



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
**OFFICE OF THE DEPUTY OMBUDSMAN FOR THE MILITARY**  
**AND OTHER LAW ENFORCEMENT OFFICES**  
3<sup>rd</sup> Floor, Ombudsman Bldg., Agham Road, Diliman, Quezon City (1104), Philippines

June 23, 2011

**DIANA PARKER**

Asia Associate  
Human Rights Watch  
1630 Connecticut Avenue, NW, Suite 500  
Washington, DC 20009 USA

Dear Madam,

This is in response to your query and request for information about the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (OMB-MOLEO), particularly, in connection with your research on extrajudicial killings and enforced disappearances in the Philippines since June 30, 2010.

We welcome your initiative, and we are willing to cooperate with you in this endeavor, but with certain reservations especially on matters which might violate the rules on confidentiality of active pending cases under preliminary investigation and/or administrative adjudication.

In this connection, please find the attached profile and jurisdiction of OMB-MOLEO, in relation to other offices and investigative agencies of the government.

Director Mary Rawnsle V. Lopez-Despojo of the Office of the Acting Ombudsman (contact no. 9268778), Director Dennis L. Garcia of CIPAAB, Office of the Deputy Ombudsman for the MOLEO (contact no. 9268746) and Atty. Conrado A. Estreller, Jr., likewise of OMB-MOLEO, will assist you in the conduct of your research on Extra-Judicial Killings and Enforced Disappearances (EJKs and EDs) cases in the Philippines.

Respectfully yours,

  
**EULOGIO S. CECILIO**

Assistant Ombudsman/Officer-In-Charge

Encls.: a/s

Copy furnished:

**HON. ALBERT F. DEL ROSARIO**

Secretary  
Department of Foreign Affairs  
11<sup>th</sup> Floor, DFA Building  
2330 Roxas Boulevard,  
Pasay City



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**PROFILE AND JURISDICTION**  
**OF THE OFFICE OF THE DEPUTY OMBUDSMAN FOR THE MILITARY AND**  
**OTHER LAW ENFORCEMENT OFFICES (OMB-MOLEO)**

The Office of the Ombudsman, Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (OMB-MOLEO), upon complaint or at its own initiative undertakes preliminary investigations for criminal complaints, administrative adjudication for administrative complaints and fact-finding investigation against members of the Armed Forces of the Philippines (AFP), Philippine National Police (PNP) and officers or employees of Other Law Enforcement Offices of the government.

The Office of the Ombudsman (OMB) is a constitutionally mandated and statutory created office<sup>1</sup>. It is an independent Office from the Department of Justice (DOJ) and the Philippine National Police. The National Prosecution Office and the National Bureau of Investigation (NBI) are under the control and supervision of the Department of Justice. On the other hand, the Philippine National Police is under the Department of the Interior and Local Government (DILG).

Preliminary investigation is a proceeding to determine whether there is sufficient ground to believe that a crime has been committed and the respondent is probably guilty thereof and should be prosecuted before a court of law. Upon finding of probable cause, a criminal case will be filed by the OMB-MOLEO before the *Sandiganbayan* (Philippine's anti-graft court) or regular courts nationwide, as the case maybe. Graft and corruption cases involving high ranking officials (i.e., those who occupy salary grade 27 and above like governors, congressmen, mayors, cabinet secretaries, undersecretaries, bureau directors, as well as those specifically stated in the law) are within the exclusive jurisdiction of the Sandiganbayan. All other crimes (e.g., murder, homicide, kidnapping, illegal detention, etc.) committed by such high ranking officials in relation to their duties should also be filed before the Sandiganbayan. All other cases not falling within the said instances will be filed before the regular courts.

The Office of the Special Prosecutor (OSP), *also under the Office of the Ombudsman*, prosecutes cases before the *Sandiganbayan*. On the other hand, OMB Prosecution Bureaus nationwide (OMB-Central, OMB-Luzon, OMB-Visayas, OMB-Mindanao and OMB-MOLEO) prosecute cases before the regular

<sup>1</sup> The 1987 Philippine Constitution and Republic Act No. 6770;

## Profile and Jurisdiction of the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices

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courts, albeit, prosecutors of the Department of Justice are still deputized to handle other cases in regular courts nationwide.

The OMB holds disciplinary authority over all elective and appointive officials, *except members of Congress and the Judiciary, and those officials removable only by impeachment.* The OMB-MOLEO handles the administrative cases filed against members of the AFP, PNP, and other Law Enforcement Offices of the government. During administrative adjudication, parties are afforded the opportunity to present evidence to support their allegations and defenses. If there is *substantial evidence* against the respondent(s), then penalties such as reprimand, fine, transfer, demotion, suspension or dismissal from service are imposed on the erring public official(s) and/or employee(s).

Fact-finding investigation is akin to what the National Bureau of Investigation does. Since the OMB accepts complaints in any form, including those which were sent anonymously that are full of allegations but without any attached pieces of evidence, the OMB-MOLEO may subject these complaints to what is known as fact-finding investigation. The OMB in administrative cases may preventively suspend any officer or employee pending an investigation. The preventive suspension shall continue until the case is terminated by the OMB but not more than six months, without pay.

OMB-MOLEO is under the Office of the Ombudsman (also known as the *Tanodbayan*). Headed by the Deputy Ombudsman and his Assistant Ombudsman, the OMB-MOLEO houses the Criminal Investigation, Prosecution, Administrative Adjudication Bureau (CIPAAB) which conducts preliminary investigation and administrative adjudication. The Fact-Finding and Investigation Bureau (FFIB) is the division which conducts and gathers intelligence information. On the other hand, the Public Assistance and Community Coordination Bureau (PACCB) is the section which assists complainants in their quest for justice. Each Bureau is headed by a Director. The OMB-MOLEO has twenty three (23) lawyers designated as Graft Investigation and Prosecution Officers and Ten (10) Associate Graft Investigation Officers.

The OMB-MOLEO incessantly performs its constitutional mandate as "*protector of the people*" and is continuously monitoring cases of extra-judicial killings and enforced disappearances. Several measures were adopted, including the creation of task forces in high-profile cases for expeditious resolution. To update its investigation and prosecution officers, the OMB-MOLEO has been coordinating with the DOJ and the Commission on Human Rights (CHR) through the conduct of extra-judicial killings and enforced disappearances seminars nationwide.

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However, due to the absence of specific law defining and delineating cases of extra-judicial killings and enforced disappearances as a special crime, the OMB-MOLEO investigates and prosecutes such cases as murder, homicide, kidnapping, illegal detention and etc., in accordance with the Revised Penal Code and existing laws. In fact, House Bill 04142 defining the crime of Extra-Judicial Killings or Extra-Legal Killings and Enforced Disappearances is still pending in the lower house of Congress.

Recently, on June 10, 2011, the OMB-MOLEO participated in an Inter-Agency Dialogue to resolve expeditiously the Extra-Judicial Killings and Enforced Disappearances (EJKs and EDs) cases in the Philippines, presented by the Department of Justice together with Asia Foundation and Ateneo Human Rights Center. In this connection, a Special Task Force to address EJKs and EDs shall be created.

With regard to your inquiry, the OMB-MOLEO records section needs the names of the complainant and the respondent or the docket number of each case. It is unfortunate that we failed to find in our computer records the listed cases primarily due to the absence of such information.