



OCT 1 1 2010

DepEd MEMORANDUM
No. **440** , s. 2010

**DISSEMINATION OF THE MEMORANDUM CIRCULAR NO. I
FROM THE OFFICE OF THE OMBUDSMAN**

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services/Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents
All Others Concerned

1. For the information and guidance of all concerned, enclosed are copies of the letter of the Resident Ombudsman dated 23 August 2010 and Memorandum Circular No. 1 dated February 11, 1992, based on Republic Act No. 6770, otherwise known as the Ombudsman Act of 1989, requiring all heads of departments, offices, bureaus and agencies of the national and local government, including government-owned and controlled corporations, and their respective constituents to secure clearance indicating that they have no pending criminal or administrative case with the Office of the Ombudsman, before they be allowed to retire or resign.
2. Immediate dissemination of this Memorandum is desired.

BR. ARMIN A. LUISTRO FSC
Secretary

Encls.: As stated
Reference: None
To be indicated in the Perpetual Index
under the following subjects:

EMPLOYEES LEGISLATION POLICY OFFICIALS

R: sgc/republic act 6770 (ombudsman act of 1989)
October 1, 2010





Republic of the Philippines
Office of the Ombudsman
OFFICE OF THE RESIDENT OMBUDSMAN
DEPARTMENT OF EDUCATION
Room 108, Mabini Bldg. Department of Education Complex
Pasig City
Tel/Fax. No. 633-7258



23 August 2010

HON. ARMIN A. LUISTRO, FSC
Secretary of Education
Pasig City

THRU: **ALBERTO T. MUYOT**
Undersecretary for Legal Affairs

Dear Secretary Luistro:

This clarifies the concern of some DepEd employees in the Region regarding the necessity of securing the Ombudsman clearance for purposes of retirement, transfer or promotion.

Sec. 12, R. A. No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act states, thus:


“Sec. 12. Termination of office. No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under this Act or under the provisions of the Revised Penal Code on bribery.”

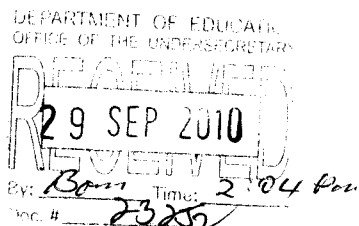
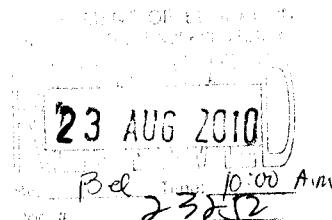
In support of the foregoing, Memorandum Circular No. 1, s. of 1992, as attached, was issued by the Office of the Ombudsman enjoining all Heads of Departments, Offices, Bureaus and Agencies of the National and Local Governments, including Government Owned and Controlled Corporations to secure the Ombudsman clearance for purposes of retirement or resignation.

As our assistance to DepEd employees who are based in the Metro Manila areas, applications for Ombudsman clearance may be coordinated with the Office of the Resident Ombudsman or at the nearest OMB-Sectoral Offices nationwide.

For your appropriate action. Thank you very much and more power!

Very respectfully yours,


ATTY. RUBY R. GONZALES
Supervising Resident Ombudsman
Department of Education



File
CRB



RECEIVED
OFFICE OF THE OMBUDSMAN
FEB 11 1992

OFFICE OF THE OMBUDSMAN
UNSA BUILDING 1116 ARROZOS STREET 11099 MANILA, PHILIPPINES

MEMORANDUM CIRCULAR NO. 1
Series of 1992.

T O : ALL HEADS OF DEPARTMENTS, OFFICES, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATION.

R E : OMBUDSMAN CLEARANCE

Section 12 of Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act" provides that "(N)o public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under this Act or under the provisions of the Revised Penal Code on bribery".

In order that the foregoing prohibition may be strictly observed, all concerned are hereby enjoined not to allow the retirement, or accept the resignation of any "public officer" as defined under said Act without first securing/presenting a clearance to the effect that he has no pending criminal or administrative case with this Office.

Any person found to be not complying with this Circular may be punished for contempt pursuant to Section 15(9) of Republic Act No. 6770 (Ombudsman Act of 1989).

This circular takes effect immediately.

February 11, 1992.

CONRADO M. VASQUEZ
Ombudsman

DCC/mgg
Aix. B. Bumarilagay
Received By: Aldana 2/12
for MCD
2/16/92