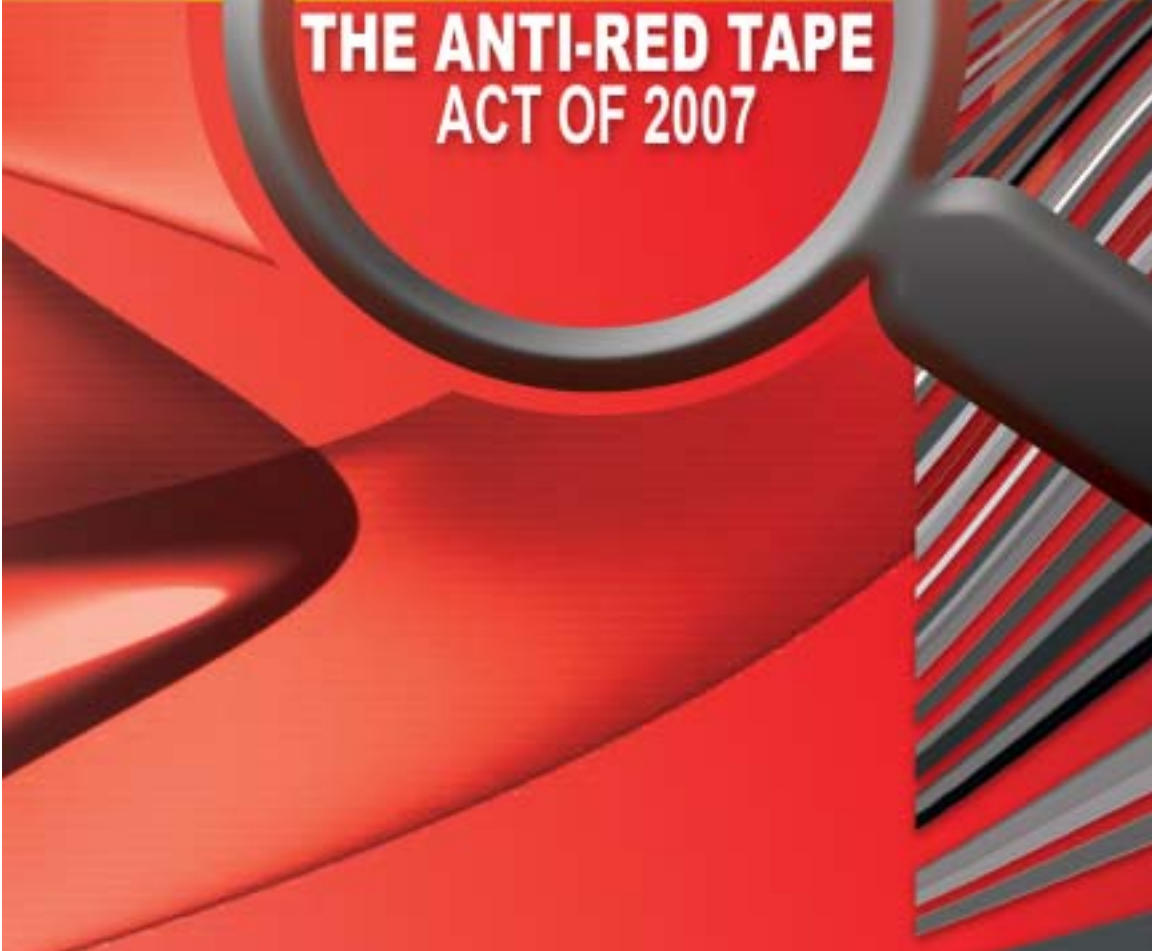


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PRIMER
ON RA 9485
THE ANTI-RED TAPE
ACT OF 2007



PRIMER

ON RA 9485

**THE ANTI-RED TAPE
ACT OF 2007**

Primer on RA 9485: The Anti-Red Tape Act of 2007

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Department of the Interior and Local Government

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1605 Philippines

Tel Nos. (632) 634-8430 / 634-8436

www.lga.gov.ph

Message

Our battle against red tape and inefficiency in our bureaucracy will never be an easy task. Red tape has long been embedded in our culture, with Filipinos having to deal with voluminous requirements and seemingly endless processes to simply secure certificates or licenses.



But we believe that our quest for prompt and efficient frontline government services is now making headway and will soon deliver tangible notable results with Republic Act 9485 or the Anti-Red Tape Act of 2007 now in effect. The law requires government agencies to process applications for simple transactions like permits and licenses within five days and other documentation for more complex transactions within 10 days.

Moreover, each government agency is enjoined under the law to put up a “Citizens Charter,” a document to be displayed prominently showing “the range of specific services provided by that office, a step-by-step guide on how to avail of these services, and standards on quality and timeliness to be expected from the agency in rendering these services.”

Eliminating red tape and averting graft and corruption also has other far-reaching benefits for our economy, such as cutting the costs of doing business in the country, which will, in turn, improve investor confidence and heighten our global competitiveness.

Now that the DILG through its Local Government Academy (LGA) has spearheaded an anti-red tape advocacy program dubbed Project CURE which stands for Comprehensive and Unified Response to Eliminate Red-Tape in LGU, I am confident that we can soon reap the benefits of RA 9485 and emerge triumphant in our campaign against this bureaucratic scourge.

We take pride in presenting this Anti-Red Tape Primer initiated by the LGA as part of Project Cure, which we hope will be a potent weapon in our war against red tape.

The government alone cannot win this war. It needs the support of our local government units, the private sector and the rest of our citizenry to succeed in its mission of purging our bureaucracy of unnecessary paperwork and inefficient procedures that hamper the flow of government work and the provision of frontline public services.

A stylized, handwritten signature in black ink, appearing to be 'RP'.

RONALDO V. PUNO
Secretary



Message

Congratulations to the Department of the Interior and Local Government, particularly the Local Government Academy, for launching the Comprehensive and Unified Response to Eliminate Red Tape in Local Government Units Project, or Project C.U.R.E. Your encouraging and laudable response to the implementation of the Anti-Red Tape Act inspires the whole bureaucracy to move towards eradicating red tape.



In the past, numerous efforts were undertaken to curb red tape, but these did not cause dramatic changes in public service. In some cases, red tape even intensified. Today, however, we hope to end this dry spell through definitive attempts to cut red tape as we now have Republic Act No. 9485, an Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption, and Providing Penalties Therefore, and in the Case of DILG, Project C.U.R.E.

The Anti-Red Tape Act not only directs government to enhance and streamline its frontline services, it also seals this commitment between government and citizens by the Citizen's Charter. It likewise imposes administrative and criminal penalties to fixers.

Thus, Project C.U.R.E. strikes at the very heart of the Anti-Red Tape Act. Through this project, the need to address red tape becomes more pronounced at the Local Government level as these government entities directly and daily interface with our citizens, with the grassroots. This project also underscores what can be achieved if agencies or institutions simultaneously focus their energies into cutting red tape.

It is high time for radical changes in the way we deliver public service. After all, our clientele, the Filipino people, deserve the best.

Again, congratulations to the DILG and the LGA in this momentous endeavor. The CSC is here to support you and ensure that your anti-red tape efforts succeed.

Mabuhay!


RICARDO L. SALUDO
Chairman



Message

I am happy to know that the Anti-Red Tape Law (RA 9485) and its IRRs are being disseminated across the bureaucracy. And I can see that a primer is now also being prepared by the Local Government Academy for use of local government officials and employees.



I can only wish you well because this law and its accompanying IRRs, properly understood and applied, are what is needed in our country. Gone should be the days when a citizen has to wait days, weeks, months - nay, years, on end - to get something done.

The psychology of the red-tape mentality should be a prime target for continuing study. The same for the structures that either abet, or directly or indirectly bring it about, and perpetuate it.

I want to stress that delays in official transactions are breeding grounds and provide opportunities for corruption. For this reason, neither should be tolerated. For delays alienate citizens from their government, aside from hiking transaction costs; while corruption makes the country poor and living in it oppressive.

The Primer therefore is very timely. Again I wish you well and commend your valuable contribution toward making our bureaucracy red-tape free.

A handwritten signature in dark ink, appearing to read 'Merceditas N. Gutierrez'.

MA. MERCEDITAS N. GUTIERREZ
Ombudsman



Message

RA 9485, otherwise known as the Anti-Red Tape Act of 2007, took effect on September 5, 2008 following the issuance of the Implementing Rules and Regulations (IRR) by the Civil Service Commission. It provides that all government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective standards to be known as the Citizen's Charter within one year after the effectivity of said law.



RA 9485 aims to promote efficiency and transparency in government with regard to the manner of transacting with the public by requiring each agency to simplify frontline service procedures, formulate service standards to observe in every transaction and make known these standards to the clients/citizens.

Looking at the size of the Philippine bureaucracy, the task of eliminating red tape looks daunting but there is a glimmer of hope if a Citizen's Charter is set up in every government office.

With the Civil Service Commission (CSC) as the lead agency, the Development Academy of the Philippines (DAP) is one of the implementing agencies of this legislation together with the Office of the Ombudsman (OMB) and the Presidential Anti-Graft Commission (PAGC). Our Roadmap to Jumpstart and Institutionalize the Anti-Red Tape Act of 2007, which we submitted to CSC, lays down the strategic interventions to promote and develop the capability of government agencies to implement the salient provisions of the law.

We laud the Local Government Academy (LGA) in taking this initiative to come up with a primer on RA 9485 for use of local government officials to help LGUs better understand the said law and its implementing rules and regulations.

The Development Academy of the Philippines wishes you every success in the launch of your C.U.R.E Project.

A handwritten signature in black ink, appearing to read 'Antonio D. Kalaw, Jr.'.

ANTONIO D. KALAW, JR.
President



Message

The Department has always been supportive of programs aimed at efficiency and effectiveness in public service; and to be among the pioneers of that cause is an honor beyond words. That is why we take on paramount effort to pursue innovations that bring reforms to the way we serve the public.



Not only are we spearheading and taking action to eliminate what is repulsive and unreasonable but we are also replicating what is good and suitable. We take pride in Project C.U.R.E. as we partner with the different national and local government units in eliminating red tape in the system.

The gift of knowledge and the innovative minds of our people will lead the program into its success. I do believe that we Filipinos have the right values to partake in the steps of eliminating red tape in our government.

This primer aims to educate people about RA 9485 or the Anti Red Tape Act of 2007. Evidently, this is just a tool because the success of the program lies within those who will read, understand and practice what is written.

I want to congratulate the Local Government Academy for having a timely and very relevant program such as this.

At the end of the day it is the public whom we serve. We strive for excellence and accountability for a more progressive leadership and effective service delivery.

Mabuhay!

A handwritten signature in black ink, appearing to read 'Austerre'.

AUSTERE A. PANADERO

Undersecretary for Local Government



Message

It is with great pride and pleasure that the Local Government Academy presents to you this Q & A Primer on Anti-Red Tape Act of 2007 as part of our continuing efforts to ensure quality public service by local governments to the Filipino people. Project CURE aims to eradicate the blight called red tape in our country and ensure that every transaction would be treated with equal importance, efficiency and priority. This primer was designed to be a vital tool for the implementation of the Project CURE, the cutting edge so to speak, as it delves straight to the heart of the problem and outlines the action plan that will, with the support of the dedicated men and women in the government's ranks, not only minimize red tape in the country but hopefully eradicate it once and for all.



I encourage our LGUs to utilize the material as we continue the effort of improving the delivery of services. May our local officials as well as the employees use this Primer as means to increase awareness of the Law and join us in our fight against the practice of red tape.

I would like to commend the team responsible for organizing this Primer as well as the Legal Service of DILG Central Office for the valuable inputs. I would also like to extend my gratitude to the project team from that organized the entirety of Project CURE as well, for the hard work, dedication and professionalism that they have exhibited throughout the course of this project.

May this material be used for instilling the vision of the Academy of propagating knowledge for betterment's sake. Armed with knowledge, together we can cure this ailment which besets our local governments. Together we can CURE red tape.


MARIVEL C. SACENDONCILLO
Executive Director



**PRIMER ON RA 9485
THE ANTI-RED TAPE ACT
OF 2007**

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Q: What is the full title of RA 9485?

A: AN ACT TO IMPROVE EFFICIENCY IN THE DELIVERY OF GOVERNMENT SERVICE TO THE PUBLIC BY REDUCING BUREAUCRATIC RED TAPE PREVENTING GRAFT AND CORRUPTION, AND PROVIDING PENALTIES THEREFOR

Q: What is the short title of RA 9485?

A: Anti-Red Tape Act of 2007

Q: What is the constitutional basis of Anti-Red Tape Act of 2007?

A: As stated in **Article II, Section 27 of the 1987 Constitution**, the State shall maintain honesty and integrity in the public service and shall take positive and effective measures against graft and corruption.

Q: When was the Anti-Red Tape Act of 2007 enacted?

A: The Act was signed into law by President Gloria Macapagal-Arroyo on June 2, 2007.

Q: What bills constituted the Anti-Red Tape Act of 2007?

A: The Act is a consolidation of Senate Bill No. 2589 and House Bill No. 3776. The bills were passed by the Senate and House of Representatives on February 8, 2007 and February 20, 2007 respectively.

Q: Who authored Senate Bill No. 2589 and House Bill No. 3776?

A: Senators Juan M. Flavies, Edgardo J. Angara, Aquilino Q. Pimentel Jr., Panfilo M. Lacson and Congressmen Jose de Venecia, Reps. Rodriguez Dadivas, Ace Barbers, Eduardo Zialcita, Rey Aquino, Edgar Chatto, and Florencio G. Noel, respectively.

Q: Why was Anti-Red Tape Act of 2007 passed?

A: The Act was passed in response to the urgent need to establish an effective system that will eliminate bureaucratic red tape, avert graft and corrupt practices and improve efficiency of delivering government frontline service.

Q: Which agencies are responsible in implementing this Act and its Implementing Rules and Regulations (IRR)?

A: An oversight committee composed of Civil Service Commission (CSC) as head and Office of the Ombudsman (OMB), Presidential Anti-Graft Commission (PAGC) and Development Academy of the Philippines (DAP), as members, shall ensure the effective implementation of this Act.

Q: Who is tasked to promulgate the IRR?

A: The CSC together with DAP, OMB and PAGC shall promulgate the necessary rules and regulations within ninety (90) days from the effectivity of this Act. (Section 16, RA 9485).

I. COVERAGE

Q: Who are covered by the Act?

A: The Act shall apply to all government offices and agencies including local government units and government-owned and controlled corporations with or without original charter that *provide frontline services*.


Those performing judicial, quasi-judicial and legislative functions are excluded from coverage but their respective frontline services are included (Section 3, RA 9485).

II. INTERPRETATION

Q: What are the terms used in the Act and what do they mean?

A:

- Action refers to the written approval or disapproval made by a government office or agency on the application or request submitted by a client for processing.



- Complex Transactions refer to requests or applications submitted by clients of a government office which necessitate the use of discretion in the resolution of complicated issues by an officer or employee of said government office, such transaction to be determined by the office concerned.
- **Fixer** refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.
- **Fixing** refers to the act that involves undue facilitation of transactions for pecuniary gain or other advantage.
- **Frontline Service** refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the agency or office concerned.
- **Irrelevant requirements** refer to any document or performance of an act not directly material to the resolution of the issues raised in the request or needed in the application submitted by the client.
- **Officer or Employee** refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.
- **Published Materials** refer to printed, computer-generated, or photocopied materials, and procedural manuals/flowcharts, made available to the public or uploaded in the official government websites, containing the basic information on accessing the frontline services.

- **Simple Transactions** refer to requests or applications submitted by clients of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government office.

Q: What does the Anti-Red Tape Act of 2007 wants to achieve?


A: The Act aims to promote transparency in government with regard to the manner of transacting with the public by requiring each agency to simplify frontline service procedures, formulate service standards to observe in every transaction and make known these standards to the client.

III. RE-ENGINEERING OF SYSTEMS AND PROCEDURES

Q: What are the responsibilities of each office/agency under this Act?

- A:**
- a) Determine which processes or transactions constitute frontline services
 - b) Undertake reengineering of transaction systems and procedures, including time and motion studies, if necessary and after compliance
 - c) Set-up their respective service standards to be known as Citizen's Charter

Q: Why do the agencies or offices need to do these activities?

- A:** These processes serve the purpose of reducing and simplifying the following:
- steps in providing the service;
 - forms used;
 - requirements;
- 

- processing time, and
- fees and charges

Q: How many signatures are allowed in evaluating a request, application or transaction?

A: Number of signatories shall be limited to a maximum of five (5) signatures per transaction.

Q: Who shall sign in the absence of the regular signatory?

- A:**
- If there is only one official next in rank, he/she shall automatically be the signatory
 - If there are 2 or more officials next in rank, the appropriate office order shall prescribe the order of priority among the officials next in rank within the same organizational unit
 - If there is no official next in rank present and available, the head of the department, office or agency shall designate an officer-in-charge from among the next lower rank in the same unit

IV. CITIZEN'S CHARTER

Q: What is the Citizen's Charter?

A: It is an official document, a service standard, or a pledge, that communicates information on the services provided by the concerned government agency to the public. It describes the step-by-step procedure for availing a particular service, and the guaranteed performance level that they may expect for that service.

Q: Who may be considered a citizen?

A: For the purposes of this Act and the pertained Citizen's Charter, citizens may not only refer to citizens of the Republic of the Philippines but also all the stakeholders, including users, beneficiaries, other government offices and agencies and the transacting public.

Q: How shall the Citizen’s Charter be drafted?

A: A task force, constituted by the head of office or agency, shall prepare the Citizen’s Charter. It shall be drafted taking into consideration the stakeholders, users and beneficiaries of the frontline services. Non-government organizations and concerned groups should be encouraged to participate during the consultative formulation of the Charter.

Q: What should be included in the Citizen’s Charter?

- A:**
- Vision and Mission of the office or agency
 - Identification of the frontline services offered
 - Clients
 - Step-by-step procedure to obtain a service
 - Officer or employee responsible for each step
 - Maximum time to conclude the process
 - Documents to be presented by the client and why they are needed
 - Amount of fees
 - Procedure for filing complaints
 - Names and contact details of the officials whom clients can file complaints to
 - Allowable period for extension due to unusual circumstances
 - Contact numbers to call for recommendations, inquiries, suggestions as well as complaints
-

Q: What does the Citizen’s Charter look like?

A: It shall be in the form of billboards or published materials written either in English, Filipino or in the local dialect.

Q: Where shall the Citizen’s Charter be posted?

A: It should be posted at the main entrance of offices, or at the most conspicuous place

Q: Who and When shall the Charter be reviewed?

A: The office or agency shall review the Charter whenever necessary, but not less than once every two (2) years.

Q: Which agencies shall provide assistance to the agency in relation to the Citizen's Charter?

A: The Civil Service Commission (CSC) and Development Academy of the Philippines (DAP)

Q: Who shall monitor the agency's activities in relation to the Citizen's Charter?

A: The Civil Service Commission (CSC) through its Regional Offices and Field Offices

V. ACCOUNTABILITY OF HEADS OF OFFICES AND AGENCIES

Q: What are the responsibilities of the agency/office heads?

- A:**
1. He/she shall be responsible for the implementation of this Act in his/her agency.
 2. He/she shall be held accountable to the public in rendering efficient and reliable service.
 3. He/she shall grant permit or clearance for all transactions having his/her jurisdiction in his/her agency.
 4. He/she shall formally issue and release the Citizen's Charter.
 5. He/she shall monitor and review the implementation of the Charter.
-

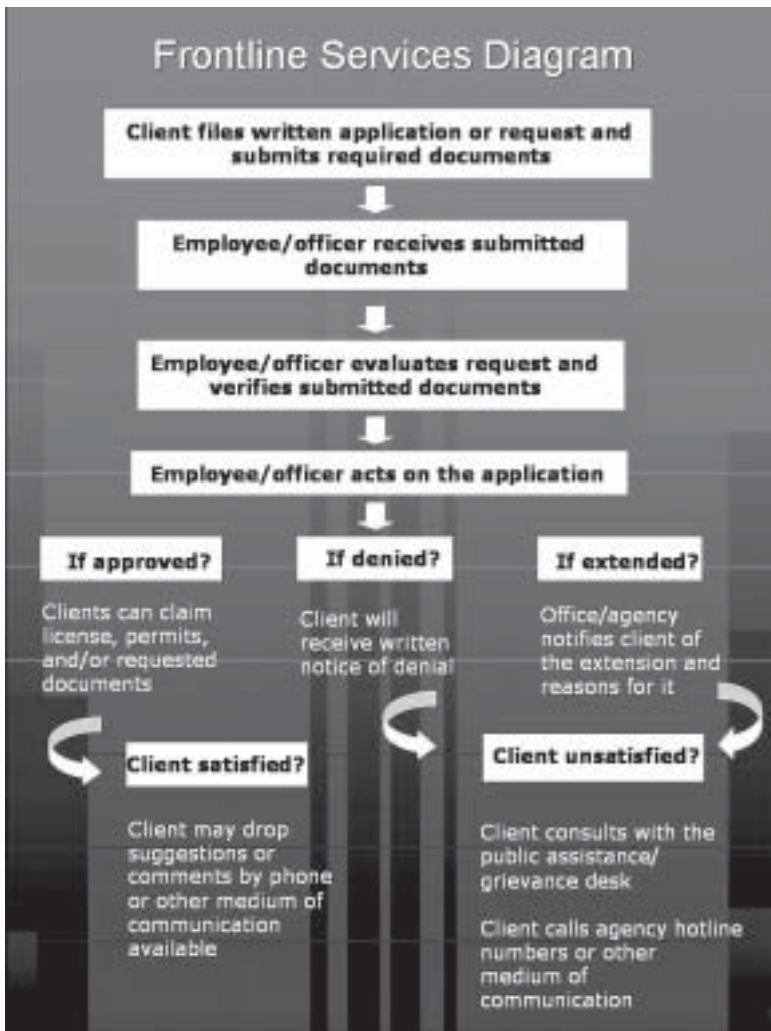
Q: In cases of failure to comply, can the agency/office head be charged with complaints?

A: Yes. He/she may be filed with criminal and administrative charges before the appropriate forum.

VI. ACCESSING FRONTLINE SERVICES

Q: What is the process of accessing frontline services from an office/ agency?

A: The process is summarized below:



Q: How does an officer/employee acknowledge receipt of an application or request from a client?

A: The responsible officer shall acknowledge receipt of an application or request through writing, indicating the officer's name, his/her organizational unit and date and time of receipt.

Q: How does an officer assess the requests or applications?

A: The responsible officer performs preliminary assessment of the request and evaluates the sufficiency of submitted requirements for the request or application taking into consideration the response time needed for the transaction.

Q: How long must it take for applications or requests to be acted upon?

A: Applications or requests must be acted upon within the period prescribed in the agency or office's Citizen's Charter which should not be longer than **five (5) working days for simple transactions** and **ten (10) working days for complex transactions** from the date of receipt.

Q: Are agencies/offices allowed to extend response time?

A: Yes. Agencies are allowed to extend response time provided that there are unusual circumstances. The office concerned shall notify the requesting party in writing of the reason for the extension and the final date of release of the service requested.

Q: What is automatic extension?

A: When an office or agency fails to act upon the application for **renewal of permit, license or authority** within the prescribed period, the said permit, license or authority shall be automatically extended until a decision is rendered on the application for renewal. The applicant shall be informed prior to the expiration of the original period that more time is required to evaluate the application.

Note: Automatic extension however, shall not be applied to an expired permit, license or authority. No automatic extension shall also apply when the activity upon which the permit, license or authority applied for pose danger to public health, public safety, public morals or to public policy.

Q: What if the application or request was disapproved?

A: A formal notice should be sent by the officer/employee who rendered the decision to the requesting party within five (5) working days indicating the reason for disapproval and including the list of requirement/s which the client failed to submit.

Q: What should the requesting party do if he/she disagrees with the action?

A: The requesting party may opt to file complaints against the office/ agency through the grievance mechanisms indicated in the Citizen's Charter. These can be in the form of hotline numbers, short message service or information communication technology or other mechanisms by which clients can adequately express their complaints, suggestions or comments.

Q: What about offices or agencies which use computer-based transactions?

A: The same rules apply for those offices which allow computer-based access to frontline services.

Q: What is Public Assistance/Grievance Desk?

A: One of the grievance mechanisms required for all officers/agencies, where an officer knowledgeable on the frontline services offered shall be available for consultation and advice. The desk shall be attended to at all times even during office breaks.

Q: What other public assistance mechanisms can an office or agency institute?

A: An office or agency may also establish one-stop shops, walk-in service counters or special lanes for pregnant women, senior citizens and persons with disabilities.

Q: Are officers or employees required to attend to clients even during office breaks?

A: Yes. Offices must devise appropriate working schedules to attend to and serve clients who are within their premises prior to the end of official working hours and even during lunch break and after regular hours. They may opt to provide frontline services as early as 7 in the morning and as late as 7 in the evening to adequately attend to all clients.

Q: What mechanisms can an agency adopt to adequately attend to clients?

A: Offices may adopt rotation system of personnel, sliding flexi-time, reliever system especially in peak times of transaction, or providing skeletal personnel during lunch and snack time to adequately attend to all clients.

Q: What form of identification must the employees or officers utilize?

A: All officers/employees must wear official identification cards which should be worn during office hours. For certain agencies where an ID card is not provided, employees must wear nameplates or other means of identification. Information in the ID card must be easy to read by the clients.

VII. REPORT CARD SURVEY

Q: What is a Report Card Survey?

A: It is an evaluation tool that provides a quantitative measure of actual public service user perceptions on the quality, efficiency and adequacy of different frontline services, as well as a critical evaluation of the office or agency and its personnel. It is an instrument that also solicits user feedback on the performance of public services, for the purpose of exacting public accountability and, when necessary, proposing change.

Q: What is the purpose of the survey?

- A:**
1. to provide critical evaluation of the office or agency, or its personnel;
 2. to check clients satisfaction, operational efficiency and areas vulnerable to corruption;
 3. to highlight best practices;
 4. to provide incentives for excellent service delivery; and
 5. to give recommendations for improvement in problem areas and inefficiencies.

Q: Who shall conduct the survey?

A: Civil Service Commission (CSC) in coordination with Development Academy of the Philippines (DAP).

VIII. DISCIPLINARY ACTION

Q: What acts can be considered as a light offense for erring public officials?

- A:**
- Refusal to accept application and/or request within the prescribed period or any document submitted by the client
 - Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirements within the prescribed period
 - Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of the working hours and during lunch break
 - Failure to render frontline services within the prescribed period on an application and/or request without due cause
 - Failure to give the client a written notice on the disapproval of an application or request
 - Imposition of additional irrelevant requirements other than those listed

Q: What are the penalties for light offenses?

- A:**
- First offense – 30 days suspension without pay and mandatory attendance in Values Orientation Program
 - Second offense – Three (3) months suspension without pay
 - Third offense – Dismissal and perpetual disqualification from public service

Q: What act can be considered as a grave offense?

A: Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage which can be committed by insiders or outsiders of the office.

Q: What is the penalty for a grave offense?

A: Dismissal and perpetual disqualification from public service.

Q: May the individuals charged with administrative complaints under this Act be also filed with other charges arising from the same act?

A: Yes. Those who are filed with administrative charges under this Act can also be filed with other criminal, civil, or other related charges arising from the same act or omission.

Q: What are the penalties for fixers?

A: Fixers can be charged with imprisonment not exceeding six (6) years or a fine of not less than 20,000 pesos but not more than 200,000 pesos or both fine and imprisonment at the discretion of the court.

Q: Who has administrative jurisdiction over appointive public officials?

A: The Civil Service Commission (CSC) and the Office of the Ombudsman (OMB) have administrative jurisdiction over non-presidential appointees. The Office of the Ombudsman (OMB) and the Presidential Anti-Graft Commission (PAGC) shall have administrative jurisdiction over presidential appointees.

IX. IMMUNITY

Q: Who has the power to grant immunity, exemption from prosecution or discharge?

A: The investigating body or a court.

Q: Can an individual charged with liabilities be exempted from prosecution?

A: Yes. Any public official or employee charged with liabilities under this Act can be given immunity or be exempted from prosecution if:

- a) he/she shall voluntarily give information in aid of an investigation or,
- b) he/she willingly testifies in that particular case where he/she is involved.

Q: Can all accused-informants be allowed to be a witness or to testify in court?

- A:** No. Discharge of accused-informants to be a witness or to testify in court may be granted by the investigating body or court upon application or petition provided:
- a) There is absolute necessity for the testimony of the accused-informant whose discharge is requested
 - b) There is no other direct evidence available for the proper prosecution of the committed offense except the testimony of the said accused-informant
 - c) The testimony of the said accused-informant is materially valid to prove or disprove an allegation
 - d) Accused-informant has not been previously convicted of a crime involving moral turpitude
 - e) Said accused-informant does not appear to be the most guilty
-

Q: What if the investigating body or court denies the motion or request for discharge as a witness of an accused-informant?

- A:** The statement of the said accused-informant shall be inadmissible as evidence.
-

Q: Can a court or investigating body revoke immunity already given to an accused-informant?

- A:** Yes. A court or investigating body can cancel the immunity of an accused-informant and prosecute him/her administratively or criminally if he/she:
- a) fails, refuses to testify or to continue to testify,
 - b) testifies falsely or evasively or,
 - c) violates any condition accompanying the immunity without just case
-

FREQUENTLY ASKED QUESTIONS

Q: *Why did the government devise this law, RA 9485 that seems to punish “small time graft and corruptors”, how do we go about the “big fishes”?*

A: The Anti-Red Tape act is a graft and corruption prevention measure. The Act is just among the many corruption prevention law. There are many laws addressing graft and corruption in higher authorities. Example is the Anti-Money Laundering act and Anti-Graft and Corrupt practices act. RA 9485 is an anti-corruption prevention measure intended for frontline services to avoid red tape that induces graft and corruption. It will not, however, pose as an ultimate answer to the vast graft and corruption issue.

Q: *What if the Sanggunian Bayan delays a passage of a resolution, will it be covered by 5 or 10-day restriction period?*

A: The Sangguniang Bayan is not included. It is not considered as a frontline service agency since it is legislative in nature.

Q: *Where shall the LGUs get the funding for the implementation of RA 9845?*

A: LGUs can apply for a supplemental budget and cite RA 9845 as justification. Probably the LCE and the Sanggunian can find a way to acquire funding sources for their Citizens’ Charter.

Q: *How about LGUs who have already formulated a similar document to that of the Citizens’ Charter, such as their Service Manual?*

A: It is a fact that there are a number of LGUs who have already formulated their Citizens’ Charter by means of grant from funding agencies. All they have to do is to update their Citizens’ Charter based on the provisions of the law that frontline services must be coupled with corresponding time allotment, persons responsible, and other requirements, fees and charges.

Q: *How do we avoid the proliferation of fixers?*

A: It was also emphasized that to avoid the proliferation of fixers, information sharing to the public by means of posting of IEC materials on bulletin boards, crafting of flow charts and instructions right at the entrance of the agencies are needed and are required from them.

Q: *Is an ordinance needed to effect the Citizens' Charter in the LGU?*

A: It really depends on the local Sanggunian, since there is no provision in the law that an ordinance is a requirement. However, it is suggested that the Sanggunian must be engaged in the crafting of the charter to ensure their support and its smooth implementation.

Q: *How do we monitor compliance of LGUs in the citizens' charter? Is there an oversight committee responsible for monitoring?*

A: In terms of monitoring of LGU compliance in the crafting of a Citizens' Charter, the DILG will be devising an enforcement mechanism preferably by means of an awards system to inspire others to formulate their charter.

Q: *If you attach a "post it" in a document and it says to please facilitate this, is it considered fixing?*

A: LGU should define its own norm, if it falls under "fixing" then it is fixing. All should be specified in their citizens' charter. Avoid such practice; it may be misunderstood as a form of "fixing".

Q: *Should the National Government Agencies stationed in the LGUs incorporate their Citizens' Charter to the Citizens' Charter of LGU?*

A: National government agencies stationed in the LGU must not incorporate their individual Citizens' Charter to that LGU Citizens' Charter, instead they must synchronize these charters so that citizens will not be confused.

Q: *What is the composition of the Citizens' Charter Team, since it is not clearly identified for in the law?*

A: As to the composition of the Team who will formulate the Citizens' Charter, the DILG took note of issuing a circular regarding the composition of this committee.

Q: *If a particular LGU wanted to formulate their Citizens' Charter, who will they contact to help them?*

A: Regarding the Citizens' Charter, the Development Academy of the Philippines has already developed a manual that will guide an organization to do their Citizens' Charter Manual step by step.

Q: *Is there a National Agency that already has a Citizens' Charter?*

A: The CSC – NCR has already drafted its own Citizens' Charter and started implementing it. In the process of its implementation, we still can see the positive and negative aspects of our draft Citizens' Charter and we are adopting our new observations and started revising it for finalization. The Office of the Ombudsman is also currently conducting seminar regarding the identification of frontline services at the Philippine Economic Zone Authority (PEZA) regarding the preparation in their formulation of Citizens Charter.

Q: *If a client or a customer has a financial obligation to settle in order to acquire a permit or a license, do we have to ask him or her to settle first the obligation in writing? Or we can just say that verbally?*

A: The law says that any action concerning a client or a customer for non-issuance of permit or license must be explained in writing. Letters to customers and clients can be substituted with a checklist.

Q: *Is internal action like processing of vouchers included in the 5-day or 10-day limit?*

A: If it was identified by the agency to a frontline service then it is included in a 5-day processing limit.

Q: *What can be done if requirements of national government agencies delay the issuance of business permits and others?*

A: Oftentimes, requirements from the national government agencies could delay the application for business permits in the local government unit. With this, it is suggested that consultations be made with these national government agencies so that these will be parallel to what the local governments are going to indicate in the Citizens' Charter.

Q: *Which must be processed first in acquiring business permits: requirements from the Local Governments or requirements from the National Government Agencies, (i.e. Environmental Compliance Certificate)?*

A: National Government Agencies have its own requirements and procedures in acquiring permits and clearances. Usually local requirements must be secured first before you can get a national permit. In crafting a Citizens' Charter, an organization should consult the National Government Agencies and the local government to be parallel in their own Citizens' Charter.

Q: *What will happen if the Mayor does not allow the Vice Mayor in the crafting of the Citizens Charter for reason of difference in political affiliation?*

A: The Vice Mayor, being the head of the Sanggunian can always turn to the Sanggunian and revise some concern in the Citizens' Charter in the course of reviewing the Citizens' Charter regarding budget concerns. It is always the Local Chief Executives who have the power to implement and create the Citizens' Charter.



Q: *What is the composition of the investigating body/committee handling complaints of the clients?*

A: Ideally, the composition of the investigatory body must include the chiefs of the frontline departments.

Q: *Can a client file charges if he was not attended to at once? What evidence can he present?*

A: A mere refusal to accept an application constitutes a violation.

Q: *Can an office announce that “it does not accept application if requirements are incomplete”?*

A: It can not be done. The law states that “mere refusal constitutes a violation.”

Q: *If there is a complaint filed against an official from a National Government Agency, who will provide sanctions to the offender?*

A: In case of DILG officials, the Regional Director is in charge for the disciplinary action of their erring officials.

Q: *Why are the PNP and LTO not included in the top 10 priority agencies in the RA 9485?*

A: The criterion in identifying the top 10 priority agencies is that they should be involved primarily in the issuance of Philippine business permits. The GSIS is included because of their concern in the employees of the government.



Q: *MC 2008-164 talks of the field officers, can the DILG field officers directly forward the complaints to the Office of the Ombudsman?*

A: Yes. DILG field officers can directly forward the complaints to the Office of the Ombudsman.

Q: *Does LGA have a plan in orienting other LGUs regarding RA 9485?*

A: The Local Government Academy has already a plan of a nationwide roll out on the first quarter of year 2009. If you notice in the training framework, the plan is from Component 1 up to Component 3.

ANNEXES

ANNEX A: Republic Act No. 9485

REPUBLIC ACT NO. 9485 [S. No. 2589 & H. No. 3776] - AN ACT TO IMPROVE EFFICIENCY IN THE DELIVERY OF GOVERNMENT SERVICE TO THE PUBLIC BY REDUCING BUREAUCRATIC RED TAPE PREVENTING GRAFT AND CORRUPTION, AND PROVIDING PENALTIES THEREFOR

Begun and held in Metro Manila, on Monday, the Nineteenth day of February, Two Thousand Seven.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. - This Act shall be known as the “*Anti-Red Tape Act of 2007*”.

Sec. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices aimed at the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified procedures that will reduce red tape and expedite transactions in government.

Sec. 3. Coverage. - This Act shall apply to all government offices and agencies including local government units and government-owned or -controlled corporations that provide frontline services as defined in this Act. Those performing judicial, quasi-judicial and legislative functions are excluded from the coverage of this Act.

Sec. 4. Definition of Terms. - As used in this Act, the following terms are defined as follows:

(a) “Simple Transactions” refer to requests or applications submitted by clients of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government office.

(b) “Complex Transactions” refer to requests or applications submitted by clients of a government office which necessitate the use of discretion in the resolution of complicated issues by an officer or employee of said government office, such transaction to be determined by the office concerned.

(c) “Frontline Service” refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the agency or office concerned.

(d) “Action” refers to the written approval or disapproval made by a government office or agency on the application or request submitted by a client for processing.

(e) “Officer or Employee” refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.

(f) “Irrelevant requirement” refer to any document or performance of an act not directly material to the resolution of the issues raised in the request or needed in the application submitted by the client.

(g) “Fixer” refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.

Sec. 5 Reengineering of Systems and Procedures. - All offices and agencies which provide frontline services are hereby mandated to regularly undertake time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and re-engineer the same if deemed necessary to reduce bureaucratic red tape and processing time.

Sec. 6. Citizen’s Charter. - All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen’s Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

- (a) The procedure to obtain a particular service;
- (b) The person/s responsible for each step;
- (c) The maximum time to conclude the process;
- (d) The document/s to be presented by the customer, if necessary;

(e) The amount of fees, if necessary; and

(f) The procedure for filing complaints.

Sec. 7. Accountability of the Heads of Offices and Agencies. - The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

Sec. 8. Accessing Frontline Services. - The following shall be adopted by all government offices and agencies:

(a) Acceptance of Applications and Request - (1) All officers or employees shall accept written applications, requests, and/or documents being submitted by clients of the office or agencies.

(2) The responsible officer or employee shall acknowledge receipt of such application and/or request by writing or printing clearly thereon his/her name, the unit where he/she is connected with, and the time and date of receipt.

(3) The receiving officer or employee shall perform a preliminary assessment of the request so as to promote a more expeditious action on requests.

(b) Action of Offices - (1) All applications and/or requests submitted shall be acted upon by the assigned officer or employee during the period stated in the Citizen's Charter which shall not be longer than five working days in the case of simple transactions and ten (10) working days in the case of complex transactions from the date the request or application was received. Depending on the nature of the frontline services requested or the mandate of the office or agency under unusual circumstances, the maximum time prescribed above may be extended. For the extension due to nature of frontline services or the mandate of the office or agency concerned the period for the delivery of frontline services shall be indicated in the Citizen's Charter. The office or agency concerned shall notify the requesting party in writing of the reason for the extension and the final date of release for the extension and the final date of release of the frontline service/s requested.

(2) No application or request shall be returned to the client without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the client within five working days from the receipt of the request and/or application, stating therein the reason for the disapproval including a list of specific requirement/s which the client failed to submit.

(c) Denial of Request for Access to Government Service - Any denial of request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

(d) Limitation of Signatories - The number of signatories in any document shall be limited to a maximum of five signatures which shall represent officers directly supervising the office or agency concerned.

(e) Adoption of Working Schedules to Serve Clients - Heads of offices and agencies which render frontline services shall adopt appropriate working schedules to ensure that all clients who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.

(f) Identification Card - All employees transacting with the public shall be provided with an official identification card which should be visibly worn during office hours.

(g) Establishment of Public Assistance/Complaints Desk - Each office or agency shall establish a public assistance/complaints desk in all their offices.

Sec. 9. Automatic Extension of Permits and Licenses. - - If a government office or agency fails to act on an application and/or request for renewal of a license, permit or authority subject for renewal within the prescribed period, said permit, license or authority shall automatically be extended until a decision or resolution is rendered on the application for renewal: Provided, That the automatic extension shall not apply when the permit, license, or authority covers activities which pose danger to public health, public safety, public morals or to public policy including, but not limited to, natural resource extraction activities.

Sec. 10. Report Card Survey. - All offices and agencies providing frontline services shall be subjected to a Report Card Survey to be initiated by the Civil Service Commission, in coordination with the Development Academy of the Philippines, which shall be used to obtain feedback on how provisions in the Citizen's Charter are being followed and how the agency is performing.

The Report Card Survey shall also be used to obtain information and/or estimates of hidden costs incurred by clients to access frontline services which may include, but is not limited to, bribes and payment to fixers.

A feedback mechanism shall be established in all agencies covered by this Act and the results thereof shall be incorporated in their annual report.

Sec. 11. Violations. - After compliance with the substantive and procedural due process, the following shall constitute violations of this Act together with their corresponding penalties:

- (a) **Light Offense** – (1) Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- (2) Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirement/s within the prescribed period;
- (3) Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch;
- (4) Failure to render frontline services within the prescribed period on any application and/or request without due cause;
- (5) Failure to give the client a written notice on the disapproval of an application or request; and
- (6) Imposition of additional irrelevant requirements other than those listed in the first notice.

The term “prescribed period” shall refer to the period specified under the Citizen’s Charter, or in the absence thereof, the period provided for under Rule VI, Section 1 (4) hereof.

Penalties for light offense shall be as follows:

First Offense - Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;

The Civil Service Commission and the Office of the Ombudsman shall promulgate a Values Orientation Program which shall include anti-red tape and anti-fixing workshops suitable for this purpose.

Second Offense - Three (3) months suspension without pay; and

Third Offense - Dismissal and perpetual disqualification from public service.

- (b) **Grave Offense** - Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

Penalty - Dismissal and perpetual disqualification from public service.

Sec. 12. Criminal Liability for Fixers. - In addition to Sec. 11 (b), fixers, as defined in this Act, shall suffer the penalty of imprisonment not exceeding six years or a fine not less than Twenty Thousand Pesos (P20,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) or both fine and imprisonment at the discretion of the court.

Sec. 13. Civil and Criminal Liability, Not Barred. - The finding of administrative liability under this Act shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated.

Sec. 14. Administrative Jurisdiction. - The administrative jurisdiction on any violation of the provisions of this Act shall be vested in either the Civil Service Commission (CSC), the Presidential Anti-Graft Commission (PAGC) or the Office of the Ombudsman as determined by appropriate laws and issuances.

Sec. 15. Immunity; Discharge of Co-Respondent/Accused to be a Witness. - Any public official or employee or any person having been charged with another under this Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefore, shall be exempt from prosecution in the case/s where his/her information and testimony are given. The discharge may be granted and directed by the investigating body or court upon the application or petition of any of the respondent/accused-informant and before the termination of the investigation: Provided, That:

- (a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;
- (b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;
- (c) The testimony of said respondent/accused-informant can be substantially corroborated in its material points;
- (d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and
- (e) Said respondent/accused-informant does not appear to be the most guilty.

Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence.

Sec. 16. Implementing Rules and Regulations. - The Civil Service Commission in coordination with the Development Academy of the Philippines (DAP), the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC), shall promulgate the necessary rules and regulations within ninety (90) days from the effectivity of this Act.

Sec. 17. Separability Clause. - If any provision of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act.

Sec. 18. Repealing Clause. - All provisions of laws, presidential decrees, letters of instruction and other presidential issuances which are incompatible or inconsistent with the provisions of this Act are hereby deemed amended or repealed.

Approved:

(Sgd.) MANNY VILLAR
President of the Senate

(Sgd.) JOSE DE VENECIA, JR.
Speaker of the House of Representatives

This Act which is a consolidation of Senate Bill No. 2589 and House Bill No. 3776 was finally passed by the Senate and the House of Representatives on February 8, 2007 and February 20, 2007 respectively.

(Sgd.) OSCAR G. YABES
Secretary of the Senate

(Sgd.) ROBERTO P. NAZARENO
Secretary General
House of Representatives

Approved: June 2, 2007

(Sgd.) GLORIA MACAPAGAL - ARROYO
President of the Philippines

ANNEX B: Implementing Rules and Regulations Republic Act No. 9485

RESOLUTION NO. 081471

WHEREAS, Article II, Section 27 of the Constitution provides that the State shall maintain honesty and integrity in the public service and shall take positive and effective measures against graft and corruption;

WHEREAS, there is an urgent need to establish an effective system that will eliminate bureaucratic red tape, avert graft and corrupt practices and improve the efficiency of delivery of government frontline services;

WHEREAS, in response to the urgent need to eliminate red tape and improve frontline service delivery, the Thirteenth Congress enacted on June 2, 2007 Republic Act No. 9485, otherwise known as the “Anti-Red Tape Act of 2007;”

WHEREAS, RA No. 9485 aims to promote transparency in government with regard to the manner of transacting with the public by requiring each agency to simplify frontline service procedures, formulate service standards to observe in every transaction and make known these standards to the client;

WHEREAS, Section 16 of the same law mandates the Civil Service Commission, in coordination with the Development Academy of the Philippines (DAP), the Office of the Ombudsman (OMB) and the Presidential Anti-Graft Commission (PAGC), to promulgate the necessary rules and regulations to implement said Act;

WHEREAS, the CSC together with the DAP, OMB and PAGC, conducted a series of consultative meetings with various stakeholders to gather comments and recommendations as well as to discuss possible issues in the implementation of the “Anti-Red Tape Act of 2007;”

NOW THEREFORE, the Commission RESOLVES to adopt the implementing rules and regulations of RA No. 9485, as follows:

RULE I. COVERAGE

SECTION 1. These Rules shall apply to all government offices and agencies including local government units and government-owned or controlled corporations with or without original charter that provide frontline services as defined in the Act. Those performing judicial, quasi-judicial and legislative functions are excluded from the coverage of the Act, however, their respective frontline services are deemed included.

RULE II. INTERPRETATION

SECTION 1. These Rules shall be interpreted in the light of the Declaration of Policy found in Section 2 of the Act:

“It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices aimed at the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each office or agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified procedures that will reduce red tape and expedite transactions in government.”

SECTION 2. Definition of Terms. For purposes of these Rules, the following terms shall mean:

(a) “Action” refers to the written approval or disapproval made by a government office or agency on the application or request submitted by a client for processing.

(b) “Citizen’s Charter” refers to an official document, a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the government to its citizens. It describes the step-by-step procedure for availing a particular service, and the guaranteed performance level that they may expect for that service.

(c) “Citizen” with reference to the Citizen’s Charter refers to the clients whose interests and values are addressed by the Citizen’s Charter and, therefore, includes not only the citizens of the Republic of the Philippines, but also all the stakeholders, including but not limited to, users, beneficiaries, other government offices and agencies, and the transacting public.

(d) “Complex Transactions” refers to requests or applications submitted by clients of a government office which necessitate the use of discretion in the resolution of complicated issues by an officer or employee of said government office, such transaction to be determined by the office concerned.

(e) “Fixer” refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.

(f) “Fixing” refers to the act that involves undue facilitation of transactions for pecuniary gain or any other advantage or consideration.

(g) “Frontline Service” refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the office or agency concerned.

(h) “Irrelevant requirements” refers to any document or performance of an act not directly material to the resolution of the issues raised in the request or needed in the application submitted by the client.

(i) “Officer or Employee” refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.

(j) “Published Materials” refers to printed, computer-generated, or photocopied materials, and procedural manuals/flowcharts, made available to the public or uploaded in the official government websites, containing the basic information on accessing frontline services.

(k) “Report Card Survey” refers to an evaluation tool that provides a quantitative measure of actual public service user perceptions on the quality, efficiency and adequacy of different frontline services, as well as a critical evaluation of the office or agency and its personnel. It is an instrument that also solicits user feedback on the performance of public services, for the purpose of exacting public accountability and, when necessary, proposing change.

RULE III. RE-ENGINEERING OF SYSTEMS AND PROCEDURES

SECTION 1. Within one (1) year from effectivity of the Rules, each office or agency shall:

- a) Determine which processes or transactions constitute frontline service;
- b) Undertake reengineering of transaction systems and procedures, including time and motion studies, if necessary; and after compliance thereof,
- c) Set up their respective service standards to be known as the Citizen's Charter.

SECTION 2. The reengineering process shall include a review for the purposes of streamlining of the following:

- a) Steps in providing the service;
- b) Forms used;
- c) Requirements;
- d) Processing time; and
- e) Fees and charges.

There shall also be a review of the location of the offices providing frontline services and directional signs to facilitate transactions.

SECTION 3. In the evaluation of official forms, government offices and agencies rendering frontline services shall limit the number of signatories to a maximum of five (5) signatures of officers or employees directly supervising the evaluation, approval or disapproval of the request, application, or transaction.

The head of government office or agency shall prescribe, through an appropriate office order, the rules on the proper authority to sign in the absence of the regular signatory, as follows:

- (1) If there is only one official next in rank, he/she shall automatically be the signatory;
- (2) If there are two or more officials next in rank, the appropriate office order shall prescribe the order of priority among the officials next in rank within the same organizational unit; or
- (3) If there is no official next in rank present and available, the head of the department, office or agency shall designate an officer-in-charge from among those next lower in rank in the same organizational unit.

RULE IV. CITIZEN'S CHARTER

SECTION 1. The Citizen's Charter shall include the following information:

- (a) Vision and mission of the government office or agency;
- (b) Identification of the frontline services offered, and the clientele;
- (c) The step-by-step procedure to obtain a particular service;
- (d) The officer or employee responsible for each step;
- (e) The maximum time to conclude the process;
- (f) Document/s to be presented by the client, with a clear indication of the relevancy of said document/s;
- (g) The amount of fees, if necessary;
- (h) The procedure for filing complaints in relation to requests and applications, including the names and contact details of the officials/channels to approach for redress;
- (i) Allowable period for extension due to unusual circumstances; i.e. unforeseen events beyond the control of concerned government office or agency; and
- (j) Feedback mechanisms, contact numbers to call and/or persons to approach for recommendations, inquiries, suggestions, as well as complaints.

SECTION 2. The Citizen's Charter shall be in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect.

SECTION 3. The head of office or agency shall constitute a task force to prepare a Citizen's Charter pursuant to the provisions of the Act and these Rules, taking into consideration the stakeholders, users and beneficiaries of the frontline services, and shall conduct consultative formulation and refinement of the provisions of the Charter.

The participation of non-government organizations and other concerned groups shall be encouraged. The head of office or agency shall formally issue and release the Charter and shall monitor and periodically review its implementation. Offices and agencies with existing service standards shall evaluate these standards to ensure compliance with the provisions of this Rule.

SECTION 4. The office or agency shall review the Citizen's Charter whenever necessary, but not less than once every two years.

SECTION 5. The assistance of the Civil Service Commission and the Development Academy of the Philippines may be requested for purposes of complying with Rules III and IV.

SECTION 6. The activities in Rules III and IV shall be monitored by the Civil Service Commission through its Regional Offices and Field Offices for re-evaluation and benchmarking.

RULE V. ACCOUNTABILITY OF HEADS OF OFFICES AND AGENCIES

SECTION 1. The head of the office or agency shall be primarily responsible for the implementation of these Rules and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned. In case of failure to comply with these Rules, appropriate charges may be filed against the head of office or agency under existing law and rules, before the appropriate forum.

RULE VI. ACCESSING FRONTLINE SERVICES

SECTION 1. All offices and agencies are enjoined to undertake on a continuing basis programs to promote customer satisfaction and improve service delivery, and other similar activities for officers and employees in frontline services.

SECTION 2. Acceptance and Denial of the Applications and Requests.

(1) All officers or employees shall accept written applications, requests, and/or documents being submitted by clients of the office or agency.

(2) The responsible officer or employee shall acknowledge receipt of such application and/or request by writing or printing clearly thereon his/her name, the unit where he/she is connected with, and the time and date of receipt.

(3) The receiving officer or employee shall perform a preliminary assessment of the request so as to promote a more expeditious action on requests, and shall determine through a cursory evaluation the sufficiency, of submitted requirements for a request or application,

taking into consideration the determined response time for the transaction.

(4) All applications and/or requests in frontline services shall be acted upon within the period prescribed under the Citizen's Charter, which in no case shall be longer than five (5) working days in the case of simple transactions and ten (10) working days in the case of complex transactions from the time the request or application was received.

(5) Depending on the nature of the frontline services requested or the mandate of the office or agency under unusual circumstances, the maximum time prescribed above may be extended. For the extension due to the nature of frontline services, the period for the delivery of frontline services shall be indicated in the Citizen's Charter, which shall not be more than five (5) working days for simple transactions, and not more than ten (10) working days for complex transactions. The office or agency concerned shall notify the requesting party in writing of the reason for the extension and the final date of release of the frontline service/s required.

In case the applicant disagrees, he/she may resort to the grievance or complaint mechanisms prescribed in the Citizen's Charter.

(6) No application or request shall be returned to the client without appropriate action. In case an application or request is disapproved the officer or employee who rendered the decision shall send a formal notice to the client within five (5) working days from the receipt of the request and/or application, stating therein the reason for the disapproval including a list of specific requirement/s which the client failed to submit.

Any denial of request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

(7) This Section shall also apply to government offices or agencies which allow computer-based access to frontline services.

SECTION 3. Working Schedule. – Heads of offices and agencies which render frontline services shall adopt appropriate working schedules to ensure that all clients who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours. Offices and agencies may consider providing frontline services as

early as seven (7) in the morning until as late as seven (7) in the evening to adequately attend to clients. The frontline services must at all times be complemented with adequate staff by adopting mechanisms such as rotation system among office personnel, sliding flexi-time, reliever system especially in peak times of the transaction, or providing skeletal personnel during lunch and snack time.

To ensure the uninterrupted delivery of frontline services, the heads of offices and agencies shall adopt the appropriate mechanisms within six (6) months from the effectivity of these rules.

SECTION 4. Identification Card. – All officers or employees transacting with the public shall be provided with an official identification card which should be worn during office hours. The information on the identification card should be easy to read, such that the officials and employees concerned can be identified by the clients. For certain agencies where an identification card is not provided, the officers and employees must wear nameplates or other means of identification.

SECTION 5. Public Assistance Desk. – Each office or agency shall establish a public assistance/complaints desk in all their offices, where an officer or employee knowledgeable on frontline services shall at all times be available for consultation and advice. The desk shall be attended to even during breaktime.

The office or agency shall institute hotline numbers, short message service, information communication technology, or other mechanisms by which the clients may adequately express their complaints, comments or suggestions. It may also institute one-stop shops or walk-in service counters. Special lanes may be established for pregnant women, senior citizens, and persons with disabilities.

SECTION 6. Automatic Extension of Licenses, Permits, and Authorities. – If a government office or agency fails to act on an application and/or request for renewal of a license, permit or authority subject for renewal within the prescribed period, said permit, license or authority shall automatically be extended until a decision or resolution is rendered on the application for renewal. In this instance, the applicant shall be informed prior to the expiration of the original period that more time is required to evaluate the application or request.

No automatic extension or renewal shall apply to an expired permit, license, or authority. No automatic extension or renewal shall also apply when the permit, license or authority covers activities which pose danger to public health, public safety, public morals or to public policy including, but not limited to, natural resource extraction activities.

RULE VII. REPORT CARD SURVEY

SECTION 1. The Civil Service Commission, in coordination with the Development Academy of the Philippines, shall conduct a survey to obtain feedback on existence and effectiveness of, as well as compliance with the Citizen's Charter, and how the office or agency is performing insofar as frontline services are concerned. The survey shall also be used to obtain information and/or estimates of hidden costs incurred by clients to access frontline services which may include, but is not limited to, bribes and payment to fixers. The Civil Service Commission may tap other government agencies, educational institutions such as Association of Schools of Public Administration, non-government organizations, or other concerned individuals or groups and may utilize existing government programs, and support systems.

The evaluation tool may be linked with the program of the Civil Service Commission to: (1) provide critical evaluation of the office or agency, and its personnel; (2) check clients satisfaction, operational efficiency and areas vulnerable to corruption; (3) highlight best practices; (4) provide incentives for excellent service delivery; and (5) give recommendations for improvement in problem areas and inefficiencies in frontline services.

The Civil Service Commission shall publicize the results in an annual report card survey and furnish the government agency concerned the result of the survey assessment, evaluation and/or observations. Such assessment, evaluation and/or observations shall also be incorporated in the agency's annual report and shall be considered in the improvement, revision, modification, enhancement, or amendment of its Citizen's Charter and/or frontline services.

The Report Card Survey may include the following: (1) the service provider – personal disposition of the employee providing the service sought of; (2) the quality of service – how the service was provided to the client; and (3) the physical working condition – how the physical setup/layout of the office affects the performance, efficiency, and accessibility of the service provided.

RULE VIII. DISCIPLINARY ACTION

SECTION 1. After compliance with the substantive and procedural due process, the following shall constitute violations of the Act and its Rules together with their corresponding penalties.

- (a) Light Offense – (1) Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- (2) Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirement/s within the prescribed period;
- (3) Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;
- (4) Failure to render frontline services within the prescribed period on an application and/or request without due cause;
- (5) Failure to give the client a written notice on the disapproval of an application or request; and
- (6) Imposition of additional irrelevant requirements other than those listed in the first notice under Rule VI, Section 1 (6).

The term “prescribed period” shall refer to the period specified under the Citizen’s Charter, or in the absence thereof, the period provided for under Rule VI, Section 1 (4) hereof.

Penalties for light offenses shall be as follows:

First Offense – Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;

The Civil Service Commission and the Office of the Ombudsman shall promulgate a Values Orientation Program which shall include anti-red tape and anti-fixing workshops suitable for this purpose.

Second Offense – Three months suspension without pay; and

Third Offense – Dismissal and perpetual disqualification from public service.

(b) Grave Offense – Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

Penalty – Dismissal and perpetual disqualification from public service.

SECTION 2. The finding of administrative liability under the Act and its Rules shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated.

SECTION 3. Criminal Liability for Fixers. – Fixers shall suffer the penalty of imprisonment not exceeding six years or a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00) or both fine and imprisonment at the discretion of the court.

SECTION 4. Administrative Jurisdiction and Procedure. – The Civil Service Commission (CSC) and the Office of the Ombudsman shall have administrative jurisdiction over non-presidential appointees, while the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC) shall have administrative jurisdiction over presidential appointees. Their respective procedures as determined by appropriate laws, rules and issuances shall be observed regarding any violation of the provisions of these Rules.

RULE IX. IMMUNITY

SECTION 1. Any public official or employee or any person having been charged with another under the Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefor, shall be exempt from prosecution in the case/s where his/her information and testimony are given.

SECTION 2. The discharge of co-respondent/accused to be a witness may be granted and directed by the investigating body or court upon the application or petition of any of the respondent/accused-informant and before the termination of the investigation: Provided, That:

- (a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;
- (b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;
- (c) The testimony of said respondent/accused-informant can be substantially corroborated in its material points;
- (d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and
- (e) Said respondent/accused-informant does not appear to be the most guilty.

Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence.

SECTION 3. If the respondent-informant granted immunity fails or refuses to testify or to continue to testify, or testifies falsely or evasively, or violates any condition accompanying such immunity without just cause, as determined by the office or agency concerned, his/her immunity shall be cancelled and he/she shall be prosecuted criminally and/or administratively.

RULE X. FINAL PROVISIONS

SECTION 1. The activities embodied in these Rules shall be charged to the office or agency's regular budget.

SECTION 2. An oversight committee composed of the Civil Service Commission, as head, and the Office of the Ombudsman, the Presidential Anti-Graft Commission, and the Development Academy of the Philippines, as members, shall ensure the immediate, swift and effective implementation of the Act and its Rules.

SECTION 3. These Rules may be amended or modified as necessary.

SECTION 4. If any provision of these Rules shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions.

SECTION 5. These Rules shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Quezon City,

Jul 24 2008

(VACANT)
Chairman

(SGD.)
CESAR D. BUENAFLOR

(SGD.)
MARY ANN Z.FERNANDEZ-MENDOZA
Acting Chair Commissioner

Attested by:

(SGD.)

DOLORES B. BONIFACIO

Director IV

Commission Secretariat and Liaison Office



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