

[DBM, September 22, 1991]

DISCIPLINARY ACTION COMMITTEE RULES ON ADMINISTRATIVE DISCIPLINARY CASES

Pursuant to the provisions of Rule XVIII of the Civil Service Rules, the provisions of Section 37 of P.D. No. 807, and Section 47 of Chapter 7, Book V of E.O. No. 292, the Administrative Code (AC) of 1987 the DBM Disciplinary Action Committee (DAC) constituted under DBM Office Order No. 199-87 dated September 22, 1987 to receive and investigate complaints against DBM officials and employees hereby adopts and promulgates the following Rules governing its investigation procedures of administrative cases.

Rule I General Provisions

SECTION 1. Scope — These Rules shall apply to all proceedings/administrative investigations of cases of DBM officials/personnel conducted by the Disciplinary Action Committee (DAC) of the Department of Budget and Management (DBM).

SECTION 2. Security of Tenure — No officer or employee in the Civil Service under the DBM shall be suspended or dismissed except for cause as provided by law and after due process. (Sec. 36 (a)) of P.D. 807 and Sec. 46, Chapter 7, Book V, (AC)

SECTION 3. Disciplinary Jurisdiction — The DAC shall have disciplinary jurisdiction over all DBM officials and employees who commit violations of the Civil Service Rules and Regulations.

For this purpose, an investigation may be entrusted to any Lawyer/Regional Director of the DBM to conduct an investigation of a complaint or to receive the evidence in a fact-finding investigation. The results of such investigation together with the evidence adduced and recommendation made shall be submitted to the DAC for appropriate action and thereafter, the DAC shall make its recommendation to the DBM Secretary. (Sec. 47 (2) (3), Chapter 7, Book V, AC)

SECTION 4. Penalties — Like Penalties for Like Offenses - In meting out penalties, the same penalties shall be imposed for similar offenses and only one (1) penalty shall be imposed in each case. A reprimand shall be considered a penalty. A warning or an admonition shall not be considered a penalty. (Sec. 5, Rule I, Rules on Adm. Disciplinary Cases)

The disciplinary authority may impose the penalty of removal from the service, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six months' salary or reprimand. (Sec. 46 (d), Chapter 7, Book V, AC)

SECTION 5. Effect of Removal for Cause — Unless otherwise provided by law or indicated in the decision itself, the removal for cause of an employee shall carry with it the cancellation of his civil service eligibility, the forfeiture of leave credits, retirement and other money benefits, and disqualification for re-employment in the civil service. (Sec. 6, Rule I, Rules on Administrative Disciplinary Cases, CSC; Section 6, Rule XVIII, CS Rules)

SECTION 7. Interpretation of Rules — These rules shall be liberally construed for the purpose of ascertaining the truth in the most expeditious, just and fair manner without necessarily adhering to the technical rules of evidence and procedure applicable in judicial proceedings. (Sec. 7, Rule I, Rules on Adm. Disciplinary Cases)

Rule II

Grounds for Disciplinary Action

SECTION 1. Categorization of Grounds for Disciplinary Action — The grounds for disciplinary action are categorized with their corresponding penalties, as follows:

A. Grave Offenses – punishable by dismissal or forced resignation or suspension as the case may be, depending on the attendant aggravating or mitigating circumstances.

1. Dishonesty;
2. Gross Neglect of Duty;
3. Grave Misconduct;
4. Being notoriously undesirable;
5. Conviction of a crime involving moral turpitude;
6. Falsification of official document;
7. Physical or mental incapacity or disability due to vicious habits;
8. Engaging directly or indirectly in partisan political activities by holding one non-political office;
9. Receiving for personal use of 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 of expectation of receiving a favor or better treatment than that accorded to other persons, committing acts punishable under the anti-graft laws;
10. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
11. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety

or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;

12. Disloyalty to the Republic of the Philippines and the Filipino people;
13. Oppression;
14. Disgraceful and immoral conduct;
15. Inefficiency and incompetence in the performance;
16. Frequent unauthorized absences or tardiness in reporting for duty loafing or frequent unauthorized absences from duty during regular office hours;
17. Refusal to perform official duty;
18. Gross insubordination;
19. Conduct grossly prejudicial to the best interest of the service;
20. Directly or indirectly having financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;
21. 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 his office, unless expressly allowed by law;
22. Engaging in the private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his official functions;
23. Disclosing or misusing confidential or classified information officially known to him by reason of his office and not made available to the public, to further his private interests or give undue advantage to anyone, or to prejudice the public interest;
24. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public. (CSC-MC No. 30, s. 1989).

B. Less Grave Offenses – punishable by suspension for the first offense and dismissal for the second offense:

1. Simple neglect of duty;

2. Simple misconduct;
3. Gross discourtesy in the course of official duties;
4. Gross violation of existing Civil Service Law and rules of serious nature;
5. Insubordination;
6. Habitual drunkenness;
7. Nepotism as defined in Section 49 of Presidential Decree No. 807;
8. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his office;
9. Unfair discrimination in rendering public service due to party affiliation or preference;
10. Failure to resign from his 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 himself of his shareholdings or his interest in private business enterprise within sixty (60) days from such assumption of public office when conflict of interest arises: Provided however, that for those who are already in the service and a conflict of interest arises, the official or employee must either resign or divest himself of said interest within the periods herein-above provided, reckoned from the date when the conflict of interest had arisen. (CSC MC No. 30, s. 1989)

C. Light Offenses – punishable by reprimand for the first offense, suspension for the second offense, and dismissal for the third offense:

1. Neglect of duty;
2. Discourtesy in the course of official duties;
3. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
4. Violation of reasonable office rules and regulations;
5. Gambling prohibited by law;
6. Refusal to render overtime service;
7. Disgraceful, immoral or dishonest conduct prior to entering the service;
8. Borrowing money by superior officers from subordinates to superior officers;

9. Lending money at usurious rates of interest;
10. Willful failure to pay just debts or willful failure to pay taxes due to the government;
11. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations;
12. Lobbying for personal interest or gain in legislative halls and offices without authority;
13. 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.
14. Failure to act promptly on letters of request within fifteen (15) days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees. (Sec. 5(a) of R.A. No. 6713);
15. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees.
16. Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions. (CSC MC No. 30, s. 1989)

Rule III
Procedures on Administrative
Cases: Filing of Charge/Complaint
and Answer

SECTION 1. Filing of Complaint — Except when initiated by the disciplining authority, no complaint against a civil service official or employee shall be given due course unless the same is in writing and subscribed and sworn to by the complainant. (Sec. 46 (c), Chapter 7, Bk. V, RAC)

SECTION 2. Procedures in Administrative Cases Against Presidential/Non-Presidential Appointees —

1. Administrative proceedings may be commenced against an officer or employee by the Secretary *motu proprio* or by complaint of any other person.
2. In the case of a complaint filed by any such other person, the complaint shall submit sworn statements covering his testimony and those of his witnesses together with his documentary evidence. If on the basis of such papers a *prima facie* case is found not to exist, the disciplining authority shall dismiss the case. If a *prima facie* case exists, he shall notify the respondent in writing, of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and