

PREVENTING CORRUPTION
EFFECTIVE ADMINISTRATIVE AND CRIMINAL JUSTICE MEASURES

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THE DEPARTMENT OF JUSTICE

The Department of Justice (DOJ) derives its mandate primarily from the Administrative Code of 1987 (Executive Order No 292). It carries out this mandate through the Department Proper and the Department's attached agencies under the direct control and supervision of the Secretary of Justice.

Under Executive Order No. 292, the Department of Justice is the government's principal law agency. As such, the Department serves as both the legal counsel and the government's prosecution arm and administers the government's criminal justice system in accordance with accepted processes. This consists of the investigation of crimes, the prosecution of offenders and administration of the correctional system; the implementation of laws on the admission and stay of aliens, citizenship, land titling system, the settlement of land problems involving small landowners and members of indigenous cultural communities; and the provision of free legal services to the indigent members of society.

ADMINISTRATION OF THE CRIMINAL JUSTICE SYSTEM

The Department of Justice investigates the commission of crimes and prosecutes offenders through the National Bureau of Investigation (NBI) and the National Prosecution Service (NPS),

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respectively. Likewise, the Department administers the probation and correction system of the country through the Bureau of Corrections (BUCOR), the Board of Pardons and Parole (BPP) and the Parole and Probation Administration (PPA). It will be noteworthy to mention that of all the departments of government, the Department of Justice has under it three (3) of the most vital components of the criminal justice system, namely: the Law Enforcement through the National Bureau of Investigation; the Prosecution and Defense through the National Prosecution Service and the Public Attorney's Office, respectively; and the Penitentiaries and Corrections through the Bureau of Corrections.

At present, the Department of Justice is headed by the Secretary of Justice, assisted by three (3) Undersecretaries and two (2) Assistant Secretaries. Attached to the Office of the Secretary of Justice are the following constituent units:

- Department Proper;
- Office of the Government Corporate Counsel;
- National Bureau of Investigation;
- Public Attorney's Office;
- Board of Pardons and Parole;
- Parole and Probation Administration;
- Bureau of Corrections; and the
- Land Registration Authority

III. THE NATIONAL PROSECUTION SERVICE (NPS)

UNDER THE OFFICE OF THE PROSECUTOR GENERAL

The National Prosecution Service assists the Secretary of Justice in the performance of the powers and functions of the Department relative to its role as the prosecution arm of the government, particularly in the investigation and prosecution of all criminal cases, except those under the exclusive jurisdiction of the Office of the Ombudsman. To date, there are about 1,700 public prosecutors spread in the fourteen (14) regions of the archipelago. This number though, still falls short of the 2,200 public prosecutors needed to effectively ensure the effective administration of justice in the country.

Nonetheless, in keeping with its mandate to investigate and prosecute cases of graft and corruption, and Joint Circular No. 95-001 between the Office of the Ombudsman and the Department of Justice, in 2010 alone, out of the reported 362 cases filed all over the country, 138 cases against erring government officials were filed in court and are currently pending trial, while 50 were dismissed by the prosecutor's office. The remaining 158 are still pending investigation.

The Department of Justice has likewise undertaken serious efforts to help deter corruption through the following measures:

1. The conduct of basic orientation for all new prosecutors in the various Regions of the country for the purpose, not only of honing their prosecutorial skills and knowledge of the law but more importantly inculcating the necessary values needed and required in government service.

2. The crafting of a Code of Conduct for the Prosecution Service. The creation of a manual which practically codified the various issuances of the Department of Justice, as well as the laws governing the conduct of public officials, with emphasis on the conduct that public prosecutors should adopt during the course of the inquest/preliminary investigation and in the trial proved to be very helpful in reminding public prosecutors not only of their role as public officials, but more importantly their responsibilities as such.
3. The creation of the Internal Affairs Units (IAUs) in the Department of Justice proper as well as in the various Regions of the country, tasked to conduct the investigation of complaints against prosecutors and personnel of the prosecution service. Cognizant of the principle that public office is a public trust and that all public officers and employees must, at all times, be accountable to the people, the Department of Justice deemed it imperative to create the Internal Affairs Units in the prosecution service to ensure the highest integrity and dignity of its officials and employees. Nonetheless, even prior to the constitution of the Internal Affairs Units, administrative sanctions have been meted out to erring prosecutors and employees, ranging from penalties reprimands, suspensions and removal from the service.
4. The creation of the Justice Sector Coordinating Council (JSCC) for the effective coordination and sharing of information from senior representatives from the judiciary, the Department of Justice, the Department of Interior and Local Government and other related attached agencies.

Moreover, in order to raise public awareness as to the thrust and mission of the Department of Justice in curtailing corruption and ensuring the strict implementation of justice, the

Department of Justice has taken steps to increase information drives with the help of tri-media (television, radio and newspaper).