

[CSC MEMORANDUM CIRCULAR NO. 46, October 09, 1989]

RULES ON ADMINISTRATIVE DISCIPLINARY CASES AND ON PROTEST CASES

In the interest of speedy, just and orderly disposition of administrative disciplinary cases and protest cases, the Commission En Banc, in a Resolution No. 89-779, hereby adopts and promulgates the hereinbelow Rules relative thereto, for strict compliance.

Adopted: 9 Oct. 1989

(SGD.) PATRICIA A. STO. TOMAS
Chairman

RESOLUTION NO. 89-779

WHEREAS, the Civil Service Commission, as the Central Personnel Agency of the Government, is mandated under the 1987 Constitution to adopt measures to promote morale, efficiency, integrity, courtesy and responsiveness in the Civil Service;

WHEREAS, pursuant to Section 6, Article IX-A of the 1987 Constitution, the Commission en banc may promulgate its own rules concerning pleadings and practice before it or before any of its offices;

WHEREAS, pursuant to PD 807, otherwise known as the Civil Service Decree of the Philippines, the Commission shall prescribe, amend and enforce suitable rules and regulations for carrying into effect its functions;

WHEREAS, it is provided under RA 6713, An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes, that public officials and employees shall simplify and systematize policy, rules and procedures and avoid red tape to better serve the public;

WHEREAS, the Commission, pursuant to its mandate and the provisions of law, finds a need to issue and promulgate a simplified rules of procedure on disciplinary and protest cases;

NOW, THEREFORE, the Commission RESOLVED, as it hereby RESOLVES to adopt, promulgate, and approve the herein below:

A. Rules on Administrative Disciplinary Cases; and B. Rules on Protest Cases.

Adopted: 9 Oct. 1989

(SGD.) PATRICIA A. STO. TOMAS <i>Chairman</i>	(SGD.) SAMILO N. BARLONGAY <i>Commissioner</i>
(SGD.) MARIO D. YANCO <i>Commissioner</i>	(SGD.) MARIO D. YANCO <i>Commissioner</i>

A. RULES ON ADMINISTRATIVE DISCIPLINARY CASES

Pursuant to the provisions of Section 6 of Article IX-A of the 1987 Constitution, the Civil Service Commission hereby adopts and promulgates the following rules governing pleadings, practice and procedure before it or before any of its offices.

RULE I

General Provisions

SECTION 1. Scope — These Rules shall apply to all proceedings before the Commission or before any of its Offices.

SECTION 2. Security of Tenure — No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

SECTION 3. Original Disciplinary Jurisdiction — The Civil Service Commission (CSC) shall have original disciplinary jurisdiction over all its officials and employees and over all cases involving civil service examination anomalies or irregularities.

It may assume original jurisdiction on complaints directly filed before it against any other official or employee. For this purpose, it may deputize any officer of the department or agency to conduct the investigation and to receive the evidence. The results of the investigation together with the evidence adduced and recommendation shall be submitted to the Commission for decision.

SECTION 4. Final Authority — Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the final authority to pass upon the removal, separation, and suspension of all officers and employees in the career service who are non-presidential appointees and upon all matters relating to the conduct, discipline, and efficiency of such officers and employees.

SECTION 5. Like Penalties for Like Offenses — In meting out punishment, like penalties shall be imposed for like offenses and only one penalty shall be imposed in each case. A reprimand whether given by the Civil Service Commission or the head of Department or agency shall be considered a penalty. A warning or an admonition shall not be considered a penalty.

SECTION 6. Effect of Removal for Cause — Unless otherwise provided by law or indicated in the decision itself, the removal for cause of an officer or 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 reemployment in the civil service.

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.

RULE II

Grounds for Disciplinary Action

SECTION 1. Actionable Offenses — The following shall be grounds for disciplinary action:

- (1) Dishonesty;
- (2) Oppression;
- (3) Neglect of Duty;
- (4) Misconduct;
- (5) Disgraceful and Immoral Conduct;
- (6) Being Notoriously Undesirable;
- (7) Discourtesy in the course of official duties;
- (8) Inefficiency and incompetence in the performance of official duties;
- (9) Receiving for personal use of a gift, fee or other valuable thing in the course of official duties or in connection therewith when such gift, fee, or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded acts punishable under the anti-graft laws;
- (10) Conviction of a crime involving moral turpitude,
- (11) Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
- (12) Violation of existing Civil Service Law and rules or reasonable office regulations;
- (13) Falsification of official documents;
- (14) Frequent unauthorized absences or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours;
- (15) Habitual drunkenness;
- (16) Gambling prohibited by law;
- (17) Refusal to perform official duty or render overtime service;

- (18) Disgraceful, immoral or dishonest conduct prior to entering the service;
- (19) Physical or mental incapacity or disability due to immoral or vicious habits;
- (20) Borrowing money by superior officers from subordinates or lending by subordinates to superior officers;
- (21) Lending money at usurious rates of interest;
- (22) Willful failure to pay just debts or willful failure to pay taxes due to the government;
- (23) Contracting loans of money or other property from persons with whom the office of the employee concerned has business relations;
- (24) Pursuit of private business, vocation, or profession without the permission required by Civil Service rules and regulations;
- (25) Insubordination;
- (26) Engaging directly or indirectly in partisan political activities by one holding non-political office;
- (27) Conduct prejudicial to the best interest of the service;
- (28) Lobbying for personal interest or gain in legislative halls and offices without authority;
- (29) 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 case if there is no prior authority;
- (30) Nepotism as defined under Civil Service Law and rules;
- (31) Violation of RA 6713 and its implementing rules.

RULE III

Filing Of Charge/Complaint And Answer

SECTION 1. Filing of Complaint — Any person may file an administrative complaint with the Commission or any of its proper offices.

The head of department or agency may commence an administrative proceeding by filing a complaint against a subordinate officer or employee, which complaint need not be under oath.

SECTION 2. Complaint in Writing and Under Oath — A complaint filed by any person shall be in writing and under oath, otherwise it shall not be given due course.

SECTION 3. Anonymous Complaint — No action shall be taken on an anonymous complaint unless there is obvious truth or merit to such

complaint, in which case the Commission or the head of Department or agency shall take the initiative in filing the charge against the officer or employee concerned and action shall be taken in accordance with procedures prescribed in these Rules.

SECTION 4. Form of Complaint — The complaint shall be written in clear, simple and concise language and to a systematic manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense.

SECTION 5. Contents of Complaint — The complaint shall contain (a) the full name and address of the complainant; (b) the full name and address of the respondent, as well as his position and office of employment; (c) specification of charges; (d) a brief statement of relevant and material facts, accompanied by certified true copies of the documentary evidence, if any, and sworn statements covering the testimonies of his witnesses.

SECTION 6. Effect of Withdrawal of Complaint — The withdrawal of the complaint does not necessarily discharge the respondent from any administrative liability. Where there is obvious truth or merit to the charges or complaint, the same should be given due course in accordance with these Rules.

SECTION 7. Action on the Complaint — If on the basis of the complaint and other supporting documents prescribed in Section 4 and 5 hereof, a prima facie case is found not to exist, the Commission or any of its relevant Offices, shall dismiss the case. If a prima facie case exists, the respondent shall be notified of the charges against him, to which shall be attached copies of the complaint and other supporting documents.

SECTION 8. Answer — The respondent shall be allowed not less than seventy-two hours but not more than five (5) days after receipt of the complaint to answer the charges in writing and under oath, with supporting sworn statements and documents, indicating therein whether or not he elects a formal investigation if his answers is not considered satisfactory. If his answer is found satisfactory, the case shall be dismissed.

Although a respondent does not request a formal investigation, one shall nevertheless be conducted when from the allegations of the complaint and the answer of the respondent, including the supporting documents, the merits of the case cannot be judiciously decided without such an investigation.

SECTION 9. Answer, How Filed — The answer may be filed personally or by registered mail, copy furnished the complainant. It shall be deemed filed on the date of receipt stamped on the answer, if filed personally, and on the date stamped on the envelope, if filed by registered mail.

RULE IV

Preventive Suspension