



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 94

**CREATING THE INDEPENDENT COMMISSION FOR
INFRASTRUCTURE**

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

WHEREAS, Section 1, Article XI of the Constitution provides 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 15, Article XI of the Constitution provides that the right of the State to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches, or estoppel;

WHEREAS, Section 1 of Republic Act (RA) No. 3019 or the "Anti-Graft and Corrupt Practices Act" declares that a public office is a public trust and the policy to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto;

WHEREAS, there are reports and allegations of irregularities, misuse of funds, and possible corruption in government flood control and related projects, which, if true, endanger the safety and security of the Filipino people, threaten the welfare of various communities, and erode public trust in government institutions;

WHEREAS, the effective implementation of government flood control and related projects is vital to safeguarding the lives, property, and welfare of the Filipino people, who have repeatedly suffered from the devastating impacts of natural calamities and disasters;

WHEREAS, the Administration is firmly committed to maintain honesty and integrity in public service, and will take decisive measures to repress and hold accountable government officials and employees, and any other individual, who

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engage in graft, corrupt practices, or other acts that undermine the national interest and betray the people's trust;

WHEREAS, it is imperative to constitute an independent body that will investigate and undertake appropriate measures against those involved in irregularities in government infrastructure projects;

WHEREAS, the President's power to appoint carries with it the power to discipline and remove public officials and employees, except those who are not otherwise subject to his disciplining authority under the Constitution and relevant laws;

WHEREAS, Section 93 of the General Provisions of RA No. 12116 or the "General Appropriations Act for Fiscal Year 2025" authorizes the President to create new offices and modify the existing organizational structure of the agencies in the Executive branch, as well as create new positions or modify existing ones whenever public interest so requires; and

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all Executive departments, bureaus and offices, and the mandate to ensure the faithful execution of laws;

NOW, THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Independent Commission for Infrastructure. There is hereby created an independent *ad hoc* fact-finding Commission to be known as the Independent Commission for Infrastructure (ICI), to be composed of a Chairperson and two (2) Members who shall all be persons of proven competence, integrity, probity, and independence. The Chairperson and Members may be entitled to *per diems* and allowances, in accordance with existing laws, rules, and regulations.

Section 2. Mandate. The ICI shall, on complaint or *motu proprio*, hear, investigate, receive, gather, and evaluate evidence, intelligence reports, and information, against all government officials and employees, and any other individual, involved in anomalies, irregularities, and misuse of funds in the planning, financing, and implementation of government flood control and other infrastructure projects nationwide, in violation of, among others, the following:

- a. RA No. 3019, as amended;
- b. RA No. 1379 on the unlawful acquisition of property by a public officer or employee;
- c. RA No. 6713 or the "Code of Conduct and Ethical Standards for Public Officials and Employees;"
- d. Relevant provisions of the Revised Penal Code;

- e. Executive Order No. 292 (s. 1987) or the "Administrative Code of 1987," whenever it defines and imposes administrative sanctions on acts and omissions constituting violations of the foregoing laws and issuances;
- f. Applicable Civil Service laws, rules, and regulations;
- g. Rules and regulations duly promulgated by competent authority to implement any of the foregoing laws and issuances; and
- h. Other violations as may be referred to the ICI by the President.

The ICI shall prioritize the investigation of flood control and other infrastructure projects within the last ten (10) years from effectivity of this Order.

The ICI shall, based on its findings: (a) recommend the filing of appropriate criminal, civil, and administrative cases or actions against those responsible to the appropriate disciplinary, prosecutorial, and administrative bodies, such as the Office of the President (OP), Office of the Ombudsman, the Department of Justice (DOJ), and the Civil Service Commission (CSC), to exact accountability, in accordance with relevant laws, rules and regulations; and/or (b) recommend to the appropriate government bodies/agencies the enforcement of remedies, corrective actions, and/or legislative measures to ensure the proper implementation of ongoing government flood control and other infrastructure projects.

Section 3. Powers and Functions. In order to effectively and efficiently perform its mandate under Section 2 hereof, the ICI shall have the following powers and functions, subject to existing laws, rules and regulations:

- a. Conduct hearings, take testimony, and receive, gather, review, and evaluate evidence, reports, and information on matters within its power to investigate;
- b. Issue subpoenas for attendance of witnesses and production of documents necessary for its fact-finding and investigation activities, specifically, subpoena *ad testificandum* and *duces tecum* in accordance with relevant laws, rules and regulations;
- c. Inform any person who has witnessed or has knowledge or information on the commission of a crime subject to investigation or fact-finding by the ICI, and has testified, or is testifying, or is about to testify on such matter, that he or she may apply and be admitted into the Witness Protection, Security, and Benefit Program under RA No. 6981, if qualified;
- d. Recommend to the DOJ the admission of a person as a state witness, in cases where there is a need to utilize a person as a state witness to ensure that the ends of justice be fully served, provided such person qualifies as a state witness under the Rules of Court of the Philippines;
- e. Upon proper request or representation, obtain from the Senate and the House of Representatives information and documents pertaining to their respective investigations which relate to matters within the power of the ICI;

- f. Upon proper request or representation, obtain from the courts, including the *Sandiganbayan* and the Office of the Court Administrator, information and documents pertaining to cases filed with the *Sandiganbayan* or the regular courts, relating to matters within the power of the ICI;
- g. Upon proper request or representation to the appropriate authorities, obtain books, records, contracts, bank statements, and other documents pertinent to its investigation;
- h. Recommend to or request from the appropriate authorities or the proper courts, the issuance of a hold departure order or other remedies to monitor or prohibit the travel abroad, or to compel the return from abroad, of any public official or employee, or any other individual, under investigation by the ICI;
- i. Recommend to or request from the appropriate authorities the freezing or seizure of assets, funds, deposits, and properties reasonably believed to be connected to anomalous flood control and other infrastructure projects pending investigation with the ICI;
- j. Transfer evidence and findings, from time to time, to the appropriate prosecutorial authorities for expeditious prosecution, by means of a special or interim report and recommendation, when the ICI finds, in the course of its investigation, that there is reasonable ground to believe that individuals are criminally liable;
- k. Recommend to the appropriate authorities the immediate preventive suspension of any public official or employee as the ICI may find necessary to prevent tampering with evidence or influencing witnesses during its investigation;
- l. Invite and collaborate with public officials and/or private individuals of recognized competence and integrity, with established knowledge and expertise in governance, transparency, and accountability, and designate them as Special Adviser or such other capacity as may be deemed necessary, to aid in the ICI's investigation, subject to existing laws, rules, and regulations;
- m. Engage the services of resource persons, professionals, experts in relevant fields, and such other personnel as may be necessary to effectively carry out its mandate;
- n. As may be necessary, promulgate its rules and regulations or rules of procedure to effectively and efficiently carry out the objectives of this Order and to ensure the orderly conduct of its investigations, proceedings and hearings, including the presentation of evidence;
- o. Exercise such other powers incidental to and necessary for its fact-finding and investigative functions; and
- p. Perform other functions as may be directed by the President or the Executive Secretary.

Section 4. Refusal to Obey Subpoena, Take Oath or Give Testimony. Any government official or personnel who delays or refuses, without adequate cause, to comply with a subpoena issued by the ICI, or who, appearing before the ICI, refuses to take oath or affirmation, shall be subject to administrative disciplinary action, without prejudice to any criminal liability. Any private person who does the same shall be dealt with in accordance with law.

Section 5. Secretariat. There shall be a Secretariat which shall provide technical and administrative support to the ICI and which shall be headed by an Executive Director to be appointed by the President upon the recommendation of the ICI. The Executive Director shall have the rank, emoluments, and privileges of an Undersecretary.

The Executive Director, under the control and supervision of the Chairperson, shall execute and administer the policies and decisions of the ICI and manage the day-to-day operations thereof.

Section 6. Organizational Structure and Staffing Pattern. The ICI shall be supported by a staff complement who shall all possess the necessary background and expertise to ensure the effective implementation of the duties and functions of the ICI. Within thirty (30) days from the effectivity of this Order, and without prejudice to the immediate performance of the functions of the ICI, the Executive Director shall determine the appropriate organizational structure, staffing pattern, and corresponding qualification standards for all positions under the ICI, and submit the same for review and approval of the President and/or the Department of Budget and Management (DBM), subject to existing laws, rules and regulations, including the Organization and Staffing Standards and Guidelines issued by DBM and the CSC.

Section 7. Convergence. To enable the ICI to accomplish its mandates, the DOJ, including the National Bureau of Investigation and National Prosecution Service, the DPWH, Department of the Interior and Local Government, Philippine National Police, and all departments, bureaus, agencies, and offices in the Executive Branch, including government-owned or -controlled corporations, shall extend full assistance and cooperation to the ICI as may be required by the latter in the discharge of its functions and duties.

Failure or refusal to extend such assistance or cooperation for no valid or justifiable reason or adequate cause shall constitute a ground for disciplinary action against the concerned official or personnel, subject to existing laws, rules, and regulations.

All local government units, all branches of government, and the private sector, are hereby encouraged to provide full and timely assistance and cooperation to the ICI to ensure effective implementation of this Order.

Section 8. Reporting. The ICI shall provide monthly reports to OP, through the Office of the Executive Secretary. The ICI shall likewise cause the publication of its accomplishments and such other relevant reports.

Section 9. Funding. The DBM is hereby directed to immediately identify funding sources for the initial implementation of this Order, subject to pertinent budgeting, accounting, and auditing laws, rules and regulations. Thereafter, the funding requirements for the ICI shall be included in the budget proposal, subject to the usual budget preparation process.

Section 10. Sunset Clause. The ICI shall be rendered *functus officio* upon the accomplishment of the purposes for which it was created or unless sooner dissolved by the President.

Section 11. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to be in full force and effect.

Section 12. Repeal. All orders, rules and regulations, and issuances or parts thereof inconsistent with this Order are hereby repealed, amended, or modified accordingly.

Section 13. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila this 11th day of September, in the year of Our Lord, Two Thousand and Twenty-Five.

By the President:


LUCAS P. BERSAMIN
Executive Secretary



