

[CSC RESOLUTION NO. 081471, July 24, 2008]

**IMPLEMENTING RULES AND REGULATIONS, OF REPUBLIC ACT
NO. 9485 (ANTI-RED TAPE ACT OF 2007)**

WHEREAS, Article II, Section 27 of the Constitution provides that the State shall maintain honesty and integrity in the public service and shall take positive and effective measures against graft and corruption;

WHEREAS, there is an urgent need to establish an effective system that will eliminate bureaucratic red tape, avert graft and corrupt practices and improve the efficiency of delivery of government frontline services;

WHEREAS, in response to the urgent need to eliminate red tape and improve frontline service delivery, the Thirteenth Congress enacted on June 2, 2007 Republic Act No- 9485, otherwise known as the "Anti-Red Tape Act of 2007;"

WHEREAS, RA No. 9485 aims to promote transparency in government with regard to the manner of transacting with the public by requiring each agency to simplify frontline service procedures, formulate service standards to observe in every transaction and make known these standards to the client;

WHEREAS, Section 16 of the same law mandates the Civil Service Commission, in coordination with the Development Academy of the Philippines (DAP), the Office of the

Ombudsman (OMB) and the Presidential Anti-Graft Commission (PAGC), to promulgate the necessary rules and regulations to implement said Act;

WHEREAS, the CSC together with the DAP, OMB and PAGC, conducted a series of consultative meetings with various stakeholders to gather comments and recommendations as well as to discuss possible issues in the implementation of the "Anti-Red Tape Act of 2007;"

NOW THEREFORE, the Commission RESOLVES to adopt the implementing rules regulations of RA No. 9485, as follows:

RULE I. COVERAGE

SECTION 1. These Rules shall apply to all government offices and agencies including local government units and government-owned or controlled corporations with or without original charter that provide frontline services as defined in the Act. Those performing judicial, quasi-judicial and legislative functions are excluded from the coverage of the Act, however, their respective frontline services are deemed included.

RULE II. INTERPRETATION

SECTION 1. These Rules shall be interpreted in the light of the Declaration of Policy found in Section 2 of the Act:

"It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices aimed at the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each office or agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified procedures that will reduce red tape and expedite transactions in government."

SECTION 2. Definition of Terms. For purposes of these Rules, the following terms shall mean:

- (a) "Action" refers to the written approval or disapproval made by a government office or agency on the application or request submitted by a client for processing.
- (b) "Citizen's Charter" refers to an official document, a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the Government to its citizens. It describes the step-by-step procedure for availing a Particular service, and the guaranteed performance level that they may expect for that service.
- (c) "Citizen" with reference to the Citizen's Charter refers to the clients whose interests and values are addressed by the Citizen's Charter and, therefore, includes not only the citizens of the Republic of the Philippines, but also all the stakeholders, including but not limited to, users, beneficiaries, other government offices and agencies, and the transacting public.
- (d) "Complex Transactions" refers to requests or applications submitted by clients of a government office which necessitate the use of discretion in the resolution of complicated issues by an officer or employee of said government office, such transaction to be determined by the office concerned.
- (e) "Fixer" refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.
- (f) "Fixing" refers to the act that involves undue facilitation of transactions for pecuniary gain or any other advantage or consideration.
- (g) "Frontline Service" refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications

and/or requests which are acted upon in the ordinary course of business of the office or agency concerned.

- (h) "Irrelevant requirements" refers to any document or performance of an act not directly material to the resolution of the issues raised in the request or needed in the application submitted by the client.
- (i) "Officer or Employee" refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.
- (j) "Published Materials" refers to printed, computer-generated, or photocopied materials, and procedural manuals/flowcharts, made available to the public or uploaded in the official government websites, containing the basic information on accessing frontline services.
- (k) "Report Card Survey" refers to an evaluation tool that provides a quantitative measure of actual public service user perceptions on the quality, efficiency and adequacy of different frontline services, as well as a critical evaluation of the office or agency and its personnel. It is an instrument that also solicits user feedback on the performance of public services, for the purpose of exacting public accountability and, when necessary, proposing change.
- (i) "Simple Transactions" refers to requests or applications which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for resolution by an officer or employee of said government office.

RULE III. RE-ENGINEERING OF SYSTEMS AND PROCEDURES

SECTION 1. Within one (1) year from effectivity of the Rules, each office or agency shall:

- a) Determine which processes or transactions constitute frontline service;
- b) Undertake reengineering of transaction systems and procedures, including time and motion studies, if necessary; and after compliance thereof,
- c) Set up their respective service standards to be known as the Citizen's Charter.

SECTION 2. The reengineering process shall include a review for the purposes of streamlining of the following:

- a) Steps in providing the service;
- b) Forms used;
- c) Requirements;
- d) processing time; and
- e) Fees and charges.

There shall also be a review of the location of the offices providing frontline services

and directional signs to facilitate transactions.

SECTION 3. In the evaluation of official forms, government offices and agencies rendering frontline services shall limit the number of signatories to a maximum of five (5) signatures of officers or employees directly supervising the evaluation, approval or disapproval of the request, application, or transaction.

The head of government office or agency shall prescribe, through an appropriate office order, the rules on the proper authority to sign in the absence of the regular signatory, as follows:

- (1) If there is only one official next in rank, he/she shall automatically be the signatory;
- (2) If there are two or more officials next in rank, the appropriate office order shall prescribe the order of priority among the officials next in rank within the same organizational unit; or
- (3) If there is no official next in rank present and available, the head of the department, office or agency shall designate an officer-in-charge from among those next lower in rank in the same organizational unit.

RULE IV. CITIZEN'S CHARTER

SECTION 1. The Citizen's Charter shall include the following information:

- (a) Vision and mission of the government office or agency;
- (b) Identification of the frontline services offered, and the clientele;
- (c) The step-by-step procedure to obtain a particular service;
- (d) The officer or employee responsible for each step;
- (e) The maximum time to conclude the process;
- (f) Documents to be presented by the client, with a clear indication of the relevancy of said document/s;
- (g) The amount of fees, if necessary;
- (h) The procedure for filing complaints in relation to request and applications, including the names and contact details of the officials/channels to approach for redress;
- (i) Allowance period for extension due to unusual circumstances; i.e. unforeseen events beyond the control of concerned government office or agency; and
- (j) Feedback mechanisms, contact numbers to call and/or persons to approach for recommendations, inquiries, suggestions, as well as complaints.

SECTION 2. The Citizen's Charter shall be in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place and the form of published materials written either in English, Filipino, or in the local dialect.

SECTION 3. The head of office or agency shall constitute a task force to prepay Citizen's Charter pursuant to the provisions of the Act and these Rules, taking into consideration the stakeholders, users and beneficiaries of the frontline services, and shall conduct consultative formulation and refinement of the provisions of the Charter.

The participation of non-government organizations and other concerned groups shall be encouraged. The head of office or agency shall formally issue and release the Charter and shall monitor and periodically review its implementation.

Offices and agencies with existing service standards shall evaluate these standards to ensure compliance with the provisions of this Rule.

SECTION 4. The office or agency shall review the Citizen's Charter whenever necessary, but not less than once every two years.

SECTION 5. The assistance of the Civil Service Commission and the Development Academy of the Philippines may be requested for purposes of complying with Rules III and IV.

SECTION 6. The activities in Rules III and IV shall be monitored by the Civil Service Commission through its Regional Offices and Field Offices for re-evaluation and benchmarking.

RULE V. ACCOUNTABILITY OF HEADS OF OFFICES AND AGENCIES

SECTION 1. The head of the office or agency shall be primarily responsible for the implementation of these Rules and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned. In case of failure to comply with these Rules, appropriate charges may be filed against the head of office or agency under existing law and rules, before the appropriate forum.

RULE VI. ACCESSING FRONTLINE SERVICES

SECTION 1. All offices and agencies are enjoined to undertake on a continuing programs to promote customer satisfaction and improve service delivery, and other similar activities for officers and employees in frontline services.

SECTION 2. Acceptance and Denial of the Applications and Requests.

- (1) All officers or employees shall accept written applications, requests, and/or documents being submitted by clients of the office or agency.
- (2) The responsible officer or employee shall acknowledge receipt of such application and/or request by writing or printing clearly thereon his/her name, the unit where he/she is connected with, and the time and date of receipt.
- (3) The receiving officer or employee shall perform a preliminary assessment of the request so as to promote a more expeditious action on requests, and shall determine through a cursory evaluation the sufficiency, of submitted requirements for a request or application, taking into consideration the determined response time for the transaction.