

## **MEMORANDUM OF AGREEMENT**

This **MEMORANDUM OF AGREEMENT**, hereinafter referred to as "**MOA**", is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_\_, by and between the following heads of the executive department of government hereto represented:

WE, the respective participating agencies of the Executive Branch of Government, as hereto represented by the officially designated officials respectively referred to here in this MOA, collectively referred to as **Parties**, after recognition of the need to collaborate and coordinate do hereby mutually agree and commit ourselves and the agency we respectively represent, as evidenced by our signatures, to hereby declare and adopt the following agreements, to wit:

### **- W I T N E S S E T H -**

**WHEREAS** the Presidential Anti-Corruption Commission (PACC) is created, by virtue of Executive Order No. 43 (s. 2017), as amended by Executive Order No. 73 (s. 2018), to hear, investigate, receive, gather, and evaluate evidence, intelligence reports, and information in administrative cases against all covered presidential appointees/nominees in the Executive Branch of the government and any of its agencies or instrumentalities for acts or omissions constituting violations of covered laws, issuances, rules, and regulations as stated therein, and other violations as may be referred to the PACC by the President;

**WHEREAS** the participating Agencies, Departments, Bureaus, Offices, and Instrumentalities are created by their respective laws and issuances to render government service to the public in accordance with the mandate for which they were created;

**WHEREAS** Section 1, Article XI of the 1987 Constitution provides that public office is a public trust and that public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives;

**WHEREAS** Section 2 of Republic Act (RA) No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) declares that it is the policy of the State to promote a high standard of ethics in public service and that public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest;

**WHEREAS** Section 1, of RA No. 3019 (Anti-Graft and Corrupt Practices Act) declares that it is also the policy of the Government, in line with the principle that public office is a public trust, to repress certain acts of public officers and private persons alike which constitute graft and corrupt practices;

**WHEREAS** there is a need to intensify the fight against graft and corruption by creating a unified or a whole-of-nation approach composed of agencies, departments, bureaus, offices, and instrumentalities under the Executive Branch to formulate solutions, policy, action plans, or systems to tackle corruption within its respective sphere of responsibility;

**WHEREAS** there is no one-size-fits-all solution in the fight against corruption; hence at the level of the agency, there must be a system, procedures, or practical solutions to address incidents of corruption or misconduct of public officers. These should be put into mainstream and embedded in the administration efforts so as to be aligned with the national anti-corruption strategy and policies;

**WHEREAS** in order to maintain and further gain public trust, the creation of an anti-corruption body in coordination with the PACC is needed to take on and address specific corruption challenges in every government agency;

**WHEREAS** the Executive Branch under the leadership of the President is mandated to faithfully implement laws, including anti-graft and corruption laws hence, a program involving all agencies should be established to substantially lessen, if not eradicate, corruption;

**WHEREAS** the **Parties** are wholly committed to support the President, as the Chief Executive, in his clarion call for a clean government, expecting all government officials and employees to render government service with utmost dignity all for the benefit of the citizenry;

**NOW, THEREFORE**, the **Parties** hereby voluntarily and willfully undertake to perform the following duties and responsibilities in line with their respective mandate:

**Section. 1.** Create and form a coordinating body to be named as "Anti-Corruption Coordinating Council" (ACCC) which shall collaborate and coordinate with each other to support and effectuate the anti-corruption campaign of the President. That in their common fight against corruption, the Parties voluntarily agree to bind their respective agencies to pursue the following objectives:

- a. To formulate strategies, plans, and/or policies that seek to lessen, if not eradicate, corruption in the government;
- b. To establish inter-agency coordination in pursuing the fight against corruption; and
- c. To promote training, education and advocacy campaigns against corruption.

The ACCC shall be headed by the President of the Republic of the Philippines and the Chairperson of the Presidential Anti-Corruption Commission (PACC) as the Vice-Chairperson. It shall be composed of the following departments, bureaus, agencies, offices and instrumentalities under the Executive Branch:



1. Presidential Anti-Corruption Commission
2. Department of Agriculture
3. Department of Agrarian Reform
4. Department of Budget and Management
5. Department of Education
6. Department of Energy
7. Department of Environment and Natural Resources
8. Department of Finance
9. Department of Foreign Affairs
10. Department of Health
11. Department of Human Settlements and Urban Development
12. Department of Information and Communications Technology
13. Department of the Interior and Local Government
14. Department of Justice
15. Department of Labor and Employment
16. Department of National Defense
17. Department of Public Works and Highways
18. Department of Science and Technology
19. Department of Social Welfare and Development
20. Department of Tourism
21. Department of Trade and Industry
22. Department of Transportation
23. National Economic and Development Authority
24. Anti-Red Tape Authority
25. Bureau of Customs
26. Bureau of Internal Revenue
27. Land Transportation Office
28. Land Transportation Franchising and Regulatory Board
29. Philippine National Police
30. Bureau of Immigration
31. National Bureau of Investigation
32. Philippine Information Agency
33. Presidential Communications Operations Office
34. Technical Education and Skills Development Authority
35. Armed Forces of the Philippines
36. Office of the Presidential Adviser for Religious Affairs
37. Bangko Sentral ng Pilipinas
38. Philippine Drug Enforcement Agency
39. Food and Drug Administration
40. Philippine Overseas Employment Administration
41. Overseas Workers Welfare Administration
42. Land Registration Authority
43. Philippine Health Insurance Corporation
44. Social Security System
45. Government Service Insurance System

- 46. Maritime Industry Authority
- 47. National Telecommunications Commission
- 48. Philippine Coast Guard
- 49. Light Rail Transit Authority

**Section 2.** The **Parties** agree to exercise the following powers and fulfill the following responsibilities in the implementation of this MOA:

**2.1 Action Plan**

- 2.1.1 Prepare the yearly anti-corruption plan, which shall determine the objectives, courses of action, and specific targets for the year;
- 2.1.2 Formulate policies and programs which will further the government's cause and fight against corruption;
- 2.1.3 Formulate memoranda, circulars, and/or office orders, including a recommendation of legislative proposals to lessen and ultimately eradicate graft and corruption in the government.

**2.2 Assessment**

- 2.2.1 Identify the nature, extent, and specific corruption challenges within the agency, i.e., what parts of the agency are the most affected, and how widespread these challenges are;
- 2.2.2 Ensure that there is systematic monitoring of the agency's progress and steps undertaken in its anti-corruption campaign that can be readily made available to the public to encourage the latter's trust and confidence in the government; and
- 2.2.3 Conduct a periodic assessment to validate the effectiveness of the action plan for the year and recommend necessary revisions or amendments to suit the needs of the anti-corruption policies and programs.

**2.3 Coordination**

- 2.3.1. Develop coordination with its respective attached agencies for the promotion of anti-corruption measures; and
- 2.3.2. Provide technical assistance and experience-sharing; improving the quantitative evidence base for anti-corruption policy.

**2.4 Advocacy**

- 2.4.1 Conduct periodic review, reporting of achievements, sharing of best practices and success stories, and cascading of training seminar advocacies;
- 2.4.2 Endeavor to establish and promote effective practices aimed at the prevention of graft and corruption; and
- 2.4.3 Ensure effective conduct of advocacy campaigns against graft and corrupt practices.

## 2.5 **Committee**

- 2.5.1 Upon the effectivity of this MOA, the Parties shall form their respective Anti-Corruption Committee (hereinafter referred to as "Committee") within their respective agencies or departments. The Chairperson of said Committee, who shall have a rank not lower than the third highest ranking official, shall be designated by the Secretary or Head of Office of the concerned agency, department, bureau, office, or instrumentality;
- 2.5.2 The Parties may create additional anti-corruption committees in their respective bureaus, attached agencies, and regional and provincial offices as it may deem fit to fulfill the objectives of the agreement;
- 2.5.3 The Committee shall be composed of the following officers responsible for the implementation of the Action Plan, among others, or as applicable:
  - a. Chairperson
  - b. PACC Resident Evaluator/s (if applicable)
  - c. Administrative Officer/ Human Resource Officer
  - d. Internal Affairs Office
  - e. Legal Service
  - f. Information Technology Officer
  - g. Stakeholders Representative (if not prohibited by law or agency's charter)
  - h. Any other officer or representative as may be designated by the Head of Agency/Office
- 2.5.4 The agency focal person is any officer in the agency who shall act as liaison and shall maintain contact with the other members of the ACCC as well as the Secretariat of the ACCC. He/she shall maintain records of correspondence to and from the agency.
- 2.5.5 Upon the effectivity of this MOA, the Committee shall create a streamlined Complaint Action Center, which the public may communicate or have access through a hotline, help desk, and/or e-mail, among others. Provided further, that if a Complaint Action Center or its equivalent is already



established within the participating agency, the same shall complement with the purpose of this MOA.

- 2.5.6 The Committee shall coordinate with the agencies, bureaus, and other instrumentalities attached to it for the proper implementation and promotion of anti-corruption measures, policies, and programs. The Committee shall also be responsible for the implementation, monitoring and evaluation of the Action Plan set by Parties and shall provide a periodic report to their respective Heads of offices and to the PACC; and
- 2.5.7 The Committee shall coordinate with PACC through its Information & Resource Management Office for the proper referral of information and incident reports of corruption and actions undertaken.

Section 3. The PACC shall have the following responsibilities in the implementation of this agreement:

- 3.1 Monitor and assess the formulation and implementation of the Action Plan;
- 3.2 Relay any directives or instructions received from the Office of the President;
- 3.3 Act on complaints involving public officials within its jurisdiction; and
- 3.4 Oversee, communicate, and coordinate with the respective Committees.

#### **Section 4. Initial Submission**

- 4.1 The initial objective is to understand the different corruption risks the agency is facing. Therefore, in order to properly assess and address the corruption challenges it faces, upon the execution of the MOA, the **Parties** shall submit the following to the PACC:
  - 4.1.1 Programs and actions on anti-corruption;
  - 4.1.2 Identified corruption-prone areas in their respective agencies;
  - 4.1.3 Existing anti-corruption practices and measures being implemented;
  - 4.1.4 List of successful programs and accomplished cases, accompanied with statistics, from 2016 to present; and
  - 4.1.5 List of separated, charged, and removed department personnel and the cases filed against previous and existing personnel, pursuant to their anti-corruption measure and programs implemented.
- 4.2 The periodic reports of the agencies shall contain updates and statistics on their proposed anti-corruption legislative measures, practices, areas for improvement, and accomplishments.

- 4.3 The periodic reports shall be submitted to the PACC at the end of every quarter.

## **Section 5. General Provisions**

- 5.1 **Confidentiality** - The **Parties** shall not divulge or disclose to third persons any information obtained in the course of this MOA. Any disclosure shall be subject to the written consent of the Parties concerned.

In the performance of its obligations under this MOA, therefore, the **Parties** hereby agree to observe all relevant provisions of the Data Privacy Act of 2012 (RA 10173), its implementing rules and regulations, and all relevant issuances of the National Privacy Commission.

- 5.2 **Non-waiver of right** - The failure of a **Party** to enforce any provision of this MOA shall not be construed as waiver or limitation of that **Party's** right to subsequently enforce and compel strict compliance with every provision of this MOA.
- 5.3 **Funding**- Each **Party** shall bear its own costs and expenses, in line their existing agency budget for Fiscal Year 2021 and so on, to be incurred in carrying out each of their respective undertakings and obligations required by this MOA.
- 5.4 **Amendments or Modifications** - This MOA may be revised, amended or modified in writing, duly executed and signed by all the **Parties** hereto.
- 5.5 **Amendments of Issuances**- The **Parties** shall undertake to make the necessary repeal, amendment, or revision of their respective issuances in the event that the same run counter or frustrate the implementation of this MOA.
- 5.6 **Separability** - If any provision of this MOA or any part hereof is declared invalid, illegal, or unconstitutional, the provision/s not thereby affected shall remain in force and effect.
- 5.7 **Legal Effect** - Nothing in this MOA shall limit the powers or constitute a waiver of the statutory functions or powers of the Parties.
- 5.8 **Dispute Resolution** - Any dispute, claim, controversy, or disagreement arising out of or in connection with this MOA that cannot be settled amicably within thirty (30) calendar days after written notice, shall be resolved or adjudicated in accordance with the provisions of Presidential Decree No. 242, in relation to Chapter 14, Book IV of Executive Order No. 292, otherwise known as the "Administrative Code of 1987"

- 5.9 **Good Faith** – The **Parties** undertake to act in good faith with respect to each other's right under this MOA and to adopt all reasonable measures to ensure the realization of the objectives of this MOA.
- 5.10 **Effectivity** – This MOA shall be binding and effective upon the **Parties** immediately upon signing hereof and shall continue for an initial period of three (3) years, subject to renewal, unless the Parties, or any of the Parties decide to withdraw from the agreement before the term ends.
- 5.11 **Withdrawal** – A **Party** may withdraw from this MOA at any time providing at least a fifteen (15)-day prior written notice of withdrawal to the other **Parties**. The withdrawal of a **Party/ies** shall not affect the effectiveness of the MOA for the remaining parties.

In case of such withdrawal, the party initiating the withdrawal shall notify the other **Parties** at least fifteen (15) days prior to the date of the effectivity of the termination without prejudice to the obligations already incurred. Specifically, activities that take time to finish and have already been commenced shall continue until its conclusion with due consideration to the effectivity of the termination as herein contemplated.

IN WITNESS WHEREOF, the **Parties** have caused this MOA to be signed by their duly authorized representatives on the date and place first above written.

  
**GRECO B. BELGICA**  
*Chairman*

Presidential Anti-Corruption Commission

**JOHN R. CASTRICIONES**  
*Secretary*

Department of Agrarian Reform

**WILLIAM D. DAR**  
*Secretary*  
Department of Agriculture

**TINA ROSE MARIE L. CANDA**  
*Officer-in-Charge*  
Department of Budget and Management

**LEONOR M. BRIONES**  
*Secretary*  
Department of Education

**ALFONSO G. CUSI**  
*Secretary*  
Department of Energy





*[Signature]*

**ROY A. CIMATU**

*Secretary*

Department of Environment and Natural  
Resources

**CARLOS G. DOMINGUEZ**

*Secretary*

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**TEODORO L. LOCSIN JR.**

*Secretary*

Department of Foreign Affairs

**FRANCISCO T. DUQUE**

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**EDUARDO D. DEL ROSARIO**

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**DELFIN B. LORENZANA**

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**FORTUNATO T. DE LA PEÑA**

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*Commissioner*  
Bureau of Customs

**CEASAR R. DULAY**  
*Commissioner*  
Bureau of Internal Revenue

**EDGAR C. GALVANTE**  
*Assistant Secretary*  
Land Transportation Office

**MARTIN B. DELGRA III**  
*Chairperson*  
Land Transportation Franchising and  
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**PGEN GUILLERMO LORENZO T  
ELEAZAR**  
*Chief*  
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**JAIME H. MORENTE**  
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Bureau of Immigration

**ERIC B. DISTOR**  
*Director, Officer-in-Charge*  
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*President and CEO*  
Social Security System



**ROLANDO L. MACASAET**  
*President and General Manager*  
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*Commandant*  
Philippine Coast Guard

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