

**[ DOST ADMINISTRATIVE ORDER NO. 13, S. 2011,  
August 11, 2011 ]**

**RULES OF ADMINISTRATIVE PROCEDURE IN THE DEPARTMENT  
OF SOCIAL WELFARE AND DEVELOPMENT**

Pursuant to and in accordance with Book V Title I Subtitle A Chapter 6 Section 47 (2) and Book IV Chapter 2 Section 7 (3), (4) and (5) of the REVISED ADMINISTRATIVE CODE and the IMPLEMENTING RULES AND REGULATIONS promulgated by the Civil Service Commission implementing the provisions of Executive Order No. 292, and Republic Act No. 6713 the CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES), and in relation to the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD (A.O. No. 14, series of 2004, as amended by M.C. No. 17, series of 2009), these RULES and procedures are hereby adopted:

**A. GENERAL PROVISIONS**

*Section 1. Title* — These RULES shall be known as the DSWD RULES OF ADMINISTRATIVE PROCEDURE.

*Section 2. Definitions.*

*Administrative Case* — the formal investigation of a DSWD employee for an act or omission punishable as an offense under Civil Service Laws, the ADMINISTRATIVE CODE, and other laws pertaining to Public Officers and employees; it shall commence upon the issuance of FORMAL CHARGE.

*Administrative Procedure* — actions taken regarding acts or omissions of DSWD employees that appear to be illegal, unjust, or inefficient; including but not limited to an administrative case.

*Disciplining Authority* — the official duly authorized to suspend, dismiss, or discipline officials and employees in the Civil Service.

*Ex-Parte* — taken or granted at the instance and for the benefit of one party only, and without notice to or contestation by the opposing party.

*First Level Personnel* — includes personnel in clerical, trades, crafts, and custodial service positions which involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.

*Formal Charge* — the document issued by the Disciplining Authority informing the respondent of the nature of the offense with which the respondent is charged.

*Formal investigation* — the process of formally receiving and evaluating the affidavits or testimonies of witnesses, and other evidences of, and the pleadings submitted by, the parties for the resolution of the merits of an administrative case.

*Hearing Officer* — the official designated to conduct the Formal Investigation of an administrative case.

*Investigating Officer* — the official designated to conduct the Preliminary Investigation.

*OBSUs* — offices, bureaus, services and units of the DSWD.

*Offense* — an act or omission defined and punished under Section 52 of CSC MC 19 s.

*Prima Facie Case* — such evidence that engenders a well-founded belief that an offense has been committed and that the respondent is probably guilty thereof.

*Preliminary Investigation* — the process of formally receiving and evaluating evidence to determine if there is a *prima facie* case that would warrant the issuance of FORMAL CHARGE or any other appropriate actions as may be necessary.

*Progressive Discipline* — the process defined under the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD (A.O. No. 14, series of 2004, as amended by M.C. No. 17, series of 2009).

*Prosecuting Officer* — the official designated to prosecute, on behalf of the DSWD, an administrative case during the Formal Investigation.

*Show Cause Order* — a document issued by the Disciplining Authority informing an employee of facts constituting an apparent offense committed by such employee, and directing such employee to submit a written and sworn explanation why no further action should be taken against such employee; it is not yet part of an administrative case.

*Substantial Evidence* — the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion.

*Section 3. Declaration of Policy* — The DSWD hereby adopts the policy of speedy disposition of cases in accordance with the CONSTITUTION and the RULES OF COURT.

*Section 4. Coverage and Construction.* — These RULES shall apply to all administrative procedures against DSWD employees, and to all administrative cases against DSWD employees except presidential appointees.

4.1 Technical Rules. Administrative procedures shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

4.2 Construction. These RULES shall be construed liberally in favor of employees subject of administrative procedures.

*4.3 Suppletory Rules.* — In the interest of the expeditious administration of justice, Civil Service Commission Memorandum Circular No 19 series of 1999 (the UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE) and the RULES OF COURT shall apply in a suppletory manner or by analogy whenever applicable and convenient to these RULES. In cases of conflict, the UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE shall prevail over these RULES, and these RULES shall prevail over the RULES OF COURT.

## *Section 5. Jurisdiction.*

*5.1 Jurisdiction of the Secretary.* — The DSWD Secretary or the Secretary's duly designated representative shall have original jurisdiction over administrative procedures against all DSWD employees except first level personnel of the Regional/Field Offices, and over administrative cases against all DSWD employees except first level personnel of the Regional/Field Offices and presidential appointees

Complaints involving presidential appointed shall, in accordance with the provisions below and hen warranted, be referred for appropriate action to the proper office.

*5.2 Jurisdiction of Regional/Field Office Directors.* — Directors of Regional/Field Offices shall have original jurisdiction over administrative procedures and cases against first level personnel of their respective Regional/Field Offices.

*5.3 Cases taken Cognizance of by the Ombudsman.* — Where the Office of the Ombudsman has taken cognizance of a complaint against a DSWD employee involving the same subject as that of an administrative procedure, the administrative procedure shall be dismissed without prejudice to the action of the Office of the Ombudsman on the complaint pending before it.

## **B. INITIATION OF ADMINISTRATIVE PROCEDURES**

*Sec.6. Administrative Procedures, How Initiated.* — Administrative procedures may be commenced either:

- a. By the Secretary or head of any office, bureau, service or Field/Regional Office, which shall be deemed initiated by the Disciplining Authority, or
- b. Upon a sworn written Complaint of any other person.

### **B.1 AGENCY-INITIATED ADMINISTRATIVE PROCEDURE**

*Sec. 7. Cases Initiated by the Disciplining Authority.* — The DSWD may, on its own or on complaint by any person or organization, investigate any act or omission of any DSWD employee when such act or omission appears to be illegal, unjust, or inefficient.

*Sec. 8. Incident Report.* Any DSWD employee with knowledge of facts that appear to show that another DSWD employee has committed an offense shall submit an INCIDENT REPORT on the same to the Disciplining Authority. An INCIDENT REPORT

may be in any form as long as it is in writing and clearly indicates the name of its author, the employee subject of the report, and the acts and omissions subjects of the same. A DSWD employee who receives an INCIDENT REPORT shall forward the same to the Disciplining Authority.

Upon receipt of an INCIDENT REPORT, the Disciplining Authority shall:

- a. Dismiss the matter if, after assessment/evaluation, it is apparent that no offense has been committed, issuing a MEMORANDUM to such effect;
- b. Order a Fact-Finding Investigation;
- c. Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or
- d. Issue a SHOW CAUSE ORDER against the employee concerned.

*8.2 Fact-Finding Investigation.* — When necessary, the Disciplining Authority may constitute a Fact-Finding Committee to verify statements in, and gather facts that would shed light on the substance of, the INCIDENT REPORT. The Fact-Finding Committee shall, with thirty (30) calendar days from its constitution, submit to the Disciplining Authority its FACT-FINDING REPORT, which shall include its findings, conclusions and recommendations.

Upon receipt of the FACT-FINDING REPORT, the Disciplining Authority shall:

- a. Dismiss the matter if it is apparent that no offense has been committed, issuing a MEMORANDUM to such effect;
- b. Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or
- c. Issue a SHOW CAUSE ORDER directed at the employee concerned.

The Fact-Finding Investigation and actions relating thereto are management functions. RECORDS thereof shall not automatically form part of the RECORDS of an administrative case unless specifically introduced into evidence therein.

*8.3 Show Cause Order* — The SHOW CAUSE ORDER shall:

- i. Inform the employee concerned of the facts constituting the apparent offenses committed by such employee, describing such facts with sufficient clarity as to enable such employee to submit an intelligent explanation, but without necessarily referring to the evidence on which it is based; and
- ii. Direct such employee to submit within ten (10) working days a written and sworn EXPLANATION under oath explaining why no further actions should be taken against such employee.

Except for highly compelling reasons, the Disciplining Authority shall not entertain

requests for clarification or or her similar requests.

Upon receipt of such EXPLANATION, the Disciplining Authority shall:

- a. If the EXPLANATION is sufficient, dismiss the matter, issuing a MEMORANDUM to such effect, furnishing the employee concerned a copy thereof;
- b. Apply there GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the department offense and personnel involved are those that may be covered thereby; or
- c. If there is a *prima facie* case that such employee has committed an offense issue a FORMAL CHARGE against the employee concerned in accordance with the provision below.

The SHOE CAUSE ORDER and actions relating thereto are management functions RECORDS thereof shall not automatically form part of the RECORDS of an administrative case unless specifically introduced into evidence into evidence therein.

## B.2 COMPLAINT-INITIATED ADMINISTRATIVE PROCEDURE

Sec. 9. Cases Initiated by complaint — The DSWD take recognizance of COMPLAINTS filed by other persons that allege any act or omission of SDWD employee that constitutes an offense.

9.1 *Where to file.* — A DSWD employee who receives a COMPLAINT shall forward the same to the Disciplining Authority.

9.2 *Requirements for a Complaint.* — A COMPLAINT must meet the following requirements:

- a. It shall be in writing and subscribed and sworn to by the complainant.
- b. It shall be written in clear, simple and concise language to apprise the employee concerned of the nature and cause of the accusation against such employee.
- c. It shall contain the following:
  - i. Full name and address of the complainant;
  - ii. Full name and address of the respondent as well as his position and office of employment;
  - iii. A narration of the relevant and material facts that shows the act or omission allegedly committed by the employee;
  - iv. A certification or statement of non-forum shopping;
  - v. Certified copies of documentary evidence and affidavits of witnesses, if any.

9.3 *Insufficient Complaints.* — An INSUFFICIENT COMPLAINT is one that either does not meet the requirements stated above, is anonymous or unsigned, or does not