

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE OMBUDSMAN
Agham Road, Diliman, Quezon City

[COMPLAINANT NAME],
Complainant,

-versus-

CHELOY VELASCO GARAFIL,
in her capacity as Secretary General,
House of Representatives,
Respondent.

AFFIDAVIT-COMPLAINT

I, [COMPLAINANT NAME], of legal age, Filipino, and with address at [ADDRESS], after having been duly sworn in accordance with law, hereby depose and state:

I. PREFATORY STATEMENT

1. This is a complaint for Contempt, Violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), Violation of Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), and other applicable laws, against respondent Cheloy Velasco Garafil, in her official capacity as Secretary General of the House of Representatives.

2. This complaint arises from respondent's refusal and/or unjustified delay in complying with lawful subpoenas issued by the Office of the Ombudsman directing the production of Statements of Assets, Liabilities, and Net Worth (SALNs) of certain Members and officials of the House of Representatives.

II. PARTIES

3. Complainant is filing this complaint in the interest of justice, accountability, and the enforcement of anti-corruption laws.

4. Respondent Cheloy Velasco Garafil is the duly appointed Secretary General of the House of Representatives, tasked with, among others, the custody and safekeeping of official records, including SALNs of Members of the House.

III. STATEMENT OF FACTS

5. The Office of the Ombudsman, pursuant to its constitutional and statutory mandate under Article XI, Section 13 of the 1987 Constitution and Republic Act No. 6770, issued lawful subpoena duces tecum directing respondent to produce the SALNs of certain Members and officials of the House of Representatives.

6. Said SALNs are material and indispensable to ongoing investigations involving possible violations of Republic Act No. 7080 (Plunder Law) and other anti-corruption statutes.

7. Despite receipt of such subpoenas, respondent failed and/or refused to comply within a reasonable period, without lawful justification.

8. Public statements made by the Ombudsman indicate that attempts to secure compliance were met with inaction, delay, and even resistance, including alleged refusal by House security personnel to receive or honor the subpoena.

9. Respondent's failure to act promptly and decisively on the Ombudsman's lawful directives constitutes willful disobedience and obstruction of a legitimate investigation.

10. Respondent's acts and omissions have impeded the administration of justice and have undermined the constitutional mandate of the Office of the Ombudsman.

IV. CAUSES OF ACTION

A. CONTEMPT UNDER REPUBLIC ACT NO. 6770

11. Under Section 24 of Republic Act No. 6770, the Ombudsman is empowered to cite for contempt any person who refuses to obey its lawful orders.

12. Respondent's failure to comply with the subpoena constitutes indirect contempt, punishable under said law.

B. VIOLATION OF REPUBLIC ACT NO. 3019

13. Respondent's acts constitute a violation of Section 3(e) of Republic Act No. 3019, which penalizes any public officer who causes undue injury to any party, including the government, or gives unwarranted benefits, advantage, or preference through manifest partiality, evident bad faith, or gross inexcusable negligence.

14. By withholding SALNs necessary for investigation, respondent effectively granted unwarranted benefit and protection to public officials under investigation.

C. VIOLATION OF REPUBLIC ACT NO. 6713

15. Under Section 4(c) of Republic Act No. 6713, public officials are mandated to act with justness and sincerity and not discriminate against anyone.

16. Under Section 4(a), they must uphold the public interest over personal or institutional interest.

17. Respondent's refusal/delay constitutes failure to uphold transparency, accountability, and responsiveness, in violation of said law.

D. OBSTRUCTION OF JUSTICE (PRESIDENTIAL DECREE NO. 1829)

18. Respondent's acts fall under Section 1(c) of Presidential Decree No. 1829, penalizing any person who delays or obstructs the apprehension or prosecution of offenders.

E. ADMINISTRATIVE LIABILITY

19. Respondent is likewise liable for Grave Misconduct, Gross Neglect of Duty, and Conduct Prejudicial to the Best Interest of the Service, punishable under civil service laws and jurisprudence.

V. LEGAL DISCUSSION

20. The Statement of Assets, Liabilities, and Net Worth (SALN) is a constitutionally mandated disclosure under Article XI, Section 17 of the 1987 Constitution and is governed by Republic Act No. 6713.

21. SALNs are expressly declared as public documents, subject only to reasonable regulations, and cannot be withheld arbitrarily.

22. The Office of the Ombudsman has the exclusive constitutional mandate to investigate public officials, including Members of Congress, and may compel production of documents necessary for such investigations.

23. Jurisprudence has consistently upheld the broad investigatory and subpoena powers of the Ombudsman, emphasizing that no public official is beyond its reach.

24. Respondent's refusal to comply is not protected by legislative immunity or institutional autonomy, as such privileges do not extend to shielding public officials from investigation.

VI. DAMAGES AND INJURY

25. Respondent's acts have caused serious prejudice to the public interest, including:

- a. Delay in the investigation and prosecution of corruption cases;
- b. Erosion of public trust in government institutions;
- c. Undermining of transparency and accountability mechanisms.

VII. PRAYER

WHEREFORE, premises considered, it is respectfully prayed that:

1. Respondent Cheloy Velasco Garafil be cited in contempt pursuant to Republic Act No. 6770;
2. Respondent be found criminally liable for violations of:
 - Republic Act No. 3019;
 - Republic Act No. 6713;
 - Presidential Decree No. 1829;
3. Respondent be administratively sanctioned, including suspension or dismissal from service, with forfeiture of benefits and disqualification from public office;
4. Such other reliefs as may be just and equitable under the premises be granted.

VIII. VERIFICATION AND CERTIFICATION

I hereby certify that I have read the foregoing Affidavit-Complaint and that the allegations therein are true and correct based on my personal knowledge and/or authentic records.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of _____, 20, in _____.

[COMPLAINANT NAME]

Affiant

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20, affiant exhibiting to me his/her competent proof of identity.

Notary Public

Doc. No. ____;
Page No. ____;
Book No. ____;
Series of 20__.