Government of the Republic of the

Technical Assistance to the Justice Sector Reform Programme
Governance in Justice (GOJUST) EuropeAid/136651/DH/SER/PH

TERMS OF REFERENCE
NON KEY EXPERT (NKE) MISSION NR. 004
TITLE: Study on Case File Preparation to Strengthen Cooperation Between Police Investigators and Prosecution

Technical Assistance Team (TAT)
GOJUST Programme, 6th Floor, Centennial Building,
Supreme Court of the Philippines
Padre Faura, Manila

Endorsement of finalised ToR:

For internal use only:

Endorsed by:

Means of endorsement:

Date:
1. BACKGROUND

The Government of the Republic of the Philippines with the support of the European Union is implementing the Justice Sector Reform Programme: Governance in Justice (GOJUST). GOJUST is funded by the European Union to the value of EUR 16,000,000 and with the support of the Spanish Agency for International Development Cooperation (EUR 2,000,000). The overall objective of GOJUST is: To contribute to inclusive growth and poverty reduction through a strengthened justice system and its specific objective is: To increase the efficiency, effectiveness and accountability of the formal justice system. The programme is being implemented from April 2016 to September 2019.

GOJUST seeks to achieve four major result areas, as follows:

- **Result 1**: Sector-wide coordination of the justice system strengthened and long-term reform strategy developed;
- **Result 2**: Backlog curtailed in courts and prosecution services and case management system streamlined and computerised (with focus on 'justice zones');
- **Result 3**: Justice sector agencies’ administrative and financial management systems improved;
- **Result 4**: National/Regional Human Rights Institutions and CSO’s capacity to promote accountability and fight impunity for major human rights violations strengthened.

The support provided under this program will have a far reaching effect on the entire justice system, and will impact on three main agencies of government, namely the Judiciary, led by the Supreme Court at the apex, the Department of Justice, which includes the prosecution service, the correctional system, the public attorneys, the National Bureau of Investigation, and the Department of Interior and Local Government, which includes the police, the local detention facilities and the barangay justice system.

The programme is managed by a Programme Steering Committee headed by the Chief Justice of the Supreme Court, the Secretary of Interior and Local Government, and the Secretary of Justice and other designated representatives from the justice sector and stakeholders. The day to day coordination is done by the Programme Coordinator.

In line with the Direct Management component of the Financing Agreement, a Service Contract (EuropeAid/136651/DH/SER/PH Nr.2016/37/788) for the provision of *Technical Assistance for the Justice Sector Reform Programme: Governance in Justice (GOJUST)* was awarded to a consortium of organisations under the leadership of the **British Council** in April 2016. The Service Contract requires the provision of a Technical Assistance Team consisting of three key experts that will be responsible for the three result areas. In addition, the service contract also includes the provision of 1,240 working days of non-key experts that will support the work of the key experts in the delivery of results under the programme.

**Background for the Short-Term Assignment**

The Philippine’s formal justice system remains relatively inaccessible for the vast majority of the public. Vulnerable groups, including women and children, ethnic minorities, the poor, and people
with disabilities face particular difficulty in accessing timely and affordable justice. Large case backlogs and heavy caseloads in the National Prosecution Service (NPS) and the courts are slowly overwhelming the court administration and undermining access to justice. There is increasing acknowledgement that these are critical governance, access to justice and rule of law issues that needs to be addressed. The causes of the state of the justice sector are multiple: lack of capacity, external interference, corruption, outdated laws, incentives for delay, and complex procedures all combine to create a system which does not deliver speedy, affordable and trusted outcomes for the public. A lack of coordination and cooperation between justice sector agencies, which are heavily interdependent upon one another, is another major challenge.

The Department of Justice administers the criminal justice system in accordance with the accepted processes consisting of the investigation of crimes, prosecution of offenders, and administration of the correctional system. In particular, the National Prosecution Service (NPS) is mandated by Republic Act No. 10071, otherwise known as the Prosecution Service Act of 2010, to be primarily responsible for the preliminary investigation and prosecution of all cases involving violation of penal laws. This involves the quasi-judicial functions of determination of probable cause and prosecution of offenders including cases with which the NPS has concurrent jurisdiction with the Office of the Ombudsman.

As of 2016, the total caseload (pending cases and inflow of cases for the year) of the NPS reached “1,221,341 cases of which 409,931 or 34% were preliminary investigation cases and a larger 811,410 or 66% are prosecuted cases pending in the courts.”¹ The total prosecutor positions filled up both at the central office and the field office, on the other hand, is only 2,341 out of a plantilla positions of 3,524.² Thus, each prosecutor is estimated to be handling an average of 175 preliminary investigation cases and 347 criminal cases prosecuted in court.³

Despite the heavy caseload, prosecutors were able to resolve an average of 153 of the preliminary investigation cases in 2016. Resolution of prosecuted cases appears low with conviction rates in the lower courts averaging at 32.4 %. Total preliminary investigation cases disposed in 2016 is 359,259 cases or 87.64 % of total caseload with per prosecutor in field delivery units averaging at 153 cases.⁴

The unresolved cases every year both at the preliminary investigation stage and those that are being prosecuted in the courts add to the yearly backlog. Republic Act No. 10071 aimed at addressing the problem of congestion in the NPS by requiring that there should be two prosecutors for every regional trial court and one prosecutor for every metropolitan trial court and municipal trial court and that for every court created, there should be a position for a prosecutor that is also created. However, this measure has not yet been fully adopted. Responding to the problem of the lack of prosecutors, the President appointed an additional 321 prosecutors in March 2016. It is not certain, however, if the appointment and distribution of the new prosecutors has taken the congestion rates of prosecution offices into consideration.

Even considering the above measures, the conviction rate in the Philippines is estimated to be 32.4 % (NPS Operations Statistics, 2016.) This rate is a clear sign that significant challenges exist for the prosecution of cases including during the stages of preliminary investigation and the case build-up and the coordination between the functions of investigation and prosecution. Some of the causes of this are generally well understood, such as the high number of cases and low number of investigators and prosecutors.

² Ibid.
³ Ibid.
⁴ Ibid.
Poor case file preparation in criminal cases is one of the main problems in the criminal justice system. Some cases are filed even where evidence is insufficient, inadmissible, or not available. The theory of the case is not developed at the time of investigation but only after there has been a decision to file the case in court. This results in multiple adjournments and result in very low conviction rates. This leads to major inefficiencies and wastage of court time and resources.

There has been some recent experience in the Philippines on increased collaboration between law enforcement agencies and the prosecution service in specific types of cases. In certain types of cases, prosecutors play an active role in case build-up, evidence gathering and evaluation. For example, AO 35 series of 2012 and the operational guidelines provides for cooperation between the PNP and NPS for cases involving extrajudicial killings.

“In prosecution of drugs cases under Republic Act No. 9165 or the Comprehensive Dangerous Drug Act of 2002, the National Prosecution Service is directed to be in the front lines particularly present during the inventory of the confiscated dangerous drug. Further, the law mandates that all provincial or city prosecutors or their assistants or state prosecutors to prepare the appropriate petition in all proceedings arising from the law. In dealing with children in conflict with the law, Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 requires public prosecutors to have specialized training to deal with minors. Further, the public prosecutor is tasked to coordinate with the barangay and the local social worker before proceeding with the prosecution of the case.

Lastly, in combating the new crimes committed in the cyber world, Republic Act No. 10125 or the Cybercrime Prevention Act of 2012 mandates close coordination between the Philippine National Police and the National Bureau of Investigation, on one hand and the Department of Justice on the other, especially in the areas of pre-operation, post operation and investigation reports.

This short-term assignment will identify what the problems are with both formal procedures and informal practices in terms of case build-up, evidence gathering and the prosecution of cases. In doing so, the research will analyse and take note of any lessons learned from the recent experience on increased collaboration between law enforcement agencies and the prosecution service in specific types of cases including for cases involving extrajudicial killings as per AO 35 series of 2012 and the operational guidelines, the prosecution of drugs cases under Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, the handling of children in conflict with the law as provided for in the Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 and the combating of crimes committed in the cyber world, Republic Act No. 10125 or the Cybercrime Prevention Act of 2012. The expected result will be research which generates ideas about a series of activities that GOJUST can administer, which will be: short-term practical initiatives that can be rolled out in local area Justice Zones as well as longer term policy level initiatives and legislative reforms that can be addressed by the Justice Sector Coordinating Council (JSCC) in order to examine the scope to amend the laws, regulations and standard operating procedures that govern preliminary investigation and case build-up and the role of the Philippine National Police (PNP) and the NPS vis-à-vis investigation and investigator-prosecutor interaction. The study is also expected to examine the needed operational changes

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both in terms of structure, staffing, and lines of coordination among the agencies involved in case build-up. The study will also provide examples of best practices in other countries on coordination between justice sector actors in case build-up.

Focus on investigation and prosecution:
The foundations of a criminal case file are built on the process of investigation and prosecution and the efficient handling of the process from the original complaint to the submission of the case for resolution to the resolution of the case by the investigating prosecutor and the final disposition of the case handled in court. The quality of the various documents produced during these stages from investigation by the police, to preliminary investigation by the prosecutor, to the case being handled in court, including their strengths and weaknesses, have an important bearing on the trajectory of a case (how quickly it moves through the system) and its ultimate success (whether a conviction results).

The link point as a case-file passes from one stage to another also demonstrates one of the key issues for GOJUST; namely that the justice sector’s (somewhat) independent agencies are also interdependent. That is, they rely on one another to get the job done. For example, if the police arrest a criminal but does not pass the evidence to the police investigator, then it is unlikely the judges at trial will convict. Also, if the investigator and prosecutor does not give feedback to the police and does not ask them to assist with collecting further evidence, they might not conduct a satisfactory investigation and prosecution. As such, there are also good procedural reasons for this cooperation: the prosecutor has powers that the police do not have, such as gaining access to documents, and the preparation and submission of the indictment. Also, the police have skills that the prosecutor does not have, such as how to preserve evidence or arrest a suspect.

It is also a matter of good practice to cooperate. Cooperation ensures a shared understanding of the goal of the enquiry and of the strengths and weaknesses of the case. There can be a number of procedural consequences if cooperation does not occur:

- Evidence might not be admissible;
- Where time limits are not followed, suspect might be released (case dismissed); and
- If the court finds the arrest was unlawful.

Current level of cooperation:
The day-to-day realities of how the processes of preliminary investigation and prosecution interact are not well understood outside of a select group of justice sector insiders.

The practical application and interaction between the Prosecution Service Act of 2010 and other relevant acts and regulations such as Presidential Decree 911 of 1976 or standard operating procedures including any lessons learned from the recent experience on increased collaboration between law enforcement agencies and the prosecution service in specific types of cases (including AO 35 series of 2012 and the operational guidelines relating to extrajudicial killings, Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002, Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006 and Republic Act No. 10125 or the Cybercrime Prevention Act of 2012) and how this affects the progress of a case from one stage to another has not been properly mapped. Also, equally important, and missing, are the informal realities, or what actually happens that is not set out in the guiding rules but nonetheless occurs. As such, this work is based on the following assumptions:

- The conviction rate for criminal cases is 32.4 %. This highlights that there are issues with investigation and prosecution;
• Cooperation between the roles of investigation and prosecution does not occur systematically and where it does occur, this is mostly for reasons of political necessity and/or corruption;
• Case build-up and weak cooperation between the process of investigation and prosecution contributes to delays and the gradually increasing case backlog;
• As in all jurisdictions, there are professional and cultural barriers to cooperation;
• The merged functions of the NPS in the preliminary investigation as well as the prosecution of the case makes the situation more difficult;
• Any work done by GOJUST will need to be strongly grounded in an understanding of incentives and political realities.

The scope of analysis focuses directly on the work undertaken in relation to the investigation and the prosecution of the case. This means from the time a case is filed in a police station to the time it is disposed of by the court. It focuses on these two functions but needs to understand the impact of their work on each other, what happens in between and also for the justice sector as a whole.

The research shall map the formal parameters of cooperation between the functions of investigation and prosecution. This would include at minimum an analysis of the domestic legal framework which regulates these functions and processes, including lifting out and analysing relevant sections of the Prosecution Service Act of 2010 and other relevant acts and regulations as mentioned above and relevant standard operating procedures (if any). The study will also look into the interaction of these statutes with the procedures laid down in Rule 112 of the Revised Rules of Court (Preliminary Investigation). The study will also examine institutional and human resource challenges for improved case build-up in both the law enforcement agencies and the prosecution service.

In addition, the research would look at the informal realities on the ground by unpacking the incentives (and barriers to) cooperation. Key informant interviews with investigators, prosecutors, lawyers, judges and other experts would help to build a better picture of what happens on a day-to-day basis and get an insider’s view of what could be done to improve the situation. The value of this is to understand what really takes place so that interventions can be targeted, sustainable and effective. The research shall in this regard be guided by the findings and recommendations of the ongoing NKE mission for the development of a decongestion strategy for the prosecution offices.

The process will include field research in the Justice Zone area of Quezon City as well as Manila-based research. A number of key informant interviews will need to be held with police officers, investigators, public prosecutors, and other justice sector officials.

The study will provide concrete proposals in terms of legislative and policy reform, administrative measures, and related reforms in terms of organizational structure and human resource requirements for improved case build-up for criminal cases.

The study will also be informed by best practices from other countries on cooperation between justice sector actors for case build-up.

This particular mission calls for support of three non-key experts (two senior and one junior) who will examine the current procedures and practices on case-file preparation from the police investigators to the prosecutors in Quezon City Justice Zone focusing on the formal and informal aspects of the status quo and how this contributes to case-backlogs and justice sector outcomes, identify any barriers to change and make recommendations and strategies to support
improvements including any implications in terms of organizational structure and human resource requirements.

2. DESCRIPTION OF THE ASSIGNMENT

2.1. Global objective

Result 1 of the GOJUST Programme focuses on institutionalization of the concept of communication, coordination and co-operation between and within the key criminal justice sector agencies. The over-all objective of this mission is to develop a strategy for short term practical as well as long term policy related or legislative changes to address the identified problems.

2.2. Specific objective(s)

Specifically, the Mission is expected to achieve the following objectives:

a) To undertake a “drivers of change” analysis on case-file preparation between police investigators and prosecutors based on selected case files in the justice zone area of Quezon City. The analysis will focus on explaining: 1) the formal and informal aspects of the status quo and how this contributes to case-backlogs and justice sector outcomes; 2) barriers to change; and 3) recommendations and strategies to support improvements.
b) Understand the current situation better and how change occurs. This will enable more informed, cost-effective and sustainable interventions.
c) Provide a comparative analysis from experience in other countries

2.3. Requested services, including suggested methodology and required outputs

The scope of work of the consultant shall include the following:

a) A kick-off briefing and discussion with the technical assistance team on the scope of the assignment;
b) Gather and review materials relevant to the delay of cases and low conviction rate, including selected cases, especially cases handled in court that have been archived or dismissed or where the accused has been acquitted, laws, regulations, caseload data, clearance and disposition rates, and other relevant studies on the NPS, PNP and other law enforcement agencies;
c) Liaise with and consult findings and recommendations from the ongoing GOJUST study to Develop a Strategy for Decongesting Prosecution Offices;
d) Conduct key informant interviews, focus group discussions, and consultation meetings with investigators and prosecutors and other justice sector actors on delay of cases in the NPS and the low conviction rate and possible solutions and strategies;
e) Provide a comparative analysis and share experience from other countries
f) Recommend short term practical as well as long term policy related and legislative solutions and strategies for improvements including any implications in terms of organizational structure and human resource requirements;
g) Develop a roadmap and action plan for implementing the recommendations;
h) Stakeholder engagement or validation event at the level of the JZ as well as at the level of JSCC.

2.4. **Required outputs**

The outputs of this engagement are the following:

a) An Inception Report, submitted to the TAT no later than 5 days after the commencement of the assignment.

b) The primary deliverable of this assignment is a Mission Report, structured as follows:

- Executive Summary
- Introduction and Background
- Main findings related to the overall and specific objectives of this assignment
- Key Recommendations
- Conclusion
- Relevant Annexes

c) The Annexes will include the following documents:

- Study on the causes of delay in the NPS and the low conviction rate including short term practical and long-term policy related and legislative recommendations including any implications in terms of organizational structure and human resource requirements;
- Lessons learned analysis from the recent experience on increased collaboration between law enforcement agencies and the prosecution service in specific types of cases
- A roadmap and action plan for implementing the recommendations
- Presentation of findings both at the level of the JZ and the level of the JSCC

2.5. **Number of requested international experts and number of days required per expert**

The following types of expertise are required:

<table>
<thead>
<tr>
<th>Position</th>
<th>Designation</th>
<th>Type of Expertise</th>
<th>Duration (working days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Team Leader</td>
<td>Senior Criminal Investigations and Prosecutions Expert</td>
<td>30</td>
</tr>
<tr>
<td>2</td>
<td>Team Member</td>
<td>Junior Criminal Investigations and Prosecutions Expert</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>Team Member</td>
<td>Senior Organizational Development Expert</td>
<td>20</td>
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</table>
The consultant team will consist of 3 experts, with the team leader being a Senior International Criminal Investigations and Prosecutions Expert, while the second position will be filled by a Junior National Criminal Investigations Expert and the third position will be a Senior National Organisational Development Expert. The team leader will be responsible for overall planning, coordination and management of the mission as well as the overall analysis, conclusions and recommendations as drafted and presented in the final mission report.

The indicative breakdown of the level of effort of each of the consultants is as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>No. of Days</th>
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<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Review of documents of the programme</td>
<td>1.5</td>
</tr>
<tr>
<td>Meeting with the TAT for a discussion on the programme and expectations on the study to identify causes of the low conviction rate including identification of short term practical and long term policy related and legislative recommendations</td>
<td>1.5</td>
</tr>
<tr>
<td>Draft Inception Report</td>
<td>1</td>
</tr>
<tr>
<td>Review findings and recommendations from GOJUST study to Develop a Strategy for Decongesting Prosecution Offices and liaise with the NKE Team for this study as required</td>
<td>8</td>
</tr>
<tr>
<td>Gather and research materials on caseload data of the NPS, relevant laws and regulations, and studies relating to the low conviction rate of cases prosecuted in court</td>
<td>4</td>
</tr>
<tr>
<td>Review and analyse selected case files from Quezon City JZ to identify causes of delays and low conviction rates, especially cases handled in court that have been archived or dismissed or where the accused has been acquitted</td>
<td>11</td>
</tr>
<tr>
<td>Lessons Learned Analysis from the recent experience on increased collaboration between law enforcement agencies and the prosecution service in specific types of cases</td>
<td>4</td>
</tr>
<tr>
<td>Interviews with the key stakeholders in the justice sector to assess their views on the causes of delays and low conviction rate and any implications in terms of organisational structure and human resource requirements</td>
<td>12</td>
</tr>
<tr>
<td>Design a programme for a consultative workshop with investigators and prosecutors on the issue of delay and low</td>
<td>3</td>
</tr>
</tbody>
</table>
conviction rates to include a comparative analysis and experience from other countries and any implications in terms of organisational structure and human resource requirements

| Conduct a consultative workshop with investigators and prosecutors on the issue of delays and low conviction rates and experience from other countries and any implications in terms of organisational structure and human resource requirements | 3 | 1 | 1 | 1 |
| Draft Study on the causes of delay in the NPS and the low conviction rate including short term practical and long-term policy related and legislative recommendations as well as recommendations for organisational restructuring and human resource requirements | 15 | 5 | 5 | 5 |
| Prepare a roadmap and action plan for implementing the recommendations | 6 | 1 | 3 | 2 |
| One validation workshop where findings both at the level of the JZ and the level of the JSW will be presented | 9 | 3 | 3 | 3 |
| Finalise study and roadmap based on feedback received | 3 | 1 | 1 | 1 |
| Draft Mission Report | 3 | 2 | 1 | 0 |
| TOTAL DAYS | 85 | 30 | 35 | 20 |

All experts should have the following skills and competences:

- Excellent in spoken and written English;
- Excellent analytical competence and interview skills;
- Active listening skills and strong writing skills;

Profile required (language, education, experience)

Position 1 – Team leader: Senior International Criminal Investigations and Prosecutions Expert:

Qualifications and skills

- A master's degree in law, human rights, criminal justice or related field;
- Knowledge of court procedures, precedents, legal practices and documents, Government regulations, Administrative Orders, agency rules, prosecution system, government organisations and functions;
- Proven team leadership, team coordination and client liaison abilities.
General professional experience

- A minimum of ten (10) years of relevant professional experience, 5 of which in developing countries;
- Proven experience in conducting sector specific reviews, institutional assessments and/or evaluation/monitoring missions;

Specific professional experience

- A minimum of five (5) years of practical involvement in criminal investigations or prosecutions and case backlog reduction programmes;
- Proven understanding of political economy analysis and drivers of change methodologies, including demonstrated involvement in at least one political economy analysis or drivers of change research for development partners.

Position 2 – Junior National Criminal Investigations and Prosecutions Expert

Qualifications and skills

- A master's degree in law, human rights, criminal justice or related field or equivalent experience;
- Knowledge of court procedures, precedents, legal practices and documents, Government regulations, Administrative Orders, agency rules, government organisations and functions.

General professional experience

- A minimum of five (5) years of relevant professional experience, 3 of which in developing countries;
- A demonstrated knowledge of the Philippine criminal justice system, including role, functions and interactions between courts, prosecution and investigation, is required;

Specific professional experience

- A minimum of three (3) years of practical involvement in criminal investigations or prosecutions and case backlog reduction programmes, or other justice sector reform project

Position 3 – Senior National Organisational Development Expert

Qualifications and skills

- University degree in business administration, public administration, organisational development, management or related field

General professional experience

- Minimum of 10 years of relevant professional experience, five of which in developing countries, in the reorganisation of offices in the public sector, and the formulation of change management strategies that ensure successful implementation;
• Knowledge of DBM and CSC rules and procedures that affect the reorganisation of government offices in the Philippine context

Specific professional experience

• Proven experience in the design and/or implementation of public sector reform strategies in the context of the Philippines, with a particular emphasis on reorganisation, change management and capacity building of government offices;

• Working experience and familiarity with government procedures (DBM, Civil Service, COA) on the reorganisation, budgeting and re-engineering of government offices; familiarity with key officials of pertinent government agencies is preferred

• Any relevant professional experience in the justice sector would be an added advantage

3. LOCATION AND DURATION

3.1. Starting period

The estimated start date for this assignment is 1 October 2017.

3.2. Foreseen finishing period or duration

The main mission period is four months from October 2017 to February 2018. The latest date for completion of the primary deliverable i.e. the draft Mission Report and the Annexes (Lessons Learned Analysis from the recent experience on increased collaboration between law enforcement agencies and the prosecution service in specific types of cases, Study on the causes of delay in the NPS and the low conviction rate including short term practical and long term policy related and legislative recommendations and recommendations of organisational restructuring and human resource requirements, and the Roadmap and Action Plan for implementing the recommendations) is November 20, 2017. The final Mission Report and all the Annexes is to be completed not later than January 20, 2018.

3.3. Location(s) of assignment

The mission will be based in the Manila office of the GOJUST programme and will require visits to Quezon City JZ and various offices in Metro Manila for the key stakeholders in the justice system. In the event that any travel would require an overnight stay, the travel expenses shall be shouldered by GOJUST under the standard policies on travel and per diems. It is also to be noted that up to five (5) days’ work per expert can be provided as home based input.

4. REPORTING

4.1. Content

The content of the reports required for this assignment are described in section 2.4 above.
4.2. **Language**

All reports and correspondence must be in English.

4.3. **Submission/comments timing**

All reports must be submitted by the Team Leader electronically in the format provided at the start of the mission. Comments by the TAT and key stakeholders on the various reports, will be provided to the experts as soon as possible. Draft final reports must be submitted before the debriefing by the consultant to the TAT.

5. **ADMINISTRATIVE INFORMATION**

The consultant shall be based in the GOJUST office, 6th Floor, Centennial Building, Supreme Court of the Philippines, Padre Faura, Manila.

The main contact person for this mission shall be the following:

a) Team Leader (for technical matters) Christian Eldon

b) Office Manager (for logistical matters) Ma Katrina (Tina) Abella

The list of persons to be visited, their contact numbers and location shall be agreed upon with the team leader during the first week of the consultant’s engagement.