



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 08
SERIES OF 2020

740.11 ED, LMD (P)

AN ORDER RECONSTITUTING THE INVESTIGATING COMMITTEE AND ITS SECRETARIAT, AND IDENTIFYING THE SPECIAL ADMINISTRATIVE PROSECUTORS, AND DEFINING THE RESPECTIVE POWERS, FUNCTIONS, AND DUTIES THEREOF.

WHEREAS, Section 6, Article IX-A of the 1987 Philippine Constitution in relation to Executive Order No. 292 or the Administrative Code of 1987 empowers the Civil Service Commission (CSC) to prescribe, amend and enforce rules and regulations to effectively carry into effect the provision of the Civil Service Law and other pertinent laws which includes the procedure in administrative cases in the Civil Service;

WHEREAS, pursuant to the above mandate, the CSC promulgated the Revised Rules on Administrative Cases in the Civil Service last November 10, 2011;

WHEREAS, Republic Act 7160 or the Local Government Code of 1991 (LGC) particularly Section 83 to Section 88 thereof provides that the administrative discipline and investigation of city government employees rest on the City Mayor and shall be in accordance with Civil Service law and rules and other pertinent laws;

WHEREAS, in its desire to put into place an effective and impartial system to conduct proper administrative proceedings, to ensure proper observance of due process, and to avoid delay in the disposition or resolution of complaints against City Government of Davao employees, the City Government of Davao through the City Mayor created the Investigating Committee through Executive Orders No. 37 series of 2013 and Executive Order No. 06 series of 2019;

WHEREAS, there is a need to reconstitute the Investigating Committee.

NOW THEREFORE, I, SARA Z. DUTERTE, City Mayor of Davao, by virtue of the powers vested in me, do hereby order and direct:

SECTION 1. RECONSTITUTION OF THE INVESTIGATING COMMITTEE.

The Investigating Committee is hereby reconstituted and shall be composed of the following, to wit:

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|---------------------------------|---|---|
| Chairperson | - | Atty. Osmundo P. Villanueva, Jr.
City Legal Office, OIC |
| Members: | | |
| 1. Mr. Lemuel G. Ortonio | - | Human Resource Management Officer |
| 2. Vingelin A. Bajan | - | City Accountant |

SECTION 2. POWERS. FUNCTIONS AND DUTIES. The Investigating Committee shall have the following powers and functions:

1. Conduct Preliminary Investigation, through the Special Administrative Prosecutor, to determine the existence of prima facie case to warrant the filing of a formal charge pursuant to Section 15,16, and 17 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS),;
2. Conduct conferences to propound on clarificatory and relevant questions, summon all parties concerned and/or issue notices, subpoena duces tecum, subpoena ad testificandum, show-cause memoranda and other lawful processes to appropriate individuals relative to a complaint filed against an employee of the city government;
3. Submit to the City Mayor, through the Special Administrative Prosecutor, upon termination of the Preliminary Investigation, an Investigation Report with recommendation/s and the complete records of the case.
4. Conduct Formal Investigation pursuant to Section 39 of RRACCS and Section 86 of the LGC and thereafter submit the findings and recommendations to the City Mayor upon the conclusion of the same;
5. Perform such other functions as maybe necessary to the foregoing and as the undersigned may assign from time to time relative to investigations or complaints made against employees of the City Government.

SECTION 3. QUORUM AND VOTING SESSIONS.— A majority or a minimum of two (2) present shall be necessary to constitute a quorum for the Investigating Committee to validly conduct any proceeding or conduct its affairs, and the same number shall be necessary for it to act and vote on a matter brought before it.

SECTION 4. SPECIAL ADMINSTRATIVE PROSECUTOR. – All administrative actions shall be prosecuted under the direction and control of a Special Prosecutor. A private prosecutor may be authorized to prosecute during the administrative proceedings subject to an affirmative vote of the Investigating Committee.

The following employees of the City Legal Office shall act as the Special Prosecutors during the conduct of the investigations brought before the Investigating Committee, to wit:

1. Atty. Enrique J.A. Bonocan - Attorney IV, Special Prosecutor, Lead
2. Atty. Arsenio E. Caballero - Attorney IV, Special Prosecutor, Alternate
3. Atty. Luchie G. Sasing-Elias - Attorney IV, Special prosecutor, Alternate

Additional administrative prosecutors maybe designated by the City Mayor, as the need arises.

SECTION 5. SECRETARIAT. The Investigating Committee shall have its own Secretariat composed of the following office/persons who shall perform the respective functions indicated hereunder, to wit:

1. Ms. Carmelita S. Bangayan - General Services Officer, Secretariat Head
2. Ms. Cheerylee B. Saldua - HRMO II, Human Resource Management Office
3. Mrs. Violeta Bagaslao - City Legal Office, Stenographer/Encoder

4. Such other employees as may be designated by the City Mayor.

The Secretariat shall perform all clerical functions (i.e. encoding and service of appropriate communications, recording of all proceedings and etc.) necessary for the effective performance of the Investigating Committee.

SECTION 6. FUNDING/OPERATING COSTS.- All costs pertaining to the operation of the Investigating Committee, including the payment of honoraria, if there be any, shall be taken from the available funds of the Office of the City Mayor.

SECTION 7. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 8. EFFECTIVITY-This Executive Order shall take effect immediately.

Done in the City of Davao, this ___ day of DEC 28 2020, 2020.


SARA Z. DUTERTE,
— City Mayor

Attested by:


ATTY. ZULEIKA T. LOPEZ
City Administrator

