



Republic of the Philippines
Department of Education

16 JUL 2013

DepEd MEMORANDUM
No. **123**, s. 2013

DISSEMINATION OF OFFICE OF THE OMBUDSMAN MC NO. 3, S. 2012
(Guidelines on Public Access to Statements of Assets, Liabilities and Net Worths (SALNs) Filed with the Office of the Ombudsman)

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Secretary, ARMM
Regional Directors
Schools Division/City Superintendents
Heads, Public and Private Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of the Office of the Ombudsman Memorandum Circular (MC) No. 03, s. 2012 entitled **Guidelines on Public Access to Statements of Assets, Liabilities and Net Worths (SALNs) Filed with the Office of the Ombudsman** which is self explanatory.
2. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:

As stated

Reference:

N o n e

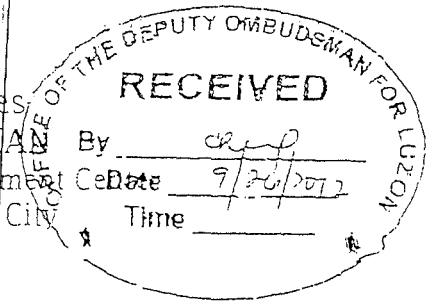
To be indicated in the Perpetual Index
under the following subjects:

BUREAUS & OFFICES
EMPLOYEES
LEGISLATION
OFFICIALS
REQUEST

Rhea/R-DM Office of the Ombudsman MC No. 3, s. 2012
0605/July 2, 2013



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Ombudsman Bldg., Agham Road, Government Center
North Triangle, Diliman, Quezon City



MEMORANDUM CIRCULAR NO. 03

Series of 2012

GUIDELINES ON PUBLIC ACCESS TO STATEMENTS OF ASSETS, LIABILITIES
AND NET WORTH (SALNs) FILED WITH THE OFFICE OF THE OMBUDSMAN

SECTION 1. *Statement of Policy.* All Statements of Assets, Liabilities and Net Worth (SALNs) filed with the Office of the Ombudsman, including its area and sectoral offices, shall be accessible and made available to the public for inspection and reproduction during reasonable hours of working days, subject to the guidelines herein provided.

SEC. 2. *Period of Accessibility.* The SALNs shall be made available to the public for inspection and reproduction after ten (10) working days from the time they are filed as required by law and for a period of ten (10) years after receipt thereof.

Pursuant to existing rules, the concerned administrative/personnel division of the covered Offices, Departments, Bureaus or Agencies shall receive and collect all SALNs of public officials and employees within their respective employ, and make a complete submission thereof, with a Summary Report listing the compliant and non-compliant personnel to be certified by the head of agency, to the appropriate Ombudsman office on or before May 30 of every year. The concerned administrative/personnel division may still submit within the grace period of thirty days (30) days or until June 30 of every year, provided there are meritorious reasons for the delay, which ground shall be stated in the submission/transmittal to the appropriate Ombudsman office.

SEC. 3. *Where to file Request.* A request for a copy of a SALN (SALN Request) shall be filed with the appropriate public assistance bureau of the central/area/sectoral office which is the official repository of the requested SALN. Pursuant to existing rules, the following are the official repositories of the SALNs filed with the Office of the Ombudsman:

a) *National or Central Office:*

- a.1. President and Vice President of the Philippines
- a.2. Chairpersons and Commissioners of the Constitutional Commissions and Offices.

b) *Deputy Ombudsman for the Military and Other Law Enforcement Offices*

- b.1. Regional officers below the rank of Colonel or Naval Captain including civilian personnel of the AFP, including those in the National Capital Region but not in the AFP Central Office
 - b.2. Regional officials and employees of the PNP, including those in the National Capital Region but not in the PNP Central Office
 - b.3. Regional officials and employees of the following law enforcement offices:
 - i. Bureau of Fire Protection
 - ii. Bureau of Jail Management and Penology
 - iii. Bureau of Corrections
 - iv. Philippine Coast Guard
 - b.4. Officials and employees in National Capital Region of the:
 - i. National Police Commission
 - ii. Port and Airport Police
 - iii. Customs Police/Customs Investigation Intelligence Service
 - iv. City and municipal jails
 - v. Land Transportation Office "Flying Squad"
 - vi. Bureau of Immigration, as immigration officers, intelligence officers/agents/aides, investigation agents, and law enforcement evaluation officers
 - vii. Department of Public Safety and Traffic Management and other similar traffic offices of cities and municipalities, as traffic enforcers or similar personnel
 - viii. Metropolitan Manila Development Authority as traffic enforcers
 - b.5. All other uniformed officers and personnel detailed at civilian offices.
- c) *Concerned Deputy Ombudsmen for Luzon, Visayas or Mindanao:*
 Subject to the scope of coverage of paragraphs b.3 and b.5 of this Section.
- c.1. Regional officials and employees of Departments, Bureaus and Agencies of the National Government including the Judiciary and Constitutional Commission and Offices
 - c.2. Regional officials and employees of Government- Owned and Controlled Corporations and their subsidiaries in the region
 - c.3. All officials other than the heads of State Colleges and Universities in the region
 - c.4. Municipal and City officials and employees including Mayors, Vice Mayors, Sangguniang Bayan/Panlungsod members and Barangay officials
 - c.5. Provincial officials and employees including Governors, Vice Governors and Sangguniang Paulalawigan members.
- d) *Overall Deputy Ombudsman:*
- d.1. Subject to the scope of coverage under Sec. 3 (b), such officials in subparagraphs c.1 to c.4 in the National Capital Region save for those in the respective central offices of the agencies.

SALN requests made under paragraphs (a) and (d) shall be filed with the Public Assistance Bureau of the Central Office.

SEC. 4. *Procedure.* Except in case of a subpoena issued by a competent authority in a pending case or a request personally signed by the director or authorized officer of either a quasi-judicial agency in a pending case or an investigative body under an existing memorandum of agreement, all SALN requests shall be made by filling up the prescribed SALN Request Form (see Annex "A", downloadable from Office website) in duplicate copies, which shall clearly and legibly indicate therein the requester's full name, signature, business or residential address, contact number and other circumstances that will show that the party is not fictitious, and be subscribed and sworn to before any authorized officer of this Office.

i. The requester shall present the original of at least two IDs, one of which is a government-issued ID bearing the requester's picture and signature, for photocopying. In case the purpose is for media dissemination to the general public, the requesting member of the press should present, in addition to a government-issued ID, his/her official Press ID with proof of affiliation or accreditation as a legitimate media practitioner. A student-requester shall present his/her current Student ID, along with an indorsement from the proper school authorities.

ii. All requests for copies of SALNs shall be granted, except where:

- a. this Office is not the official repository of the requested SALN;
- b. the requested SALN is not on file with or in actual possession of the Office;
- c. the purpose of the request is contrary to law, morals or public policy;
- d. the request is for any commercial purpose other than by news and communications media for dissemination to the general public;
- e. the request is prompted by sheer idle curiosity;
- f. the identity of the requesting party appears to be fictitious;
- g. the requester has a derogatory record of having misused any information previously furnished; and
- h. there are grounds to believe that the request is being made with a plainly discernible improper motive (e.g., harassment) or other analogous circumstances.

iii. The SALN request shall be assessed by a processing officer of the public assistance bureau, reviewed by the records division/unit chief/head, and approved by the public assistance bureau director. In exceptional cases, the SALN request may be referred, for study and appropriate action, to the Office of Legal Affairs whose letter-advice shall be attached to the SALN Request Form

iv. The favorable action or specific ground/s for not granting the SALN request shall be clearly stated in the appropriate space in the SALN request form, one copy of which shall be returned to the requester.

- iii. All SALN requests shall be acted upon within a reasonable period
- iv. The private address of the concerned public official or employee shall be redacted.
- v. The requester shall pay the costs of reproduction/certification. The Assistant Ombudsman for finance shall periodically review and recommend the schedule of fees to be charged.
- vi. A letter-request for the issuance of a certification of non-filing of SALN shall be considered a SALN Request. The letter-sender shall be advised to follow the procedure herein outlined and any outcome thereon shall be indicated in the SALN Request Form
- vii. In case the requester could not personally receive the requested SALN upon release, he/she may indicate the name of his/her authorized representative in the same SALN Request Form

SEC. 5. Public Record. The SALN request form shall be treated as part of the public record. A public official or employee may obtain a copy of any SALN request form filed relating to him/her, unless the requester reserved or indicated otherwise in keeping with his undertaking in the SALN request form. Such letter-request shall be filed with the public assistance bureau of the central/area/sectoral office.

In case there is a showing of violation of the requester's undertaking in the SALN request form, or an encroachment on the public official or employee's right to privacy that is attributable to the requester, the public official or employee may request a copy of a specific requester's SALN request form for purposes of availing legal remedies, notwithstanding any reservation made by the requester in the SALN Request Form. Such letter-request shall be referred to the Office of Legal Affairs for appropriate action.

SEC. 6. Lifestyle Check even without a SALN. In case the requester has reason to believe that the assets and properties of a public official or employee are unreasonably disproportionate to his/her income, the requester may state the reasons thereof in writing and report the matter to the Field Investigation Office, counterpart bureaus in area/sectoral offices, or special panels of investigators, even where the SALN of the public official or employee cannot be secured for any reason


SEC. 7. Miscellaneous Provision These guidelines do not cover requests for copies of the curriculum vitae, resumé or other similar profile documents of a public official or employee, which request shall be referred to the concerned individual or the appropriate office, as may be provided by law

SEC. 8. *Transitory Provision.* This Memorandum Circular shall prospectively apply to SALN requests filed upon effectivity hereof. All pending SALN requests, however, that have been referred to the Office of Legal Affairs pursuant to previous guidelines, shall be acted upon under this Memorandum Circular insofar as it is beneficial to the requester.

SEC. 9. *Repealing Clause.* Memorandum Circular No. 01, series of 2009, and other previous issuances inconsistent herewith are hereby repealed or modified accordingly.

SEC. 10. *Effectivity Clause.* This Memorandum Circular shall take effect on October 15, 2012 after fifteen (15) days following the completion of its publication in a newspaper of general circulation and upon filing of three (3) certified copies thereof with the University of the Philippines Law Center.

11 September 2012, Quezon City, Philippines


CONCHITA CARPIO MORALES
Ombudsman

Copy furnished:

The Special Prosecutor
All Deputy Ombudsmen
Assistant Ombudsmen
Deputy Special Prosecutors
Bureau Directors
Legal Staff of the Office of Legal Affairs,
Officers and staff of the Public Assistance Bureau
and counterpart bureaus in area/sectoral offices, and
Officers and staff of the Central Records Division
and counterpart bureaus/units in area/sectoral offices.

Filed with the University of Philippine
Law Center on September 14, 2012

Published in a Newspaper "The
Philippine Star" on September 26, 2012