

[REPUBLIC ACT NO. 9416, March 25, 2007]

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

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Statement of Policy.* — Public office is a public trust. As such, it is hereby declared the policy of the State to ensure that honesty, integrity and the merit and fitness principle be always the measure of entry into the public service. Thus, all forms of cheating in civil service examinations including those committed by private individuals shall be immediately and effectively addressed. The public service should not be a haven for "misfits and cheats."

Pursuant thereto, any form of cheating in civil service examinations is hereby declared illegal and unlawful. This shall include acts and omissions that are done before, during and after such examinations. To further protect the integrity of the examinations the possession and or use of any examination-related materials like electronic program files or date, test booklets and considered an act of cheating.

SEC. 2. The Civil Service Commission (CSC) as the central personnel agency of the government shall exercise exclusive jurisdiction to investigate and decide over these cases. This jurisdiction shall cover government employees as well as private individuals.

SEC. 3. *Definition of Terms.* — For purposes of this Act, the following terms shall mean:

- a. Civil Service Examination — refers to all examinations being administered by the CSC or those administered by other agencies in coordination with or through the assistance of the CSC.
- b. Cheating — refers to any act or omission before, during or after any civil service examination that will directly or indirectly undermine the sanctity and integrity of the examination such as, but not limited to, the following:
 1. Impersonation;
 2. Use of "codigo" or crib sheets;
 3. Employing a "poste" or a person inside or outside of the examination room who may or may not be a registered examinee but who provides examinees with answers or "codigo" or crib sheets" or such other assistance purportedly to enhance examinee's better chances of passing;

4. Tampering with the examination records such as the Answer Data Files, the Application Forms or the Picture-Seat Plan to facilitate the passing of an examinee who have failed;
 5. Collusion of whatever nature between examinees and examination personnel;
 6. Examinee number switching;
 7. Possession and or use of fake certificate of eligibility;
 8. Such other acts of similar nature which facilitate the passing of an examination including those committed by review centers or entities offering refresher courses or tutorials.
- c. Cheats — shall include all persons or review centers or entities offering refresher courses or tutorials who directly or indirectly commit the act of cheating.
- d. Examination-related material — refer to any materials in whatever form, which are used by the CSC in the conduct of the examinations or by other agencies, which administer examinations in coordination with or through the assistance of the CSC. These shall include but are not limited, to the following: Computer or electronic program files and data, test questions, answer sheets and test booklets.
- e. Private Individuals — those person who are not yet considered government employees as well as those former government employees who had been separated from the service. These shall also cover individuals who are hired by government agencies based on job orders or contracts of service, where no employment relationship subsists between these individuals and the hiring agencies.
- f. Review Center — shall refer to entities, created or established formally or informally, by an individual or group of individuals, to provide, conduct, specialize and/or assist individuals (students, professionals, employees) or group of individuals through tutorial programs and/or review classes or review programs, seminars/training programs, and advance subject/course orientation, intensive and comprehensive test preparation, familiarity with scope of tests through simulation activities and provision of documents or review materials, and proficiency enhancement, sometimes with the assurance of passing or high possibility of passing the civil service examination and other examinations conducted in coordination with and/or through the assistance of the CSC.

SEC. 4. *Statistically Improbable Results.* — Any civil service examination result which shall be declared as statistically improbable by the CSC shall be a prima facie evidence of the existence of an examination irregularity or form of cheating.

SEC. 5. *Unauthorized Possession of and/or Unauthorized Use of Examination Material.* — The unauthorized possession of and/or unauthorized use, reproduction and/or dissemination in any form of examination materials, in whole or in part, by an individual, either private or government employee, group or review center, from an unauthorized source, shall be considered an act of cheating and punishable under this Act.

SEC. 6. *Powers and Functions.* — To achieve these objectives, the CSC shall have the following powers and functions, in addition to those provided for under Executive Order No. 292: