



OFFICE OF THE PRESIDENT
NATIONAL HOUSING AUTHORITY

24 August 2007

MEMORANDUM

FOR : **All Group/Department/Division/Project Managers/ First Line Supervisors and Area Management Team Heads**

SUBJECT : Accountability of Superiors on Corrupt Activities of Subordinates

Pursuant to the provisions of Republic Act No. 9485 otherwise known as the Anti-Red Tape Act of 2007, all Group/Department/Project/Division Managers/ First Line Supervisors and Area Management Team Heads shall not only be accountable to the public in rendering fast, efficient, convenient, reliable service but also, shall be responsible for the corrupt practices of their subordinates.

The following are the specific rules governing the liability of public officers in general as laid down in Section 38, Chapter 9, Book I of the Administrative Code of 1987 and reiterated in the Integrity Development Plan (IDAP) Circular No. 02-2006 dated 14 June 2006 on the Legal Bases of the IDAP Measure on Command Responsibility, to wit:

- 1) A public officer shall not be civilly liable for acts done in the performance of his official duties, unless there is a clear showing of bad faith, malice or gross negligence.
- 2) Any public officer who, without just cause, neglects to perform a duty within a period fixed by law or regulation, or within a reasonable period if none is fixed, shall be liable for damages to the private party concerned without prejudice to such other liability as may be prescribed by law.
- 3) A head of a department or a superior officer shall not be civilly liable for the wrongful acts, omissions of duty, negligence, or misfeasance of his subordinates, unless he has actually authorized by written order the specific act or misconduct complained of.

As a general rule, superior officers cannot be held liable for the acts of their subordinates, however, **Mechem** (Cruz, Liability of Public Officers 2003 Edition) noted several exceptions and suggests that the superior officer may be held liable:

- 1) where, being charged with the duty of employing or retaining his subordinates, he negligently or willfully employs or retains unfit or improper persons;
- 2) where, being charged with the duty to see that they are appointed and qualified in a proper manner, he negligently or willfully fails to require of them the due conformity to the prescribed regulations;
- 3) where, he so carelessly or negligently oversees, conducts or carries on the business of his office as to furnish the opportunity for the default, and;
- 4) a fortiori where he has directed, authorized or cooperated in the wrong.

Be guided accordingly.

FEDERICO A. LAKA
General Manager

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