

Republic of the Philippines
Department of Education
REGION V - BICOL
SCHOOLS DIVISION OFFICE OF CATANDUANES

04 November 2022

DIVISION MEMORANDUM
OSDS-LU-DM No. 14s 2022

**REITERATION OF THE 2017 RULES ON ADMINISTRATIVE CASES IN
THE CIVIL SERVICE (2017 RACCS)**

TO: Assistant Schools Division Superintendent
SDO Chiefs, Section/Unit Heads
Education Program Supervisors
Public Schools District Supervisors
Principals, School Heads, Teachers
All Employees
Division of Catanduanes

1. This office reiterates the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).
2. For information and guidance.

SUSAN S. COLLANO, CESO V
Schools Division Superintendent

Encl: 2017 RACCS

NA-LU/11/4/2022



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**2017 RULES ON ADMINISTRATIVE CASES
IN THE CIVIL SERVICE (2017 RACCS)**

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Number: 1701077

Promulgated: 03 JUL 2017

RESOLUTION

Pursuant to Section 6, Article IX-A of the 1987 Constitution, the Civil Service Commission *en banc* may promulgate its own rules concerning pleadings and practice before it or before any of its offices. Such rules, however, shall not diminish, increase, or modify substantive rights. Likewise, Section 12 (2), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission, among others, to prescribe, amend and enforce rules and regulations to effectively carry into effect the provisions of the Civil Service Law and other pertinent laws which include the procedure in administrative cases in the Civil Service.

NOW, THEREFORE, the Commission hereby adopts and promulgates the following rules concerning disciplinary and non-disciplinary proceedings in administrative cases in the Civil Service.

GENERAL PROVISIONS

Rule 1

APPLICABILITY AND CONSTRUCTION

Section 1. Title. These Rules shall be known and cited as the **2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)**.

Section 2. Coverage. These Rules shall apply to all disciplinary and non-disciplinary administrative cases or matters brought before the Civil Service Commission (CSC) and its regional/field offices, agencies of the national government, local government units, state universities and colleges (SUCs) or local universities and colleges (LUCs), and government-owned or controlled corporations with original charters except as may be provided by law.

Unless otherwise provided by law, rules formulated by the agencies shall not be in conflict with these Rules.

Bawat Kawani, Lingkod Bayani

Section 3. Construction. These Rules shall be liberally construed in order to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases.

Administrative investigations shall be conducted without strict recourse to technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Definition of Terms. The terms hereunder shall be construed, as follows:

- a. **AGENCY** refers to any bureau, office, commission, administration, board, council, institute, state university and college (SUC) or local university and college (LUC), corporation with original charter, whether performing governmental or proprietary function, or any other unit of the national government as well as provincial, city, municipal or autonomous regional government.
- b. **APPOINTING AUTHORITY** refers to the person or body duly authorized to issue appointments and other human resource actions in the civil service.
- c. **BACK WAGES** refers to the compensation and other benefits that should have been earned but were not collected because of the illegal dismissal/separation or suspension following the principle that an illegally dismissed government employee who is later reinstated is entitled to all the rights and privileges that accrue by virtue of the office held.
- d. **CIVIL SERVICE** is the generic term which refers to all officials and employees in all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters.
- e. **CIVIL SERVICE COMMISSION FIELD OFFICES (CSC FOs)** refer to the Civil Service Commission Field Offices under the direct supervision of the Civil Service Commission Regional Office, each headed by a Field Director.
- f. **CIVIL SERVICE COMMISSION REGIONAL OFFICES (CSC ROs)** refer to the Civil Service Commission Regional Offices, each headed by a Regional Director.
- g. **COMMISSION** refers to the Civil Service Commission composed of the Chairperson/Chairman and two (2) Commissioners.
- h. **DEPARTMENT** refers to any of the executive departments or entities having the category of a department, including the judiciary, legislative and the other constitutional commissions.
- i. **DEVELOPMENTAL INTERVENTIONS** refer to appropriate learning activities which may include coaching, mentoring, cross posting program, job rotation, temporary assignment, secondment, team building, knowledge sharing and learning session, shadowing, counselling, etc.

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- j. **DISCIPLINING AUTHORITY** refers to the person or body duly authorized by law to impose the penalty provided for by law or rules.
- k. **EMPLOYEE** refers to a person who works for an agency and occupies a position in either the first and second level whose functions are not managerial in nature.
- l. **EX-PARTE** refers to the act or manner of conducting a proceeding where only one party is present without representation from or to other parties.
- m. **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.
- n. **FORUM SHOPPING** refers to the filing of several administrative actions or complaints either simultaneously or successively before agencies or tribunals having concurrent jurisdiction over a case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues. Such case can either be pending in, or already resolved adversely by, some other tribunal or agency.
- o. **HUMAN RESOURCE (HR)** refers to the people, including their qualifications, competencies, talents and potentials. **HR** as a function pertains to the management, development and utilization of the people towards the excellent and ethical achievement of vision of the organization.
- p. **HUMAN RESOURCE (HR) ACTION** refers to any action denoting the movement or progress of officials and employees in the civil service which shall include appointment, promotion, transfer, reappointment, reinstatement, reemployment, reclassification, detail, designation, reassignment, secondment, demotion and separation from the service.
- q. **MOTU PROPRIO** refers to an action taken by the disciplining authority on its own initiative.
- r. **OFFICIAL** refers to a person who occupies either a professional, technical, or scientific position and whose functions are managerial in character, exercising management over people, resource and/or policy and exercising functions such as planning, organizing, directing, coordinating, controlling, and overseeing the activities of an organization, a unit thereof or of a group, requiring some degree of professional, technical or scientific knowledge and experience, application of managerial skills required to carry out basic duties and responsibilities involving leadership, functional guidance and control. Positions of officials require intensive and thorough knowledge of a specialized field.

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- s. **PARTY ADVERSELY AFFECTED** refers to the respondent against whom a decision in an administrative case has been rendered or to the disciplining authority or prosecuting agency in an appeal from a decision reversing or modifying the original decision.
- t. **PERSON COMPLAINED OF** refers to the person who is the subject of a complaint but who is not yet issued a notice of charge or formal charge by the disciplining authority.
- u. **PRIMA FACIE CASE** refers to the evidence which, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence.
- v. **PROBATIONARY EMPLOYEE** refers to an employee who is required to undergo a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF) during the probationary period which is generally six (6) months or depending on the duration of the probationary period as required by the position or by law.
- w. **PROTEST** refers to an action filed by a qualified next-in-rank official or employee questioning the issuance of an appointment in favor of another on the basis of lack of qualifications of the appointee.
- x. **PSYCHOLOGICAL INTERVENTIONS** refer to psychological counseling; psychotherapy; psychosocial support; life coaching; psychological debriefing; group processes; and all other psychological interventions that involve the application of psychosocial principles and methods to improve the psychological functioning of individuals; families; groups; and organizations¹.
- y. **QUALIFIED NEXT-IN-RANK** refers to an employee appointed on a permanent basis to a position previously determined to be a next-in-rank to the vacancy and who meets the requirements for appointment thereto as previously determined by the appointing authority and approved by the Commission.
- z. **RESPONDENT** refers to the person who is issued a notice of charge or formal charge by the disciplining authority.
- aa. **SEXUAL HARASSMENT** refers to an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official

¹ Section 3(b) (1), Rule III of the Implementing Rules and Regulations of Republic Act No. 10029 or AN ACT TO REGULATE THE PRACTICE OF PSYCHOLOGY CREATING FOR THIS PURPOSE A PROFESSIONAL REGULATORY BOARD OF PSYCHOLOGY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES known as "*Philippine Psychology Act of 2009*"



in a work-related, training or education related environment of the person complained of.

- bb. **SHOW-CAUSE ORDER** refers to the written document requiring a person to explain, or justify before the disciplining authority or its duly authorized representative within a given period why no disciplinary action shall be taken against him/her.

Rule 2
JURISDICTION AND VENUE OF ACTIONS

Section 5. *Jurisdiction of the Civil Service Commission.* The Civil Service Commission shall hear and decide administrative cases or matters instituted by or brought before it, directly or on appeal, including contested appointments, and review decisions and actions of its offices and other government agencies.

Section 6. *Referral of Case or Matter to the Proper Office.* When an administrative case or matter is filed before the Commission or any of the CSC ROs, but jurisdiction over such case or matter properly belongs to any other CSC RO or to the Commission, the same shall be forwarded by the office concerned to the appropriate CSC RO having jurisdiction over the case or matter or to the Commission as the case may be. The Commission or the CSC RO may also refer a case or matter to other agencies as it may deem necessary.

Section 7. *Cases Cognizable by the Commission.* The Civil Service Commission shall take cognizance of the following cases:

A. Disciplinary

1. Decisions of CSC ROs brought before it on petition for review;
2. Complaints brought against CSC officials and employees both in the Central Office (CO) and CSC ROs.

For this purpose, CSC ROs shall conduct the investigation and submit report and recommendation to the Commission in cases involving their own appointed officials and employees. Complaints against CO officials and employees shall be brought before the Commission through the Office for Legal Affairs (OLA) unless the Commission directs otherwise.

3. Complaints against officials who are not presidential appointees or elective officials;

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4. Decisions of disciplining authorities imposing penalties exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary brought before it on appeal;
5. Decisions of disciplining authorities imposing penalties not exceeding thirty (30) days suspension or fine equivalent to 30 days salary but violating due process;
6. Requests for transfer of venue of hearing on cases being heard by CSC ROs;
7. Appeals or petitions for review from orders of preventive suspension; and
8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

B. Non-Disciplinary

1. Decisions of department secretaries and bureau heads on human resource actions;
2. Decisions of CSC ROs;
3. Requests for favorable recommendation on petition for the removal of administrative penalties or disabilities;
4. Requests for extension of service excluding presidential appointees;
5. Appeals from reassignment of public health workers and public social workers;
6. Such other analogous actions or petitions arising out of or in relation with the foregoing enumerations.

Section 8. Cases Cognizable by Regional Offices. Except as otherwise directed by the Commission, the CSC ROs shall take cognizance of the following cases:

A. Disciplinary

1. Cases initiated by, or brought before, the CSC ROs provided that the alleged acts or omissions were committed within the jurisdiction of the



CSC RO, including fraudulent acquisition of civil service eligibility (violation of Republic Act No. 9416²) and its related offenses.

2. Petitions to place respondent under preventive suspension in connection with cases pending before the CSC RO concerned.

B. Non-Disciplinary

1. Disapproval/Recall of Approval/Invalidation of appointments brought before it on appeal;
2. Decisions of appointing authorities within their geographical boundaries relative to protests and other human resource actions as well as other non-disciplinary actions brought before them on appeal; and
3. Requests for corrections of personal information in the records of the Commission.

Section 9. Jurisdiction of Disciplining Authorities. The disciplining authorities of agencies and local government units shall have original concurrent jurisdiction with the Commission over their respective officials and employees. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (30) days salary subject to Section 7(A)(5) of these Rules. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation by the Secretary concerned.

DISCIPLINARY CASES

Rule 3 COMPLAINT

Section 10. Who May Initiate. Administrative proceedings may be initiated by the disciplining authority *motu proprio* or upon complaint of any other person.

Section 11. Requisites of a Valid Complaint. No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to by

² AN ACT DECLARING AS UNLAWFUL ANY FORM OF CHEATING IN CIVIL SERVICE EXAMINATIONS, UNAUTHORIZED USE AND POSSESSION OF CIVIL SERVICE COMMISSION (CSC) EXAMINATION-RELATED MATERIALS, AND GRANTING THE CSC EXCLUSIVE JURISDICTION OVER THESE CASES INCLUDING THOSE COMMITTED BY PRIVATE INDIVIDUALS

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the complainant. In cases initiated by the proper disciplining authority or an authorized representative, a show cause order is sufficient.

The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- a. full name and address of the complainant;
- b. full name and address of the person complained of as well as his/her position and office;
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;
- d. certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
- e. certification or statement of non-forum shopping.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refiling upon compliance with the same.

Section 12. *Anonymous Complaint.* No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence.

Section 13. *When and Where to File a Complaint.* Except when otherwise provided for by law, an administrative complaint may be filed anytime with the Commission or any of its regional offices, heads of departments, agencies, national government, local government units, state universities and colleges (SUCs) or local universities and colleges (LUCs), and government-owned or controlled corporations with original charters except as may be provided by law.

Section 14. *Complaints in Sexual Harassment Cases.* In sexual harassment cases, the complaint shall be filed with the Committee on Decorum and Investigation (CODI) which shall be created in all national or local agencies of the government, state/local colleges and universities, including government-owned or controlled corporations with original charters.



In a work-related environment, a CODI shall be composed of at least one (1) representative each from the management, the accredited union, if any, the second level employees, and the first level employees, duly selected by the unit concerned.

In an educational or training institution, the Committee shall be composed of at least one (1) representative from the administration, teaching and non-teaching staff and students or trainees, as the case may be, duly selected by the level concerned.

When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission.

The agency may formulate its own rules governing the term of office of its members which should not be more than two years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules.

The head of office who fails to create a CODI shall be charged with Neglect of Duty.

Section 15. *Jurisdiction of the CSC over Sexual Harassment Cases.* In case a complaint for sexual harassment is filed with the Commission, the same shall be remanded to the agency where the alleged offender is employed. However, the Commission may take cognizance of the case under any of the following circumstances:

- a. the agency has no CODI;
- b. the disciplining authority is the subject of the complaint;
- c. the subject of the complaint is a CODI member ; or
- d. there is unreasonable delay in complying with the periods provided in these Rules for the investigation and adjudication of a sexual harassment complaint.

For this purpose, there is unreasonable delay when any of the periods set in these Rules lapsed for a period of more than thirty (30) days without justifiable reason.

Section 16. *Withdrawal of the Complaint.* The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.

Section 17. *Action on the Complaint.* Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a *prima facie* case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.



In sexual harassment cases, the CODI shall perform the following functions:

1. Receive complaints of sexual harassment;
2. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;
3. Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and
4. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;

Localized CODI established in the regional or field offices, as the case may be, of the agency or institution shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the disciplining authority.

The agency shall adopt mechanisms to provide assistance to the alleged victim of sexual harassment which may include counselling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

Rule 4 **PRELIMINARY INVESTIGATION**

Section 18. Preliminary Investigation; Definition. A Preliminary Investigation is a mandatory proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a formal charge/notice of charge.

Section 19. How conducted. Preliminary investigation may be conducted in any of the following manner: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; or c) clarificatory meeting with the parties to discuss the merits of the case.

When the complaint is initiated by the disciplining authority, it or its authorized representative shall issue a show-cause order directing the person complained of to explain within the same period why no administrative case should be filed against the said person. The failure to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

The right to counsel may be exercised even during the preliminary investigation.

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For cases filed before the Commission or any of its Regional Offices, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 113 of these Rules.

Section 20. Duration of the Preliminary Investigation. A preliminary investigation shall commence within a non-extendible period of five (5) days upon receipt of the complaint by the disciplining authority and shall be terminated within twenty (20) days thereafter. However, the disciplining authority may extend such periods in meritorious cases.

Section 21. Investigation Report. Within five (5) days from the termination of the preliminary investigation, the investigating officer/body shall submit the Investigation Report with recommendation and the complete records of the case to the disciplining authority.

The Investigation Report shall be treated with confidentiality.

Section 22. Decision or Resolution After Preliminary Investigation. If a *prima facie* case is established after preliminary investigation, the disciplining authority may issue either a formal charge or a notice of charge pursuant to Rule 5 of these Rules.

In the absence of a *prima facie* case, the complaint shall be dismissed.

Rule 5 FORMAL CHARGE/NOTICE OF CHARGE

Section 23. Issuance of Formal Charge; Contents. After a finding of a *prima facie* case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel.

Section 24. Notice of Charge. In instances where the complaint was initiated by a person other than the disciplining authority, the disciplining authority may issue a written notice of the charge against the person complained of who will now be called respondent, to which shall be attached copies of the complaint, sworn statement and other documents submitted. The notice shall contain the charge against the respondent with a statement that a *prima facie* case exists. It shall also include a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, and a

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notice that he/she may opt to be assisted by a counsel of his/her choice and may elect to have a formal investigation.

If the respondent receives a notice of charge with incomplete attachments, the respondent may request for the lacking documents within 10 days from receipt of the formal/notice of charge and the period to answer will not run until the same is received by the respondent.

Section 25. *Prohibited Pleadings.* The disciplining authority shall not entertain requests for clarification, bills of particulars, motions to dismiss, motions to quash, motions for reconsideration and motion for extension of time to file answer. The same shall be noted without action and attached to the records of the case.

Rule 6 **ANSWER**

Section 26. *Requisites and Contents.* The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including original or certified copies of documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of one's case.

When the disciplining authority determines that the answer is satisfactory, the case shall be dismissed. Otherwise, the investigation shall proceed.

Section 27. *Failure to File an Answer.* If respondent fails or refuses to file an answer to the formal charge or notice of charge within the given period, he/she shall be considered to have waived his/her right to submit the same and the case shall be decided based on available records.

Rule 7 **PREVENTIVE SUSPENSION**

Section 28. *Preventive Suspension; Nature.* Preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the respondent may be removed from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is being investigated.

Section 29. *When Issued; Grounds.* The proper disciplining authority, upon motion or *motu proprio*, may issue an order of preventive suspension against the respondent upon issuance of the formal charge or notice of charge, or immediately thereafter, if:

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- A) The charge involves:
1. Dishonesty;
 2. Oppression;
 3. Grave Misconduct;
 4. Neglect in the Performance of Duty;
 5. Other offenses punishable by dismissal from the service; or
 6. An administrative offense committed on its second or third instance and the penalty is dismissal from the service; and
- B) The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence.

In order for a preventive suspension order to be valid, any of the conditions in Items A and B must be present.

Section 30. *Alternative to Preventive Suspension.* The proper disciplining authority may reassign respondent to another unit of the agency subject to the same periods as provided in the immediately succeeding section.

Section 31. *Duration of Preventive Suspension.* Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days in the case of national agencies including government-owned or controlled corporations with original charters, state universities and colleges (SUCs) or sixty (60) days in the case of local government units including local universities and colleges (LUCs). When the administrative case against respondent under preventive suspension is not finally decided by the disciplining authority within the period of preventive suspension, the respondent shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension. Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension. Provided, that where the order of preventive suspension is for a period less than the maximum period, the disciplining authority undertakes to finish the formal investigation within the said period and is precluded from imposing another preventive suspension. Provided, further, that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Provided finally that if the respondent is placed under preventive suspension in another case, the duration of the second preventive suspension shall simultaneously run with the first



preventive suspension without prejudice to the service of the remaining period of the second preventive suspension.

Section 32. Remedies from the Order of Preventive Suspension. The respondent may file an appeal to the Commission within fifteen (15) days from receipt of the preventive suspension order. Pending appeal, the order shall be executory. A motion for reconsideration from the order of preventive suspension shall not be allowed. In case such motion is filed, the same shall be noted without action and attached to the records of the case and shall not stay the execution of the said order nor shall have the effect of stopping the running of the reglementary period to appeal.

If the preventive suspension is imposed by the Civil Service Commission, the same is executory unless a Temporary Restraining Order is issued by the Court of Appeals or the Supreme Court.

Section 33. Payment of Back Wages During Preventive Suspension. The payment of back wages during the period of suspension shall be governed by the following:

- a. A declaration by the Commission that an order of preventive suspension is void on its face entitles the respondent to immediate reinstatement and payment of back wages corresponding to the period of the illegal preventive suspension without awaiting the outcome of the main case.

The phrase "void on its face" in relation to a preventive suspension order, imports any of the following circumstances:

- i. The order was issued by one who is not authorized by law;
 - ii. The order was not premised on any of the conditions under Section 29;
 - iii. The order of preventive suspension was issued without a formal charge or notice of charge or with defective formal charge / notice of charge; or
 - iv. While the order is lawful in the sense that it is based on the enumerated grounds, but the duration of the imposed preventive suspension has exceeded the prescribed periods, the payment of back wages shall correspond to the excess period only.
- b. A declaration of invalidity of a preventive suspension order not based on any of the reasons enumerated in the immediately preceding Section 33 (a), shall result in the reinstatement of the respondent. The payment of back wages shall, however, await the final outcome of the principal case. If the decision rendered in the principal case is for exoneration or when the



penalty imposed is reprimand, the respondent shall be paid back wages. Otherwise, no back wages shall be paid.

The term "exoneration" contemplates a finding of not guilty for the offense/s charged. Downgrading of the charge to a lesser offense shall not be construed as "exoneration" within the contemplation of these Rules.

Even if the respondents be eventually found innocent of the charge against them, the same shall not give rise to payment of back wages corresponding to the period of preventive suspension in the absence of any finding of its illegality.

Rule 8 **FORMAL INVESTIGATION**

Section 34. *Conduct of Formal Investigation; When Held.* A formal investigation shall be conducted where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one, in which case, the investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer. Said investigation shall be finished within thirty (30) days from the issuance of the Formal Charge/Notice of Charge unless the period is extended by the disciplining authority or its authorized representative, or heads of agencies, or the Commission in meritorious cases.

For this purpose, the Commission may entrust the formal investigation to lawyers of other agencies pursuant to Section 113 of these Rules.

Section 35. *Submission of Position Paper/Memorandum.* At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and consider the case submitted for decision without any need for further hearings.

Section 36. *Pre-Hearing Conference.* At the commencement of the formal investigation, the hearing officer shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties;
- d. Waiver of objections to admissibility of evidence;

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- e. Limiting the number of witnesses, and their names;
- f. Dates of subsequent hearings; and
- g. Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and is binding on both parties unless in the interest of justice, the hearing officer may allow a deviation from the same. The parties may file their respective pre-hearing briefs, copy furnished the adverse party, before the date of the pre-hearing conference.

The conduct of pre-hearing conference is mandatory. The failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party.

The designated prosecutor or the hearing officer who fails to appear, without justifiable reason, at the pre-hearing conference may be liable for Neglect of Duty.

Section 37. Continuous Hearing Until Terminated; Postponement. Hearings shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference.

Each party may be granted one (1) postponement upon oral or written request.

If respondents fail or refuse to appear or not represented by counsel during a particular hearing despite due notice, the investigation shall proceed and the respondents shall be deemed to have waived the right to present evidence.

Section 38. Preliminary Matters. At the start of the hearing, the hearing officer shall note the appearances of the parties.

If, after being apprised of the right to counsel, respondents appear without the aid of a counsel, they shall be deemed to have waived the right thereto.

Before taking the testimony, the hearing officer shall place the witness under oath and then take the name, address, civil status, age, and complete name and address of employment.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule is without prejudice to clarificatory questions that may be asked during the hearing.

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Section 39. Appearance of Counsel. Any counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall manifest orally or in writing, his/her appearance, stating his/her full name and complete address, which should not be a P.O. box address, where he/she can be served with notices and other pleadings, Professional Tax Receipt (PTR) number, attorney's roll number, Mandatory Continuing Legal Education (MCLE) compliance certificate and IBP dues receipt number. A lawyer/counsel who works for the government is required to present an Authority to Practice Profession from his/her agency head or the agency head's authorized representative.

A private prosecutor may be allowed to appear provided that the public prosecutor shall have direct control and supervision over the private prosecutor at all times.

Section 40. Order of Hearing. Unless the hearing officer directs otherwise, the order of hearing may be as follows:

- a. The prosecution shall present its evidence;
- b. The respondent shall present evidence in support of his/her defense;
- c. There may be rebuttal or sur-rebuttal.

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 41. Objections. All objections raised during the hearing shall be resolved by the hearing officer. However, objections that cannot be ruled upon by the hearing officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The hearing officer shall admit all evidence formally offered subject to the objection/s interposed against its admission.

Section 42. Markings. All documentary evidence or exhibits shall be properly marked by letters (A,B,C, etc.) if presented by the prosecution and by numbers (1,2,3, etc.) if presented by the respondent. These shall form part of the complete records.

Section 43. Issuance of Subpoena. The hearing officer may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or things.

If a party desires the attendance of a witness and/or the production of documents, he/she shall make a request for the issuance of the necessary *subpoena ad testificandum* and/or *subpoena duces tecum*, at least seven (7) days before the scheduled hearing.

Section 44. Record of Proceedings. Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording.

Section 45. Filing of Pleadings. All pleadings filed by the parties shall be copy furnished the other party with proof of service. Failure in this regard shall justify non-receipt or non-action on the pleading. Any pleadings sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon.

Section 46. Effects of the Pendency of an Administrative or Criminal Case. Except as otherwise provided by law, pendency of an administrative or criminal case shall not disqualify respondent from promotion and other human resource actions or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a formal charge or a notice of charge to the respondent.

The release of the retirement benefits of a person with pending case shall be governed by **Republic Act No. 10154** otherwise known as "An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees" and its implementing rules.³

Section 47. Formal Investigation Report. Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the hearing officer to the disciplining authority. The complete records of the case shall be attached to the report of investigation which shall be treated with confidentiality.

The complete records with Table of Contents shall be systematically and chronologically arranged, paged and securely bound to prevent loss.

³ CSC Resolution No. 1302242 promulgated on October 1, 2013 Re: Amendments to the Implementing Rules and Regulations of Republic Act No. 10154, Otherwise Known as an Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees



Rule 9
DECISION

Section 48. *When Case is Decided.* The disciplining authority shall decide the case within thirty (30) days from receipt of the Formal Investigation Report.

Section 49. *Finality of Decisions.* A decision rendered by the disciplining authority or CSC ROs whereby a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the decision shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

Rule 10
ADMINISTRATIVE OFFENSES AND PENALTIES

Section 50. *Classification of Offenses.* Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

1. Serious Dishonesty;
2. Gross Neglect of Duty;
3. Grave Misconduct;
4. Being Notoriously Undesirable;
5. Conviction of a Crime Involving Moral Turpitude;
6. Falsification of Official Document;
7. Physical or mental disorder or disability due to immoral or vicious habits;

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8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
 9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
 10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value in the course of one's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
 11. Nepotism; and
 12. Disloyalty to the Republic of the Philippines and to the Filipino people.
- B.** The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:
1. Less Serious Dishonesty;
 2. Oppression;
 3. Disgraceful and Immoral Conduct;
 4. Inefficiency and Incompetence in the Performance of Official Duties;
 5. Frequent Unauthorized Absences (Habitual Absenteeism);
 6. Habitual tardiness in reporting for duty causing prejudice to the operations of the office;
 7. Loafing from Duty During Regular Office Hours;
 8. Refusal to Perform Official Duty;

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9. Gross Insubordination;
 10. Conduct Prejudicial to the Best Interest of the Service;
 11. Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;
 12. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by one's office, unless expressly allowed by law;
 13. Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or to prejudice the public interest;
 14. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and
 15. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or (3) as part of the function of one's office.
- C. The grave offense of Inefficiency and Incompetence in the performance of official duties may be punishable by Demotion. In this case, the guilty person shall suffer diminution in salary corresponding to the next lower salary grade with the same salary step.
- D. The following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense:
1. Simple Neglect of Duty;
 2. Simple Misconduct;
 3. Discourtesy in the Course of Official Duties;

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4. Violation of existing Civil Service Law and rules of serious nature;
 5. Insubordination;
 6. Habitual Drunkenness;
 7. Unfair discrimination in rendering public service due to party affiliation or preference;
 8. Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of one's spouse and unmarried children under eighteen (18) years of age living in one's household;
 9. Failure to resign from one's position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest oneself of one's shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and
 10. Engaging directly or indirectly in partisan political activities by one holding non-political office.
- E. The less grave offense of Simple Dishonesty is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense.
- F. The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:
1. Simple Discourtesy in the Course of Official Duties;
 2. Improper or unauthorized solicitation of contributions from subordinate employees and in the case of teachers or school officials from school children;
 3. Violation of Reasonable Office Rules and Regulations;



4. Habitual Tardiness;
5. Gambling Prohibited by Law;
6. Refusal to Render Overtime Service;
7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the service;
8. Borrowing Money by Superior Officers from Subordinates;
9. Willful failure to pay just debts or willful failure to pay taxes due to the government;

The term "just debts" shall apply only to:

- a. Claims adjudicated by a court of law, or
 - b. Claims the existence and justness of which are admitted by the debtor.
10. Lobbying for personal interest or gain in legislative halls and offices without authority;
 11. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority;
 12. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
 13. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
 14. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;
 15. Engaging in private practice of one's profession unless authorized by the Constitution, law or regulation or the head of the office where the



employee or official is assigned, and provided that such practice will not conflict with one's official functions.

16. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations.

Section 51. Other Specific Offenses. The following acts also constitute administrative offenses.

A. The Offense of Sexual Harassment.

- I. Grave Offenses punishable by dismissal from the service shall include, but are not limited to:
 - a. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
 - b. sexual assault;
 - c. malicious touching;
 - d. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
 - e. other analogous cases.
- II. Less Grave Offenses shall include, but are not limited to:
 - a. unwanted touching or brushing against a victim's body;
 - b. pinching not falling under grave offenses;
 - c. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
 - d. verbal abuse with sexual overtones; and
 - e. other analogous cases.




III. Light Offenses shall include, but are not limited to:

- a. surreptitiously looking at a person's private part or worn undergarments;
- b. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
- c. malicious leering or ogling;
- d. display of sexually offensive pictures, materials or graffiti;
- e. unwelcome inquiries or comments about a person's sex life;
- f. unwelcome sexual flirtation, advances, propositions;
- g. making offensive hand or body gestures at an employee;
- h. persistent unwanted attention with sexual overtones;
- i. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
- j. other analogous cases.

IV. For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:

- a. Work-related sexual harassment is committed under the following circumstances:
 1. submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other human resource action) affecting the applicant/employee; or
 2. the act or series of acts have the purpose or effect of interfering with the complainant's work performance, or

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- creating an intimidating, hostile or offensive work environment; or
3. the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or word of the person complained of.
- b. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:
1. submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration; or
 2. the act or series of acts have the purpose or effect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
 3. the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.
- c. The offense may also take place in the following instances:
1. in the premises of the workplace or office or of the school or training institution;
 2. in any place where the parties were found as a result of work or education or training responsibilities or relations;
 3. at work or education or training-related social functions;
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4. while on official business outside the office or school or training institution or during work or school or training-related travel;
5. at official conferences, fora, symposia or training sessions; or
6. by telephone, cellular phone, fax machine or electronic mail.

V. Persons Liable for Sexual Harassment. Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

- a. directly participates in the execution of any act of sexual harassment as defined by these Rules;
- b. induces or directs another or others to commit sexual harassment as defined by these Rules;
- c. cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;
- d. cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

B. Violations of Republic Act No. 9485 or Anti-Red Tape Act of 2007.

I. Grave Offense:

Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage shall be penalized by Dismissal and perpetual disqualification from public service.


II. Light Offenses:

- a. Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- b. 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;



- c. 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;
- d. Failure to render frontline services within the prescribed period on any application and/or request without due cause;
- e. Failure to give the client a written notice on the disapproval of an application or request; and
- f. Imposition of additional irrelevant requirements other than those listed in the first notice.
- g. The foregoing light offenses shall be penalized as follows:
 - First Offense – Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;
 - Second Offense – Three months suspension without pay;
 - Third Offense – Dismissal and perpetual disqualification from public service

Section 52. *Penalty of Fine.* The following are the guidelines for the penalty of fine:

- 1. The disciplining authority may allow payment of fine in place of suspension if any of the following circumstances is present:
 - a. When the functions/nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, and education;
 - b. When the respondent is actually discharging frontline functions or those directly dealing with the public and the human resource complement of the office is insufficient to perform such function;
 - c. When the respondent committed the offense without utilizing or abusing the powers of his/her position or office; or
 - d. When the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be served anymore, the fine may be sourced from the accumulated leave credits or whatever benefits due the respondent.
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2. The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day salary fine; *Provided*, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.
3. The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine shall render the decision final and executory and, therefore, not subject of appeal or any other similar relief.
4. The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount already paid.
5. Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:
 - a. Fine equivalent to one (1) month salary shall be paid within two (2) months;
 - b. Fine equivalent to two (2) months salary shall be paid within four (4) months;
 - c. Fine equivalent to three (3) months salary shall be paid within six (6) months;
 - d. Fine equivalent to four (4) months salary shall be paid within eight (8) months;
 - e. Fine equivalent to five (5) months salary shall be paid within ten (10) months; and
 - f. Fine equivalent to six (6) months salary shall be paid within twelve (12) months.
6. The fine shall be paid to the agency imposing the same, computed on the basis of respondent's salary at the time the decision becomes final and executory.

Section 53. *Mitigating and Aggravating Circumstances.* Except for offenses punishable by dismissal from the service, the following may be appreciated as either mitigating or aggravating circumstances in the determination of the penalties to be imposed:

- a. Physical illness;
- b. Malice;

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- c. Time and place of offense;
- d. Taking undue advantage of official position;
- e. Taking undue advantage of subordinate;
- f. Undue disclosure of confidential information;
- g. Use of government property in the commission of the offense;
- h. Habituality;
- i. Offense is committed during office hours and within the premises of the office or building;
- j. Employment of fraudulent means to commit or conceal the offense;
- k. First offense;
- l. Education;
- m. Length of service; or
- n. Other analogous circumstances.

In the appreciation thereof, the same must be invoked or pleaded by the respondent, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The disciplining authority, however, in the interest of substantial justice, may take and consider these circumstances *motu proprio*.

Section 54. Manner of Imposition. When applicable, the imposition of the penalty shall be made in accordance with the manner provided herein below:

- a. The *minimum* of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The *medium* of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The *maximum* of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

Where aggravating and mitigating circumstances are present, paragraph [a] shall be applied when there are more mitigating circumstances present; paragraph [b] shall be applied

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when the circumstances equally offset each other; and paragraph [c] shall be applied when there are more aggravating circumstances.

The following divisible penalties shall have their medium range of penalty, to wit:

- a) Penalty of suspension ranging from one (1) month and one (1) day to six (6) months shall have three (3) months as its medium penalty; and
- b) Penalty of suspension ranging from six (6) months and one (1) day to one (1) year shall have 9 months as its medium penalty.

Section 55. Penalty for Multiple Offenses. If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.

In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

Section 56. Duration and Effect of Administrative Penalties. The following rules shall govern the imposition of administrative penalties:

- a. The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability.
- b. The penalty of demotion shall result in diminution of salary corresponding to the next lower salary grade with the same salary step.
- c. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits.

- d. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes executory. Fines shall be paid within a period not exceeding one (1) year reckoned also from the date when decision becomes final and executory.
- e. The penalty of reprimand is an official rebuke against a person's behavior which does not carry any accessory penalty or result in the temporary cessation of work. In the event the penalty of reprimand was imposed on appeal as a result of modification of the penalty of suspension or dismissal



from service, the respondent shall be entitled to the payment of back wages and other benefits which would have accrued during the period of the suspension or dismissal.


Section 57. Administrative Disabilities Inherent in Certain Penalties. The following rules shall govern in the imposition of accessory penalties:

- a. The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.

Terminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Service (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

- b. The penalty of demotion shall carry with it disqualification from promotion for one (1) year.
- c. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.
- d. The penalty of fine shall carry with it disqualification from promotion for the same period the respondent is fined.
- e. The penalty of reprimand shall not carry with it any accessory penalties.
- f. A warning or admonition shall not be considered a penalty.

Section 58. Effects of Exoneration on Certain Penalties. The following rules shall govern when the decision is for exoneration:

- a. In case the penalty imposed is fine, the same shall be refunded.
 - b. In case of demotion, the respondent shall be entitled to restoration of former salary grade with the same salary step and payment of salary differentials during the period the demotion was imposed.
 - c. In case the penalty imposed is suspension, the respondent shall immediately be reinstated to former post without loss of seniority rights and with payment of back wages and all benefits which would have accrued as if the respondent has not been illegally suspended.
 - d. In case the penalty imposed is dismissal, the respondent shall immediately be reinstated without loss of seniority rights and with payment of back wages
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and all benefits which would have accrued as if the respondent has not been illegally dismissed.

- e. The respondent who is exonerated on appeal shall be entitled to the leave credits for the period the respondent had been out of the service.

The grant of back wages and other benefits may be subject of settlement and/or compromise.

REMEDIES

Rule 11

SETTLEMENT IN ADMINISTRATIVE CASES

Section 59. *Applicability.* In cases of light offenses where the act is purely personal on the part of the private complainant and the person complained of and there is no apparent injury committed to the government, settlement of offenses may be considered. Provided that settlement can no longer be applied for the second offense of the same act committed by the person complained of.

Section 60. *Guidelines.* The following are the guidelines in the settlement of purely personal matters in administrative cases:

- a. Settlement shall be allowed only for administrative offenses where the act is purely personal between the private complainant and the person complained of and there is no apparent injury to the government;
- b. Upon filing of the complaint, the disciplining authority or its authorized representative motu proprio shall determine whether the offense can be the subject of settlement. In the affirmative, the person complained of shall be required to comment and indicate therein whether he/she is willing to submit the case for settlement;
- c. The person complained of may move for the settlement of the complaint anytime before the issuance of the formal charge.
- d. If the person complained of opts for settlement, the disciplining authority or authorized representative shall issue an order requiring the appearance of parties;
- e. If settlement succeeds, a Compromise Agreement shall be executed between the parties and attested by the disciplining authority or authorized representative;

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- f. The Compromise Agreement shall be binding on the parties which cannot be impugned unless it is proven that there was duress or fraud in its execution on the part of any of the parties;
- g. A decision shall be issued by the disciplining authority based on the Compromise Agreement which may include, among others, the provisional dismissal of the complaint;
- h. In the event that the proceedings fail, the disciplining authority or authorized representative shall issue an order terminating the process and continue with the investigation of the case; and
- i. In case of non-compliance by the person complained of with the Compromise Agreement, the case may be reopened for investigation until its final determination.

Rule 12


MOTION FOR RECONSIDERATION IN DISCIPLINARY CASES

Section 61. Filing. The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within fifteen (15) days from receipt thereof unless otherwise provided by law. However, the private complainant may file a motion for reconsideration from the decision of CSC Regional Office.

A motion for extension of time to file a motion for reconsideration is not allowed.

Section 62. When deemed filed. A motion for reconsideration sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 63. Grounds. The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered; or
 - b. The decision is not supported by the evidence on record; or
 - c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.
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Section 64. Limitation. Only one motion for reconsideration shall be entertained. If a second motion for reconsideration is filed notwithstanding its proscription under these Rules, the finality of action shall be reckoned from the denial of the first motion for reconsideration.

Section 65. Effect of Filing. The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Rule 13
APPEAL IN DISCIPLINARY CASES

Section 66. Filing. Subject to Section 49 of these Rules, decisions of disciplining authorities, imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Commission within a period of fifteen (15) days from receipt thereof. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and then finally to the Commission and pending appeal, the same shall be executory except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation by the Secretary concerned.

Section 67. When deemed filed. An appeal sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

An appeal, once perfected, cannot be withdrawn except upon motion duly approved by the appellate body.

Section 68. Perfection of an Appeal or a Petition for Review. To perfect an appeal or a petition for review, the appellant/petitioner shall submit the following documents:

- a. Memorandum containing the following:
 1. grounds relied upon for the appeal/petition for review;
 2. certified true copies of the assailed decision, resolution or order; and
 3. certified true copies of documents or evidence relevant to the case.

The Memorandum shall be filed with the appellate authority, copy furnished the disciplining authority. The latter shall submit the records of



the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment, within fifteen (15) days from receipt, to the appellate or higher authority.

- b. Proof of service of a copy of the memorandum to the disciplining office;
- c. Proof of payment of the required fee; and
- d. A statement or certificate of non-forum shopping.

If the appellant/petitioner fails to comply with any of the above requirements within the reglementary period, the Commission shall direct compliance within a period of not more than ten (10) days from receipt thereof, with a warning that failure to comply shall be construed as failure to perfect an appeal/petition for review and shall cause its dismissal with prejudice to its refiling.

Section 69. *Effect of Filing.* Except for cases requiring confirmation of the Department Secretary concerned and cases decided by the CSC ROs, an appeal/petition to the Commission shall not stop the decision/resolution from being executory.

Section 70. *Effect of Finding of Violation of Due Process.* If on appeal, the Commission finds that the disciplining authority violated respondent-appellant's right to due process, the Commission shall dismiss the case against the respondent and order the immediate reinstatement of the respondent with payment of back wages and other benefits. However, the dismissal of the case shall be without prejudice on the part of the disciplining authority to re-file it in accordance with law.

Section 71. *Petition for Review of CSC RO Decisions.* Decisions/Resolutions rendered by CSC ROs may be elevated either by the complainant or the respondent to the Commission by way of a petition for review within fifteen (15) days from receipt thereof.

Section 72. *Petition for Review of Decisions of Agencies.* Except in cases involving sexual harassment, a Decision/Resolution of disciplining authority in an agency exonerating the respondent or dismissing a complaint for lack of *prima facie* case or issuance of a formal charge for a lower offense is not subject to appeal or petition for review before the Commission.

Section 73. *Petition for Review with the Court of Appeals.* A party may elevate a Decision/Resolution of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the Rules of Court.

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Rule 14

PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS

Section 74. *Who are Entitled.* The following are entitled to back wages and other similar benefits:

- a. An illegally dismissed or suspended official or employee who is exonerated/reprimanded and ordered reinstated in the service; and
- b. A respondent placed under preventive suspension, whose order of suspension was declared by the Commission as invalid.

Section 75. *What Are Included.* Subject to the guidelines provided hereinafter and other existing laws, rules and regulations, the following benefits are included in the scope of back wages:

- a. Salaries from the time the official or employee was illegally dismissed /suspended up to the time of actual reinstatement;
- b. Representation and Transportation Allowance (RATA) as provided under existing rules;
- c. Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- d. Restoration of Leave Credits;
- e. Loyalty Award;
- f. Anniversary Bonus;
- g. 13th, 14th Month Pay and Cash Gift;
- h. Uniform/Clothing Allowance;
- i. Performance-based Bonus; and
- j. Other similar benefits given to regular employees by the agency

Section 76. *Guidelines.* The following are the guidelines on the payment of back wages and other similar benefits to an illegally dismissed / suspended employee:



- a. The payment of back wages should be computed based on the rate of salary grade/job grade/pay level/pay grade of the respondent at the time of dismissal or suspension including the increases in salary, allowances and other emoluments that may occur during the period the employee was prevented from rendering service.
- b. For entitlement to RATA, subject to existing rules and regulations, the requirement of actual performance of duty to an illegally dismissed or suspended respondent is dispensed with since it is unreasonable to expect or demand performance of his/her functions when the circumstances prevent one from doing so.
- c. The PERA/ACA shall be paid to civilian government personnel, whether occupying regular, contractual or casual positions, appointive or elective, whose positions are covered by RA No. 6758, as amended.
- d. The restoration of leave credits shall be subject to annual deductions of five (5) days forced leave/mandatory leave as required under the Omnibus Rules on Leave.
- e. For purposes of Loyalty award given to all officials/employees in the government who have rendered at least ten (10) years of continuous and satisfactory service in the government pursuant to CSC MC 6, s. 2002, the period under which the respondent was illegally dismissed or suspended should not be considered as a gap in the service. The same should be included in the computation of his/her length of service.
- f. Anniversary bonus is given during milestone years. A milestone year refers to the 15th anniversary and every fifth year thereafter. Respondents who have been illegally dismissed or suspended during the milestone years shall be entitled to the payment of anniversary bonus.
- g. The 13th /14th month pay plus Cash Gift under existing laws or as provided in the General Appropriations Act (GAA) shall be granted to each qualified official or employee which is equivalent to one (1) month basic salary.
- h. Uniform or clothing allowance refer to the amount granted per year to each qualified official or employee as provided in the GAA.



- i. Bonuses based on performance shall be given on the basis of the rating of the employee prior to one's illegal dismissal or suspension from the service.

An illegally dismissed or suspended official or employee or a respondent who is exonerated or reprimanded is entitled to the payment of the aforementioned benefits from the time of illegal termination up to actual reinstatement.

Section 77. Allowable Deductions. The payment of back wages shall be subject to withholding tax, GSIS Premium, Phil-Health and HDMF fund contributions, and other monthly dues/deductions, if there be any, which is imposed by the agency.

Payment of 13th /14th month pay, Cash Gift, Anniversary Bonus, and other additional bonus given by the agency which exceeds the ceiling tax exemption shall be subject to withholding tax.

RULE 15 **REMOVAL OF ADMINISTRATIVE PENALTIES** **OR DISABILITIES**

Section 78. Recommendation for Removal of Administrative Penalties or Disabilities; Requirements. In meritorious cases and upon recommendation of the Commission, the President may commute or remove administrative penalties or disabilities imposed upon an official or employee in disciplinary cases, subject to such terms and conditions as the President may impose in the interest of the service.

Subject to existing procedures, a petition for a favorable recommendation for the grant of removal of administrative penalties or disabilities may be filed by a dismissed official or employee with the Commission upon submission of the following:

- a. certified true copy of the decision or resolution in the disciplinary case;
- b. favorable recommendation by the disciplining authority or head of office from which he/she was dismissed;
- c. affidavit or certification from reputable members of the community where he/she resides that he/she is a good parent/family member and/or neighbor, law-abiding and active member of community and civic organizations;
- d. proof of non-pendency of an appeal/petition for review relative to one's disciplinary case before any court/tribunal; and
- e. proof of payment of filing fee.

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Section 79. Guidelines. The following are the guidelines for the grant of favorable recommendation for the removal of administrative penalties or disabilities:

- a. Apart from compliance with the requirements, the petitioner must demonstrate through specific and positive action and behavior that he/she has become a useful member of the community;
- b. A minimum of three (3) years should have lapsed, from the time of the finality of the decision dismissing the petitioners from the service, in order that the petitioners may be considered as to have truly undergone moral reformation;
- c. The petitioner seeking the removal of administrative penalties or disabilities must have recognized/accepted his/her guilt in his/her petition to show that he/she is repentant/remorseful of the consequences of his/her act, in addition to the above-mentioned requirements;
- d. In case where a petitioner is above sixty-five (65) years of age, the Commission may favorably recommend the removal of his/her administrative penalties or disabilities, provided that he/she complies with the requirements and submit proof of moral reformation; and
- e. In cases where the person is found guilty of depriving the government of money or property, restitution shall be required before the Commission can favorably recommend the removal of administrative penalties or disabilities.

Section 80. Conduct of Background Investigation and Submission of Recommendation. Upon receipt of a request sufficient in form and substance, the Commission may refer the same to the appropriate CSC RO for the conduct of background investigation and submission of recommendation within sixty (60) days from receipt of the directive.

Section 81. The Effects on the Removal of Administrative Penalties or Disabilities. Subject to existing laws and regulations, the grant of the request shall result in the restoration of the subject employee's privilege to be employed in the government service, unless the President specifically orders otherwise.

Restoration of civil service eligibility and the privilege to take civil service examinations shall not apply to those who were found guilty of any form of examination irregularity.

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CONTEMPT OF THE COMMISSION

Rule 16 PROCEDURE FOR CONTEMPT

Section 82. Contumacious/Contemptuous Acts Punishable. Any person found guilty of disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission may be punished for indirect contempt.

Section 83. How proceedings are commenced. Proceedings for indirect contempt may be initiated *motu proprio* by the Commission by an order requiring the respondent to show cause why he/she should not be punished for indirect contempt. A motion to cite for indirect contempt may also be filed with the Commission. In both cases, proceedings shall be conducted at the Office for Legal Affairs, Civil Service Commission.

The conduct of proceedings for indirect contempt cases shall follow, as far as applicable, the procedure required in the conduct of disciplinary investigation provided under these Rules.

Section 84. Hearing. Upon the day set for the hearing, the Commission shall proceed to investigate the indirect contempt case and consider such comment, answer, defense or testimony as the respondent may make or offer. Failure to attend the scheduled hearing and to give a satisfactory explanation in writing to the Commission will result in the waiver of the respondent to be present during the hearing.

Section 85. Penalty, if found guilty. If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be penalized by a fine of One Thousand Pesos (P1,000.00) per day for every act of indirect contempt and/or suspension for one (1) month up to a maximum period of six (6) months. The fine imposed shall be paid to the Commission and shall be the personal liability of the respondent.

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the first penalty of suspension or fine or both, the respondent continues to fail/refuse to comply with the Commission's Order.

NON-DISCIPLINARY CASES

Rule 17 INVALIDATION OR DISAPPROVAL OF APPOINTMENT

Section 86. Invalidation or Disapproval; Who May Appeal; Effect. Either the appointing authority or the appointee may assail the invalidation or disapproval of an

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appointment. Pending resolution of the appeal before the CSC, the appointee shall remain in his/her position with entitlement to salaries. In case an appointment is finally invalidated or disapproved, the appointee shall be entitled to restoration to his/her previous position, if applicable.

When an appointment is invalidated/disapproved on grounds that do not constitute a violation of civil service law, the appointee shall be considered a *de facto* official/employee for which he/she is entitled to payment of salaries from the government and the services are creditable government service. On the other hand, when an appointment is invalidated/disapproved for violation of pertinent laws such as publication requirement pursuant to Republic Act No. 7041⁴, among others, the services of the appointee shall not be credited as government service and the salaries of the appointee shall be borne by the appointing authority and/or the persons responsible for the commission of the violation of a rule, law.

Agencies may fill up a vacant position resulting from promotion only after the CSC has approved/validated the promotional appointment, except in meritorious cases as may be authorized by the Commission.

Section 87. Evaluation of Qualification of Appointee. For purposes of evaluation of the qualification of the appointee, his/her qualification shall be reckoned from the time of the issuance of the appointment.

Section 88. Where and When to File. Subject to the requirement of Rule 13 of these Rules, appointments invalidated or disapproved by the CSC FO may be appealed to the CSC RO while those invalidated or disapproved by the CSC RO may be appealed to the Commission within the fifteen (15)-day reglementary period.

To facilitate prompt actions on invalidated or disapproved appointments, motions for reconsideration filed with the CSC FO shall be treated as an appeal to the CSC RO and a motion for reconsideration at the CSC RO will be treated as a Petition for Review to the Commission and all the records thereof including the comments of the CSC FO or CSC RO shall, within ten (10) days from receipt of the latter, be forwarded to the CSC RO or the Commission as the case may be.

RULE 18

PROTEST AND REVOCATION OF APPOINTMENTS

Section 89. Protest; Who May File. Only a qualified next-in-rank official or employee may file a protest against an appointment made in favor of another who does not possess the minimum qualification requirements.

⁴ AN ACT REQUIRING REGULAR PUBLICATION OF EXISTING VACANT POSITIONS IN GOVERNMENT OFFICES, APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES

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Section 90. *Where to File.* A qualified next-in-rank employee shall have the right to appeal initially to the head of agency, then to the CSC RO, and then to the Civil Service Commission Proper.

Section 91. *When to File.* Protest may be filed within fifteen (15) days from the announcement and/or posting of appointments subject of protest.

For this purpose, all appointments or promotions shall be duly announced and/or posted in bulletin boards or at conspicuous places in the Department or Agency within thirty (30) days or within a shorter period from the issuance of the appointment as provided in the agency-approved Merit Selection Plan (MSP).

Section 92. *Effect on the Appointment.* A protest shall not render an appointment ineffective or bar the approval/validation thereof, by the CSC FO, CSC RO or the Commission, as the case may be, but the approval/validation shall be subject to the final outcome of the protest.

An appointment may still be revoked by the appointing authority prior to the submission to the CSC FO even if the appointee has accepted the appointment and assumed office. A decision or resolution by the appointing authority granting the protest shall be subject to appeal by the appointee or to automatic review by the concerned CSC RO. The appointing authority shall within five (5) days from issuance of such decision or resolution transmit the records of case to the CSC RO for disposition.

The appointing authority, however, does not have the power to revoke an appointment which was already submitted to the CSC FO.

Section 93. *When Deemed Filed.* A protest is deemed filed, in case the same is sent by registered mail or private courier service, on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, on the date stamped by the agency or the Commission.

Section 94. *Effect of Withdrawal of Protest.* A protest or an appeal in this case may be withdrawn at any time as a matter of right. The withdrawal of the protest or appeal shall terminate the protest case.

Section 95. *Transmittal of Records.* In case the decision on protest is appealed to the Commission, the head of department or agency shall forward his/her comment and the records of the case within five (5) days from receipt of the copy of the protest. The records shall be systematically and chronologically arranged, paged and securely bound to prevent loss and shall include the following:

- a. Statement of duties or job description of the contested position;

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- b. Duly accomplished and updated personal data sheets of the parties with certified statement of service records attached;
- c. Certified copy of the protested appointment; and
- d. Comparative assessment of the qualifications of the protestant and protestee.

Section 96. Dismissal of Protest. A protest shall be dismissed on any of the following grounds:

- a. The protestant is not qualified next-in-rank;
- b. The protest is not directed against a particular protestee but to "anyone who is appointed to the position" or directed to two or more protestees;
- c. No appointment has been issued; or
- d. The protest is filed outside of the fifteen (15) -day reglementary period.

Section 97. Finality of Decision. A Decision or Resolution denying a protest shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal or petition for review has been filed.

Section 98. Effect of Decision. In case the protest is finally decided by the CSC against the protestee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. The protestee shall be reverted to his/her former position, if applicable.

Section 99. Recall of Approval/Validation of Appointment; Who may File. The Commission, or any of its CSC RO or CSC FO, *motu proprio* or upon petition by any person, may initiate the recall of approval/validation of an appointment of an official or employee who does not meet the requisite qualification standards of the position or on the ground that the appointment was issued in violation of existing civil service laws, rules, and regulations.

Section 100. When and Where to File. The petition may be filed anytime, during a subsisting appointment, to the CSC RO which has jurisdiction over the appointee. In case the petition is filed with the CSC FO, the same shall be transmitted to the CSC RO concerned for decision.

Section 101. Effect on the Appointment. During the pendency of a petition to recall the approval/validation of an appointment, the appointee shall remain and continue to discharge the functions of the position.



Section 102. Finality of Decision. A Decision or Resolution on the petition to recall the approval of the appointment shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration or appeal or petition for review has been filed.

Section 103. Effect of Decision. When the petition to recall the approval/validation of an appointment is decided by the CSC against the appointee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. In case of a promotion from within the same agency, the appointee shall be reverted to his/her former position, if applicable.

Rule 19

CORRECTION OF PERSONAL INFORMATION IN THE RECORDS OF THE COMMISSION

Section 104. When and Where to File. Request for correction of personal information shall be filed before retirement or on meritorious grounds, within one (1) year thereafter, with the CSC RO exercising jurisdiction, and which request shall be acted upon within fifteen (15) days from receipt. Copies of the Order or Resolution issued by the concerned CSC RO shall be submitted to the Integrated Records Management Office (IRMO) as the repository of all human resource records.

Section 105. Required Documents. The following documents shall be submitted together with the request:

- a. Original Certificate of Live Birth duly authenticated by the Local Civil Registrar of the municipality or city where the birth was registered or recorded or the Philippine Statistics Authority, or in its absence, a court order;
- b. Personal Affidavit of Discrepancy; and
- c. Photocopy of documents sought to be corrected.

A filing fee shall be paid and a receipt thereof shall be attached to the request.

Section 106. Supporting Documents. When the submitted Certificate of Live Birth is issued on the basis of late registration, original or duly authenticated supporting documents must be submitted, in addition to the requirements enumerated in the immediately preceding section, to warrant the correction or change of information in the records of the Commission, to wit:



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- a. Baptismal certificate, unless it has been lost or destroyed during a war, fire, natural calamity or any other fortuitous event, in which case, a certification issued by the proper church authority must be submitted. If the requesting party was not issued any baptismal certificate or was not baptized, an affidavit attesting to such fact must be submitted.
- b. Other employment, personal or school records which support the entry reflected in the belatedly registered birth certificate and which entry is requested to be reflected in the records of the Commission as the true and correct entry.

Rule 20

DROPPING FROM THE ROLLS

Section 107. *Grounds and Procedure for Dropping from the Rolls.* Officers and employees who are absent without approved leave, have unsatisfactory or poor performance, or have shown to be physically or mentally unfit to perform their duties may be dropped from the rolls within thirty (30) days from the time a ground therefor arises subject to the following procedures:

a. Absence Without Approved Leave

1. An official or employee who is continuously absent without official leave (AWOL) for at least thirty (30) working days may be dropped from the rolls without prior notice which shall take effect immediately.

He/she shall, however, have the right to appeal his/her separation within fifteen (15) days from receipt of the notice of separation which must be sent to his/her last known address.

2. If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work order shall be served on the official or employee at his/her last known address on record. Failure on his/her part to report to work within the period stated in the order, which shall not be less than three (3) days, is a valid ground to drop him/her from the rolls.
3. If it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty (30) working days, three (3) times in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

In the determination of whether the absences incurred are substantial, circumstances that would affect the delivery of service shall be taken into consideration.



b. Unsatisfactory or Poor Performance

1. An employee who obtained Unsatisfactory rating for one rating period or exhibited poor performance within the first three (3) months of the rating period shall be provided appropriate developmental intervention by the Head of Office and supervisor (Division/Unit Head), in coordination with the HRM Office/Personnel Office, to address competency-related performance gaps.

If after advice and provision of developmental intervention, the employee still obtains Poor rating for the remaining months of the rating period or Unsatisfactory rating in the immediately succeeding rating period, he/she may be dropped from the rolls.

2. An officer or employee who is given two consecutive Unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his/her unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance may warrant his/her dropping from the rolls. Such notice shall be given not later than thirty (30) days from the end of the semester and shall contain sufficient information which shall enable the officer or employee to prepare an explanation within a reasonable period specified in the notice. This period shall not apply to probationary employees as defined under Section 4 (v) of this Rules.
3. An officer or employee, who for one evaluation period is rated Poor in performance, may be dropped from the rolls provided he/she has been informed in writing of the status of his/her performance within fifteen (15) days after the end of the 3rd month with sufficient warning that failure to improve his/her performance within the remaining period of the semester shall warrant his/her dropping from the rolls. Such notice shall also contain sufficient information which shall enable the officer or employee to prepare an explanation within a reasonable period specified in the notice.

c. Physical Unfitness

1. An officer or employee who is continuously absent for more than one (1) year by reason of illness may be declared physically unfit to perform his/her duties and may be consequently dropped from the rolls.
2. An officer or employee who is intermittently absent by reason of illness for at least two hundred sixty (260) working days during a twenty four (24)-month period may also be declared physically unfit by the head of office.

For this purpose, notice shall be given to the officer or employee concerned containing a brief statement of the nature of his/her incapacity to work.



d. Mental Disorder

1. An officer or employee who is behaving abnormally for an extended period, which may manifest continuing mental disorder shall be provided necessary human resource and psychological interventions. If after interventions, continued abnormal behavior/ mental disorder is manifested, as reported by his or her co-worker or immediate supervisor and confirmed by a licensed psychiatrist, the officer or employee may be dropped from the rolls.
2. If the officer or employee refuses to undergo the necessary human resource and/or psychological interventions, he or she may be dropped from the rolls based on the report of co-workers or immediate supervisor and after confirmation by a licensed psychiatrist.

Section 108. *Written Notice; Who Signs.* The written notice mentioned in the preceding paragraphs shall be signed by the highest ranking human resource management officer in the agency upon the recommendation of the person exercising immediate supervision over the officer or employee. However, the notice of separation shall be signed by the appropriate appointing authority or head of office.

Section 109. *Order of Separation through Dropping from the Rolls; Immediately Executory.* The agency shall not entertain motion for reconsideration from the order of separation through dropping from the rolls. The employee shall appeal directly to the Commission Proper within fifteen (15) days from receipt of the order. Pending appeal the order of separation is immediately executory.

Section 110. *Dropping From the Rolls; Non-disciplinary in Nature.* This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental disorder is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government.

Rule 21

REMEDIES IN NON-DISCIPLINARY CASES

Section 111. *Remedies in non-disciplinary cases.* The aggrieved party in non-disciplinary cases may avail of the applicable remedies provided for under Rules 12 and 13 unless otherwise provided by law or these Rules.

All actions of CSC ROs or other offices within CSC may be brought to the Commission Proper by way of a petition for review.



Section 112. *Effects of Decisions of the Commission on Appeal or Petition for Review.* Where the Commission sets aside or reverses a decision, the effect shall be as follows:

- a. Dropping from the Rolls – the employee shall be reinstated immediately to his/her former post with payment of back wages and other monetary benefits;
- b. Illegal Termination - the employee shall be reinstated with payment of back wages and other monetary benefits;
- c. Disapproval, Invalidation, and Revocation of Appointments - the appointee shall remain in that position.
- d. Reassignment, Transfer, Detail, or Secondment – the employee shall be restored to former position; and
- e. Demotion– the employee shall be entitled to back wages and other similar benefits and restoration of former salary grade with the same salary step.

Rule 22

MISCELLANEOUS PROVISIONS

Section 113. *Deputation of Lawyers of Other Agencies.* The Commission may depute lawyers of other agencies and similar officials to conduct preliminary and formal investigation and to make the necessary report and recommendation within the period specified in Sections 21 and 47.

Other agencies of the government may depute lawyers of other agencies provided that prior understanding is executed in a Memorandum between the two agencies.

Section 114. *Execution of CSC RO Decisions.* The decisions of the CSC ROs shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration or a petition for review is seasonably filed with the Commission, in which case the execution of the decision shall be held in abeyance.

Section 115. *Execution of the Decisions of the Commission.* The decisions of the Commission shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

For this purpose, the CSC ROs shall monitor and assist in the effective and immediate implementation of these decisions.

Section 116. *Effect of Pendency of Petition for Review/Certiorari with the Court.* The filing and pendency of a petition for review with the Court of Appeals or certiorari with



the Supreme Court shall not stop the execution of the decision of the Commission unless the Court issues a restraining order or an injunction.

Section 117. *Non-execution of Decision.* Any officer or employee who willfully refuses or fails to implement the executory resolution, decision, order or ruling of the Commission to the prejudice of the public service and the affected party, may be cited in indirect contempt of the Commission as defined in Rule 16 hereof and may be administratively charged with Conduct Prejudicial to the Best Interest of the Service or Neglect of Duty or be held criminally liable under Section 67 of Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987.

Section 118. *Computation of Period.* In computing any period of time prescribed by these Rules, the first day shall be excluded and the last day included unless it be a Saturday, a Sunday, or a legal holiday or a special non-working day, in which case the period shall run until the end of the next working day.

Copies of decisions and other communications shall be served to the counsel of record if one is represented by a counsel. However, a party even if represented by a counsel, is not precluded from securing or being served a copy of said decisions and other communications. The period to perfect a Motion for Reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, whichever comes earlier.

Section 119. *Presumptive Notice; Service of Order and service of processes.*

(a) There shall be presumptive Notice to a party of a Commission's Notice or Order on any of the following instances:

1. In cases under formal investigation, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing if the addressee is from within the National Capital Region, or at least seventy-five (75) days if the addressee is from outside the National Capital Region, for cases before the Commission Proper.

In cases before the CSC ROs, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing if the addressee is from within the geographical area of the Regional Office which exercises jurisdiction, or at seventy-five (75) days if the addressee is from outside the geographical area.

2. In cases where an Order was issued directing a party(ies) either to comply with the requirements to perfect their action; comment/answer on a pending action and/or transmit case records; file their respective position papers; and other analogous matters, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the National Capital Region, or after seventy-five (75) days if the addressee is

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from outside the National Capital Region, for cases before the Commission Proper.

In cases before the CSC ROs, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the geographical area of the Regional Office which exercises jurisdiction, or after seventy-five (75) days if the addressee is from outside the geographical area.

In the case of Notices or Orders mentioned in Item No. 2 hereof, after the lapse of a period of thirty (30) days from the date of the presumptive notice as appearing on the record of the case without receipt of any compliance from the concerned party, the Commission shall proceed to act upon such case accordingly. On the other hand, if there is compliance received on an earlier period, the Commission shall proceed to act upon such case as of the date of receipt of compliance.

- (b) A party, in order to ensure timely service, may opt to avail of private couriers for the service of pleadings, motions and other submissions. Proof of service in such case shall either be a sworn certification or affidavit of service from the courier specifically referring to the date of service and the corresponding tracking number for the mail matter.

Section 120. *Reconsideration from the Commission's action based on presumptive notice.* In the event that the Commission renders an action, decision or resolution based on presumptive notice to a party, said party may move for reconsideration thereof within fifteen (15) days from notice, subject to the following requirements:

1. In cases under Item 2 of the preceding section, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the National Capital Region, or after seventy-five (75) days if the addressee is from outside the National Capital Region, for cases before the Commission Proper.
2. In cases before the CSC ROs, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the geographical area of the Regional Office which exercises jurisdiction, or after seventy-five (75) days if the addressee is from outside the geographical area.

Section 121. *Fees and Other Charges.* Reasonable fees and other charges shall be provided in separate issuances that the Commission shall promulgate as it may deem fit.



RULE 23
EFFECTIVITY AND SEPARABILITY

Section 122. Repealing Clause. The Revised Rules on Administrative Cases in the Civil Service as prescribed in CSC Resolution No. 11-01502 dated November 08, 2011, CSC Resolution No. 01-0940 dated May 21, 2001 and all other memorandum circulars, resolutions, rules and regulations, inconsistent with these Rules are hereby repealed or modified accordingly.

Section 123. Separability. If any portion of these Rules is declared unconstitutional or invalid by competent authority, the other provisions not otherwise affected shall remain in full force and effect.

Section 124. Transitory. The provisions of the existing RRACCS shall continue to be applied to all pending cases which were filed prior to the effectivity of these Rules, provided it will not unduly prejudice substantive rights.

Section 125. Effectivity. These Rules shall take effect after fifteen (15) days from date of publication in the Official Gazette, or in a newspaper of general circulation.

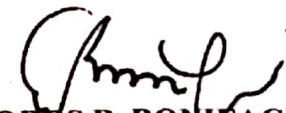
Quezon City.


ALICIA dela ROSA-BALA
Chairperson


ROBERT S. MARTINEZ
Commissioner


LEOPOLDO ROBERTO W. VALDEROSA, JR.
Commissioner

Attested by:


DOLORIS B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office