


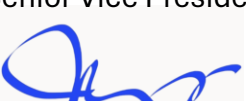



11 November 2025

MEMORANDUM NO. PIS 25-136

FOR : ALL IDENTIFIED PARTICIPANTS

THRU : 
MA. NYMPHA M. RAGEL
Senior Vice President, Human Resource Management Group


MARICHELE L. REYES
Acting Head, Human Resource Services Division

FROM : 
JOVITA O. OCAMPO
Concurrent Acting Head, Learning and Development Department

SUBJECT : ORIENTATION ON THE 2025 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2025 RACCS)

The Learning and Development Department in partnership with the Office for Legal Affairs, Civil Service Commission, will conduct an **Orientation on the 2025 Rules on Administrative Cases in the Civil Service (2025 RACCS)** on **Thursday, 13 November 2025** from **8:00 am – 5:00 pm** via **MS Teams**.

The program aims to provide participants with the necessary tools and a comprehensive understanding on the filing of administrative cases, the conduct of preliminary investigation, formal hearing, imposition of penalties, determination of kinds of offenses and modes of review. It will also cover principles, concepts, Supreme Court Rulings and other relevant jurisprudence and remedies pertaining to administrative cases.

Target Participants are employees/officers/members of the following offices/committees:

- Employee Services Department
- Committee on Decorum and Investigation of Sexual Harassment Cases (CODI)
- Governance and Administrative Adjudication Department
- Opinion and Research Department
- DBO Heads and Executive/Administrative Assistants
- Special Investigation Department
- ACCESS
- PMERD Employee Relations Section

In case the Unit Head is unavailable to attend, the Executive/Administrative Assistants may represent their Head.

Webinar Link: [Orientation on the 2025 Rules on Administrative Cases in the Civil Service \(2025 RACCS\) | Meeting-Join | Microsoft Teams](#)

For inquiries or clarifications, you may contact Maria Isabella Diaz or Rodrigo Reyes. Thank you for your continued support in all our learning and development endeavors.

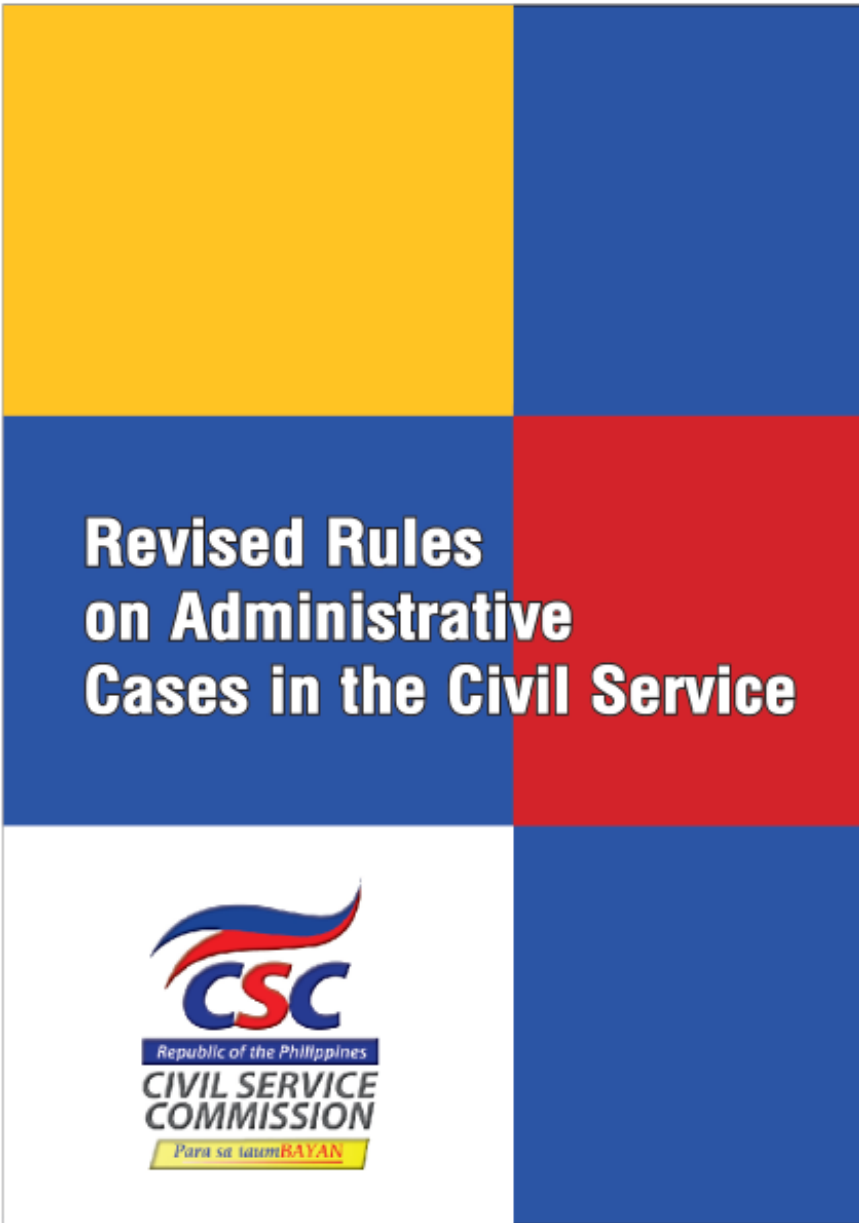




No officer or employee of the government can be disciplined or removed from office except for cause and after due process. (**Art. IX-B, Sec 2, par 3, 1987 Constitution**).

-The phrase “for cause” refers to grounds for disciplinary actions enumerated in the Revised Administrative Code of 1987 (EO 292).

-The procedure in administrative cases is governed by CSC Resolution No. 1701077 (2017 Rules On Administrative Cases in the Civil Service) with the Rules of Court being applied in suppletory character.



**CSC Resolution
No. 1101502
Promulgated Nov.
18, 2011**



2025 Rules on Administrative Cases in the Civil Service

**GAWING
LINGKOD
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KAWANI.**

Rationale

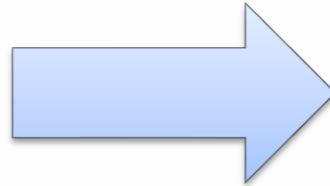
WHEREAS, the 2017 RACCS needs to be updated and revised to incorporate new policies of the CSC, laws, and jurisprudence, and to make it more responsive to the demand for speedy, fair, and judicious disposition of cases;

RULE 1, Applicability and Construction

Section 1. *Title.* These Rules shall be known and cited as the 2025 Rules on Administrative Cases in the Civil Service (2025 RACCS).

Highlights

2017 RACCS
3 July 2017



2025 RACCS
30 April 2025

Rules 1 – 23
Sections 1 - 125

Rules 1– 23
Sections 1 - 159

CONSTITUTIONAL BASIS

The Civil Service Commission *en banc* may promulgate its own rules concerning pleadings and practices before it or before any of its offices. Such rules however shall not diminish, increase, or modify substantive rights.

(Section 6, Article IX-A, 1987 Constitution)

OVERVIEW

- ❖ General Provisions
- ❖ Jurisdiction and Venue of Actions
- ❖ Disciplinary Cases
- ❖ Penalties
- ❖ Remedies
- ❖ Contempt of the Commission
- ❖ Non-disciplinary cases
- ❖ Miscellaneous Provisions

GENERAL PROVISIONS

COVERAGE

Application of Rules to all disciplinary/non-disciplinary cases before the:

- ❖ Civil Service Commission
- ❖ Agencies of the National Government
- ❖ LGUs
- ❖ SUCs or LUCs
- ❖ GOCCs w/ original charter
- ❖ unless otherwise provided by law



COVERAGE

Rules of procedure in investigating and adjudicating administrative matters, as may be formulated by agencies, shall not be in conflict with these Rules, unless otherwise allowed by law.

RULE 1, Applicability and Construction

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

Administrative investigation and adjudication shall be conducted without the strict application of technical rules of procedure and evidence used in judicial proceedings.

The provisions of the Rules of Court, as revised, shall apply suppletorily as far as practicable.

JURISDICTION

Civil Service Commission



A. DISCIPLINARY

- ❖ **Complaints brought against CSC officials and employees both in the Central Office (CO) and CSC ROs**, except the Chairperson and the two (2) Commissioners who are impeachable officials under Article XI, Section 2 of the 1987 Constitution. Complaints against covered officials and employees shall be brought before the Commission, which will be investigated through the Internal Affairs Board (IAB) of the CSC, unless the Commission directs otherwise;
- ❖ Complaints against officials or employees who are **not presidential appointees** or **elective officials**, except in contempt cases and as may be provided in special laws wherein the Commission may exercise jurisdiction over such individuals;
- ❖ Requests for transfer of venue of hearing on cases being heard by CSC ROs;
- ❖ Complaints for violations of any special law conferring upon the CSC the jurisdiction to hear and decide cases involving such violations [e.g., Republic Act (R.A) No. 11032, R.A. No. 9416, etc.]; and
- ❖ Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

RULE 2, Jurisdiction and Venue of Actions

The following are **excluded from the original jurisdiction** of the Commission in disciplinary cases:

- a. Complaints involving act/s of sexual harassment as defined under R.A. No. 7877 (Anti-Sexual Harassment Act) and under R.A. No. 11313 (Safe Spaces Act), subject to Rule 3, Section 18 of these Rules;
- b. Cases which may be acted upon through the grievance machinery pursuant to relevant civil service rules and regulations (e.g., CSC Memorandum Circular No. 2, s. 2001, or the Revised Policies on the Settlement of Grievances in the Public Sector);
and
- c. All other cases which fall under the jurisdiction of other bodies or regular civil or criminal courts.

JURISDICTION

Civil Service Commission



Appellate

- ❖ Decisions of CSC ROs brought before it on Petition for Review;
- ❖ Decisions of disciplining authority imposing penalties exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary;

JURISDICTION

Civil Service Commission

Appellate



- ❖ Decisions of disciplining authorities imposing penalties **not exceeding** thirty (30) days of suspension or fine in an amount **not exceeding thirty** (30) days salary if **the issue of violation of due process is specifically set forth in the appeal**, in which case the Commission shall only resolve such issue;

JURISDICTION

Civil Service Commission



A. DISCIPLINARY

- ❖ Appeals or petitions for review from orders of preventive suspension;
- ❖ Decisions of heads of agencies on Sexual Harassment cases in relation to Section 98 of these Rules; and
- ❖ Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

JURISDICTION

Civil Service Commission



B. NON-DISCIPLINARY Original

- ❖ Requests for favorable recommendation on Petition for the Removal of Administrative Penalties or Disabilities;
- ❖ Requests for Extension of Service (excluding presidential appointees); and
- ❖ Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

JURISDICTION

Civil Service Commission



B. NON-DISCIPLINARY Appellate

- ❖ Decisions of department secretaries, or agency heads of equivalent rank on human resource actions involving officials or employees covered by these Rules;
- ❖ Decisions of CSC ROs on non-disciplinary cases;
- ❖ Appeals from reassignment of public health workers and public social workers;
- ❖ Appeals from the decisions of the Career Executive Service Board and any other agencies that may be subsequently attached to the CSC; and
- ❖ Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

JURISDICTION

CSC ROs

A. DISCIPLINARY –

- ❖ Cases brought before them against government officials or employees, except for cases brought against department heads of LGUs, local water districts, and GOCCS, who are stationed within their jurisdiction;
- ❖ Complaints for violations of any special law, against government employees, within their jurisdiction (e.g., R.A. No. 11032, R.A. No. 9416, etc.);

JURISDICTION

CSC ROs

A. DISCIPLINARY –

- ❖ petitions to place respondent under preventive suspension in connection with cases pending before the CSC RO concerned; and
- ❖ Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

JURISDICTION

CSC ROs

NON-DISCIPLINARY - Original

- ❖ Correction of personal information or reversion to maiden name in the records of the CSC;
- ❖ Recall of approval of appointments; and
- ❖ Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

JURISDICTION

CSC ROs

NON-DISCIPLINARY- Appellate

- ❖ Decisions of the CSC FOs on Disapproval/Invalidation of Appointments brought before them on appeal;
- ❖ 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
- ❖ Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

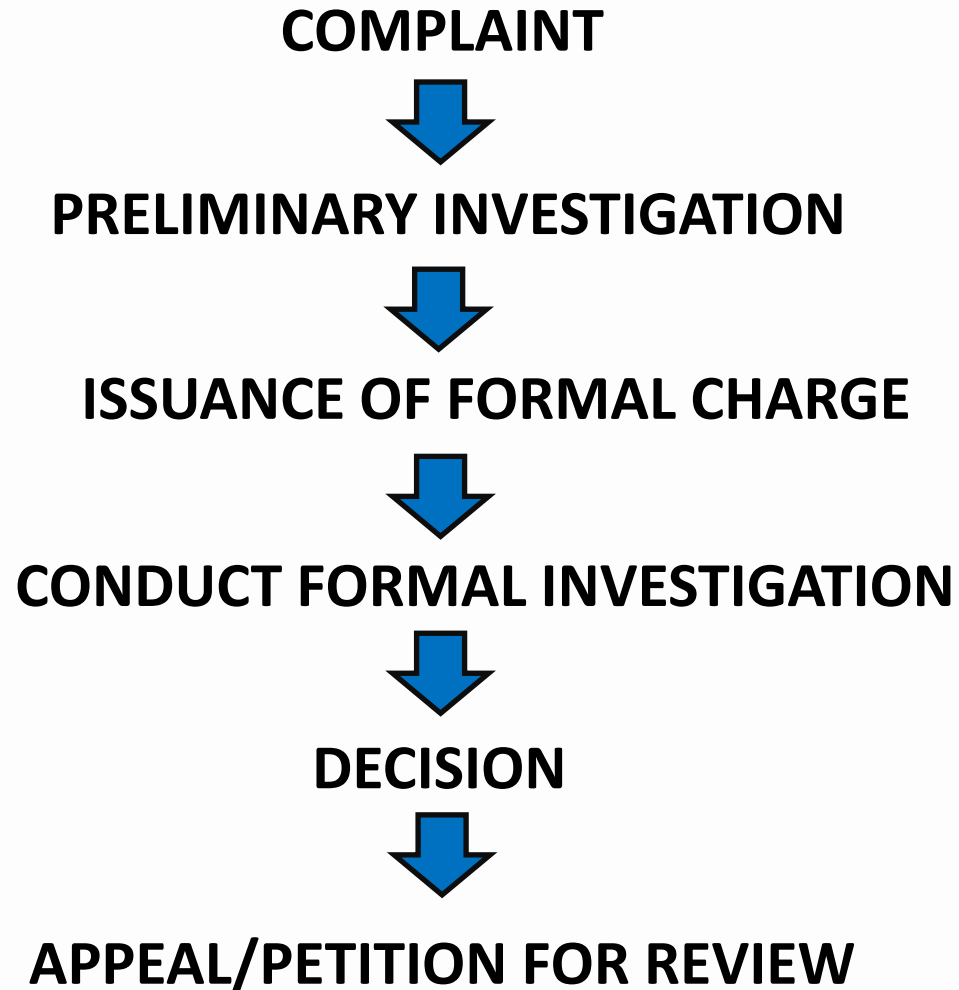
JURISDICTION

Disciplining authorities of agencies/ LGUs

- ❖ shall have original concurrent jurisdiction with the Commission and CSC ROs over their respective officials and employees
- ❖ Finality of decisions involving 30 days or less suspension/fine
- ❖ In case of penalty of removal, executory only after confirmation by the Department Secretary.
- ❖ Decisions rendered by the local chief executive of LGUs are executory pending appeal including decisions where the penalty is dismissal from the service.

DISCIPLINARY CASES

OUTLINE



COMPLAINT



COMPLAINT

WHO MAY INITIATE?

- ❖ Disciplining Authority *motu proprio*

- ❖ Other person



RULE 3, Complaint

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 the complainant.

RULE 3, Complaint

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 must specify the actions/omissions committed by each, unless they are deemed to have acted in conspiracy. In such cases, the complainant may be required to submit additional copies corresponding to the number of persons complained of.

COMPLAINT

CONTENTS:

- 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 chronological narrative of the relevant and material facts which shows the acts or omissions allegedly committed;
- d. clearly legible duplicate original or certified true copies of documentary evidence and affidavits of the complainant's witnesses, if any; and
- e. certification or statement of non-forum shopping.

COMPLAINT

- ❖ The absence of any of the requirements shall cause the dismissal of the complaint without prejudice to its refiling upon compliance with the same.
- ❖ As a general rule, a complaint filed in violation of the prohibition against forum shopping shall be dismissed with prejudice. However, in furtherance of justice and public accountability, the CSC or the disciplining authority may, at its discretion, assume jurisdiction over the case or refer the matter to the proper agency or office as may be appropriate

COMPLAINT

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING



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That I/we are the complainant/s in the above-entitled case;

That I/we caused the preparation of the foregoing complaint;

That I/we have read the contents thereof and the same are true and correct of my/our own knowledge;

That I/we hereby certify that I/we have not commenced any action or proceeding involving the same issues in the Supreme Court, Court of Appeals or any tribunal or agency;

That if I/we should hereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals or any tribunal or agency, we undertake to report such fact within five (5) days therefrom.

ANONYMOUS COMPLAINT

❖ No anonymous complaint should be entertained unless the alleged act complained of is/are

unless:

- of public knowledge
- verifiable
- shown by documentary or direct evidence sufficient to establish reasonable ground to believe that the person complained of committed the offense; or
- reported anonymously and investigated by an agency and is referred to the Commission or any CSC ROs. For this purpose, the agency which made the referral shall be considered a nominal complainant, and the verification of the complaint as well as submission of Certificate of Non-Forum Shopping will no longer be required

COMPLAINT

WHEN AND WHERE TO FILE

- ❖ CSC CO or any of its Ros
- ❖ Heads of:
 - Departments, agencies, NGA, LGUs, SUCs, LUCs and GOCCs w/ original charter
 - Except as may be provided by law

note: OMB

COMPLAINT

WITHDRAWAL OF THE COMPLAINT

- ❖ does not result in its outright dismissal nor discharge the person complained of

COMPLAINT

WITHDRAWAL OF THE COMPLAINT

“xxx The subsequent reconciliation of the parties to an administrative proceeding does not strip the court of its jurisdiction to hear the administrative case until its resolution. Atonement, in administrative cases, merely obliterates the personal injury of the parties and does not extend to erase the offense that may have been committed against the public service. The subsequent desistance by respondents does not free petitioner from liability, as the purpose of an administrative proceeding is to protect the public service based on the time-honored principle that a public office is a public trust. A complaint for malfeasance or misfeasance against a public servant of whatever rank cannot be withdrawn at any time for whatever reason by a complainant, as a withdrawal would be ‘anathema to the preservation of the faith and confidence of the citizenry in their government, its agencies and instrumentalities.’ Administrative proceedings ‘should not be made to depend on the whims and caprices of complainants who are, in a real sense, only witnesses therein.”

Encinas vs. Agustin *et al.*, G.R. No. 187317 April 11, 2013

COMPLAINT

WITHDRAWAL OF THE COMPLAINT

“xxx, administrative actions are not made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act. The settled rule is that the complainant’s withdrawal of his complaint or desistance from pursuing the same, does not necessarily warrant the dismissal of the administrative case.”

**Manaois vs. Leomo, A.M. No. MTJ-03-1492,
August 26, 2003**

COMPLAINT



SEXUAL HARRASSMENT CASES

- ❖ Committee on Decorum and Investigation (CODI)





CODI

COMMITTEE ON DECORUM AND INVESTIGATION (Section 14 of CSC Resolution No. 2100064) (Section 16 of 2025 RACCS)

Section 16. *Complaints in Sexual Harassment Cases.* In sexual harassment cases, the complaint shall be filed with the agency or department where the person complained of is employed. The complaint shall be referred to the **Committee on Decorum and Investigation** (CODI) created in all agencies/departments to act as the main body in the investigation and resolution of cases involving sexual harassment.



COMPOSITION OF CODI

Every CODI shall be headed by a woman and not less than half of its members shall be women.



COMPOSITION OF CODI

In a work-related environment, a CODI shall be composed of at least one (1) representative each from

- the management,
- the accredited employee organization, if any,
- the second level employees,
- and the first level employees, duly selected by the unit concerned.



COMPOSITION OF CODI

In an educational or training institution, the CODI 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.



COMPOSITION OF CODI

Agencies are encouraged to observe that equal representation of persons of diverse sexual orientation, gender identity and/or expression exists in the CODI, as far as practicable, and that there will be a sufficient number of people who may immediately replace any member of the CODI who inhibits from any case.

Conflict of Interest

When a member of the CODI is either the complainant or the person complained of, such member shall inhibit from the investigation, or the complaint may be filed directly with the CSC.



COMPOSITION OF CODI

Term of Office

The agency may formulate its own rules governing the term of office of its members which should not be more than two (2) years, and other matters pertaining to the functions of the CODI not otherwise provided in these Rules.

FUNCTIONS OF CODI

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

Receive complaints of sexual harassment;

Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;

Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;

Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes; and

Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

COMPOSITION OF CODI

Section 18. Jurisdiction of the CSC over Sexual Harassment Cases. In case a complaint for sexual harassment is filed with the CSC, the same shall be remanded to the agency where the alleged offender is employed. However, the CSC may take cognizance of the case under any of the following circumstances:

the agency has no CODI;

the complainant is a member of the CODI;

the disciplining authority is the subject of the complaint;

the subject of the complaint is a CODI member; or

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.

CODI's functions

- ❖ Receive complaints of sexual harassment;
- ❖ investigate sexual harassment complaints including preliminary investigation
- ❖ Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
- ❖ Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;



CODI

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

Section 19. *Who May Initiate Sexual Harassment Cases.*

- ❖ In Sexual Harassment cases, the complaint may be initiated by the victim, or in case the victim is a minor, mentally impaired, or otherwise incapacitated, the complaint may be filed by the legal guardian.
- ❖ However, a formal complaint may be initiated by the CODI after conducting its own investigation on any report/complaint, whether filed anonymously or otherwise, but with the consent of the injured party, or by the legal guardian in case the injured party is a minor, mentally impaired, or otherwise incapacitated.

COMPLAINT

IMPRESCRIPTIBILITY OF ADMINISTRATIVE OFFENSE

“well-entrenched rule that administrative offenses do not prescribe. Administrative offenses by their very nature pertain to the character of public officers and employees. In disciplining public officers and employees, the object sought is not the punishment of the officer or employee but the improvement of the public service and the preservation of the public’s faith and confidence in our government.”

Office of the Ombudsman vs. Merceditas De Sahagun G.R. No. 167982 dated August 13, 2008

PRELIMINARY INVESTIGATION



PRELIMINARY INVESTIGATION



- ❖ a mandatory proceeding undertaken by the disciplining authority or its authorized representative as may be allowed under existing law or rules, to determine whether a prima facie case exists to warrant the issuance of a formal charge or notice of charge

PRELIMINARY INVESTIGATION



CONDUCTED IN ANY OF THE FOLLOWING MANNER

- ❖ Requiring the person complained of to submit a counter-affidavit or comment within five (5) days from receipt of the complaint which is sufficient in form and substance.

Any documentary evidence or affidavit of witness submitted in support of the aforementioned counter-affidavit or comment should be in the original or clearly legible duplicate or certified true copies thereof.

PRELIMINARY INVESTIGATION



CONDUCTED IN ANY OF THE FOLLOWING MANNER

- ❖ clarificatory meeting with the parties to discuss the merits of the case; or
- ❖ ex-parte evaluation of the records.

RULE 4, Preliminary Investigation

- ❖ Failure to submit a comment, counter-affidavit, or explanation shall be considered a waiver of the right to submit the same and the preliminary investigation may be completed in the absence thereof.
- ❖ The right to counsel may be exercised even during the preliminary investigation.
- ❖ For cases filed before the Commission or any CSC ROs, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 146 of these Rules.

PRELIMINARY INVESTIGATION



DURATION:

- ❖ shall commence within a period of 5 days upon receipt by the disciplining authority of the complaint which is sufficient in form and substance;
- ❖ 20 days PI should be terminated;
- ❖ the period may be extended by DA in meritorious cases
- ❖ Within 5 days from termination of PI, PI Reports shall be submitted
- ❖ PI report shall be treated with confidentiality

SHOW CAUSE ORDER

XXX

Re: Alleged Examination Irregularity

X-----X



ORDER

Mr. XXX, Administrative Officer V, (agency), and a resident of No. 123 Gil Puyat Ave., Makati City, is the subject of an investigation relative to his Civil Service Commission Career Service Professional (CS Professional) Eligibility. He allegedly passed the December 7, 1999 CS Professional Examination. However, verification of corresponding examination records reveal that there were marked differences in the signatures and facial features captured in the pictures found in the Picture-Seat Plan (PSP) on file with the Commission, and in the identification Card which he presented, an indication that he did not personally take the said examination.

WHEREFORE, for the prompt and judicious disposition of the case, XXX, is hereby directed to submit a sworn statement **within five (5) days** from receipt of this Order justifying why he should not be administratively charged for having employed fraud in availing of his CS Professional Eligibility.

SO ORDERED.

Quezon City, May 8, 2023.

By authority of the Commission:

PRELIMINARY INVESTIGATION



PI REPORT:

- ❖ If *prima facie* case is established
 - recommend the issuance of formal charge

- ❖ If *prima facie* case is not established
 - recommend the dismissal of the complaint



PRIMA CASE DEFINED

“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”

PRELIMINARY INVESTIGATION



Lack of Preliminary Investigation, the proceedings is void

(GSIS vs. Molina G.R. No. 157383 dated August 10, 2010)

RESIGNATION



- ❖ A public official's resignation does not render moot an administrative case that was filed prior to the official's resignation.
- ❖ The jurisdiction of the Court at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case.

(Andutan vs. Ombudsman, G.R. No. 164679, July 26, 2011)

RESIGNATION



Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.

[Pagano vs. Nazarro, Jr. cited in Andutan v. Ombudsman]

RESIGNATION



Section 66 of the Omnibus Election Code, in considering an appointive official ipso facto resigned, merely provides for the immediate implementation of the penalty for the prohibited act of engaging in partisan political activity. This provision was not intended, and should not be used, as a defense against an administrative case for acts committed during government service. (**Esther S. Pagano vs. Juan Nazarro, Jr. et al. G.R. No. 149072, September 21, 2007**)

RESIGNATION



Cessation from office of respondent by resignation or retirement neither warrants the dismissal of the administrative complaint filed against him while he was still in the service nor does it render said administrative case moot and academic.

(Baquerfo vs. Sanchez, 495 Phil. 10 , 2005 cited in Andutan vs. Ombudsman)

DEATH



Section 60. *Effect of Death of Respondent in a Pending Case.* A case pending investigation or appeal is rendered moot upon the death of the respondent, hence, should be dismissed.

Flores-Concepcion v. Judge Castañeda, A.M. No. RTJ-15-2438, 2 September 2020. See *also* Guerra Jr. v. Board of Regents, G.R. No. 210512, 27 July 2022.

FORMAL CHARGE



FORMAL CHARGE



Section 26. *Issuance of Formal Charge; Contents.* After a finding of a *prima facie* case, the **disciplining authority** or **its authorized representative** shall formally charge the person complained of, who shall now be called as respondent.

RULE 5, Formal Charge or Notice of Charge

Section 26. The formal charge shall contain the specification of the charge/s, or statements of the acts or omissions constituting the offense. It shall also include the following mandatory requirements:

- a. Brief statement of material or relevant facts, which may be accompanied by clearly legible duplicate or certified true copies of documentary evidence, and affidavits of the witnesses, if any;
- b. 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;
- c. Advice for the respondent to indicate in the answer whether or not a formal investigation is demanded; and
- d. Advice that respondent may opt to be assisted by a counsel.

Requests for a copy of the documents used as bases for the issuance of the Formal Charge, but which were not previously sent, may be made by the respondent within the same period given to file an answer. The period to file an answer does not begin to run until the respondent receives a copy of the requested documents.

NOTICE OF CHARGE/S



Section 27. *Notice of Charge/s.* In instances where the complaint was initiated by a person other than the disciplining authority, and a prima facie case is found to exist after ex parte evaluation of the records pursuant to Section 22(c) of these Rules, the disciplining authority or its authorized representative shall issue a written notice of the charge/s against the person complained of, who will now be referred to as respondent.

The notice shall contain the specification of charge/s or narration of the acts or omissions constituting the offense against the respondent with a statement that a prima facie case exists. It shall also include the following mandatory requirements:

RULE 5, Formal Charge or Notice of Charge

- a. All the supporting documents which were used as basis for the issuance of the notice of charge/s;
- b. 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;
- c. Notice that the respondent may opt to be assisted by a counsel; and
- d. Notice that the respondent may elect to have a formal investigation.

The notice of charge/s must be accompanied by a copy of the complaint, together with all documents attached to the complaint, such as legible duplicate or certified true copies of documentary evidence, and affidavits of the complainant's witnesses, if any.

Requests for the lacking documents may be made by the respondent within the same period given to file an answer. The period to file an answer shall not commence to run until the respondent receives the same.

FORMAL CHARGE

PROHIBITED PLEADINGS

- ❖ motion for clarification,
- ❖ motion for bill of particulars
- ❖ motion to dismiss
- ❖ motion to quash
- ❖ motion for reconsideration



If filed, the same shall be noted without action and attached to the records of the case.

FORMAL CHARGE

FAILURE TO FILE AN ANSWER



- ❖ Respondent shall be considered to have waived his/her right to submit the same.
- ❖ The case may be decided based on available records.

FORMAL CHARGE



LACK OF FC

- “Without a formal charge and proper investigation on the charges imputed on the respondent, the respondent did not get the chance to sufficiently defend herself; and more importantly, the petitioner, the CSC and the courts could not have had the chance to reasonably ascertain the truth which the CSC rules aim to accomplish. xxx Respondent should have been given the opportunity to prove her defenses against the charge of insubordination and present evidence to refute petitioner’s claim that her reassignment was reasonable, necessary and not impelled by improper considerations.”
- **Salva vs. Valle G.R. No. 193773, April 2, 2013**

The Commission, after the conduct of a preliminary investigation, finds a *prima facie* case against XXX, _____, _____, for Serious Dishonesty, committed, as follows:

1. That during the conduct of the Police Officer I (PO I) Examination on _____, at _____, **XXX**, conspiring and confederating with another person, caused and allowed the latter to take said examination for and on his behalf. The impersonator placed his own picture on the Picture-Seat Plan (PSP), an official document, and indicated therein pertinent data that matched the personal circumstances of **XXX**, more particularly, the latter's name, sex and date of birth, and affixed on the same document a signature which purported to be that of **XXX**;
2. That the impersonator passed the examination, and thereupon, a Police Officer I Certificate of Eligibility with a rating of _____% was issued in the name of **XXX**;
3. That on November 26, 2012, **XXX** requested authentication of his PO I Certificate of Eligibility at the Integrated Records Management Office (IRMO), this Commission;
4. Upon validation, IRMO found discrepancies in his examination records and ID cards presented, and thus referred the matter to the Office for Legal Affairs (OLA), this Commission, for further investigation;

5. That a comparison between the photograph of xxx found in the Picture-Seat Plan (PSP) of aforesaid examination *vis-à-vis* **XXX**'s ID Cards, showed conspicuous dissimilarities, an indication that the photograph and the signature on the PSP do not belong to **XXX**; and

6. That on February 15, 2013, OLA issued a Show Cause Order against **XXX** directing him to submit his sworn statement within seventy two (72) hours from receipt to show cause why he should not be held administratively liable for an offense but he did not reply.

The foregoing facts and circumstances constitute Serious Dishonesty. Possession of spurious eligibility is detrimental to the integrity of the civil service examination and an affront to the merit and fitness principle espoused by the government.

WHEREFORE, XXX is hereby **FORMALLY CHARGED** of Serious Dishonesty. He is directed to submit his Answer under oath with his own evidence, if there be any, within ten (10) days from receipt hereof. No request for clarification, bill of particulars, motion to dismiss, motion to quash or motion for reconsideration shall be entertained. Should **XXX** file any of said pleadings, the same shall be treated as his Answer and shall be evaluated as such. Failure on his part to submit an Answer within the reglementary period shall be deemed waiver thereof and formal investigation may commence.

XXX is moreover advised of his right to be assisted by a counsel of his own choice. Further, he is advised to indicate in his Answer whether he elects a formal investigation of the charges.

ANSWER TO THE FC/NC

- ❖ writing and under oath,
- ❖ shall be specific and shall contain material shall be specific and shall allege such material facts and defenses, including legible duplicate original or certified true copies of documentary evidence, and affidavits of witnesses, if any, and cite applicable laws, in support of respondent's case.
- ❖ The answer shall also contain a statement indicating whether the respondent elects a formal investigation or waives the right thereto.

ANSWER TO THE FC/NC

- ❖ If the answer is satisfactory
 - dismissed the case
- ❖ If the answer is not satisfactory
 - Investigation shall proceed

ANSWER TO THE FC/NC

If If the answer does not state that the respondent elects to have a formal investigation, the case may be decided based on available records.

EFFECTS OF PENDENCY OF AN ADMINISTRATIVE CASE

Pendency of an administrative case shall not disqualify respondent from promotion and other personnel actions or from claiming maternity/paternity benefits.

Exemption: PNP under RA
No. 9708

PREVENTIVE SUSPENSION



PREVENTIVE SUSPENSION

NATURE

- ❖ not a punishment or penalty
- ❖ a measure of precaution so that the official or employee charged may be removed from the scene of his/her alleged misfeasance/ malfeasance/ nonfeasance while the same is being investigated

PREVENTIVE SUSPENSION

The period within which a public officer or employee charged is placed under preventive suspension shall not be considered as part of the actual penalty of suspension imposed upon the employee found guilty.

RULE 7, Preventive Suspension

Section 33. *Who may Issue.* A preventive suspension order may be issued by the **proper disciplining authority** or **its authorized representative**, upon motion or motu proprio.

In LGUs, the local chief executive may delegate to the CODI the power to issue a preventive suspension order as part of the investigation involving sexual harassment cases against any appointive official or employee of the local government unit, unless otherwise provided by law.

RULE 7, Preventive Suspension

In sexual harassment cases, the disciplining authority may delegate its power to the CODI for the issuance of a preventive suspension order against any official or employee of the concerned office.

The delegated authority of the authorized representative to issue preventive suspension orders should be in the form of Office/Board Resolution or Order and duly signed by the disciplining authority clearly stating such delegation.

PREVENTIVE SUSPENSION

May be issued:

- ❖ after issuance of FC
- ❖ upon motion or *motu proprio* by DA

PREVENTIVE SUSPENSION

GROUND FOR ISSUANCE

- ❖ Dishonesty;
- ❖ Oppression;
- ❖ Grave Misconduct;
- ❖ Gross Neglect in the Performance of Duty;
- ❖ Other offenses punishable by dismissal from the service
- ❖ Administrative offenses committed on its second or third instance and the penalty is dismissal from the service

PREVENTIVE SUSPENSION

The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence such as, but not limited to, the following circumstances:

- ❖ Respondent holds a position in the agency that could compromise the integrity and impartiality of the entire proceedings;
- ❖ The presence of the respondent in the workplace will hamper the normal course of the investigation of the case and will pressure or unduly influence the possible witnesses who will be presented against him or her;
- ❖ The respondent either has access to and control over the evidence, or authority over the custodian of said evidence that will be presented against him or her;

PREVENTIVE SUSPENSION

The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence such as, but not limited to, the following circumstances:

- ❖ The respondent has employees under his or her direct supervision whom he or she could influence and utilize in his or her favor;
- ❖ The respondent may take improper advantage of his or her authority and power in a way that deprives potential witnesses of their free will; and
- ❖ Other analogous circumstances.

PREVENTIVE SUSPENSION

Thus, in order for a preventive suspension order to be valid, the following must concur:

- (1) the formal charge or notice of charge must specify any of the offenses in Item (a); and
- (2) the appropriate circumstance or justification in Item (b) must be stated and substantiated in the preventive suspension order.

PREVENTIVE SUSPENSION

Section 35. *Evaluation of the Formal Charge.*

- ❖ when a respondent is formally charged with negligence and/or dishonesty, and the gravity of the negligent conduct and/or dishonest act is not specified such that it cannot easily be discerned if the subject offense is among the enumeration in Item (a) of Section 34, the Commission is not precluded from evaluating the allegations specified in the formal charge for purposes of determining the gravity thereof, without necessarily delving into the merits of the case.

PREVENTIVE SUSPENSION

DURATION OF PS

- ❖ 90 days – National Agencies/GOCCs/SUCs/LUCs
- ❖ 60 days – Local Government Units
- The respondent shall be automatically reinstated to the service when the administrative case against him or her **is not finally decided by the disciplining authority or authorized representative within the period** of the preventive suspension or of the reassignment in lieu thereof. If the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, 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

PREVENTIVE SUSPENSION

DURATION OF PS

- Where the preventive suspension order is for a period less than the maximum period and the disciplining authority or authorized representative has not yet finished the formal investigation within the said period, the latter is precluded from imposing another preventive suspension without prejudice to the continuation of the formal investigation.

PREVENTIVE SUSPENSION

DURATION OF PS

- ❖ should the respondent be on authorized leave, said PS shall be deferred or interrupted until such time that said leave has been fully exhausted.
- ❖ 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.

PREVENTIVE SUSPENSION

❖ ALTERNATIVE TO PS

In lieu of PS, the proper disciplining authority or its authorized representative may reassign respondent to another unit of the agency subject to the same period

REMEDY FROM THE ORDER PS

- ❖ Appeal to the Commission within fifteen (15) days from receipt thereof.
- Pending appeal, the same shall be executory.
- A motion for reconsideration from the order of PS shall not be allowed...

If MR is filed, the same shall be noted without action and attached to the records of the case and shall neither stay the execution of the said order nor stop the running of the reglementary period to appeal

PREVENTIVE SUSPENSION

REMEDY FROM THE ORDER PS

- ❖ A PS Order imposed by the disciplining authority or authorized representative or CSC executory unless a Temporary Restraining Order is issued by the Court of Appeal or the Supreme Court

PREVENTIVE SUSPENSION

OVERLAPPING PS

1st PS

(90 days)

January

February

March

February

March

April

2nd PS

(90 days)



PREVENTIVE SUSPENSION

Section 39. *Payment of Back Wages during Preventive Suspension.*

A declaration by the Commission that a preventive suspension order is invalid 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 order was issued by one who is not authorized by law;
- The order of preventive suspension was issued without a formal charge or notice of charges;
- The order was not premised on any of the conditions under Section 34.

PREVENTIVE SUSPENSION

Section 39.

- If the preventive suspension order issued in the same document containing the formal charge or notice of charge is found to be invalid based on items 1 and 2 hereof, such declaration shall result in the dismissal of the main case without prejudice to the refiling thereof, in addition to the payment of back wages and the entitlement of the respondent to other benefits withheld during the period of preventive suspension.
- An invalid preventive suspension order under item 1 hereof shall not lead to the dismissal of the case if issued separately from or independent of the formal charge or notice of charge.
- A preventive suspension order issued based on the enumerated grounds but in excess of the prescribed period shall not result in its invalidation but shall entitle the respondent to the payment of back wages corresponding to the excess period only.

PREVENTIVE SUSPENSION

Section 39. (b)

- If the preventive suspension order was assailed on the appeal in the main case, and the respondent is exonerated or reprimanded only, and the preventive suspension was declared to be invalid, the respondent shall be paid back wages for the duration of the period of preventive suspension. Otherwise, no back wages shall be paid for the duration of the preventive suspension.
- Even if the respondent be eventually found innocent of the charge, 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 invalidity.

PREVENTIVE SUSPENSION

FC+PS (90 days)

January February March

April 3, Agency Decision Dismissal

April May June - CSC = Agency Decision Affirmed

July Aug Sept - CA = CSC decision Affirmed

**Oct Nov Dec - SC = CA decision reversed
(exonerated)**



PREVENTIVE SUSPENSION

PS must be declared null and void to claim back salaries.

(GLORIA VS. CA GR No. 131012, April 21, 1999)

PREVENTIVE SUSPENSION

If PS is found to be unlawful/invalid.

- ❖ Payment of Back Salaries During Preventive Suspension

Invalidity = Reinstatement +
backwages

w/o awaiting on the
outcome of main case

FORMAL INVESTIGATION



FORMAL INVESTIGATION

❖ shall be conducted:

- *motu proprio* when the allegations of the complaint and the answer of the respondent, including the supporting documents, show that the merits of the case cannot be decided judiciously without conducting FI
- when respondent elects to have one

FORMAL INVESTIGATION

❖ DURATION:

- shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the answer or upon the expiration of the period to answer.
- should be concluded within thirty (30) days from the issuance of the formal charge unless the period is extended by the disciplining authority in meritorious cases.

FORMAL INVESTIGATION

Section 41. *Submission of Position Paper or Memorandum.* The hearing officer may require the submission of position paper in the following instances:

- When the case may be decided based on available records under these Rules provided that no new evidence will be presented by either party; or
- Upon the mutual consent of the parties, in case of a conduct of formal investigation, at any stage of the proceedings.

The position paper or memorandum shall be submitted within ten (10) days reckoned from the receipt of the order to submit the same or in case of mutual agreement, from the date of such agreement as entered in the records, unless the period is extended in meritorious cases. Thereafter, with or without the position paper or memorandum, the case shall be submitted for decision without need for further hearings.

FORMAL INVESTIGATION

Pre-Hearing Conference

- Stipulation of facts;
- Simplification of issues;
- Identification and marking of evidence of the parties, including exhibits in judicial affidavits;
- Limitation of the number and identification of witnesses;
- Dates of subsequent hearings; and
- Such other matters as may aid in the prompt and just resolution of the case.

FORMAL INVESTIGATION

❖ Pre-hearing Conference

- Mandatory
- **When any party fails to attend the pre-hearing conference despite due notice, the hearing officer may *motu proprio* or upon motion of the present party cause the submission of the case for decision based on available records.**

FORMAL INVESTIGATION

❖ Pre-hearing Conference

- **If there is no such motion or the same is otherwise denied, the party in attendance may be allowed to present evidence *ex parte*, and the absent party shall be deemed to have waived the right to present evidence. The absent party, however, may still participate in the hearing if allowed by the hearing officer upon proper motion based on meritorious grounds.**
- **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.**

FORMAL INVESTIGATION

Continuous Hearing Until Terminated; Postponement

- ❖ Hearings shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the prehearing conference.
- ❖ Each party may be granted one (1) postponement upon oral or written request.
- ❖ respondents failure or refusal 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.

FORMAL INVESTIGATION

Section 46. *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 and the hearing officer shall state said waiver in the records of the case.

Except in matters requiring confidentiality or in the interest of morality or decency such as in sexual harassment cases, the examination of witnesses presented in a hearing shall be open to the public.

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

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

FORMAL INVESTIGATION

Use of Judicial Affidavit

Parties may adopt the use of a judicial affidavit which shall be attached to the complaint and shall form an integral part thereof. The use of a judicial affidavit is without prejudice to clarificatory questions that may be propounded thereon and on the exhibits attached to the same during the hearing.

Section 47. *Entry of Appearance as Counsel.* Any counsel who must be a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall enter an appearance orally or in writing, stating the following: (1) full name, (2) complete address, which should not be a P.O. box address, where notices and other pleadings may be served, (3) email address, through which notices and other pleadings may likewise be served according to the applicable relevant rules on electronic filing and service, (4) contact number, (5) Professional Tax Receipt (PTR) number, (6) Roll of Attorney's number, (7) Mandatory Continuing Legal Education compliance, and (8) IBP dues receipt number or lifetime membership.

Except as otherwise mandated by law, government lawyers are prohibited to represent another government employee or a public officer in a pending administrative disciplinary case. (Fajardo v. Atty. Alvarez, 785 Phil. 303 (2016)).

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 subject to the approval of the hearing officer. Only members of the bar are allowed to act as prosecutors.

FORMAL INVESTIGATION

Section 48. Order of Hearing; Order of Examination of Individual Witness; Offer of Evidence. As far as practicable, the hearing shall be limited to the contents of the pre-hearing conference order and unless the hearing officer directs otherwise, the order of hearing may be as follows:

The prosecution shall present its evidence;

The respondent shall present evidence in support of the theory of the defense; and

There may be rebuttal or sur-rebuttal.

The order of examination of individual witnesses shall be as follows:

- Direct examination by the proponent;
- Cross-examination by the opponent;
- Re-direct examination by the proponent; and

FORMAL INVESTIGATION

❖ Records of Proceedings

- shorthand, stenotype or any other means of recording

FORMAL INVESTIGATION

❖ 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.

FORMAL INVESTIGATION

❖ MARKINGS

- PROSECUTION Marked by letters (A,B,C,etc)
- RESPONDENT marked by numner (1,2,3, etc.)

FORMAL INVESTIGATION

❖ ISSUANCE OF SUBPOENA

hearing officer may issue:

- subpoena *ad testificandum* to compel the attendance of witnesses and
- subpoena *duces tecum* for the production of documents or things.

FORMAL INVESTIGATION

❖ Formal Investigation Report

- must be submitted within 15 days after conclusion of FI
- must contain material facts established during the FI
- findings supported by evidence
- recommendation of the hearing officer

DECISION



DECISION

SUBSTANTIAL EVIDENCE

“. . .amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion”

(Section 5, Rule 133 of Rules of Court)

DECISION

“It is true that the petitioner was formally charged with conduct prejudicial to the best interest of the bank and not specifically with embezzlement. Nevertheless, the allegations and the evidence presented sufficiently proved her guilt of embezzlement of bank funds, which is unquestionably prejudicial to the best interest of the bank.

“The charge against the respondent in an administrative case need not be drafted with the precision of an information in a criminal prosecution. It is sufficient that he is apprised of the substance of the charge against him; what is controlling is the allegation of the acts complained of, not the designation of the offense.”

Dadubo vs. CSC G.R. No. 106498 dated June 28, 1993

DECISION

“We sustain the ruling of the Court of Appeals that: (a) a basic requirement of due process is that a person must be duly informed of the charges against him and that (b) a person can not be convicted of a crime with which he was not charged.

“Administrative proceedings are not exempt from basic and fundamental procedural principles, such as the right to due process in investigations and hearings.

“The right to substantive and procedural due process is applicable in administrative proceedings”

CSC vs. JOSE J. LUCAS, G.R. No. 127838. January 21, 1999

DECISION

The claim of Dr. Estampa that he could not be found guilty of gross neglect of duty when he was charged only with simple neglect of duty is unmeritorious. The charge against the respondent in an administrative case need not be drafted with the precision of the information in a criminal action. It is enough that he is informed of the substance of the charge against him. And what controls is the allegation of the acts complained of, not the designation of the offense in the formal charge.[8] Here, the formal charge accused him of failing to respond, as was his duty as Disaster Coordinator of the City Health Office, to the March 4, 2003 bombing incident that saw many people killed and maimed. It was a serious charge although the formal charge failed to characterize it correctly as gross neglect of duty.

ESTAMPA vs. City Govt of Davao G.R. No. 190681 June 21, 2010

CLASSIFICATION OF OFFENSES

GRAVE

**LESS
GRAVE**

LIGHT

CLASSIFICATION OF OFFENSES

GRAVE

Dismissal from the service

1st offense - 6 mos and 1 day to 1 year suspension
2nd offense - dismissal

1st offense = dismissal

- Being Notoriously Undesirable;
- Contracting loans of money or other property from persons with whom the office of the employee has business relations;
- Disloyalty to the Republic of the Philippines and to the Filipino people;
- Falsification of official document;

1st offense = dismissal

- Grave misconduct;
- Grave sexual harassment;
- Gross neglect of duty;
- Nepotism;
- Physical or mental disorder or disability due to immoral or vicious habits;

1st offense = dismissal

- 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;
- Serious dishonesty; and
- 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 the value of what was solicited or accepted, kinship, or relationship between giver and receiver and the motivation therefor. A thing of monetary value is one which is evidently or manifestly excessive by its very nature.

Grave Offenses

1st offense - 6 months and 1 day to 1 year suspension

2nd offense - dismissal

samples of offenses punishable by
1st offense - 6mos.to 1yr suspension
2nd offense – dismissal

- ❖ Conduct prejudicial to the best interest of the service;
- ❖ 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;

samples of offenses punishable by

1st offense - 6mos.to 1yr suspension

2nd offense – dismissal

- ❖ 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;
- ❖ Disgraceful and immoral conduct;

samples of offenses punishable by
1st offense - 6mos.to 1yr suspension
2nd offense - dismissal

❖ Frequent unauthorized absences (habitual absenteeism);

For this purpose, an official or employee shall be considered habitually absent after incurring unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year;

samples of offenses punishable by

1st offense - 6mos.to 1yr suspension

2nd offense - dismissal

- ❖ Conduct prejudicial to the best interest of the service;
- ❖ Gross insubordination;
- ❖ Habitual tardiness in reporting for duty causing prejudice to the operations of the office;

For the purpose of these Rules, an employee shall be considered habitually tardy after incurring tardiness, regardless of the number of minutes, ten (10) times a month for at least (2) months in a semester or at least two (2) consecutive months during the year;

samples of offenses punishable by
1st offense - 6mos.to 1yr suspension
2nd offense - dismissal

- ❖ **Inefficiency and incompetence in the performance of official duties, which, in the alternative, may be punished by demotion;**
- ❖ Less serious dishonesty;
- ❖ Loafing from duty during regular office hours;

For the purpose of these Rules, loafing refers to frequent unauthorized absences from duty during regular hours despite entering attendance in the office;

samples of offenses punishable by
1st offense - 6mos.to 1yr suspension
2nd offense - dismissal

- ❖ Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713) 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;
- ❖ Oppression;

samples of offenses punishable by
1st offense - 6mos.to 1yr suspension
2nd offense - dismissal

- ❖ 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;
- ❖ 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; and
- ❖ Refusal to perform official duty.

CLASSIFICATION OF OFFENSES/ PENALTIES

Less Grave Offenses

1st offense- 1 month and 1 day to 6 months suspension

2nd offense - dismissal

samples of offenses punishable by
1st offense - 1mo. to 6mos.suspension
2nd offense – dismissal

- ❖ Discourtesy in the course of official duties;
- ❖ Engaging directly or indirectly in partisan political activities by one holding non-political office
- ❖ Failure to file sworn statements of assets, liabilities and net worth (SALN) in accordance with the guidelines on filing SALN;

❖ 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;

❖ Simple Neglect of Duty;

samples of offenses punishable by
1st offense - 1mo. to 6mos.suspension
2nd offense – dismissal

- ❖ Habitual Drunkenness;
- ❖ Insubordination;
- ❖ Less grave sexual harassment;
- ❖ Simple dishonesty, which shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense; (CSC Resolution No. 2100079 dated 27 January 2021.)
- ❖ Simple Misconduct;
- ❖ Simple neglect of duty;
- ❖ Unfair discrimination in rendering public service due to party affiliation or preference; and
- ❖ Violation of existing Civil Service Law and rules of serious nature;

CLASSIFICATION OF OFFENSES/ PENALTIES

Simple Dishonesty

Less Grave Offenses

1st offense- 1 month and 1 day to 6 months suspension

2nd offense - 6 months and 1 day to 1 year suspension

3rd offense – dismissal

CLASSIFICATION OF OFFENSES/ PENALTIES

Light Offenses

1st offense- reprimand

2nd offense - 1 day to 30 days suspension

3rd offense – dismissal

Light Offenses

- ❖ Simple Discourtesy in the Course of Official Duties;
- ❖ Borrowing money by superior officers from subordinates;
- ❖ Disgraceful, immoral, or dishonest conduct prior to entering the service;
- ❖ 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;
- ❖ 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 (R.A. No. 6713);
- ❖ Gambling prohibited by law;
- ❖ Habitual tardiness;
- ❖ Improper or unauthorized solicitation of contributions from subordinate employees and in the case of teachers or school officials from school children;
- ❖ Lending money at usurious rate of interest;

Light Offenses

- ❖ Light sexual harassment;
- ❖ Lobbying for personal interest or gain in legislative halls and offices without authority;
- ❖ 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;
- ❖ Pursuit of private business, vocation, or profession without the permission required by civil service rules and regulations;
- ❖ Refusal to render overtime service;
- ❖ Simple discourtesy in the course of official duties;
- ❖ Violation of reasonable office rules and regulations; and
- ❖ Willful failure to pay just debts or willful failure to pay taxes due to the government;

The term "just debts" shall apply only to claims adjudicated by a court of law, or those the existence and justness of which are admitted by the debtor.

Violations of R.A. No. 9485, as amended by R.A. No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018



The offense of fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage **shall be penalized by dismissal.**

Violations of R.A. No. 9485, as amended by R.A. No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018

1st offense - 1mo. to 6mos.suspension

2nd offense – dismissal

- Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;
- Imposition of additional requirements other than those listed in the Citizen's Charter;
- Imposition of additional costs not reflected in the Citizen's Charter;
- Failure to give the applicant or requesting party a written notice of the disapproval of an application or request;
- Failure to render government services within the prescribed processing time on any application and/or request without due cause;
- Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break; and
- Failure or refusal to issue official receipts.



MITIGATING AND/OR AGGRAVATING CIRCUMSTANCES

❖ Except for offenses punishable **by dismissal from the service**, the following may be appreciated in the determination of the penalties to be imposed:

❖ **MITIGATING**

❖ **AGGRAVATING**

❖ **ALTERNATIVE**

MITIGATING

- Undue disclosure of confidential information;
- Awards and commendations;
- First offense;
- Good faith;
- Lack of malice;
- Physical illness; and
- Other analogous circumstances.

AGGRAVATING

- Employment of fraudulent means to commit or conceal the offense;
- Habituality;
- For the purpose of these Rules, habituality is present if the respondent has been previously penalized for an administrative offense with an equal or greater penalty or for two (2) or more offenses punishable by a lighter penalty.
- Offense is committed during office hours and/or within the premises of the office or building;
- Presence of malice;
- Taking undue advantage of official position;
- Taking undue advantage of subordinate;
- Undue disclosure of confidential information;
- Use of government property in the commission of the offense; and
- Other analogous circumstances.

ALTERNATIVE

- Education;
- Intoxication;
- Length of service;
- Time and place of offense; and
- Other analogous circumstances.

MITIGATING AND/OR AGGRAVATING CIRCUMSTANCES

“Length of service is not a magic word that, once invoked, will automatically be considered as a mitigating circumstance in favor of the party invoking it. Length of service can either be a mitigating or aggravating circumstance depending on the factual milieu of each case. Length of service, in other words, is an alternative circumstance. xxx”

(CSC vs. Cortez G. R. No. 155732, June 3, 2004)

MITIGATING AND/OR AGGRAVATING CIRCUMSTANCES

“Length of service as a factor in determining the imposable penalty in administrative cases is a double-edged sword. xxx, length of service is not always a mitigating circumstance in every case of commission of an administrative offense by a public officer or employee.

“ **(Gannapao vs. CSC G.R. No. 180141,
May 31, 2011)**

FINE

❖ Payment of fine in place of suspension

➤ Circumstances

- functions and nature of office is impressed with national interest
- respondent is discharging frontline functions or dealing with the public and not enough personnel complement
- respondent committed the offense without utilizing or abusing the powers of his/her position or office

FINE

❖ Payment of fine in place of suspension

➤ Circumstances

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.

FINE

- ❖ Payment of fine in place of suspension shall be available only to Grave, Less Grave and Light Offenses with **6 months or less penalty.**
- ❖ Ratio:
1day suspension = 1 day salary fine
- ❖ Grave Offense punishable by 6mos. & 1day
1 day deemed included

FINE

Fine may be paid in equal monthly installments subject to the following schedule of payment

- 1 month salary shall be paid within 2 months;
- 2 months salary shall be paid within 4 months;
- 3 months salary shall be paid within 6 months;
- 4 months salary shall be paid within 8 months;
- 5 months salary shall be paid within 10 months;
- 6 months salary shall be paid within 12 months.

FINE

- ❖ The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory.
- ❖ The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension.

Manner of imposing the penalties

- ❖ **Minimum** – only mitigating circumstance is present
- ❖ **Medium** – no mitigating circumstance and no aggravating circumstance
- ❖ **Maximum** – only aggravating circumstance is presence
- ❖ Presence of mitigating and aggravating, **rule on offsetting**

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.

Penalty for Multiple Offenses

- ❖ 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.

DURATION AND EFFECT OF ADMINISTRATIVE PENALTIES

❖ The penalty of dismissal

➤ permanent separation of the respondent from the service,

*

➤ without prejudice to criminal or civil liability.

DECISION

❖ **Three-fold liability**

It is a basic rule in administrative law that public officials are under a three-fold responsibility for a violation of their duty or for a wrongful act or omission, such that they may be held civilly, criminally and administratively liable for the same act. Administrative liability is thus separate and distinct from penal and civil liability.

Melendres vs. PAGC G.R. No. 163859 dated August 15, 2012

DURATION AND EFFECT OF ADMINISTRATIVE PENALTIES

❖ The penalty of demotion

- Shall result in diminution of salary corresponding to the next lower salary grade with the same salary step.

DURATION AND EFFECT OF ADMINISTRATIVE PENALTIES

❖ The penalty of suspension

- cessation of work for a period not exceeding one (1) year.
- 1 day considered a gap in service
*
- not entitled to all monetary benefits
- not entitled to leave credits

DURATION AND EFFECT OF ADMINISTRATIVE PENALTIES

❖ The penalty of fine

- amount not exceeding six (6) months salary of respondent
 - salary rate at the time the decision becomes final and executory
- *
 - Should be paid within 1 year from the time the decision becomes final and executory

DURATION AND EFFECT OF ADMINISTRATIVE PENALTIES

❖ The penalty of reprimand

- no accessory penalty and no cessation of work
- if penalty of reprimand was imposed on appeal as a result of modification of the penalty respondent shall be entitled to the payment of back salaries and other benefits

ADMINISTRATIVE DISABILITIES INHERENT IN CERTAIN PENALTIES

❖ Dismissal

- cancellation of eligibility
- perpetual disqualification from holding public office
- bar from taking civil service examinations
- forfeiture of retirement benefits

ACCESSORY PENALTY

terminal/accrued leave
benefits being personal to
the respondent nature is not
part of accessory penalty



ACCESSORY PENALTY

GSIS personal contribution not subject to accessory penalty of forfeiture of retirement benefits.

**Lledo vs. Lledo A.M. No. P-95-1167,
February 9, 2010**



ADMINISTRATIVE DISABILITIES INHERENT IN CERTAIN PENALTIES

❖ Demotion

- disqualification from promotion for one (1) year.

ADMINISTRATIVE DISABILITIES INHERENT IN CERTAIN PENALTIES

❖ Suspension

- disqualification for promotion equivalent to the period of suspension
- cessation of work
- Non-entitlement to all monetary benefits including leave credits (for the period of suspension) shall continue to apply when the penalty of fine is imposed in lieu of suspension.

ADMINISTRATIVE DISABILITIES INHERENT IN CERTAIN PENALTIES

❖ Fine

- disqualification from promotion for the same period he/she was fined
- if respondent fail to pay in full the fine within the prescribed period, he/she shall be deemed to have failed to serve the penalty imposed, hence, the disqualification for promotion shall remain in effect until such time that the fine is fully paid.

EFFECTS OF EXONERATION

- ❖ **FINE** = refunded
- ❖ **DEMOTION** = restoration to position, without loss of seniority rights + payment of salary differentials
- ❖ **SUSPENSION** = reinstatement without loss of seniority rights and with payment of back salaries and all benefits.
- ❖ **DISMISSAL** = reinstatement without loss of seniority rights with payment of back salaries and all benefits
- ❖ respondent who is exonerated by final judgment shall be entitled to the leave credits for the period he/she had been out of the service.

EFFECTS OF EXONERATION

- ❖ Grant of back wages and other benefits may be subject of settlement and/or compromise.

Penalty Downgraded

Jan Feb Mar

Agency Decision = DISMISSAL FROM THE SERVICE

**Apr May Jun - CSC Decision = Agency Decision
Affirmed**

Jul Aug Sep - CA Decision = CSC decision Affirmed

**Oct Nov Dec - SC Decision =
CA decision modified
(6 months suspension)**

EXONERATION

Dela Cruz vs. Court of Appeals,
GR No. 126183 dated March 25,
1999

- ❖ exonerated is necessary to be entitled to back salaries

RULE 11, Mediation and Settlement in Administrative Cases

Section 75. *Applicability.* Settlement shall be allowed only in complaints for light 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. Provided, that settlement can no longer be resorted to in a subsequent complaint for the same offense against the person complained of. Specifically, settlement may be resorted to in the following light offenses:

- a. Borrowing Money By Superior Officers From Subordinate; and
- b. Willful Failure to Pay Just Debts.

RULE 11, Mediation and Settlement in Administrative Cases

Under these Rules, settlement between the private complainant and the person complained of is permitted to resolve disputes amicably, prevent prolonged administrative proceedings, and allow the agencies to declog their dockets of similar cases.

Complaints for sexual harassment shall not be subject to mediation and settlement.

RULE 11, Mediation and Settlement in Administrative Cases

Section 76. *How commenced.* Upon filing of the complaint, the disciplining authority or its authorized representative shall motu proprio evaluate whether the offense can be the subject of settlement. If in the affirmative, the person complained of shall be required to comment and indicate therein an election on whether or not to submit the case for settlement.

The person complained of may move for the settlement of the complaint at any time before the issuance of the formal charge.

RULE 11, Mediation and Settlement in Administrative Cases

If the person complained of opts for settlement, the disciplining authority or its authorized representative shall assign the case to a mediation officer within the agency who shall issue an order requiring the appearance of parties to a conference. If any of the parties fail to appear before a mediation conference, the mediator may reschedule the same and require the explanation of the absent party. If no explanation was submitted or when either party shows up for the rescheduled conference, the mediation shall be terminated and the administrative proceedings shall resume as provided under Section 78.

The mediation proceedings shall, as far as practicable, observe the provisions of R.A. No. 9285 or the Alternative Dispute Resolution Act of 2004 and its IRR.

RULE 11, Mediation and Settlement in Administrative Cases

Section 77. *Suspension of Preliminary Investigation.* The preliminary investigation shall be suspended during the mediation and shall resume only upon the termination of the latter in accordance with Sections 78 and 80 of these Rules.

RULE 11, Mediation and Settlement in Administrative Cases

Section 78. *Mediation Period.* The parties shall arrive at a settlement within thirty (30) days from the date of the initial conference. Otherwise, the mediation shall be terminated and administrative proceedings shall resume. The termination shall not preclude the parties from reopening mediation proceedings later on provided, that the Formal Charge or Notice of Charge has not yet been issued. However, the mediation officer may, upon written request of the parties, grant an extension which shall not exceed thirty (30) days.

RULE 11, Mediation and Settlement in Administrative Cases

Section 79. Settlement Agreement. A Settlement Agreement following successful mediation shall be prepared by the parties with the assistance of their respective counsels, if any, and by the mediator. The parties and their respective counsels shall endeavor to make the terms and conditions of the Settlement Agreement complete and to make adequate provisions for the contingency of breach to avoid conflicting interpretations of the agreement.

The parties shall sign the Settlement Agreement. The mediator shall certify that the contents of the Settlement Agreement were explained to the parties in a language known to them.

RULE 11, Mediation and Settlement in Administrative Cases

Section 80. *Repudiation.* Any party to the Settlement Agreement whose consent is claimed to have been obtained by fraud, violence, or intimidation may, within ten (10) days from the date of the settlement, repudiate the same by filing with the mediation officer a sworn affidavit to that effect. Such repudiation shall be sufficient cause to reopen the administrative proceedings.

RULE 11, Mediation and Settlement in Administrative Cases

Section 81. *Decision on Settlement Agreement.* If after the lapse of ten (10) days, neither party repudiates the Settlement Agreement, the disciplining authority shall issue a Decision based on the Agreement, which shall include the dismissal of the case without prejudice to its reopening in accordance with Section 82 of these Rules.

An approved Settlement Agreement shall have the force and effect of a judgment on the merits and shall be immediately executory in accordance with these Rules.

The subsequent filing of a complaint for the same offense and the same act shall be barred by res judicata.

RULE 11, Mediation and Settlement in Administrative Cases

Section 82. *Non-Compliance with Settlement Agreement.* In case of non-compliance by the person complained of with the Settlement Agreement, the complaint may be reopened and the person complained of may be held liable for Conduct Prejudicial to the Best Interest of the Service and/or other offenses which may be appropriate under the circumstances.

Where the Settlement Agreement is approved by the Commission or any of the CSC ROs, the person complained of who fails to comply with the terms thereof shall likewise be subject to Indirect Contempt under Rule 16 hereof.

RULE 11, Mediation and Settlement in Administrative Cases

Section 83. Confidentiality. Mediation proceedings and all its incidents shall be kept strictly confidential. Persons, other than the parties, their representatives, and the mediator, may attend only with the consent of all the parties.

No transcript or formal record or any audio-visual recording shall be made of the proceedings. The mediating officer, nevertheless, may take down personal notes which shall not form part of the records of the case and which shall, upon the termination of the proceedings, be immediately disposed of.

RULE 11, Mediation and Settlement in Administrative Cases

Admission or statements made during mediation shall be inadmissible in any proceeding, unless otherwise provided by law.

Violation hereof shall subject the offender to liability for disclosing or misusing confidential or classified information under Section 63 of these Rules.

The above shall be subject to provisions on waiver of and exceptions to confidentiality under pertinent laws.

REMEDIES

Appeal in Disciplinary Cases

Filing

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



REMEDIES

Appeal in Disciplinary Cases

Filing

- ❖ All decisions of heads of agencies are immediately executory pending appeal before the Commission.
- ❖ The decision imposing the penalty of dismissal by disciplining authorities in departments is not immediately executory unless confirmed by the Secretary concerned. However, the Commission may take cognizance of the appeal pending confirmation of its execution by the Secretary

REMEDIES

Perfection of an Appeal

- ❖ Appeal memorandum containing the ff:
 - grounds relied upon for the appeal,
 - together with the certified true copy of the decision, resolution or order
 - certified copies of the documents or evidence.
- ❖ The appeal 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 authority.

REMEDIES

Perfection of an appeal

- ❖ Proof of service of a copy of the memorandum to the disciplining office;
- ❖ Proof of payment of the appeal fee; and
- ❖ A statement or certificate of non-forum shopping.

REMEDIES

Effect of Failure to Comply with Requirements:

- 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 and shall cause the dismissal of the appeal with prejudice to its refiling

Effect of Filing

- Except for cases requiring confirmation of the Secretary concerned and cases decided by the CSCROs, an appeal shall not stop the decision from being executory.

REMEDIES

Effect of finding of Violation of Due Process

- ❖ Dismiss the case
- ❖ Reinstatement with backwages

note: without prejudice to refiling

REMEDIES

Petition for Review of CSCRO Decisions

A party may elevate the decision of the CSROs dismissing the complaint for lack of *prima facie* case or where the formal charge issued was for a lower offense, through a petition for review before the Commission within fifteen (15) days from receipt of said decision.

REMEDIES

Petition for Review of Decisions of Agencies

A **decision of an agency head** 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.**

Except: Sexual Harassment cases

BACKWAGES

Backwages “in general are granted on grounds of equity for earnings which a worker or employee has lost due to his illegal dismissal”

Torillo v. Leogardo, Jr., 274 Phil. 758, 765 (1991), citing Philippine Airlines, Inc. v. National Labor Relations Commission, G.R. No. 55159, 22 December 1989, 180 SCRA 555, 565.

BACKWAGES

Who are entitled?

- 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.



BACKWAGES

What are included?

- Salaries from the time illegal dismissal /suspension up to the time of actual reinstatement;
- Representation and Transportation Allowance (RATA)
- Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- Restoration of Leave Credits;



BACKWAGES

What are included?

- Loyalty Award;
- Anniversary Bonus;
- 13th, 14th Month Pay and Cash Gift;
- Uniform/Clothing Allowance;
- Performance-based Bonus; and
- other similar benefits given to regular employees by the agency



BACKWAGES

Guidelines

- ❖ **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.
- ❖ **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.



BACKWAGES

Guidelines

- ❖ **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.
- ❖ **LEAVE CREDITS** - shall be subject to annual deductions of five (5) days forced leave/mandatory leave as required under the Omnibus Rules on Leave.



BACKWAGES

Guidelines

- ❖ **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.



BACKWAGES

Guidelines

- ❖ **ANNIVERSARY BONUS** - 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.



BACKWAGES

Guidelines

- ❖ **13th /14th MONTH PAY + 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.
- ❖ **UNIFORM AND CLOTHING ALLOWANCE** - refer to the amount granted per year to each qualified official or employee as provided in the GAA.
- ❖ **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.



BACKWAGES

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.



BACKWAGES

COVERED PERIOD

- ❖ Maximum 5 years

Yenko vs. Gungon

G.R. No. 165450 August 13, 2009

- ❖ from the time of his illegal dismissal until he is reinstated to his position

Campol vs. Balaos-as

G.R. No. 197634, November 28, 2016

CONTEMPT OF THE COMMISSION

- ❖ Contumacious/Contemptuous Acts
 - disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission

CONTEMPT OF THE COMMISSION PROCEDURE

- ❖ Proceedings may be initiated *motu proprio* by the Commission
- ❖ A motion to cite for indirect contempt may also be filed with the Commission.
- ❖ Proceedings shall be conducted at the Office for Legal Affairs, Civil Service Commission
- ❖ Proceedings shall follow as far as applicable, the procedure required in the conduct of disciplinary investigation

CONTEMPT

PENALTY



- ❖ Fine - One Thousand (P1,000.00) Pesos 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 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.

GROSS NEGLIGENCE OF DUTY



Negligence is want of care required by the circumstances. It is a relative or comparative, not an absolute term, and its application depends upon the situation of the parties, and the degree of care and vigilance which the circumstances reasonably impose

[US vs. JUANILLO, 23 Phil. 212]

MISCONDUCT



“transgression of an established and definite rule of action”

[Arcenio vs. Pagorogon, 224 SCRA 246.]



MISCONDUCT

“in order that an action be deemed a ‘misconduct’ it must have a direct relation to and be connected with the performance of his official duties amounting either to maladministration or wilful, intentional neglect or failure to discharge the duties of the office.”

[*Government Service Insurance System v. Mayordomo*, 665 Phil. 131, 149 (2011), citing *Manuel v. Calimag*, 367 Phil. 162, 166 (1999).]



GRAVE VS. SIMPLE

In Grave Misconduct, as distinguished from Simple Misconduct, the elements of

- **corruption**
- **clear intent to violate the law**
- **flagrant disregard of established rules,**
must be manifest

BEING NOTORIOUSLY UNDESIRABLE



This offense is based mainly on the general reputation of an employee for being difficult to work with, due to his/her quarrelsome attitude and/or repeated infractions of office rules. The focus in this offense is the totality of his conduct in office and not his liability for the individual acts.”

BEING NOTORIOUSLY UNDESIRABLE



a two-fold test is employed, to wit:

- (1) whether it is common knowledge or generally known as universally believed to be true or manifest to the world that the employee committed the acts imputed against him; and
- (2) whether he had contracted the habit for any of the enumerated misdemeanors.

CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE



Conduct Prejudicial to the Best Interest of the Service need not be related to or connected with the public officer's official function as it suffices that the act in question tarnishes the image and integrity of his/her public office. Thus, it is broader as it encompasses all transgressions which may put a particular public office in a bad light.

CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE



Everything which is done contrary to justice, honesty, modesty or good morals.

[In Re: Basa, 41 Phil. 275; In Re: Isada, 60 Phil. 915]

MORAL TURPITUDE



Everything which is done contrary to justice, honesty, modesty or good morals.

“It (moral turpitude) implies something immoral in itself, regardless of the fact that it is punishable by law or not. It is not the prohibition by statute that fixes moral turpitude but the nature of the act itself.”

[ROBREDILLO, Mario, CSC Resolution No. 00-0657, March 10, 2000 citing DELA TORRE vs. COMELEC, 258 SCRA 483]

FALSIFICATION OF PUBLIC DOCUMENTS



Falsification as a rule is the misrepresentation of a thing, fact or condition, certifying that a thing is true when it is not, whether one has the right to make the representation or certificate. As applied to a public document, in order that said act be punishable, it is immaterial whether it has caused damage to a third person or not. This is because falsification of public documents is controlled by other principles distinct from those applicable to private documents.

[U.S. vs. BUENAVENTURA, 1 Phil. 433]

ENGAGING DIRECTLY OR INDIRECTLY IN PARTISAN POLITICAL ACTIVITIES BY ONE HOLDING NON-POLITICAL OFFICE



The term “election campaign” or ‘partisan political activity’ refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office.

[BUGTONG, Diosdado, CSC Res. No. 97-0807, January 28, 1997 citing Section 79 of the Omnibus Election Code of the Philippines (Batas Pambansa Bilang 881)]

**ENGAGING DIRECTLY OR
INDIRECTLY IN PARTISAN
POLITICAL ACTIVITIES BY
ONE HOLDING NON-
POLITICAL OFFICE**



COMELEC CSC JOINT
CIRCULAR No. 1 series 2016

NEPOTISM



All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned and controlled corporations, made in favor of a relative {**within the third degree**} of

- the appointing authority or
- recommending authority, or
- of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

[DEBULGADO vs. CSC, 238 SCRA 184]

NEPOTISM



No person shall be appointed in the career service of the **local government** if he is related within the **fourth civil degree of consanguinity or affinity** to the

- appointing authority
- recommending authority.

[Section 79, Local Government Code of 1991]

Relatives Within the 4th Degree

AFFINITY - relationship of a husband to the blood relatives of his wife, or a wife to the blood relatives of her husband

CONSANGUINITY - relationship by blood from the same stock or common ancestor

Relatives Within the 4th Degree

	Consanguinity	Affinity
1st degree	Parents Children	Parents-in-law Children-in-law
2nd degree	Grandparents Grandchildren Siblings	Grandparents-in-law Brother-in-law Sister-in law

Relatives Within the 4th Degree

	Consanguinity	Affinity
3rd degree	Uncle/Aunt Nephew/Niece	Uncle/Aunt-in-law Nephew/Niece-in-law
4th degree	1st Cousin	1st Cousin-in-law

DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES AND TO THE FILIPINO PEOPLE



It consists of abandonment or renunciation of one's loyalty to the government or advocating the overthrow of the Government.

[Par. 7, Section 8, Presidential Decree No. 971, July 27, 1976]

OPPRESSION



The Commission has defined oppression as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.

[CSC Resolution No. 95-2125, March 21, 1995]

INEFFICIENCY AND INCOMPETENCE IN THE PERFORMANCE OF OFFICIAL DUTY



Incompetency – has been defined as the manifest lack of adequate ability and fitness for the satisfactory performance of official duties. This has reference to any physical, moral or intellectual quality the lack of which substantially incapacitates one to perform the duties of an officer.

[Sec. 8, Pres. Decree No. 971]

FREQUENT UNAUTHORIZED ABSENCES, OR TARDINESS IN REPORTING FOR DUTY, LOAFING OR FREQUENT UNAUTHORIZED ABSENCES FROM DUTY DURING REGULAR OFFICE HOURS



An officer or employee shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable **2.5 days monthly leave credit under the Leave Law** for

- at least three (3) months in a semester or
- at least three (3) consecutive months during the year.

[Section 22 (q), Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987)]

REFUSAL TO PERFORM OFFICIAL DUTY



“Any act conduct of officer or tribunal under a duty to perform, signifying intention not to perform...”

[Word & Phrases, Volume 36-A, Copyright, 1962]

GROSS INSUBORDINATION



“Is a deliberate and willful refusal to comply with a lawful request or order of a higher authority. It involves disregard of proper authority and a refusal to obey that authority, a willful disrespect of it.”

[SOBREPEÑA, Carmelita G., CSC Resolution No. 001288, May 30, 2000 citing HARVEY, Tammang A., CSC Resolution No. 98-2225 August 21, 1998]

HABITUAL DRUNKENNESS



One who frequently and repeatedly becomes intoxicated by excessive indulgence in intoxicating liquor so as to acquire a fixed habit and an involuntary tendency to become intoxicated as often as the temptation is presented, even though he remains sober for days or even weeks at a time.

[Black's Law Dictionary, 5th Edition]

FREQUENT UNAUTHORIZED TARDINESS (HABITUAL TARDINESS)



An employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, **ten (10) times a month** for

- at least two (2) months in a semester
- or**
- at least two (2) consecutive months during the year.

CSC MC No. 17, s. 2010, August 6, 2010



1. Any officer or employee who is absent in the **morning** is considered to be **tardy** and is subject to the provisions on habitual tardiness; and
2. Any officer or employee who is absent in the **afternoon** is considered to have incurred **undertime**, subject to the provisions on undertime

CSC MC No. 17, s. 2010



SPECIFIC OFFENSES

1. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, **ten (10) times a month for at least two months in a semester** liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service,
2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, **ten (10) times a month for at least two (2) consecutive months during the year** -liable for SM and/or CPBIS

WILLFUL FAILURE TO PAY JUST DEBTS



“**Just debts**” shall apply only to:

1. Claims adjudicated by a court of law,
or
2. Claims the existence and justness of
which are admitted by the debtor.

[Section 22. Rule XIV, Omnibus Rules Implementing
Book V of EO No. 292 (Administrative Code of 1987)]

DISGRACEFUL AND IMMORAL CONDUCT



Refers to acts which violate the basic norm of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community

DISGRACEFUL AND IMMORAL CONDUCT



Complaint for Disgraceful and Immoral Conduct

- may be initiated by the disciplining authority
- or filed by any person against the parties involved, whether married or unmarried.

CSC MC No. 15, s. 2010

DISGRACEFUL AND IMMORAL CONDUCT



Unmarried government employees who do not have any existing legal impediments to contract marriage may not be made liable for the administrative offense of Disgraceful and Immoral Conduct

unless:

the conduct consists of immoral and deviant acts which are inherently forbidden by the basic norms of decency, morality and decorum such as, but not limited to incest, pedophilia, exhibitionism and the like.

MC No. 15, s. 2010

DISGRACEFUL AND IMMORAL CONDUCT



The acts consisting of the administrative offense of Disgraceful and Immoral conduct may be committed in a scandalous or discreet manner, within or out of the workplace.

MC No. 15, s. 2010 dated August 5, 2010

CLASSIFICATION



- a) Disgraceful and Immoral Conduct in the Workplace
- b) Disgraceful and Immoral Conduct Through a Forbidden Relationship
- c) Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts



a) Disgraceful and Immoral Conduct in the Workplace – *committed by parties, regardless of marital status, under ANY of the following circumstances*

- a. The disgraceful and immoral conduct was committed in the workplace in a scandalous manner
- b. The disgraceful and immoral conduct was committed by taking advantage of one's position and/or with the use of government property and resources



DISGRACEFUL AND IMMORAL CONDUCT

- a) **Disgraceful and Immoral Conduct in the Workplace** – *committed by parties, regardless of marital status, under ANY of the following circumstances*
- c. The disgraceful and immoral conduct affected the work performance of the respondents

DISGRACEFUL AND IMMORAL CONDUCT

b) Disgraceful and Immoral Conduct Committed through a Forbidden Relationship –

The disgraceful and immoral conduct is classified under this section if the parties are engaged in a relationship forbidden by law



DISGRACEFUL AND IMMORAL CONDUCT

c) **Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts –**

Conduct which consists of immoral and deviant acts which are inherently forbidden by the basic norms of decency, morality and decorum such as, but not limited to incest, pedophilia, exhibitionism and the like, whether committed in a discreet or scandalous manner within or out of the workplace



USE DANGEROUS DRUGS



MC No. 13, s. 2017

MEMORANDUM CIRCULAR

TO : HEADS OF CONSTITUTIONAL BODIES;
DEPARTMENTS, BUREAUS AND AGENCIES OF THE
NATIONAL GOVERNMENT; LOCAL GOVERNMENT
UNITS; GOVERNMENT-OWNED OR CONTROLLED
CORPORATIONS WITH ORIGINAL CHARTERS; AND
STATE UNIVERSITIES AND COLLEGES

SUBJECT : Guidelines in the Mandatory Random Drug Test For Public
Officials and Employees and for Other Purposes

MC No. 4, s. 2011 - Consumption of Alcoholic Beverage Among Government Officials and Employees

- Prohibition: 1) consumption of alcoholic beverages in the workplace during office hours and 2) reporting for work while under the influence of alcohol
- Exceptions: 1) ceremonial toasts and 2) observance/honoring of local customs and traditions
- Offense: Simple Misconduct

MC No. 23, s. 2019 (Revised Guidelines on the Settlement of Cash Advance and the Penalty to be Imposed for Failure of Accountable Officer to Liquidate within Prescribed Period)

NO SMOKING POLICY



RA No. 9485 (Anti Red Tape Act of 2007)

BAWAL ANG



KAPARUSAHAN SA MGA MAPAPATUNAYANG NAGKASALA:

- **Kulong** na hindi lalampas sa anim (6) na buwan
- Pagbabayad ng **multa** na maaaring umabot sa P200,000.00

I-report ang **pangalan ng fixer**, pangalan at **lokasyon ng ahensiya** ng pamahalaan, **petsa at oras** ng transaksyon sa:



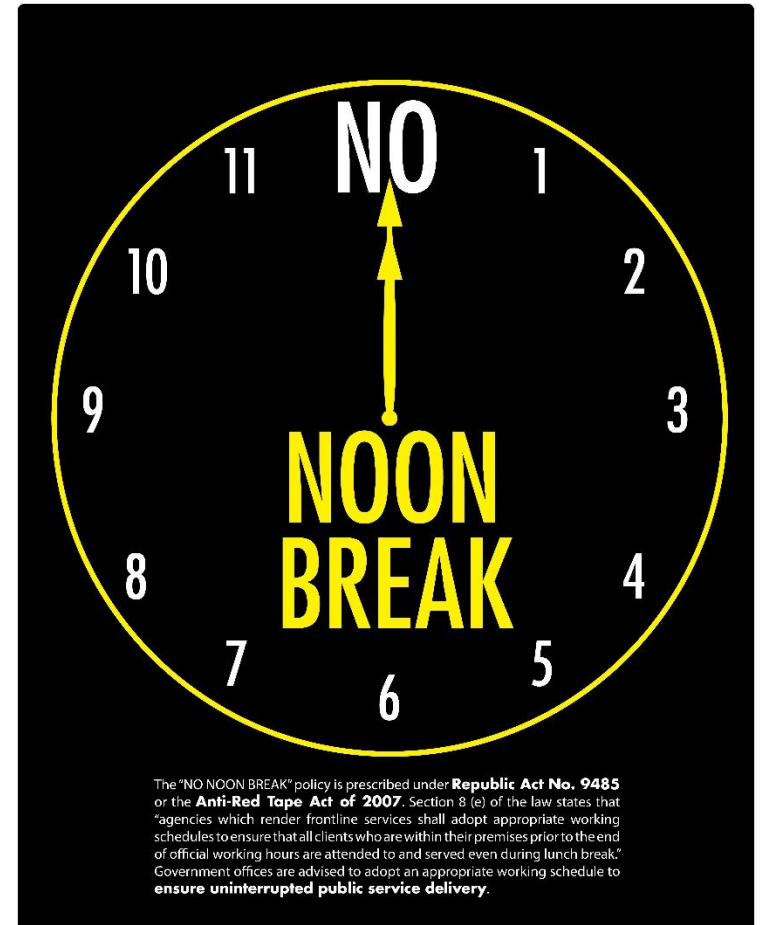
CIVIL SERVICE COMMISSION

0917-TEXTCSC (8398272)
(02) 932-0111



OFFICE OF THE OMBUDSMAN

0926-6994703
(02) 927-4102; (02) 927-2404



The "NO NOON BREAK" policy is prescribed under **Republic Act No. 9485** or the **Anti-Red Tape Act of 2007**. Section 8 (e) of the law states that "agencies which render frontline services shall adopt appropriate working schedules to ensure that all clients who are within their premises prior to the end of official working hours are attended to and served even during lunch break." Government offices are advised to adopt an appropriate working schedule to **ensure uninterrupted public service delivery**.