and retrieval of documents relevant to all PCGG cases filed in various courts. The official Agency website has also been continually updated in order to provide the public with important information about the Commission.

### **MAJOR PLANS**

The PCGG identified six (6) continuing goals and objectives, as follows:

- Continue the search for the Marcos ill-gotten wealth by continually linking with all foreign governments and their agencies involved in International Mutual Legal Assistance on Criminal Matters and other applicable treaties, and initiate necessary legal actions to recover acquired properties abroad of the Marcoses and associates;
- Strengthen the information technology capability;
- Conduct periodic performance audit of special counsels and to hire competent and determined lawyers to assist in the speedy litigation of ill-gotten wealth cases pending before the Sandiganbayan and other courts;
- Preserve, administer and manage assets under sequestration and/or subject of litigation, and surrendered/recovered, through ocular inspection, physical inventory and monitoring preparatory to disposition;
- Privatize surrendered assets under the Agency’s control to augment national budgetary requirement of the CARP; and
- Pursue the filing of additional behest loans cases in accordance with EO 432.

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