

Self Assessment Report on Project Implementation

Philippines:

Strengthening investigative and prosecutorial capabilities: Focus on the office of the Ombudsman deputized prosecutors

Pillar 2 – Strengthening Investigative and Prosecutorial Capacities

Implementing agency/ contact: Office of the Ombudsman, Hon. Simeon v. Marcelo (Ombudsman)

Project budget: United Nations Development Programme (UNDP) – supported project – US\$60,000.00

Starting date: December 2002

Closing date: June 2003

Project description:

This project is designed to strengthen the investigative and prosecutorial skills of Ombudsman Deputized Prosecutors from the Department of Justice (DOJ). The DOJ prosecutors, pursuant to Republic Acts No. 7975 and 8249, have been tasked to handle graft and corruption cases (or Ombudsman cases) involving accused occupying positions with Salary Grade (SG) 26 and below, before the regular courts. The speedy handling and disposition of these cases requires proper coordination between the Office of the Ombudsman and DOJ prosecutors. Hence, the Office of the Ombudsman designed this capability-building conference-workshop for the DOJ prosecutors.

Project objectives and scope

Specifically, the capability-building project was aimed at attaining the following:

Review and revisit existing laws, statutes and jurisprudence on graft and corruption;

Discuss pointers on the successful prosecution of graft and corruption cases (or Ombudsman cases) in the regular courts;

Clarify the role and gain the commitment of DOJ prosecutors; and

Explain and secure acceptance for the proposed feedback and monitoring system.

The capability-building project was nationwide in scope. It covered DOJ prosecutors deputized as Ombudsman prosecutors in the National Capital Region (NCR), as well as in the 14 regions of the country.

Project inputs (project components and implementation steps)

This project has three components: a preparatory command conference, the conference-workshop proper-cum-survey and the report writing.

1. Preparatory Command Conference

This component established the functioning mechanisms within the Office of the Ombudsman to support the systematic conduct of the conference-workshop. Specifically, the objectives of the preparatory command conference were:

- a. Constitute a speakers' bureau or pool of trainers;
 - b. Form and train a group of facilitators; and
 - c. Prepare standard (instructional and handout) materials for the different modules of the conference-workshop
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2. Conference-Workshop Proper-cum Survey

This component served as venue for the Office of the Ombudsman to clearly define its thrust and approach in the investigation and prosecution of graft and corruption cases (or Ombudsman cases) which DOJ prosecutors handle. The preparatory command conference output, particularly item (c), helped attain the following objectives, to wit:

- a. Review and revisit existing laws, statutes and jurisprudence on graft and corruption;
- b. Discuss pointers in the successful prosecution of graft and corruption cases (or Ombudsman cases) in the regular courts;
- c. Clarify the role and gain the commitment of DOJ prosecutors; and
- d. Explain and secure acceptance for the proposed feedback and monitoring system.

A survey was also conducted before the completion of the conference-workshop. The objective of the survey is to get the opinion of DOJ prosecutors relative to the causes of corruption, the performance of anti-graft bodies, the adequacy and effectiveness of anti-graft laws, and their recommended measures on the same.

3. Report Writing

The preparation of the project report was completed in two stages. The first stage involved the preparation of the batch report upon completion of each batch. The second stage entailed the integration of the individual batch reports into a final report that was submitted to the United Nations Development Programme through the Government of the Philippines. The final report was written two weeks after the completion of the conference-workshop for the last batch and was completed in five (5) days.

The preparation of the research report was likewise done in two stages. The first stage was the preparation of the preliminary report covering the individual survey feedback of every batch. The final research report, after the conduct of the conference-workshop for the last batch, was also written in an integrated format and submitted to the Honorable Ombudsman.

The Office of the Ombudsman implemented all three components of the project in cooperation with the Department of Justice.

Project outputs

Project components 1, 2 and 3 were undertaken during the fourth quarter of 2002. Portions of components 2 and 3 were completed in the first quarter of 2003. The outputs derived per component were as follows:

Component 1. Preparatory Command Conference

A total of seven days is needed to complete this component. The activities for this component include: (a) preparation of standard (instructional and handout) materials for the different modules of the conference-workshop; (b) organization and briefing of a speakers' bureau or pool of trainers; (c) formation and training of a facilitators' group; and, (d) mapping out of the detailed conference-workshop schedule.

Immediate Objectives:

The immediate objectives of the preparatory command conference were the following:

1. To prepare standard (instructional and handout) materials for the different modules of the conference-workshop for use of key officials comprising the speakers' bureau or pool of trainers;
2. To orient the key officials comprising the speakers' bureau or pool of trainers on the use and availability of standard (instructional) materials for the different modules of the conference-workshop;
3. To initially train personnel of the Research and Special Studies Bureau (RSSB) of the Office of the Ombudsman on the role of being a facilitator; and
4. To calendar the activities of the conference-workshop.

Success Indicators:

The success indicators for the preparatory command conference are the following:

1. One (1) set of standard (instructional and handout) materials for the different modules of the conference-workshop;
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2. A speakers' bureau or pool of trainers primarily composed of at least 10 key officials from the Office of the Ombudsman;
3. A facilitators' group with initial 10 technical personnel from the Research and Special Studies Bureau as members; and
4. A final conference-workshop calendar.

Component 2. Conference-Workshop Proper-Cum-Survey

This component started immediately after the conduct of the command conference and was completed in the first quarter of 2003. There were 14 batches of 2-day conference-workshops conducted in Luzon, Visayas, and Mindanao. The 14 batches of conference-workshops were conducted in the 12 regions of the country, including the Cordillera Autonomous Region (CAR) and the Autonomous Region of Muslim Mindanao (ARMM). Each conference-workshop had between 35 to 40 participants selected from among the 1,090 DOJ prosecutors. A DOJ prosecutor selected as participant must be handling an Ombudsman case. Each conference-workshop concluded with the writing of a batch report that accordingly formed part of the final report written two weeks after the last conference-workshop and completed in five (5) days. A final activity for each batch was the conduct of a survey to determine the perception of DOJ prosecutors on the causes of corruption, the performance of anti-graft bodies, the adequacy and effectiveness of anti-graft laws, and the listing of recommended measures on the same.

The Office of the Ombudsman had underwritten the implementation of the conference-workshop for the National Capital Region (NCR) scheduled on 29th October 2002.

Immediate Objectives:

The immediate objectives of the conference-workshop proper-cum-survey were:

1. Review and revisit existing laws, statutes and jurisprudence on graft and corruption;
2. Discuss pointers on the successful prosecution of graft and corruption cases (or Ombudsman cases) in the regular courts;
3. Clarify the role and gain the commitment of DOJ prosecutors;
4. Explain and secure acceptance for the proposed feedback and monitoring system; and
5. Determine the perception of DOJ prosecutors on the causes of corruption, the performance of anti-graft bodies, the adequacy and effectiveness of anti-graft bodies, and their recommended measures on the same.

Success Indicators:

There should, at least, be one batch report prepared containing the identified areas of integration between the Ombudsman and the Department of Justice. There should likewise be one survey to be administered in every conference-workshop.

Component 3. Report Writing

The writing of the conference-workshop and research reports commenced two weeks after the completion of the last conference-workshop and was completed in five (5) days. The individual batch and survey reports were integrated to form the final conference-workshop.

Immediate Objective:

To prepare a final conference-workshop and research report that integrates and considers the individual batch and survey reports, respectively.

Success Indicator:

There should, at least, be one final conference-workshop report submitted to the United Nations Development Programme through the Government of the Philippines.

Project benefits and risks

The Project would benefit the DOJ prosecutors as it would help improve and enhance their prosecutorial skills. Hopefully, it would help in improving the government's conviction rate in anti-graft cases and, in the process, discourage corruption among government officials. Hence, the Government of the Philippines would be the ultimate beneficiary of this undertaking. The UNDP, as the major supporter and stakeholder, financed the project through an Official

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Development Assistance (ODA) grant. UNDP Portfolio Manager on Governance, Dr. Emmanuel E. Buendia, worked hand-in-hand with the counterpart team from the Office of the Ombudsman to ensure the successful completion of the project. UNDP, in this regard, had calculated the risks involved in supporting the project. The project beneficiaries were the Office of the Ombudsman and the prosecutors from the Department of Justice.

Output evaluation

The project output conformed to all deliverables defined in the Terms of References (TOR), which were enumerated in the previous section above. UNDP, as the funding agency, accepted the individual batch reports and integrated report submitted by the Office of the Ombudsman.

Project overall assessment

The Office of the Ombudsman believes that the project was a success. This assessment is supported by the positive feedback given by the participant-prosecutors in their individual evaluation of the conduct of the conference-workshop of each batch. The summary of the participants' feedback is contained in the batch reports.

Major lessons learned

The successful and speedy investigation and prosecution of Ombudsman cases in the lower courts is a product of a cooperative effort between the Office of the Ombudsman and the DOJ prosecutors deputized as Ombudsman prosecutors. The Office of the Ombudsman, in the process, likewise learned from the prosecutors the various issues and concerns relating to the handling of these Ombudsman cases. The Office of the Ombudsman, in this regard, is scheduling activities that may comprehensively respond to these issues and concerns. The initial follow-up activity that the Office of the Ombudsman intends to pursue is presented below.

Follow-up action and recommendation

The follow-up project with the DOJ prosecutors shall focus on enhancing their trial skills. The Office is preparing a Terms of Reference (TOR) in this regard entitled TRIAL ADVOCACY SKILLS DEVELOPMENT PROGRAMME: FOCUS ON THE OFFICE OF THE OMBUDSMAN DEPUTIZED PROSECUTORS, which will be submitted to the UNDP for funding support.
