

DENR Memorandum Circular

No. 03

January 17, 1994

SUBJECT : Department Investigations

1. This pertains to investigations that this Department may conduct from time to time, on allegations of wrong doings by our personnel.
2. In order to ensure that malicious charges can be better likely to be distinguished from valid ones (hence, protecting our personnel from malicious acts) and, to the extent possible, identify those making charges for purposes that are invalid in so far as the service is concerned, the following procedures shall be henceforth observed:
 - 2.1 Upon receipt of the allegations, the receiving supervisor shall have the same evaluated by personnel that he/she shall designate, to determine their validity, credibility, or seriousness; signed allegations shall be given higher preference and credibility; unsigned allegations shall require at least two more additional confirmatory reports and shall need to be of very serious import (misdeeds requiring at least one year suspension if proven guilty) for them to be given credence.
 - 2.2 If upon initial evaluation, the receiving supervisor determines that the allegation is either or both probably valid, credible, or of serious nature, the person alleged to have done the wrong doing shall be notified of the allegation for him/her to explain in no more than 72 hours, his/her side of the allegation.
 - 2.3 If the receiving supervisor finds the explanation of the concerned personnel satisfactory, he/she (the supervisor) may choose to end the process by explaining to the ones making the allegations his/her having given credence to the explanation; in the event the supervisor finds conflicting facts presented in the original

allegation and the explanation of the person or persons against whom the allegation was made, the supervisor may opt to constitute an ad hoc fact finding committee to further evaluate the allegation and the explanation.

2.4 Depending on its findings (which should be contained in a written report to be produced by no later than thirty days after its constitution), the ad hoc committee shall recommend to the constituting supervisor whether or not (1) a full investigation is to be conducted and (2) a preventive suspension is to be imposed. The supervisor shall exercise prerogatives to determine the period of suspension, if at all a suspension is recommended by the ad hoc committee.

2.5 In the event that a full investigation is recommended by the ad hoc committee, the supervisor shall then order one according to existing Civil Service and Department regulations; higher authorities are to be notified of the order within forty-eight hours after the order has been issued; depending on the seriousness of the charges, and if warranted, the receiving supervisor may opt to elevate the charges to higher authorities or, upon the concurrence of higher supervising officials, refer the charges to other appropriate government investigative agencies.

3. Any deviation from these procedures would require a full justification by the investigating supervisor.

4. FOR FULL COMPLIANCE AND OBSERVANCE BY ALL PERSONNEL.

ANGEL C. ALCALA
Secretary