



MC No. 12, s. 2025

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS; AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : 2025 Rules on Administrative Cases in the Civil Service

Pursuant to CSC Resolution No. 2500357 promulgated on 30 April 2025, the CSC approved the amendments to and additional provisions of CSC Resolution No. 1701077¹ which shall be known and cited as the **2025 Rules on Administrative Cases in the Civil Service** as follows:

GENERAL PROVISIONS

RULE 1

APPLICABILITY AND CONSTRUCTION

Section 1. Title. These Rules shall be known and cited as the 2025 Rules on Administrative Cases in the Civil Service (2025 RACCS).

Section 2. Coverage. These Rules shall apply to all disciplinary and non-disciplinary administrative cases or matters brought before the CSC and/or its regional or field offices, agencies of the national government, local government units (LGUs), autonomous regional governments, state universities and colleges (SUCs) or local universities and colleges (LUCs), and government-owned or -controlled corporations (GOCCs) with original charters, unless otherwise provided by law.

Rules of procedure in investigating and adjudicating administrative matters, as may be formulated by agencies, shall not be in conflict with these Rules, unless otherwise allowed by law.

¹2017 Rules on Administrative Cases in the Civil Service.

Section 3. Construction. These Rules shall be liberally construed in order to promote a just, speedy, and inexpensive disposition of administrative cases.

Administrative investigation and adjudication shall be conducted without the strict application of technical rules of procedure and evidence used in judicial proceedings.

The provisions of the Rules of Court, as revised, shall apply suppletorily as far as practicable.

Section 4. Definition of Terms. The terms hereunder shall be construed as follows:

- a. **ACCOUNTABLE OFFICER** refers to any officer of a government agency who, by the nature of the duties and responsibilities of the office held or participation in the collection/receipt and expenditure/use of government funds, is required by law or regulation to render accounts thereof.²
- b. **AGENCY** refers to any branch, bureau, office, commission, administration, board, committee, institute, GOCCs with original charter, whether performing governmental or proprietary function, or any other unit of the national government, as well as provincial, city, municipal, or autonomous regional government, except as hereinafter otherwise provided.³ It likewise includes any SUC or LUC.
- c. **APPOINTING AUTHORITY** refers to the person or body duly authorized by law to issue appointments and carry out other human resource actions in the civil service.
- d. **BACK WAGES** refer to compensation and other benefits that should have been earned by a government employee but were not paid because of the illegal dismissal, separation, or suspension. It includes benefits as provided in Section 101 of these Rules.
- e. **CERTIFIED TRUE COPY** refers to such other copy of an original document, duly authenticated by the authorized officers or representatives of the issuing entity, furnished at the instance or on behalf of a party.
- f. **CIVIL SERVICE** refers to the collective body of government officials and employees in all branches, subdivisions, instrumentalities, and agencies of the government, including GOCCs with original charters,⁴ working in various capacities to implement and administer public policies and services.⁵

² Prescribing the Use of the Rules and Regulations on Settlement of Accounts, Commission on Audit Circular No. 2009-006 (2009).

³ Administrative Code of 1987 Book V, Title I, Chapter 1(A), § 5 (1987).

⁴ Administrative Code of 1987, Book V, Title I, Subtitle A, Chapter 1, § 3 (1987).

⁵ Administrative Code of 1987, Book V, Title I, Subtitle A, Chapter 1, § 4 (1987).

- g. **COMMISSION** refers to the Civil Service Commission composed of the Chairperson and two (2) Commissioners.
- h. **CSC FIELD OFFICES (CSC FOs)** refer to the field offices of the CSC, each headed by a Field Director, under the direct supervision of a CSC Regional Office.
- i. **CSC REGIONAL OFFICES (CSC ROs)** refer to the regional offices of the CSC, each headed by a Regional Director.
- j. **DEPARTMENT** refers to an administrative unit within the government, particularly in the executive branch, usually headed by a Secretary, responsible for specific policy areas, functions, or services.
- k. **DEVELOPMENTAL INTERVENTIONS** refer to programs and initiatives designed to develop and enhance the competencies of civil servants in their respective roles thereby improving their performance. These include appropriate learning activities such as coaching, mentoring, cross posting program, job rotation, temporary assignment, secondment, team building, knowledge sharing and learning session, shadowing, counseling, and other similar initiatives.
- l. **DISCIPLINING AUTHORITY** refers to the person or body within an agency or department duly authorized by law to investigate infractions, impose disciplinary actions, and enforce civil service laws, rules, and regulations.
- m. **ELECTRONIC SIGNATURE** refers to any distinctive mark, characteristic and/or sound in electronic form, representing the identity of a person and attached to or logically associated with the electronic data message or electronic document or any methodology or procedures employed or adopted by a person and executed or adopted by such person with the intention of authenticating or approving an electronic data message or electronic document.⁶
- n. **EMPLOYEE** refers to a person appointed in a government agency to a position in either the first or second level and whose functions are not managerial in nature.
- o. **EX-PARTE** refers to the act or manner of conducting a proceeding where only one party is present without representation from, or the participation of, other parties.

⁶ Electronic Commerce Act of 2000, § 5(e).

- p. **EXONERATION** refers to the act of the disciplining authority or an appellate body of relieving a person from a charge or liability,⁷ and may imply clearance not only from the immediate charge or accusation, but also from suspicion or attendant denigration.⁸
- q. **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 facilitates, whether or not in collusion with the latter, the speedy completion of transactions for pecuniary gain or any other advantage or consideration.⁹
- r. **FORUM SHOPPING** refers to the filing of two (2) or more administrative actions or complaints, either simultaneously or successively, before agencies or tribunals having concurrent jurisdiction over a case against the same party involving essentially the same facts, circumstances, acts, causes of action, or relief, and all raising substantially the same issues. Such case can either be pending in, or already resolved by, some other tribunal or agency.
- s. **HEARING OFFICER** refers to an employee designated and authorized by the disciplining authority in a particular case to preside over hearings, hear evidence, and make recommendations based on the evidence presented.
- t. **HUMAN RESOURCE (HR)** refers to the people within an organization with varying qualifications, competencies, talents, and potentials that can be harnessed to accomplish tasks and achieve organizational goals.
- u. **HR ACTION** refers to any action denoting the movement or progress of officials and employees in the civil service which shall include appointment, promotion, transfer, reappointment, reinstatement, reemployment, reclassification, detail, designation, reassignment, secondment, demotion, and separation from the service.
- v. **HR FUNCTION** refers to the administration of the HR and encompasses activities, such as recruitment, selection, learning and development, performance management, rewards and recognition, employee discipline, compensation, benefits administration, and employee relations.

⁷ Exoneration, Black's Law Dictionary (4th ed. 1964).

⁸ *Clemente v. Commission on Audit*, 213 Phil. 264, *citing* Exonerate, Webster, Third New International Dictionary of the English Language.

⁹ Ease of Doing Business and Efficient Government Service Delivery Act of 2018 § 4(g), Rep. Act No. 9485, as amended by Rep. Act No. 11032.

- w. **MEDIATION** refers to a voluntary process in which a mediator facilitates communication and negotiation, and assists the parties in reaching a voluntary agreement regarding a dispute.¹⁰
- x. **MEDIATOR** refers to a person who conducts mediation.¹¹
- y. **MORAL DEPRAVITY** refers to the inherent immorality or innate repulsiveness of an act so as to reflect the respondent's total lack of morals and values.
- z. **MORAL REFORMATION** refers to the positive manifestation of the petitioner showing repentance of previous transgressions and the rectification of moral aptitude by the showing of a clear understanding of the gravity and consequences of past conduct.
- aa. **MOTU PROPRIO** refers to an action taken by the disciplining authority on its own initiative.
- bb. **NEXT-IN-RANK POSITION** refers to a position which, by reason of the hierarchical arrangement of positions in the agency or in the government, is determined to be nearest in degree of relationship to a higher position as contained in the agency's System of Ranking Positions.
- cc. **OFFICIAL** refers to a person duly appointed or designated to perform specific duties or represent an organization, government, or entity. It refers to a person who occupies either a professional, technical, or scientific position; and whose functions are managerial in character—exercising management over people, resource, and/or policy. An official exercises functions such as planning, organizing, directing, coordinating, controlling, and overseeing the activities of an organization, a unit thereof, or of a group; and holds a position requiring some degree of professional, technical, or scientific knowledge and experience, as well as application of managerial skills required to carry out basic duties and responsibilities, which often involves leadership, functional guidance, and control. Positions of officials require intensive and thorough knowledge of a specialized field.
- dd. **OPPOSING PARTY** refers to either the prosecution or the respondent in an administrative case against whom a decision or judgment is sought.
- ee. **PARTY ADVERSELY AFFECTED** refers to the individual against whom a decision or action is issued, or the disciplining authority that rendered a decision, or the authority whose decision or action has been reversed or

¹⁰ Implementing Rules and Regulations of the Alternative Dispute Resolution Act of 2004, Dept. of Justice Circular No. 98 (2009).

¹¹ Alternative Dispute Resolution Act of 2004, § 3(r).

modified on appeal. It may also refer to the CSC in a decision of a higher authority reversing or modifying its resolutions or invalidating its orders.¹²

- ff. **PERSON COMPLAINED OF** refers to the person who is the subject of a complaint but who is not yet issued a notice of charge or formal charge by the disciplining authority or its authorized representative.¹³

- gg. **PRIMA FACIE CASE** refers to a case where the evidence is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense and which if not rebutted or contradicted, will remain sufficient. Such evidence, if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but may be contradicted by other evidence.¹⁴

- hh. **PROBATIONARY EMPLOYEE** refers to an appointee in the career service with permanent status of appointment, who is required to undergo a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF) as provided under applicable rules on appointments and other human resource actions and other civil service rules and regulations.

- ii. **PROTEST** refers to an action filed by a qualified next-in-rank official or employee questioning the issuance of an appointment in favor of another on the basis of lack of qualifications of the appointee.

- jj. **PROTESTANT** refers to a qualified next-in-rank official or employee who files a protest against an appointment made in favor of an appointee who allegedly does not possess the minimum qualification requirements of the position.

- kk. **PROTESTEE** refers to an appointee subject of a protest who allegedly does not possess the minimum qualification requirements of the position.

- ll. **PSYCHOLOGICAL INTERVENTIONS** refer to a broad range of techniques and strategies used by psychologists, counselors, and other mental health professionals to address psychological issues, emotional distress, and behavioral problems. They include psychological counseling; psychotherapy; psychosocial support; life coaching; psychological debriefing; group processes; and all other approaches that involve the application of

¹² Light Rail Transit Authority v. Salvaña, 736 Phil. 123 (2014).

¹³ Bureau of Internal Revenue v. Gan-Lim, G.R. No. 254939, 3 March 2021.

¹⁴ Wa-Acon v. People, 539 Phil. 485 (2006).

psychosocial principles to improve the psychological functioning of individuals, families, groups, and organizations.¹⁵

- mm. **PUBLIC KNOWLEDGE** refers to facts that are so commonly known in the community as to make it unprofitable to require proof, and so certainly known as to make it indisputable among reasonable persons.¹⁶
- nn. **QUALIFIED NEXT-IN-RANK** refers to an employee appointed on a permanent basis to a position previously determined to be next-in-rank to the vacancy and who meets the requirements for appointment thereto, as previously determined by the appointing authority and approved by the CSC.
- oo. **RESPONDENT** refers to the person who is issued a notice of charge or formal charge by the disciplining authority or its authorized representative.
- pp. **SETTLEMENT AGREEMENT** refers to a contract whereby the parties make reciprocal concessions to resolve their differences and thus avoid administrative suit or end one already commenced.¹⁷
- qq. **SEXUAL HARASSMENT** refers to an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, regardless of motive, committed by a government employee or official in workplaces, and/or educational or training institution, private spaces which are open to the public, as well as in streets, public spaces, and/or online.
- rr. **SHOW-CAUSE ORDER** refers to the written document requiring a person to explain or justify before the disciplining authority or its duly authorized representative within a given period why no disciplinary action shall be taken against him or her.
- ss. **UNDUE INFLUENCE** refers to persuasion carried to the point of overpowering the will, or such control over the individual in question and prevents the subject from acting intelligently, with understanding, and voluntarily, and in effect destroys the will, and constrains the individual from doing what would have to be done if such control had not been exercised.

¹⁵ Mary J. England, Adrienne Stith Butler, and Monica L. Gonzalez, eds., *Psychosocial Interventions for Mental and Substance Use Disorders: A Framework for Establishing Evidence-Based Standards* (Washington DC: National Academies Press, 2015), <https://www.ncbi.nlm.nih.gov/books/NBK305126/>.

¹⁶ *Saludo v. American Express International, Inc.*, 521 Phil. 585 (2006).

¹⁷ *Sps. Martir v. Sps. Verano*, 529 Phil. 120 (2006). See also *Magbanua v. Uy*, 497 Phil. 511 (2005).

RULE 2
JURISDICTION AND VENUE OF ACTIONS

Section 5. *Jurisdiction of the Civil Service Commission.* The CSC shall hear and decide administrative cases or matters instituted by or brought before it, directly or on appeal, and review decisions and actions of its offices and of the agencies attached to it.¹⁸

Section 6. *Referral of Case or Matter to the Proper Office.* When an administrative case or matter is filed before the Commission or any of the CSC ROs, but jurisdiction over such case or matter properly belongs to any other CSC RO or to the Commission, the same shall be forwarded by the office concerned to the appropriate CSC RO having jurisdiction over the case or matter, or to the Commission, as the case may be.

The Commission or the CSC RO may also refer an administrative case or matter to any other agency, as it may deem necessary.

Section 7. *Cases Cognizable by the Commission.* The Commission shall take cognizance of the following cases:

A. Disciplinary

1. Original

- a. Complaints brought against CSC officials and employees both in the Central Office (CO) and CSC ROs, except the Chairperson and the two (2) Commissioners who are impeachable officials under Article XI, Section 2 of the 1987 Constitution.¹⁹ Complaints against covered officials and employees shall be brought before the Commission, which will be investigated through the Internal Affairs Board (IAB) of the CSC, unless the Commission directs otherwise;
- b. Complaints against officials or employees who are not presidential appointees or elective officials, except in contempt cases and as may be provided in special laws wherein the Commission may exercise jurisdiction over such individuals;
- c. Requests for transfer of venue of hearing on cases being heard by CSC ROs;

¹⁸ Administrative Code of 1987, Book V, Title I, Subtitle A, Chapter 3, § 12 (11) (1987).

¹⁹ "Section 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment."

- d. Complaints for violations of any special law conferring upon the CSC the jurisdiction to hear and decide cases involving such violations [e.g., Republic Act (R.A) No. 11032, R.A. No. 9416, etc.]; and
- e. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

The following are excluded from the original jurisdiction of the Commission in disciplinary cases:

- a. Complaints involving act/s of sexual harassment as defined under R.A. No. 7877 (Anti-Sexual Harassment Act) and under R.A. No. 11313 (Safe Spaces Act), subject to Rule 3, Section 18 of these Rules;
- b. Cases which may be acted upon through the grievance machinery pursuant to relevant civil service rules and regulations (e.g., CSC Memorandum Circular No. 2, s. 2001, or the Revised Policies on the Settlement of Grievances in the Public Sector); and
- c. All other cases which fall under the jurisdiction of other bodies or regular civil or criminal courts.

2. Appellate

- a. Decisions of CSC ROs brought before it on Petition for Review;
- b. Decisions of disciplining authorities imposing penalties exceeding thirty (30) days of suspension or imposing a fine in an amount exceeding thirty (30) days salary;
- c. Decisions of disciplining authorities imposing penalties not exceeding thirty (30) days of suspension or fine in an amount not exceeding thirty (30) days salary if the issue of violation of due process is specifically set forth in the appeal, in which case the Commission shall only resolve such issue;
- d. Appeals or Petitions for Review from orders of preventive suspension;
- e. Decisions of heads of agencies on Sexual Harassment cases in relation to Section 98 of these Rules; and
- f. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

B. Non-Disciplinary

1. Original

- a. Requests for favorable recommendation on Petition for the Removal of Administrative Penalties or Disabilities;
- b. Requests for Extension of Service (excluding presidential appointees); and
- c. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

2. Appellate

- a. Decisions of department secretaries, or agency heads of equivalent rank on human resource actions involving officials or employees covered by these Rules;
- b. Decisions of CSC ROs on non-disciplinary cases;
- c. Appeals from reassignment of public health workers and public social workers;
- d. Appeals from the decisions of the Career Executive Service Board and any other agencies that may be subsequently attached to the CSC;²⁰ and
- e. Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

Section 8. Cases Cognizable by Regional Offices. Except as otherwise directed by the Commission, the CSC ROs shall take cognizance of the following cases:

A. Disciplinary

1. Original

- a. Cases brought before them against government officials or employees, except for cases brought against department heads of LGUs, local water districts, and GOCCS, who are stationed within their jurisdiction;
- b. Complaints for violations of any special law, against government employees, within their jurisdiction (e.g., R.A. No. 11032, R.A. No. 9416, etc.);

²⁰ Career Executive Service Board v. Civil Service Commission, 823 Phil. 534 (2018).

- c. Petitions to place a respondent under preventive suspension in connection with cases pending before the CSC RO concerned; and
- d. Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

B. Non-Disciplinary

1. Original

- a. Correction of personal information or reversion to maiden name in the records of the CSC;
- b. Recall of approval of appointments; and
- c. Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

2. Appellate

- a. Decisions of the CSC FOs on Disapproval/ Invalidation of Appointments brought before them on appeal;
- b. Decisions of appointing authorities within their geographical boundaries relative to protests and other human resource actions as well as other non-disciplinary actions brought before them on appeal; and
- c. Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

Section 9. Jurisdiction of Disciplining Authorities. The disciplining authorities of agencies shall have original concurrent jurisdiction with the Commission and CSC ROs over their respective officials and employees. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty (30) days, or a fine in an amount not exceeding thirty (30) days salary subject to Section 7.A.2.c of these Rules.

In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department secretary and finally to the Commission. Pending appeal, the same shall be executory, except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation or affirmation of the decision by the department secretary. Decisions rendered by the local chief executive of LGUs are executory pending appeal including decisions where the penalty is dismissal from the service.

DISCIPLINARY CASES

RULE 3 COMPLAINT

Section 10. *Who May Initiate.* Administrative proceedings may be initiated *motu proprio* upon issuance of a show-cause order by the disciplining authority or its authorized representative or upon written complaint of any other person.

Section 11. *Requisites of a Valid Complaint.* No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant must specify the actions/omissions committed by each, unless they are deemed to have acted in conspiracy. In such cases, the complainant may be required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- a. full name and address of the complainant;
- b. full name and address of the person complained of as well as his/her position and office;
- c. a chronological narrative of the relevant and material facts which shows the acts or omissions allegedly committed;
- d. clearly legible duplicate original or certified true copies of documentary evidence and affidavits of the complainant's witnesses, if any; and
- e. certification or statement of non-forum shopping.

The absence of any of the aforementioned requirements shall cause the dismissal of the complaint without prejudice to its refiling upon compliance with the same.

As a general rule, a complaint filed in violation of the prohibition against forum shopping shall be dismissed with prejudice. However, in furtherance of justice and public accountability, the CSC or the disciplining authority may, at its discretion, assume jurisdiction over the case or refer the matter to the proper agency or office as may be appropriate.

Section 12. *Anonymous Complaint.* No anonymous complaint shall be entertained unless the alleged act/s or omission/s complained of is/are:

- a. of public knowledge;
- b. verifiable;
- c. shown by documentary or direct evidence sufficient to establish reasonable ground to believe that the person complained of committed the offense; or
- d. reported anonymously and investigated by an agency and is referred to the Commission or any CSC ROs. For this purpose, the agency which made the referral shall be considered a nominal complainant, and the verification of the complaint as well as submission of Certificate of Non-Forum Shopping will no longer be required.

Section 13. *When and Where to File a Complaint.* An administrative complaint may be filed anytime with the Commission or any of the CSC ROs, or with any agency or department as defined under Rule 1 hereof, except when otherwise provided by law.

Section 14. *Withdrawal of the Complaint.* The withdrawal of the complaint does not result in its outright dismissal or the discharge of the person complained of from any administrative liability.

Section 15. *Action on the Complaint.* Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.

SEXUAL HARASSMENT CASES

Section 16. *Complaints in Sexual Harassment Cases.* In sexual harassment cases, the complaint shall be filed with the agency or department where the person complained of is employed. The complaint shall be referred to the Committee on Decorum and Investigation (CODI) created in all agencies/departments to act as the main body in the investigation and resolution of cases involving sexual harassment.

The head of agency who fails to create a CODI shall be charged with Neglect of Duty before the appropriate forum.

Section 17. *Composition of CODI.* Every CODI shall be headed by a woman and not less than half of its members shall be women.

In a work-related environment, a CODI shall be composed of at least one (1) representative each from the management, the accredited employee organization, if any, the second level employees, and the first level employees, duly selected by the unit concerned.

In an educational or training institution, the CODI shall be composed of at least one (1) representative from the administration, teaching and non-teaching staff and students or trainees, as the case may be, duly selected by the level concerned.

Agencies are encouraged to observe that equal representation of persons of diverse sexual orientation, gender identity and/or expression exists in the CODI, as far as practicable, and that there will be a sufficient number of people who may immediately replace any member of the CODI who inhibits from any case.

A. Conflict of Interest

When a member of the CODI is either the complainant or the person complained of, such member shall inhibit from the investigation, or the complaint may be filed directly with the CSC.

B. Term of Office

The agency may formulate its own rules governing the term of office of its members which should not be more than two (2) years, and other matters pertaining to the functions of the CODI not otherwise provided in these Rules.

C. Functions of the CODI

In sexual harassment cases, the CODI shall perform the following functions:

1. Receive complaints of sexual harassment;
2. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;
3. Within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
4. Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes; and
5. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment.

Section 18. *Jurisdiction of the CSC over Sexual Harassment Cases.* In case a complaint for sexual harassment is filed with the CSC, the same shall be remanded to the agency where the alleged offender is employed. However, the CSC may take cognizance of the case under any of the following circumstances:

- a. the agency has no CODI;
- b. the complainant is a member of the CODI;
- c. the disciplining authority is the subject of the complaint;
- d. the subject of the complaint is a CODI member; or
- e. there is unreasonable delay in complying with the periods provided in these Rules for the investigation and adjudication of a sexual harassment complaint. For this purpose, there is unreasonable delay when any of the periods set in these Rules lapsed for a period of more than thirty (30) days without justifiable reason.

Section 19. *Who May Initiate Sexual Harassment Cases.* In Sexual Harassment cases, the complaint may be initiated by the victim, or in case the victim is a minor, mentally impaired, or otherwise incapacitated, the complaint may be filed by the legal guardian.

However, a formal complaint may be initiated by the CODI after conducting its own investigation on any report/complaint, whether filed anonymously or otherwise, but with the consent of the injured party, or by the legal guardian in case the injured party is a minor, mentally impaired, or otherwise incapacitated.

Section 20. *Action on the Complaint.* Upon receipt of a complaint which is sufficient in form and substance, the CODI shall conduct a preliminary investigation and determine the existence of prima facie case.

Localized CODI established in the regional or field offices, as the case may be, of the agency or department shall have the same functions as stated in Section 17(C) and shall submit the report of investigation with its recommendation directly to the disciplining authority.

The agency or department shall adopt mechanisms to provide assistance to the alleged victim of sexual harassment which may include provision, or assistance in the availment, of psychological interventions, referral to an agency or department offering professional help, and advice on available options to seek redress.

RULE 4
PRELIMINARY INVESTIGATION

Section 21. *Preliminary Investigation; Definition.* A Preliminary Investigation is a mandatory proceeding undertaken by the disciplining authority or its authorized representative as may be allowed under existing law or rules, to determine whether a prima facie case exists to warrant the issuance of a formal charge or notice of charge.

Section 22. *How conducted.* Preliminary investigation may be conducted in any of the following manner:

- a. Requiring the person complained of to submit a counter-affidavit or comment within five (5) days from receipt of the complaint which is sufficient in form and substance.

Any documentary evidence or affidavit of witness submitted in support of the aforementioned counter-affidavit or comment should be in the original or clearly legible duplicate or certified true copies thereof.

- b. Clarificatory meeting with the parties to discuss the merits of the case; or
- c. Ex-parte evaluation of the records.

A show-cause order shall be issued when the administrative disciplinary process is initiated by the disciplining authority or its authorized representative.

Failure to submit a comment, counter-affidavit, or explanation shall be considered a waiver of the right to submit the same and the preliminary investigation may be completed in the absence thereof.

The right to counsel may be exercised even during the preliminary investigation.

For cases filed before the Commission or any CSC ROs, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 146 of these Rules.

Section 23. *Duration of the Preliminary Investigation.* A preliminary investigation shall commence within a period of five (5) days upon receipt by the disciplining authority of the complaint which is sufficient in form and substance, and shall be terminated within twenty (20) days thereafter. However, the disciplining authority may extend such periods in meritorious cases.

Section 24. *Investigation Report.* Within five (5) days from the termination of the preliminary investigation, the investigating officer or body shall submit the Investigation Report with recommendation and the complete records of the case to the disciplining authority for its consideration.

The Investigation Report shall be confidential and in no case shall a copy thereof be given to any other person/party.

Section 25. *Decision or Resolution after Preliminary Investigation.* If a prima facie case is established after preliminary investigation, the disciplining authority may issue either a formal charge or a notice of charge pursuant to Rule 5 of these Rules.

In the absence of a prima facie case, the complaint shall be dismissed.

RULE 5

FORMAL CHARGE OR NOTICE OF CHARGE

Section 26. *Issuance of Formal Charge; Contents.* After a finding of a prima facie case, the disciplining authority or its authorized representative shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain the specification of the charge/s, or statements of the acts or omissions constituting the offense. It shall also include the following mandatory requirements:

- a. Brief statement of material or relevant facts, which may be accompanied by clearly legible duplicate or certified true copies of documentary evidence, and affidavits of the witnesses, if any;
- b. Directive to answer the charge in writing, under oath, in not less than three (3) days but not more than ten (10) days from receipt thereof;
- c. Advice for the respondent to indicate in the answer whether or not a formal investigation is demanded; and
- d. Advice that respondent may opt to be assisted by a counsel.

Requests for a copy of the documents used as bases for the issuance of the Formal Charge, but which were not previously sent, may be made by the respondent within the same period given to file an answer. The period to file an answer does not begin to run until the respondent receives a copy of the requested documents.

Section 27. *Notice of Charge/s.* In instances where the complaint was initiated by a person other than the disciplining authority, and a prima facie case is found to exist after ex parte evaluation of the records pursuant to Section 22(c) of these Rules, the disciplining authority or its authorized representative shall issue a written notice of the charge/s against the person complained of, who will now be referred to as respondent.

The notice shall contain the specification of charge/s or narration of the acts or omissions constituting the offense against the respondent with a statement that a prima facie case exists. It shall also include the following mandatory requirements:

- a. All the supporting documents which were used as basis for the issuance of the notice of charge/s;
- b. Directive to answer the charge in writing, under oath, in not less than three (3) days but not more than ten (10) days from receipt thereof;
- c. Notice that the respondent may opt to be assisted by a counsel; and
- d. Notice that the respondent may elect to have a formal investigation.

The notice of charge/s must be accompanied by a copy of the complaint, together with all documents attached to the complaint, such as legible duplicate or certified true copies of documentary evidence, and affidavits of the complainant's witnesses, if any. Requests for the lacking documents may be made by the respondent within the same period given to file an answer. The period to file an answer shall not commence to run until the respondent receives the same.

Section 28. *Prohibited Pleadings.* The disciplining authority shall not entertain requests for clarification, bills of particulars, motions to dismiss, motions to quash, motions for reconsideration, motions for extension of time to file answer, or any similar request or motion, except for the respondent's answer and/or request for a copy of the documents referred to in Sections 26 and 27. The same shall be noted without action and attached to the records of the case.

RULE 6 **ANSWER**

Section 29. *Requisites and Contents.* The answer, which shall be in writing and under oath, shall be specific and shall allege such material facts and defenses, including legible duplicate original or certified true copies of documentary evidence, and affidavits of witnesses, if any, and cite applicable laws, in support of respondent's case.

The answer shall also contain a statement indicating whether the respondent elects a formal investigation or waives the right thereto.

Section 30. *Action After Submission of the Answer.* When the disciplining authority determines that the answer is satisfactory, the case shall be dismissed. Otherwise, the investigation shall proceed.

If the answer does not state that the respondent elects to have a formal investigation, the case may be decided based on available records.

Section 31. *Failure to File an Answer.* Failure or refusal of the respondent to file an answer to the formal charge or notice of charge within the prescribed period under Rule 5 of these Rules shall be considered as a waiver of the right to submit the same. The case shall then be decided based on available records.

RULE 7 **PREVENTIVE SUSPENSION**

Section 32. *Preventive Suspension; Nature.* Preventive suspension is not a punishment or penalty, but a measure of precaution so that the respondent may be removed from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is being investigated.

The period within which a public officer or employee charged is placed under preventive suspension shall not be considered as part of the actual penalty of suspension imposed upon the employee found guilty.

Section 33. *Who may Issue.* A preventive suspension order may be issued by the proper disciplining authority or its authorized representative, upon motion or *motu proprio*.²¹

In sexual harassment cases, the disciplining authority may delegate its power to the CODI for the issuance of a preventive suspension order against any official or employee of the concerned office.²²

In LGUs, the local chief executive may delegate to the CODI the power to issue a preventive suspension order as part of the investigation involving sexual harassment cases against any appointive official or employee of the local government unit, unless otherwise provided by law.²³

The delegated authority of the authorized representative to issue preventive suspension orders should be in the form of Office/Board Resolution or Order and duly signed by the disciplining authority clearly stating such delegation.

Section 34. *When Issued; Grounds.* The disciplining authority or its authorized representative may issue a preventive suspension order against the respondent upon the issuance of a valid formal charge or notice of charge, or immediately thereafter, if:

²¹ Bureau of Internal Revenue v. Gan-Lim, G.R. No. 254939, 3 March 2021.

²² Revised Administrative Disciplinary Rules on Sexual Harassment Cases, CSC Resolution No. 2100064 dated 20 January 2021.

²³ Gatchalian v. Urrutia, G.R. No. 223595, 16 March 2022, citing Local Government Code of 1991 § 87 and 455 (b)(1)(x).

- a. The charge as specified in the formal charge or notice of charge involves:
 1. Serious Dishonesty;
 2. Oppression;
 3. Grave Misconduct;
 4. Gross Neglect in the Performance of Duty;
 5. Other offenses punishable by dismissal from the service; or
 6. An administrative offense committed on its second or third instance and the penalty is dismissal from the service; and
- b. The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence such as, but not limited to, the following circumstances:
 1. Respondent holds a position in the agency that could compromise the integrity and impartiality of the entire proceedings;
 2. The presence of the respondent in the workplace will hamper the normal course of the investigation of the case and will pressure or unduly influence the possible witnesses who will be presented against him or her;
 3. The respondent either has access to and control over the evidence, or authority over the custodian of said evidence that will be presented against him or her;
 4. The respondent has employees under his or her direct supervision whom he or she could influence and utilize in his or her favor;
 5. The respondent may take improper advantage of his or her authority and power in a way that deprives potential witnesses of their free will; and
 6. Other analogous circumstances.

Thus, in order for a preventive suspension order to be valid, the following must concur: (1) the formal charge or notice of charge must specify any of the offenses in Item (a); and (2) the appropriate circumstance or justification in Item (b) must be stated and substantiated in the preventive suspension order.

Section 35. *Evaluation of the Formal Charge.* When a respondent is formally charged with negligence and/or dishonesty, and the gravity of the negligent conduct and/or dishonest act is not specified such that it cannot easily be discerned if the subject offense is among the enumeration in Item (a) of Section 34, the Commission is not precluded from evaluating the allegations specified in the formal charge for

purposes of determining the gravity thereof, without necessarily delving into the merits of the case.

Section 36. *Alternative to Preventive Suspension.* In lieu of a preventive suspension order, the proper disciplining authority or its authorized representative may reassign the respondent to another unit of the agency after the issuance of the formal charge subject to the same periods as provided in the immediately succeeding section.

If the respondent has already been reassigned pursuant to a reassignment order prior to the issuance of the formal charge, no preventive suspension order should be issued, unless the conditions enumerated in Section 34 subsist.

Section 37. *Duration of Preventive Suspension.* Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days in the case of national agencies including GOCCs with original charters and SUCs or sixty (60) days in the case of LGUs including LUCs.

The respondent shall be automatically reinstated to the service when the administrative case against him or her is not finally decided by the disciplining authority or authorized representative within the period of the preventive suspension or of the reassignment in lieu thereof. If the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be included in the counting of the period of preventive suspension. Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension.

Where the preventive suspension order is for a period less than the maximum period and the disciplining authority or authorized representative has not yet finished the formal investigation within the said period, the latter is precluded from imposing another preventive suspension without prejudice to the continuation of the formal investigation.

Should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

If the respondent is serving a preventive suspension in another case, the duration of the second preventive suspension shall simultaneously run with the first preventive suspension without prejudice to the service of the remaining period of the second preventive suspension.

The respondent who is placed under preventive suspension pending investigation is not entitled to compensation and other benefits. However, withholding of compensation should be strictly construed to be limited only to the period of preventive suspension, while the case is pending investigation.²⁴

²⁴ Gloria v. Court of Appeals, 365 Phil. 744 (1999).

Section 38. Remedies from the Order of Preventive Suspension and/or Reassignment Order in lieu of Preventive Suspension. The respondent may opt to file an appeal with the Commission within fifteen (15) days from receipt of the preventive suspension or reassignment order or may exercise such remedy within fifteen (15) days from receipt of the decision in the main case.

Pending appeal, the order shall be executory. A motion for reconsideration from the preventive suspension order shall not be allowed. In case such motion is filed, the same shall be noted without action and attached to the records of the case and shall neither stay the execution of the said order nor stop the running of the reglementary period to appeal.

A preventive suspension order imposed by the disciplining authority or authorized representative or the CSC is executory unless a Temporary Restraining Order is issued by the Court of Appeals or the Supreme Court.

Section 39. Payment of Back Wages during Preventive Suspension. The payment of back wages during the period of suspension shall be governed by the following:

- a. A declaration by the Commission that a preventive suspension order is invalid entitles the respondent to immediate reinstatement and payment of back wages corresponding to the period of the illegal preventive suspension without awaiting the outcome of the main case.

A preventive suspension is invalid if any of the following circumstances is present:

1. The order was issued by one who is not authorized by law;
2. The preventive suspension order was issued without a formal charge or notice of charge, or with a defective formal charge or notice of charge;
or
3. The order was not premised on any of the conditions under Section 34.

If the preventive suspension order issued in the same document containing the formal charge or notice of charge is found to be invalid based on items 1 and 2 hereof, such declaration shall result in the dismissal of the main case without prejudice to the refiling thereof, in addition to the payment of back wages and the entitlement of the respondent to other benefits withheld during the period of preventive suspension.

An invalid preventive suspension order under item 1 hereof shall not lead to the dismissal of the case if issued separately from or independent of the formal charge or notice of charge.

A preventive suspension order issued based on the enumerated grounds but in excess of the prescribed period shall not result in its invalidation but shall entitle the respondent to the payment of back wages corresponding to the excess period only.

- b. If the preventive suspension order was assailed on the appeal in the main case, and the respondent is exonerated or reprimanded only, and the preventive suspension was declared to be invalid, the respondent shall be paid back wages for the duration of the period of preventive suspension. Otherwise, no back wages shall be paid for the duration of the preventive suspension.²⁵

Even if the respondent be eventually found innocent of the charge, the same shall not give rise to payment of back wages corresponding to the period of preventive suspension in the absence of any finding of its invalidity.

RULE 8

FORMAL INVESTIGATION

Section 40. Conduct of Formal Investigation; When Held. A formal investigation shall be conducted *motu proprio* when the allegations of the complaint and the answer of the respondent, including the supporting documents, show that the merits of the case cannot be decided judiciously without conducting such investigation, or when the respondent elects to have one, in which case, such formal investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer.

The formal investigation shall be concluded within thirty (30) days from the issuance of the Formal Charge or Notice of Charge unless the period is extended by the disciplining authority or its authorized representative, or heads of agencies, or the Commission in meritorious cases.

For this purpose, the Commission may deputize lawyers of other agencies to conduct the formal investigation pursuant to Section 146, Rule 22 of these Rules.

Section 41. Submission of Position Paper or Memorandum. The hearing officer may require the submission of position paper in the following instances:

- a. When the case may be decided based on available records under these Rules provided that no new evidence will be presented by either party; or
- b. Upon the mutual consent of the parties, in case of a conduct of formal investigation, at any stage of the proceedings.

²⁵ Garcia v. Molina, 776 Phil. 64 (2016).

The position paper or memorandum shall be submitted within ten (10) days reckoned from the receipt of the order to submit the same or in case of mutual agreement, from the date of such agreement as entered in the records, unless the period is extended in meritorious cases. Thereafter, with or without the position paper or memorandum, the case shall be submitted for decision without need for further hearings.

Section 42. *Pre-Hearing Conference; Notice; Brief; and Order.* At the commencement of the formal investigation, the hearing officer shall issue a notice for the conduct of a pre-hearing conference where parties appear to consider and agree on any of the following:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties, including exhibits in judicial affidavits;
- d. Limitation of the number and identification of witnesses;
- e. Dates of subsequent hearings and evidence to be presented; and
- f. Such other matters as may aid in the prompt and just resolution of the case.

The notice of pre-hearing conference shall contain an advice that the parties may submit a pre-hearing conference brief, as provided under Section 43 of these Rules. The parties may file their respective pre-hearing conference briefs, copy furnished the adverse party, before the date of the pre-hearing conference.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing conference order and is binding on both parties unless, in the interest of justice, the hearing officer allows a deviation therefrom.

Section 43. *Pre-hearing Conference Brief.* The parties may file with the hearing officer and serve on the adverse party or counsel in such a way as to ensure receipt before the scheduled pre-hearing conference their respective pre-hearing conference brief, which shall contain the proposed stipulations to be agreed upon during the pre-hearing conference.

Section 44. *Non-appearance at pre-hearing conference.* The conduct of pre-hearing conference is mandatory. When any party fails to attend the pre-hearing conference despite due notice, the hearing officer may *motu proprio* or upon motion of the present party cause the submission of the case for decision based on available records.

If there is no such motion or the same is otherwise denied, the party in attendance may be allowed to present evidence ex parte, and the absent party shall be deemed to have waived the right to present evidence. The absent party, however, may still participate in the hearing if allowed by the hearing officer upon proper motion based on meritorious grounds.

The designated prosecutor or the hearing officer who fails to appear, without justifiable reason, at the pre-hearing conference may be liable for Neglect of Duty.

A representative may be allowed to appear on behalf of a party, provided that the former has been duly authorized by the latter in writing to act on the matters specified to be taken up during the pre-hearing conference. Counsel who appears on behalf of an absent party must also present written authority to represent the party for purposes of pre-hearing. Failure to submit the written authority shall be equivalent to non-appearance.

Section 45. *Continuous Hearing Until Terminated; Postponement.* Hearings shall be conducted on the dates set by the hearing officer or as agreed upon during the pre-hearing conference within the period allowed for the conduct of formal investigation unless the period is extended by the disciplining authority or its authorized representative, or heads of agencies, or the Commission in meritorious cases.

Each party may be granted one (1) postponement upon oral or written motion, as may be allowed by the hearing officer. If the motion for postponement is granted, the party who caused the postponement must ensure that the presentation of its evidence is terminated on the remaining dates previously agreed upon.

If the party who must present evidence fails or refuses to appear during a particular hearing despite due notice, the investigation shall proceed and the absent party shall be deemed to have waived the right to present such evidence, unless otherwise allowed by the hearing officer upon motion based on meritorious grounds.

Failure of the opposing party to appear during the hearing shall be deemed as waiver of the right to object to such evidence offered or matter raised therein.

Section 46. *Preliminary Matters.* At the start of the hearing, the hearing officer shall note the appearances of the parties.

If, after being apprised of the right to counsel, respondents appear without the aid of a counsel, they shall be deemed to have waived the right thereto and the hearing officer shall state said waiver in the records of the case.

Except in matters requiring confidentiality or in the interest of morality or decency such as in sexual harassment cases, the examination of witnesses presented in a hearing shall be open to the public.

Before taking the testimony, the hearing officer shall place the witness under oath and then take his or her name, address, civil status, age, and complete name and address of employment.

A sworn statement of the witness, copy furnished the other party, properly identified and affirmed shall constitute direct testimony.

Parties may adopt the use of a judicial affidavit which shall be attached to the complaint and shall form an integral part thereof. The use of a judicial affidavit is without prejudice to clarificatory questions that may be propounded thereon and on the exhibits attached to the same during the hearing.

Section 47. Entry of Appearance as Counsel. Any counsel who must be a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall enter an appearance orally or in writing, stating the following: (1) full name, (2) complete address, which should not be a P.O. box address, where notices and other pleadings may be served, (3) email address, through which notices and other pleadings may likewise be served according to the applicable relevant rules on electronic filing and service, (4) contact number, (5) Professional Tax Receipt (PTR) number, (6) Roll of Attorney's number, (7) Mandatory Continuing Legal Education compliance, and (8) IBP dues receipt number or lifetime membership.

Except as otherwise mandated by law, government lawyers are prohibited to represent another government employee or a public officer in a pending administrative disciplinary case.²⁶

A private prosecutor may be allowed to appear provided that the public prosecutor shall have direct control and supervision over the private prosecutor at all times subject to the approval of the hearing officer. Only members of the bar are allowed to act as prosecutors.

Section 48. Order of Hearing; Order of Examination of Individual Witness; Offer of Evidence. As far as practicable, the hearing shall be limited to the contents of the pre-hearing conference order and unless the hearing officer directs otherwise, the order of hearing may be as follows:

- a. The prosecution shall present its evidence;
- b. The respondent shall present evidence in support of the theory of the defense; and
- c. There may be rebuttal or sur-rebuttal.

The order of examination of individual witnesses shall be as follows:

²⁶ Fajardo v. Atty. Alvarez, 785 Phil. 303 (2016).

- a. Direct examination by the proponent;
- b. Cross-examination by the opponent;
- c. Re-direct examination by the proponent; and
- d. Re-cross examination by the opponent.

The offer of the testimony of a witness in evidence must be made at the time the witness is called to testify. The party presenting the witness or the judicial affidavit of such witness shall state the purpose of such testimony.

When the presentation of the witnesses has been concluded, the parties shall formally offer their documentary and object evidence either orally or in writing. When such formal offer is done orally, the opponent may only comment thereon or object thereto orally and immediately after the offer is made. When the formal offer is made in writing, the opponent may comment on or object to it within five (5) days from receipt of the written formal offer of evidence. After which, both parties may be given time to submit their respective position paper/memorandum which in no case shall be beyond ten (10) working days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 49. *Objections.* All objections raised during the hearing shall be resolved by the hearing officer. However, objections that cannot immediately be ruled upon by the hearing officer shall be noted with the information that the same shall be included in the position paper/memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The hearing officer shall admit all evidence formally offered subject to the objection/s interposed against its admission.

Section 50. *Markings.* All documentary or object evidence, or their exhibits, shall be properly marked by letters (A, B, C, etc.) if presented by the prosecution, and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 51. *Issuance of Subpoena.* The hearing officer may issue subpoena *ad testificandum* to compel the attendance of witnesses to testify at the hearing and subpoena *duces tecum* for the production of documents or things under their control.

A request for the issuance of a subpoena *ad testificandum* and/or subpoena *duces tecum* shall be made at least seven (7) working days before the scheduled hearing.

In proceedings before the CSC, the deliberate failure to obey a subpoena duly served without justifiable cause may be a ground to cite the person concerned for indirect contempt pursuant to Rule 16 of these Rules.

Section 52. *Virtual Hearing.* When in-person clarificatory meetings, pre-hearing conferences, or hearings are not possible due to national emergencies, or on occasion of fortuitous or unforeseen events, the disciplining authority or its authorized representative, or heads of agencies, or the Commission, on its own initiative, may conduct, with due notice to the parties, virtual hearings pursuant to CSC Resolution No. 2100420.²⁷

Section 53. *Record of Proceedings.* Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or through any other means of recording including an audio recording, as may be found suitable by the hearing officer.

Such official records or minutes of the proceeding shall form part of the records of the case. No other copy of the foregoing is considered an official record except that of the hearing officer or any copy thereof, which the parties may, upon written request, use in relation to the case. Any unauthorized reproduction or publication or posting in social media platforms or public domains of any copy of the official record is strictly prohibited. Any violation thereof may be a ground to hold the party responsible therefor criminally, civilly, and administratively liable, as the case may be.

Either party may request a copy of the audio recording from the hearing officer or submit a transcribed version for certification as true and correct, subject to payment of reasonable fees.

Section 54. *Filing and Service of Pleadings, Motions, and other Papers.* All pleadings or other submissions filed by the parties shall be served personally, by registered mail, private courier, electronic mail, or other electronic means as may be allowed by these Rules, to the other party with proof of service. Non-compliance herewith shall be a ground to refuse a filing, or otherwise deem such pleading or submission not filed.

Any pleadings sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack, or the registry receipt, which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon.

Where electronic mail or other electronic means are allowed in the filing of pleadings and other submissions, and service of notices and interlocutory orders, the same will be governed by the applicable rules on electronic filing.

²⁷ Adoption of Virtual Hearing in the Civil Service Commission and its Regional Offices, CSC Resolution No. 2100420 dated 2 June 2021.

If respondent is represented by a counsel, service upon him or her shall be made upon his or her counsel, unless service upon both the respondent and his or her counsel is ordered by the hearing officer.

Section 55. *Effects of the Pendency of an Administrative or Criminal Case.*

The pendency of an administrative or criminal case shall not disqualify the respondent from promotion and other human resource actions, and/or from enjoying leave, monetary and other fringe benefits, unless otherwise provided by law or other regulations.

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a formal charge or a notice of charge to the respondent.

The early release of the retirement benefits of a person with a pending case shall be governed by R.A. No. 10154 and its IRR.

Section 56. *Formal Investigation Report.* Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the hearing officer to the disciplining authority. The complete records of the case shall be attached to the report of investigation which shall be treated with confidentiality.

The complete records with Table of Contents shall be systematically and chronologically arranged, paged, and securely bound to prevent loss.

In Sexual Harassment cases or those involving minors, fictitious initials shall be used in the decisions instead of the real name of the victim-complainant or the minor/s. Any other information which tends to establish their identities, their immediate family, or household members, shall not be disclosed.²⁸ However, the victim-complainant, who is not a minor, in a sexual harassment case may waive anonymity through an express request, in which case, this paragraph shall not apply.

RULE 9
DECISION

Section 57. *When Case is Decided.* The case shall be decided by the disciplining authority within thirty (30) days from receipt of the Formal Investigation Report, or from the date the same is submitted for decision based on available records, or upon mutual consent of the parties as provided in Section 41 hereof, unless the period is extended by the disciplining authority in meritorious cases.

²⁸ People v. Cabalquinto, 533 Phil. 703 (2006).

Section 58. Finality of Decisions. A decision rendered by the disciplining authority which imposes a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the decision shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

Section 59. Cases Dismissible Based on Technical Grounds in the CSC. The Assistant Commissioner for Legal is authorized to issue orders dismissing cases on technical grounds²⁹ which shall be based on the following:

- a. Cases not cognizable by the CSC;³⁰
- b. Absence of any of the requisites for a valid complaint;³¹
- c. Anonymous complaints, where the act complained of is not of public knowledge or the allegations therein cannot be verified or supported by documentary or direct evidence;³²
- d. Mootness and/or decisions which have attained finality;³³
- e. Dismissal with prejudice due to failure to perfect an appeal after having been directed to comply by the CSC;³⁴ and
- f. Other analogous circumstances.

The dismissal of complaints contemplated above, except items d and e, shall be without prejudice to its refiling. The dismissal shall not be subject to motion for reconsideration but is directly appealable to the CSC.

Section 60. Effect of Death of Respondent in a Pending Case. A case pending investigation or appeal is rendered moot upon the death of the respondent, hence, should be dismissed.³⁵

²⁹ Delegation of Authority to the Assistant Commissioner for Legal to Dismiss Administrative Cases Based on Technical Grounds, CSC Resolution No. 2300030 dated 13 January 2023.

³⁰ § 7, Rule 2.

³¹ § 11, Rule 3.

³² § 12, Rule 3.

³³ § 58, Rule 9.

³⁴ § 94, Rule 13.

³⁵ Flores-Concepcion v. Judge Castañeda, A.M. No. RTJ-15-2438, 2 September 2020. See *a/so* Guerra Jr. v. Board of Regents, G.R. No. 210512, 27 July 2022.

Section 61. *Service of Decisions, Resolutions, or Orders Dismissing Cases on Technical Grounds.* Decisions, resolutions, or orders finally disposing of a case shall be served either personally or by registered mail. However, upon the request of any party and payment of the cost, a copy of the same may be delivered by private courier to such requesting party.

Section 62. *Completeness and Proof of Service.* Personal service is complete upon actual delivery to the party or to his or her counsel. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) calendar days from the date of receipt of the first notice of the postmaster, whichever date is earlier. Service by private courier is complete upon actual receipt by the addressee, or after at least two (2) attempts to deliver by the courier service, or upon the expiration of five (5) calendar days after the first attempt to deliver, whichever is earlier. Where service by electronic mail or other electronic means are allowed, the same will be governed by the applicable rules on electronic filing.

Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a statement of the date, place, and manner of service. If by registered mail, proof of service shall consist of a duly accomplished Registry Return Receipt prescribed by the Philippine Postal Corporation, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee, in addition to the affidavit of the person mailing stating deposit of the mail in the post office/courier service addressed to the party or to the party's counsel. If by courier service, proof of service shall consist of the courier's official receipt or document tracking number and the affidavit mentioned in the preceding sentence.

RULE 10

ADMINISTRATIVE OFFENSES AND PENALTIES

Section 63. *Classification of Offenses.* Administrative offenses are classified into grave, less grave, and light, depending on their gravity or depravity and effects on the government service, which determine their corresponding imposable penalties.

A. Grave Offenses

1. The following grave offenses shall be punishable by dismissal from the service:
 - a. Being notoriously undesirable;
 - b. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
 - c. Conviction of a crime involving moral turpitude;

- d. Disloyalty to the Republic of the Philippines and to the Filipino people;
 - e. Falsification of official document;
 - f. Grave misconduct;
 - g. Grave sexual harassment;
 - h. Gross neglect of duty;
 - i. Nepotism;
 - j. Physical or mental disorder or disability due to immoral or vicious habits;
 - k. Receiving for personal use of a 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 or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
 - l. Serious dishonesty; and
 - m. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or anything of monetary value in the course of one's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's office.
The propriety or impropriety of the foregoing shall be determined by the value of what was solicited or accepted, kinship, or relationship between giver and receiver and the motivation therefor. A thing of monetary value is one which is evidently or manifestly excessive by its very nature.
2. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:
- a. Conduct prejudicial to the best interest of the service;
 - b. Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and

material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

- c. Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or to prejudice the public interest;
- d. Disgraceful and immoral conduct;
- e. Frequent unauthorized absences (habitual absenteeism);

For this purpose, an official or employee shall be considered habitually absent after incurring unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year;

- f. Gross insubordination;
- g. Habitual tardiness in reporting for duty causing prejudice to the operations of the office;

For the purpose of these Rules, an employee shall be considered habitually tardy after incurring tardiness, regardless of the number of minutes, ten (10) times a month for at least (2) months in a semester or at least two (2) consecutive months during the year;

- h. Inefficiency and incompetence in the performance of official duties, which, in the alternative, may be punished by demotion;
- i. Less serious dishonesty;
- j. Loafing from duty during regular office hours;

For the purpose of these Rules, loafing refers to frequent unauthorized absences from duty during regular hours despite entering attendance in the office;³⁶

- k. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713) for any purpose contrary to morals or public policy or any

³⁶ Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws §23 (q), Rule V, CSC Resolution No. 91-1631 dated 27 December 1991. See also Office of the Court Administrator v. Mallare, 461 Phil. 18 (2003).

commercial purpose other than by news and communications media for dissemination to the general public;

- I. Oppression;
- m. 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 one's office, unless expressly allowed by law;
- n. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment, and obligation, or (3) as part of the function of one's office; and
- o. Refusal to perform official duty.

B. Less Grave Offenses

Unless otherwise stated, the following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense:

1. Discourtesy in the course of official duties;
2. Engaging directly or indirectly in partisan political activities by one holding a non- political office;
3. Failure to file sworn statements of assets, liabilities and net worth (SALN) in accordance with the guidelines on filing SALN;
4. Failure to resign from one's 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 oneself of one's shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen;
5. Habitual drunkenness;
6. Insubordination;

7. Less grave sexual harassment;
8. Simple dishonesty, which shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense;³⁷
9. Simple misconduct;
10. Simple neglect of duty;
11. Unfair discrimination in rendering public service due to party affiliation or preference; and
12. Violation of existing civil service laws and rules of serious nature.

C. Light Offenses

The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

1. Borrowing money by superior officers from subordinates;
2. Disgraceful, immoral, or dishonest conduct prior to entering the service;
3. Engaging in private practice of one's profession unless authorized by the Constitution, law, or regulation, or the head of the office where the employee or official is assigned, and provided that such practice will not conflict with one's official functions;
4. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713);
5. Gambling prohibited by law;
6. Habitual tardiness;
7. Improper or unauthorized solicitation of contributions from subordinate employees and in the case of teachers or school officials from school children;
8. Lending money at usurious rate of interest;

³⁷ CSC Resolution No. 2100079 dated 27 January 2021.

9. Light sexual harassment;
10. Lobbying for personal interest or gain in legislative halls and offices without authority;
11. 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;
12. Pursuit of private business, vocation, or profession without the permission required by civil service rules and regulations;
13. Refusal to render overtime service;
14. Simple discourtesy in the course of official duties;
15. Violation of reasonable office rules and regulations; and
16. Willful failure to pay just debts or willful failure to pay taxes due to the government;

The term "just debts" shall apply only to claims adjudicated by a court of law, or those the existence and justness of which are admitted by the debtor.

Section 64. Rules Applicable to Specific Offenses. The following offenses shall be further governed by the rules provided hereunder:

A. Sexual Harassment³⁸

1. Sexual Harassment in the Workplace

a. Grave Offenses

Offenses punishable by dismissal from the service shall include, but are not limited to:

- i. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks, and breast);
- ii. sexual assault;
- iii. malicious touching such as groping;

³⁸ Revised Administrative Disciplinary Rules on Sexual Harassment Cases, CSC Resolution No. 2100064 dated 20 January 2021.

- iv. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
- v. other analogous cases.

b. Less Grave Offenses

Offenses punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense, shall include, but are not limited to:

- i. unwanted touching or brushing against a victim's body other than the private parts mentioned above;
- ii. unwanted pinching not falling under grave offenses;
- iii. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation, or used to describe a person;
- iv. verbal abuse with sexual overtones; and
- v. other analogous cases.

c. Light Offenses

Offenses punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense, shall include, but are not limited to:

- i. surreptitiously looking at a person's private part or worn undergarments;
- ii. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive, or vulgar;

- iii. malicious leering or ogling;
- iv. display of sexually offensive pictures, materials, or graffiti;
- v. unwelcome inquiries or comments about a person's sex life;
- vi. unwelcome sexual flirtation, advances, or propositions;
- vii. making offensive hand or body gestures at an employee;
- viii. persistent unwanted attention with sexual overtones;
- ix. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense, or insult to the receiver;
and
- x. other analogous cases.

2. Sexual Harassment in Streets and Public Places

A government official or employee who commits sexual harassment in streets or public spaces as defined below shall be meted out the following penalties depending on the gravity of the offense:

- a. The grave offense of Sexual Harassment in Streets and Public Spaces is committed by a public official or employee who engages in acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that are unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks, and parks. Such acts are punishable by dismissal from the service.
- b. The less grave offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, or making statements, comments, and suggestions with sexual innuendos. Such acts are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.
- c. The light offense of Sexual Harassment in Streets and Public Spaces is committed when a public official or employee engages in acts that include catcalling. Catcalling refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist

slurs. Such acts are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense.

3. Online Sexual Harassment

- a. Grave Online Sexual Harassment punishable by dismissal from the service, includes uploading and sharing, without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment.
- b. Less Grave Online Sexual Harassment is committed by a government official or employee who engages in acts that include the use of information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones. Such acts are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense.
- c. Light Online Sexual Harassment is committed by a government official or employee who engages in acts that include unwanted sexual misogynistic, transphobic, homophobic, and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones. Such acts are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense;

4. For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:

- a. Work-related sexual harassment is committed under the following circumstances:
 - i. the submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits, and any other human resource action) affecting the applicant/employee; or

- ii. an act or a series of acts that has the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile, or offensive work environment; or
 - iii. an act or a series of acts that might reasonably be expected to cause discrimination, insecurity, discomfort, offense, or humiliation to a complainant who may be a co-employee, applicant, customer, or ward of the person complained of.
 - b. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship, or tutorship is directly or constructively entrusted to, or is provided by, the offender, when:
 - i. the submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege, or consideration; or
 - ii. an act or a series of acts that has the purpose or effect of interfering with the performance, or creating an intimidating, hostile, or offensive academic environment for the complainant; or
 - iii. an act or a series of acts that might reasonably be expected to cause discrimination, insecurity, discomfort, offense, or humiliation to a complainant who may be a trainee, apprentice, intern, tutee, or ward of the person complained of.
 - c. The offense may also take place in the following instances:
 - i. in the premises of the workplace or office or of the school or training institution;
 - ii. in any place where the parties were found as a result of work or education or training responsibilities or relations;
 - iii. at work or education or training-related social functions;
 - iv. while on official business outside the office or school or training institution or during work or school or training- related travel;
 - v. at official conferences, fora, symposia, training sessions; or

vi. by telephone, cellular phone, fax machine, electronic mail, or any online platforms.

5. Persons Liable for Sexual Harassment. Any government official or employee, regardless of sex, is liable for sexual harassment upon commission of any of the following:
- a. directly participating in the execution of any act of sexual harassment as defined by these Rules;
 - b. inducing or directing another or others to commit sexual harassment as defined by these Rules;
 - c. cooperating in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; or
 - d. cooperating in the commission of sexual harassment by another through previous or simultaneous acts.

The penalty next higher in degree will be applied in any of the following instances:

- a. If any of the above acts is committed by a government official or employee rendering frontline services to the public;
- b. If the offended party is a minor, a senior citizen, a person with disability (PWD), or a breastfeeding mother nursing her child;
- c. If the offended party is diagnosed with a mental problem tending to impair consent;
- d. If the perpetrator is a member of the uniformed personnel, and the act was perpetrated while the perpetrator was in uniform; and
- e. If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.³⁹

The above provisions notwithstanding, a third conviction for sexual harassment, regardless of the nature and the imposable penalty, shall be punished by dismissal from the service.

³⁹ Safe Spaces Act, Art. III, § 18.

B. Dishonesty⁴⁰

1. Serious Dishonesty

The presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Serious Dishonesty, which shall be punishable by dismissal:

- a. The dishonest act caused serious damage and grave prejudice to the government such as when the integrity of the office is tarnished, or the operations of the office are affected;
- b. The respondent committed the dishonest act through grave abuse of authority;
- c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms, or money for which respondent is directly accountable and there is evident intent to commit material gain, graft, and corruption;
- d. The dishonest act exhibits moral depravity on the part of the respondent whether or not said act was committed in the performance of respondents' duties;
- e. The dishonest act involves a civil service examination irregularity or fake civil service eligibility, such as, but not limited to, impersonation, cheating, and use of crib sheets;
- f. The dishonest act relates to the respondent's employment such as but not limited to misrepresentation on qualifications as to education, experience, training, and eligibility in order to qualify for a particular position, and/or the submission of fake and/or spurious credentials; and
- g. Other analogous circumstances.

2. Less Serious Dishonesty

The presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Less Serious Dishonesty, which shall be punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense:

⁴⁰ CSC Resolution No. 2100079 dated 27 January 2021.

- a. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify as Serious Dishonesty;
- b. The dishonest act committed involves sums of money or government property and the respondent, who must not be an accountable officer as defined under these Rules, restitutes the same;
- c. The dishonest act was committed by taking advantage of respondent's position, although no personal gain or benefit was derived therefrom;
- d. The dishonest act was committed without taking advantage of respondent's position but some personal gain or benefit from such act nonetheless redounded to the respondent; and
- e. Other analogous circumstances.

3. Simple Dishonesty

The presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Simple Dishonesty, which shall be punishable by suspension from the government service for a period of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year suspension for the second offense; and dismissal from the service for the third offense:

- a. The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent, or that the same did not cause damage or prejudice to the government, subject to the condition that the dishonest act does not constitute moral depravity;
- b. In falsification of any official document, where the information falsified is not related to respondent's employment, or when the falsification of official document did not cause damage or prejudice to the government, unless the dishonest act constitutes moral depravity;
- c. The dishonest act was committed without taking advantage of respondent's position, and such act did not result in any personal gain or benefit to the respondent nor caused damage and prejudice to the government; and
- d. Other analogous circumstances.

4. A respondent found liable under paragraph (b) of the immediately preceding item can no longer be formally charged with the offense of Falsification of Official Document.
5. Further, when the falsification of official document facilitated or was a necessary means for the commission of the dishonest act, the person complained of shall be formally charged only with the administrative offense of Dishonesty, whether it be Serious, Less Serious, or Simple, depending on the attendant circumstances, as the act of falsification is already subsumed in the offense of Dishonesty.

C. Violations of R.A. No. 9485, as amended by R.A. No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018

1. The offense of fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage shall be penalized by dismissal.
2. The following offenses shall be punishable by suspension of six (6) months for the first offense and dismissal for the second offense:
 - a. Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;
 - b. Imposition of additional requirements other than those listed in the Citizen's Charter;
 - c. Imposition of additional costs not reflected in the Citizen's Charter;
 - d. Failure to give the applicant or requesting party a written notice of the disapproval of an application or request;
 - e. Failure to render government services within the prescribed processing time on any application and/or request without due cause;
 - f. Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break; and
 - g. Failure or refusal to issue official receipts.

Section 65. *Second or third offense, when committed.* In determining whether a second or third offense has been committed under the preceding sections, the following guidelines shall be observed:

- a. If the respondent is formally charged and found guilty of the same offense (i.e., offense of the same nomenclature) in separate instances, the first instance shall constitute the first offense, the second instance shall be deemed the second offense, and so forth.

Provided, that if the respondent is found guilty of multiple counts of the same offense under one formal charge, all such counts shall constitute only one offense and the respondent shall be punished in accordance with Section 71 of these Rules; and

- b. If the respondent is formally charged and found guilty of different offenses in separate instances, each instance shall be considered as the first offense or violation of the respective offenses.

Section 66. *Penalty of Fine.* The following are the guidelines for the penalty of fine:

- a. The disciplining authority may, *motu proprio* or upon written request of the respondent, allow payment of fine in place of suspension if any of the following circumstances is present:
 - 1. When the functions or nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, and education;
 - 2. When the respondent is actually discharging frontline functions or those directly dealing with the public, and the human resource complement of the office is insufficient to perform such function;
 - 3. When the respondent committed the offense without utilizing or abusing the powers of the position or office held; or
 - 4. When the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be served anymore; in which case, the disciplining authority shall convert the suspension, regardless of its duration, to a fine, which in no case shall exceed an amount equivalent to six (6) months' salary.
- b. The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave, and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day salary fine; Provided, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.
- c. Where conversion to fine is granted upon request of the respondent, the conversion shall render the decision final and executory and, therefore, not subject to appeal or any other similar relief.

- d. The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. In such case, respondent shall serve the suspension only for the period corresponding to the unpaid fine.
- e. Unless reverted to suspension in accordance with the immediately preceding paragraph, the penalty of fine as converted shall not result in a gap in the service.
- f. The fine shall be computed on the basis of respondent's salary at the time the decision becomes final and executory, and paid to the agency imposing the same.
- g. The maximum period to pay the fine shall not exceed one (1) year from the time the decision or resolution becomes final and executory.
- h. Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:
 - 1. Fine equivalent to one (1) month salary shall be paid within two (2) months;
 - 2. Fine equivalent to two (2) months salary shall be paid within four (4) months;
 - 3. Fine equivalent to three (3) months salary shall be paid within six (6) months;
 - 4. Fine equivalent to four (4) months salary shall be paid within eight (8) months;
 - 5. Fine equivalent to five (5) months salary shall be paid within ten (10) months; and
 - 6. Fine equivalent to six (6) months salary shall be paid within twelve (12) months.

Section 67. *Mitigating, Aggravating, and Alternative Circumstances.* Except for offenses punishable by dismissal from the service, the following may be appreciated in the determination of the penalties to be imposed:

A. Mitigating Circumstances

The following are mitigating circumstances:

- 1. Awards and commendations;
- 2. First offense;

3. Good faith;
4. Lack of malice;
5. Physical illness; and
6. Other analogous circumstances.

B. Aggravating Circumstances

The following are aggravating circumstances:

1. Employment of fraudulent means to commit or conceal the offense;
2. Habituality;

For the purpose of these Rules, habituality is present if the respondent has been previously penalized for an administrative offense with an equal or greater penalty or for two (2) or more offenses punishable by a lighter penalty.

3. Offense is committed during office hours and/or within the premises of the office or building;
4. Presence of malice;
5. Taking undue advantage of official position;
6. Taking undue advantage of subordinate;
7. Undue disclosure of confidential information;
8. Use of government property in the commission of the offense; and
9. Other analogous circumstances.

C. Alternative Circumstances

The following may be appreciated as either mitigating or aggravating circumstances according to the nature and effects of the offense and other attendant conditions:

1. Education;
2. Intoxication;
3. Length of service;
4. Time and place of offense; and

5. Other analogous circumstances.

In the appreciation thereof, mitigating and aggravating circumstances must be invoked or pleaded and proved by the concerned parties; otherwise, said circumstances will not be considered in the imposition of the proper penalty. The disciplining authority, however, in the interest of substantial justice, may consider mitigating circumstances *motu proprio*.

Section 68. Manner of Imposition. When applicable, the imposition of the penalty shall be made in accordance with the manner provided herein below:

- a. The **minimum** of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The **medium** of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The **maximum** of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

Where aggravating and mitigating circumstances are present, paragraph [a] shall be applied when there are more mitigating circumstances present; paragraph [b] shall be applied when the circumstances equally offset each other; and paragraph [c] shall be applied when there are more aggravating circumstances. Dismissal, being an indivisible penalty, may neither be mitigated nor aggravated, unless allowed by law.

Section 69. Medium Period for Divisible Penalties. For purposes of the immediately preceding section, the following divisible penalties shall have their medium range of penalty, to wit:

- a. Suspension ranging from one (1) month and one (1) day to six (6) months shall have three (3) months as its medium penalty; and
- b. Suspension ranging from six (6) months and one (1) day to one (1) year shall have nine (9) months as its medium penalty.

Section 70. Penalty for Multiple Offenses. If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.

Section 71. Penalty for Multiple Counts of the Same Offense. In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

Section 72. Duration and Effect of Administrative Penalties. The following rules shall govern the imposition of administrative penalties:

- a. The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability.
- b. The penalty of demotion shall result in diminution of salary corresponding to the next lower salary grade with the same salary step.
- c. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one day or more shall be considered an interruption in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits. This provision shall not apply when a suspension is converted into fine.

- d. The penalty of reprimand is an official rebuke against a person's behavior which does not carry any accessory penalty or result in the temporary cessation of work. In the event the penalty of reprimand is imposed on appeal as a result of modification of the penalty of suspension or dismissal from service, the respondent shall be entitled to the payment of back wages and other benefits which would have accrued during the period of the suspension or dismissal.

Section 73. Administrative Disabilities Inherent in Certain Penalties. The following rules shall govern in the imposition of accessory penalties:

- a. The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.

Terminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Service, or other equivalent retirement benefits system shall not be subject to forfeiture.

- b. The penalty of demotion shall carry with it disqualification from promotion for one (1) year reckoned from the date of effectivity of such demotion.
- c. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.
- d. The penalty of fine shall carry with it disqualification from promotion for the period of suspension corresponding to the fine.
- e. The penalty of reprimand shall not carry any accessory penalties.
- f. A warning or admonition shall not be considered a penalty.

Section 74. Effects of Exoneration on Certain Penalties. The following rules shall govern when the decision is for exoneration:

- a. In case the penalty imposed is fine, the same shall be refunded.
- b. In case of demotion, the respondent shall be entitled to restoration to the former salary grade with the same salary step and payment of salary differentials during the period the demotion was imposed.
- c. In case the penalty imposed is suspension, the respondent shall immediately be reinstated to his or her former post without loss of seniority rights and with payment of back wages and all benefits which would have accrued as if the respondent has not been illegally suspended.
- d. In case the penalty imposed is dismissal, the respondent shall immediately be reinstated to his or her former post without loss of seniority rights and with payment of back wages and all benefits which would have accrued as if the respondent has not been illegally dismissed.
- e. The respondent who is exonerated on appeal shall be entitled to the leave credits for the period the respondent had been out of the service.

RULE 11

MEDIATION AND SETTLEMENT IN ADMINISTRATIVE CASES

Section 75. Applicability. Settlement shall be allowed only in complaints for light offenses where the act is purely personal between the private complainant and the person complained of, and there is no apparent injury to the government. Provided, that settlement can no longer be resorted to in a subsequent complaint for the same offense against the person complained of. Specifically, settlement may be resorted to in the following light offenses:

- a. Borrowing Money by Superior Officers from Subordinate; and
- b. Willful Failure to Pay Just Debts.

Under these Rules, settlement between the private complainant and the person complained of is permitted to resolve disputes amicably, prevent prolonged administrative proceedings, and allow the agencies to declog their dockets of similar cases.

Complaints for sexual harassment shall not be subject to mediation and settlement.

Section 76. How commenced. Upon filing of the complaint, the disciplining authority or its authorized representative shall *motu proprio* evaluate whether the offense can be the subject of settlement. If in the affirmative, the person complained

of shall be required to comment and indicate therein an election on whether or not to submit the case for settlement.

The person complained of may move for the settlement of the complaint at any time before the issuance of the formal charge.

If the person complained of opts for settlement, the disciplining authority or its authorized representative shall assign the case to a mediation officer within the agency who shall issue an order requiring the appearance of parties to a conference. If any of the parties fail to appear before a mediation conference, the mediator may reschedule the same and require the explanation of the absent party. If no explanation was submitted or when either party shows up for the rescheduled conference, the mediation shall be terminated and the administrative proceedings shall resume as provided under Section 78.

The mediation proceedings shall, as far as practicable, observe the provisions of R.A. No. 9285 or the Alternative Dispute Resolution Act of 2004 and its IRR.

Section 77. *Suspension of Preliminary Investigation.* The preliminary investigation shall be suspended during the mediation and shall resume only upon the termination of the latter in accordance with Sections 78 and 80 of these Rules.

Section 78. *Mediation Period.* The parties shall arrive at a settlement within thirty (30) days from the date of the initial conference. Otherwise, the mediation shall be terminated and administrative proceedings shall resume. The termination shall not preclude the parties from reopening mediation proceedings later on provided, that the Formal Charge or Notice of Charge has not yet been issued. However, the mediation officer may, upon written request of the parties, grant an extension which shall not exceed thirty (30) days.

Section 79. *Settlement Agreement.* A Settlement Agreement following successful mediation shall be prepared by the parties with the assistance of their respective counsels, if any, and by the mediator. The parties and their respective counsels shall endeavor to make the terms and conditions of the Settlement Agreement complete and to make adequate provisions for the contingency of breach to avoid conflicting interpretations of the agreement.

The parties shall sign the Settlement Agreement. The mediator shall certify that the contents of the Settlement Agreement were explained to the parties in a language known to them.

Section 80. *Repudiation.* Any party to the Settlement Agreement whose consent is claimed to have been obtained by fraud, violence, or intimidation may, within ten (10) days from the date of the settlement, repudiate the same by filing with the mediation officer a sworn affidavit to that effect. Such repudiation shall be sufficient cause to reopen the administrative proceedings.

Section 81. *Decision on Settlement Agreement.* If after the lapse of ten (10) days, neither party repudiates the Settlement Agreement, the disciplining authority shall issue a Decision based on the Agreement, which shall include the dismissal of the case without prejudice to its reopening in accordance with Section 82 of these Rules.

An approved Settlement Agreement shall have the force and effect of a judgment on the merits and shall be immediately executory in accordance with these Rules.

The subsequent filing of a complaint for the same offense and the same act shall be barred by res judicata.

Section 82. *Non-Compliance with Settlement Agreement.* In case of non-compliance by the person complained of with the Settlement Agreement, the complaint may be reopened and the person complained of may be held liable for Conduct Prejudicial to the Best Interest of the Service and/or other offenses which may be appropriate under the circumstances.

Where the Settlement Agreement is approved by the Commission or any of the CSC ROs, the person complained of who fails to comply with the terms thereof shall likewise be subject to Indirect Contempt under Rule 16 hereof.

Section 83. *Confidentiality.* Mediation proceedings and all its incidents shall be kept strictly confidential. Persons, other than the parties, their representatives, and the mediator, may attend only with the consent of all the parties.

No transcript or formal record or any audio-visual recording shall be made of the proceedings. The mediating officer, nevertheless, may take down personal notes which shall not form part of the records of the case and which shall, upon the termination of the proceedings, be immediately disposed of.

Admission or statements made during mediation shall be inadmissible in any proceeding, unless otherwise provided by law.

Violation hereof shall subject the offender to liability for disclosing or misusing confidential or classified information under Section 63 of these Rules.

The above shall be subject to provisions on waiver of and exceptions to confidentiality under pertinent laws.

REMEDIES

RULE 12

MOTION FOR RECONSIDERATION IN DISCIPLINARY CASES

Section 84. *Filing.* The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority which rendered the same within fifteen (15) days from receipt thereof unless otherwise provided by law. The private complainant may file a motion for reconsideration of the decision of a CSC RO or of the Commission within the same period.

A motion for extension of time to file a motion for reconsideration is not allowed.

Section 85. *When Deemed Filed.* A motion for reconsideration sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack, or the registry receipt, which shall be attached to the records of the case.

In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

If the motion for reconsideration is filed via electronic means, the same shall be governed by the applicable rules on electronic filing.

Section 86. *Grounds.* The motion for reconsideration shall be based on any of the following:

- a. Newly discovered evidence which one could not, with reasonable diligence, have discovered and produced during the formal investigation, and which if presented would probably alter the outcome of the case;
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 87. *Effect of Filing.* The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Section 88. *Resolution on Motion for Reconsideration.* The disciplining authority shall, as far as practicable, resolve the motion for reconsideration within thirty (30) days from the date it is submitted for resolution.

Section 89. *Remedy against Denial of a Motion for Reconsideration.* The remedy from the denial of a motion for reconsideration is an appeal therefrom and the adverse decision, resolution or order, reckoned from receipt of such decision, resolution, or order of denial.

Section 90. *Limitation.* Only one motion for reconsideration from each party shall be entertained. If a subsequent motion for reconsideration is filed notwithstanding its

proscription under these Rules, the same shall be denied outright and the finality of the decision and the period to appeal, if any, shall be reckoned from the denial of the first motion for reconsideration.

Rule 13 **APPEAL IN DISCIPLINARY CASES**

Section 91. *Filing an Appeal.* Decisions issued by disciplining authorities imposing a penalty exceeding thirty (30) days suspension or a fine in an amount exceeding thirty (30) days salary, may be appealed to the Commission within a reglementary period of fifteen (15) days from receipt thereof by the respondent/s and/or their counsel.

In case the decision is rendered by a bureau or office head which is attached to a Department, the respondent shall have the following options:

- a. File an appeal before the Department Head or Secretary,⁴¹ in which case the decision will not be executory and thereafter, it may be appealed to the Commission; or
- b. File an appeal directly with the Commission, provided that, if the penalty of dismissal is imposed, the same shall only be executory after confirmation by the Department Head or Secretary concerned.

While the case is pending with the Commission, the bureau or office head may forward the decision imposing the penalty of dismissal from the service to the Department Head or Secretary for confirmation.

The Commission may, in the exercise of its appellate jurisdiction, resolve issues, other than those raised, as may be evident under and warranted by the circumstances.

Section 92. *When Deemed Filed.* In cases of appeals sent by registered mail or through a private courier service, it is deemed filed on the date stamped on the envelope or the courier pack. The envelope with the date stamp shall be attached to the records of the case.

In case of personal delivery, the Appeal shall be deemed filed on the date stamped thereon by the proper receiving office.

If the Appeal is filed via electronic means, the same shall be governed by the applicable rules on electronic filing.

⁴¹ In the case of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the Minister is considered the equivalent of a Department Head/Secretary, pursuant to the Bangsamoro Organic Law, Rep. Act No. 11054.

Section 93. *Withdrawal of Appeal.* An appeal may be withdrawn as a matter of right before its perfection. Notwithstanding the perfection of an appeal, the appellate body may grant a motion for its withdrawal, provided that the appellant-movant presents sufficient grounds and that such withdrawal is consistent with equitable considerations. Once the motion to withdraw is granted, the assailed decision becomes final and executory, with prejudice to the refiling of an appeal.⁴²

Section 94. *Perfection of an Appeal or a Petition for Review.* To perfect an appeal or a petition for review, the appellant or petitioner shall submit a Memorandum of Appeal or a Petition for Review containing the following:

- a. the material dates showing the timeliness of the appeal;
- b. a concise statement of the facts and issues involved and the grounds relied upon;
- c. a statement or certificate of non-forum shopping;
- d. certified true copies of the assailed decision, resolution, or order;
- e. certified true copies of documents or evidence relevant to the case;
- f. proof of service of a copy of the memorandum of appeal to the disciplining authority; and
- g. proof of payment of the required fee.

If the appellant or petitioner fails to comply with any of the above requirements upon the filing of the appeal/petition for review, the Commission shall direct compliance with the foregoing within a period of ten (10) days from receipt of the Order therefor. Failure to comply with such Order shall be construed as failure to perfect an appeal/petition for review and shall cause its dismissal with prejudice to its refiling.

If a party resorts to forum shopping on appeal, the same shall be dismissed with prejudice.

The Memorandum of Appeal or the Petition for Review, as the case may be, shall be filed with the appellate authority, copy furnished the disciplining authority.

The filing of a Notice of Appeal without an attached Memorandum of Appeal or Petition for Review shall not stop the running of the period to appeal.

The disciplining authority shall submit its comment together with the records of the case, which shall be systematically and chronologically arranged, paged, and securely bound to prevent loss within fifteen (15) days from receipt of the Order issued by the appellate body. Failure to comply with the Order to submit its comment and the records

⁴² Central Luzon Drug Corp. v. Commissioner of Internal Revenue, 659 Phil. 496 (2011).

of the case will result in the submission of the case for decision based on available records.

Section 95. *Effect of Filing.* Except for decisions imposing the penalty of dismissal from the service which requires the confirmation of the Department Head or Secretary⁴³ and cases decided by the CSC ROs, an appeal filed before the Commission shall not stay the execution of the assailed decision, resolution, or order.

Section 96. *Effect of Finding of Violation of Due Process.* The Commission shall grant the appeal of and dismiss the case against the respondent-appellant if it finds that the disciplining authority committed a violation of the respondent-appellant's right to due process at any stage of the administrative proceedings. Consequently, the Commission shall order the immediate reinstatement of the respondent-appellant with corresponding payment of back wages and other benefits.

The dismissal of the case against the respondent-appellant shall be without prejudice to its being re-filed in accordance with the applicable rules.

Section 97. *Petition for Review of CSC RO Decisions.* Either the complainant or the respondent may elevate Decisions and/or Resolutions issued by the CSC ROs to the Commission by way of a Petition for Review within fifteen (15) days from receipt thereof.

Section 98. *Appeal from Decisions of Agencies.* Except in cases involving sexual harassment, the following cannot be the subject of an appeal before the Commission:

- a. Decision or Resolution of the disciplining authority in an agency which exonerates the respondent;
- b. Dismissal of a complaint for lack of prima facie case;
- c. Issuance of a formal charge or other interlocutory orders, except orders placing a respondent under preventive suspension; or
- d. Denial of a motion to place the respondent under preventive suspension.

Section 99. *Petition for Review with the Court of Appeals.* A party may elevate a Decision or Resolution of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the Rules of Court.

⁴³ In the case of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the Minister is considered the equivalent of a Department Head/Secretary, pursuant to the Bangsamoro Organic Law, Rep. Act No. 11054 (2018).

RULE 14
PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS

Section 100. Who are Entitled. The following are entitled to back wages and other similar benefits:

- a. An illegally dismissed or suspended official or employee who is exonerated of the charge or whose penalty is downgraded to reprimand and ordered reinstated in the service;
- b. An employee whose dismissal from the service is prematurely executed by the disciplining authority; and
- c. A respondent placed under preventive suspension, whose order of preventive suspension was declared as invalid.

Section 101. What Are Included. Subject to the guidelines provided hereinafter and other existing laws, rules, and regulations, the following benefits are included in the scope of back wages:

- a. Salaries from the time the official or employee was illegally dismissed or suspended until actual reinstatement;
- b. Representation and Transportation Allowance (RATA), as provided under existing rules;
- c. Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- d. Restoration of Leave Credits;
- e. Loyalty Award;
- f. Anniversary Bonus;
- g. 13th, 14th Month Pay, and Cash Gift;
- h. Uniform/Clothing Allowance;
- i. Performance-based Bonus; and
- j. Other similar benefits given to regular employees by the agency, except laundry allowance and hazard pay.

Section 102. Guidelines. The following are the guidelines on the payment of back wages and other similar benefits to an illegally dismissed or suspended employee:

- a. The payment of back wages should be computed based on the rate corresponding to the salary or job grade or pay grade or pay level of the

respondent at the time of dismissal or suspension including the increases in salary, allowances, and other emoluments that may have been implemented during the period the employee was prevented from rendering service.

- b. For entitlement to RATA, subject to existing rules and regulations, the requirement of actual performance of duty to an illegally dismissed or suspended respondent is dispensed with since it is unreasonable to expect or demand performance of functions when the circumstances prevent one from doing so.
- c. The PERA/ACA shall be paid to civilian government personnel, whether occupying regular, contractual or casual positions, appointive, or elective.
- d. The restoration of leave credits shall be subject to annual deductions of five (5) days forced leave/mandatory leave as required under the Omnibus Rules on Leave or any subsequent amendment thereto.
- e. For purposes of Loyalty Award given to all officials/employees in the government who have rendered at least ten (10) years of continuous and satisfactory service in the government pursuant to CSC MC No. 6, s. 2002, the period during which the respondent was illegally dismissed or suspended should not be considered as a gap in the service. The same should be included in the computation of respondent's length of service.
- f. Anniversary bonus is given during milestone years. A milestone year refers to the 15th anniversary and every fifth year thereafter. Respondents who have been illegally dismissed or suspended during the milestone years shall be entitled to the payment of anniversary bonus.
- g. The 13th and 14th month pay plus Cash Gift under existing laws or as provided in the General Appropriations Act (GAA) shall be granted to each qualified official or employee which is equivalent to one (1) month basic salary each.
- h. Uniform or clothing allowance refers to the amount granted per year to each qualified official or employee as provided in the GAA.
- i. Bonuses based on performance shall be given on the basis of the rating of the employee prior to one's illegal dismissal or suspension from the service.

An illegally dismissed or suspended official or employee or a respondent who is exonerated or reprimanded is entitled to the payment of the benefits as mentioned above from the time of illegal termination up to actual reinstatement.

Section 103. Allowable Deductions. The payment of back wages shall be subject to withholding tax, GSIS Premium, Phil-Health, and HDMF fund contributions, and other monthly dues or deductions, if there be any.

The payment of 13th and 14th month pay, Cash Gift, Anniversary Bonus, and other additional bonus given by the agency that exceeds the ceiling tax exemption shall be subject to withholding tax.

RULE 15
REMOVAL OF ADMINISTRATIVE PENALTIES OR DISABILITIES

Section 104. *Recommendation for Removal of Administrative Penalties or Disabilities; Requirements.* In meritorious cases, the Commission may recommend to the President to commute or remove administrative penalties or disabilities imposed upon an official or employee in disciplinary cases, subject to such terms and conditions as the President may impose in the interest of the service.

Subject to existing procedures, a petition for a favorable recommendation for the grant of removal of administrative penalties or disabilities may be filed by a dismissed official or employee with the Commission upon submission of the following:

- a. certified true copy of the decision or resolution in the disciplinary case;
- b. an affidavit or certification under oath from reputable members of the community where the petitioner resides stating, in particular, the deeds and actions of the petitioner evidencing that he or she is a good parent or family member and/or neighbor, law-abiding and an active member of community and civic organizations. The submission of affidavits and sworn certifications from at least two (2) individuals is deemed sufficient for this purpose. For purposes of the grant, the affidavit or sworn certification from a relative within the fourth (4th) degree of affinity or consanguinity of the petitioner will not be considered by the Commission;
- c. proof of non-pendency of an appeal or petition for review relative to the disciplinary case involving the petitioner before any court or tribunal;
- d. proof of payment of filing fee; and
- e. Clearance or Certificate of No Pending Case or of Non-Conviction of Any Offense obtained within six months from the date of filing of the request or petition which can be secured from the local Barangay, National Bureau of Investigation, and Philippine National Police.

Section 105. *Guidelines.* The following are the guidelines for the grant of favorable recommendation for the removal of administrative penalties or disabilities:

- a. Apart from compliance with the requirements, the petitioner must demonstrate through specific and positive action and behavior that he or she has become a useful member of the community;
- b. A minimum of five (5) years should have elapsed from the time of the finality of the decision dismissing the petitioner from the service in order that the petitioner may be considered as to have truly undergone moral reformation;

- c. The petitioner seeking the removal of administrative penalties or disabilities must expressly state in the petition recognition and acceptance of his or her guilt and show that he or she is repentant and remorseful of the consequences of his or her act;
- d. The petitioner should furnish a copy of his or her petition to the disciplining authority or head office from which he or she was dismissed. The latter shall have fifteen (15) days from the receipt of the order from the Commission to comment on the petition;
- e. In case where a petitioner is past the age of retirement, the Commission may favorably recommend the removal of his or her administrative penalties or disabilities, provided that he or she complies with the requirements and submit proof of moral reformation;
- f. In cases where the person is found guilty of depriving the government of money or property, restitution shall be required before the Commission can favorably recommend the removal of administrative penalties or disabilities; and
- g. The grant of the favorable recommendation from the Commission for the removal of administrative penalties or disabilities can only be availed of once.

Section 106. Conduct of Background Investigation and Submission of Recommendation. A petition sufficient in form and substance may be referred by the Commission to the appropriate CSC RO for the conduct of background investigation and submission of recommendation within sixty (60) days from receipt of such referral.

Further, the Commission shall require the disciplining authority exercising original jurisdiction over the case and which rendered the decision finding the petitioner liable, to comment on the petition within fifteen (15) days from receipt of the order from the Commission. Such comment shall aid the Commission in resolving the petition for Favorable Recommendation from the Commission for the Removal of Administrative Liabilities. Failure of the disciplining authority to submit a comment despite notice shall be considered a waiver of the right to file a comment.

Section 107. The Effects on the Removal of Administrative Penalties or Disabilities. Subject to existing laws and regulations, the grant of the petition shall result in the restoration of the petitioner's privilege to be employed in the government service, unless the President specifically orders otherwise.

Restoration of civil service eligibility shall not apply to those who were found guilty of any form of examination irregularity.

CONTEMPT OF THE COMMISSION

RULE 16 PROCEDURE FOR CONTEMPT

Section 108. *Direct Contempt against the Commission.* Any person who misbehaves in the presence of, or so near the Commission as to obstruct or interrupt its proceedings, or displays disrespectful or offensive behavior towards it or other persons present at its proceedings, or refuses to be sworn or to answer a question propounded when lawfully required to do so, may be summarily adjudged guilty of direct contempt by the Commission, and punished by a fine not exceeding two thousand pesos (PHP2,000.00) or suspension not exceeding ten (10) days, or both, at the discretion of the Commission.

Section 109. *Indirect Contempt.* After a charge in writing has been filed, and an opportunity has been given to comment and be heard thereon within such period as may be fixed by the Commission, any person found guilty of any of the following acts may be punished for indirect contempt:

- a. Disobedience of or resistance to a lawful writ, process, order, or judgment of the Commission or any of its regional offices;
- b. Any abuse of or any unlawful interference with the processes or proceedings of the Commission or any of its regional offices not constituting direct contempt;
- c. Any improper conduct tending to impede, obstruct, or degrade the administration of justice; or
- d. Failure to obey a subpoena duly served.

Section 110. *How proceedings are commenced.* Proceedings for indirect contempt may be initiated *motu proprio* by the Commission by an order requiring the respondent to show cause why punishment for contempt is not warranted.

In all other cases, indirect contempt proceedings shall be commenced by the filing with the Commission by an interested party of a motion with supporting particulars and certified true copies of documents or papers in support thereof. The motion shall be docketed, heard, and decided separately from the principal action pending in the Commission from which the contumacious act arose. Proceedings for indirect contempt may be done through the submission of position papers or, if the respondent so elects, through a formal investigation.

Section 111. *Hearing.* The proceedings for indirect contempt cases shall follow, as far as practicable, the procedure required in the conduct of disciplinary investigation provided under these Rules.

The Commission shall admit and consider such relevant testimonial and/or documentary evidence as the parties may offer. A party who fails to satisfactorily justify in writing his or her failure to attend a scheduled hearing shall be deemed to have

waived the right to be present and participate in, and to exercise such other rights or avail of such remedies which would have otherwise been available to him or her during, the said hearing.

Proceedings shall be conducted at the Office for Legal Affairs, CSC, unless the Commission directs otherwise.

Section 112. *Penalty, If Found Guilty.* If adjudged guilty of indirect contempt committed against the Commission, the respondent may be penalized by a fine of One Thousand Pesos (PHP1,000.00) per day for every act of indirect contempt and/or suspension for one (1) month up to a maximum period of six (6) months. The fine imposed shall be paid to the Commission and shall be the personal liability of the respondent.

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the first penalty of suspension or fine or both, the respondent continues to fail or refuse to comply with the Commission's Order.

NON-DISCIPLINARY CASES

RULE 17

INVALIDATION OR DISAPPROVAL OF APPOINTMENT

Section 113. *Invalidation or Disapproval; Who May Appeal; Effect.* The appointing authority or appointee may assail the invalidation or disapproval of an appointment by filing an appeal therefrom before the Commission or the appropriate CSC RO. Pending resolution thereof, the appointee shall remain in the position subject of the appointment and entitled to the salaries, allowances, benefits, and other emoluments emanating therefrom. Any appointee terminated from the service during the pendency of an appeal may file a separate appeal from the illegal dismissal or termination and may be entitled to reinstatement and payment of back wages.

In case a promotional appointment within the same agency is invalidated or disapproved with finality, the appointee shall be entitled to restoration to the previous position held.

When an appointment is invalidated or disapproved, the appointee shall be considered a *de facto* official or employee who shall be entitled to the payment of salaries, allowances, benefits, and other emoluments for actual services rendered. Services rendered by a *de facto* official or employee are creditable government service, provided that such *de facto* official or employee possessed the office in good faith and discharged the duties pertaining thereto.

On the other hand, when an appointment is invalidated or disapproved and the official or employee did not possess the office in good faith, the services of the appointee shall not be credited as government service and the salaries, allowances, benefits, and other emoluments of the appointee shall be borne by the appointing authority and/or the persons responsible for the issuance of such invalid appointment.

Agencies may fill up a vacant position resulting from promotion only after the CSC has approved or validated the promotional appointment, except in meritorious cases as may be authorized by the Commission.

Section 114. *Evaluation of Qualification of Appointee.* For purposes of evaluation, the qualification of the appointee shall be reckoned from the time of the issuance of the appointment.

Section 115. *Motion for Reconsideration/Appeal; Where and When to File.* Subject to the requirement of Rule 13 of these Rules, appointments invalidated or disapproved by the CSC FO may be appealed to the CSC RO, while those invalidated or disapproved by the CSC RO may be appealed to the Commission, within fifteen (15) days from the receipt of notice of disapproval by the appointee or by the agency, as the case may be.

The withdrawal by the appointing authority of the appeal from the disapproval or invalidation of an appointment shall not prejudice the right of the appointee to file an appeal which can be exercised within fifteen (15) days from receipt of the notice of such withdrawal, otherwise the appointee is deemed to have consented thereto.

To facilitate prompt actions on invalidated or disapproved appointments, motions for reconsideration filed with the CSC FO shall be treated as an appeal to the CSC RO, while a motion for reconsideration filed with the CSC RO shall be treated as a Petition for Review to the Commission.

Within ten (10) days from receipt of the motion for consideration or appeal, the CSC FO or CSC RO shall forward all records, including its comment, to the CSC RO or to the Commission, as the case may be.

RULE 18

PROTEST, REVOCATION, AND RECALL OF APPROVAL/VALIDATION OF APPOINTMENTS

Section 116. *Protest; Who May File.* Only a qualified next-in-rank official or employee may file a protest against an appointment made in favor of another on the grounds that the latter does not possess the minimum qualification requirements.

Section 117. *Protest; Where and When to File.* A qualified next-in-rank employee shall have the right to appeal initially to the head of agency, then to the CSC RO, and finally to the Commission.

Protest may be filed within fifteen (15) days from the announcement and/or posting of appointments subject of protest.

For this purpose, all appointments or promotions shall be duly announced and/or posted on bulletin boards in accordance with the relevant provisions of the ORAOHRA and/or other civil service rules and regulations.

Section 118. *When Deemed Filed.* A protest sent by registered mail or private courier service is deemed filed on the date stamped on the envelope or courier pack, or the registry receipt, which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped by the agency or the Commission.

Where a protest is filed through electronic means, the date of electronic transmission shall be considered as the date of filing and service.

Section 119. *Effect on the Appointment.* The filing of a protest shall not render an appointment ineffective or bar the approval or validation thereof by the CSC FO, CSC RO, or the Commission, as the case may be, but the approval or validation shall be subject to the final outcome of the protest.

A decision or resolution by the appointing authority granting the protest may be appealed by the appointee, otherwise, the same shall be subject to automatic review by the concerned CSC RO. For this purpose, the appointing authority shall, within five (5) days from the issuance of such decision or resolution, transmit the records of the case to the concerned CSC RO for disposition.

Section 120. *Effect of Withdrawal of Protest.* A protest or an appeal from the action of the appointing authority resolving the protest may be withdrawn at any time as a matter of right. The withdrawal of the protest or such appeal shall terminate the protest, without prejudice to the submission of the appointment to the Commission for attestation.

Section 121. *Transmittal of Records.* In case the decision on protest is appealed to the concerned CSC RO, the head of agency shall submit a comment and forward the records of the case within five (5) days from receipt of the copy of the appeal. The records shall be systematically and chronologically arranged, paged, and securely bound to prevent loss, and shall include the following:

- a. Statement of duties or job description of the contested position or PDF;⁴⁴
- b. Duly accomplished and updated Personal Data Sheet⁴⁵ of the parties with certified true copy of the service records attached;
- c. Certified true copy of the protested appointment; and

⁴⁴ DBM-CSC Form No. 1, Revised 2017.

⁴⁵ CSC Form No. 212, Revised 2017.

- d. Comparative assessment of the qualifications of the protestant and the protestee.

Section 122. *Dismissal of Protest.* A protest shall be dismissed on any of the following grounds:

- a. The protestant is not a qualified next-in-rank;
- b. The protest is not directed against a specific or named appointee or directed against two or more protestees;
- c. No appointment has been issued;
- d. The protest is filed beyond the fifteen (15)-day reglementary period; or
- e. Non-compliance with any of the requirements for perfection of an appeal filed with the CSC RO or petition for review with the Commission.

Section 123. *Finality and Effect of Decision.* A decision or resolution denying a protest shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal, or petition for review has been filed.

In case the protest is finally decided by the CSC RO or Commission against the protestee, the approval or validation of the appointment shall be recalled and the appointment shall be considered disapproved or invalidated. The protestee shall be reverted to the former position held, in case of promotional appointment in the same agency. Such decision or resolution shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal, or a petition for review was duly filed.

Section 124. *Appointments Issued Remain Effective Until Disapproved by the Commission.* An appointment accepted by the appointee cannot be withdrawn or revoked by the appointing authority and shall remain in force and effect until disapproved by the Commission. However, an appointment may be void from the beginning due to fraud on the part of the appointee or because it was issued in violation of law.⁴⁶ In such instance, the appointing authority may request the CSC for its withdrawal or revocation, or initiate a recall of the approval or validation of appointment, as the case may be.

The appointing authority may revoke an appointment which has neither been accepted by the appointee nor submitted to the Commission.

Section 125. *Recall of Approval or of Validation of Appointment; Who May File.* The Commission or any CSC RO or FO may, *motu proprio* or upon petition by

⁴⁶ Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws §9, Rule V (1991).

any person, initiate the recall of approval or of validation of an appointment of an official or employee who does not meet the requisite qualification standards of the position or on the ground that the appointment was issued in violation of existing civil service laws, rules, and regulations.

Section 126. *Recall of Approval or of Validation of Appointment; When and Where to File.* The petition may be filed at any time during a subsisting appointment to the CSC RO which has jurisdiction over the appointee.

In case the petition is filed with the CSC FO, the same shall be transmitted within fifteen (15) days from receipt to the CSC RO concerned for decision.

Section 127. *Effect on the Appointment.* During the pendency of a petition to recall the approval or validation of an appointment, the appointment is valid and the appointee shall remain and continue to discharge the functions of the position.

Section 128. *Finality and Effect of Decision.* A decision or resolution on the petition to recall the approval or validation of the appointment shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal, or petition for review has been filed.

When the petition to recall the approval or validation of an appointment is decided by the CSC RO or the Commission against the appointee, the approval or validation of the appointment shall be recalled and the appointment shall be considered disapproved or invalidated. In case of a promotion from within the same agency, the appointee shall be reverted to the former position held, if applicable.

RULE 19
CORRECTION OF PERSONAL INFORMATION AND REVERSION TO MAIDEN
NAME IN THE RECORDS OF THE COMMISSION

Section 129. *When and Where to File.*

A. Correction of personal information

A request for correction of personal information shall be filed before retirement or on meritorious grounds, within one (1) year thereafter, with the CSC RO having custody of the records of the requesting party. The CSC RO shall act upon the request within fifteen (15) days from receipt of such request. An Order or Resolution granting or denying the request shall be issued to the requesting party.

Should the request be approved, the CSC RO shall also submit copies of the Order or Resolution to the Integrated Records Management Office (IRMO) of the CSC CO as the repository of all human resource records.

Corrections of errors in the date of birth may be the subject of such request, provided that:

- a. Requests made within five (5) years before mandatory retirement shall be submitted to the Commission for proper evaluation and decision; and
- b. All such requests made earlier than five (5) years from mandatory retirement shall be submitted to the CSC RO having custody of the records of the requesting party.⁴⁷

B. Reversion to Maiden Name⁴⁸

A person intending to revert to the use of her maiden name shall file a written notice of such intent before retirement or on meritorious grounds, within one (1) year thereafter, with the CSC RO having custody of her records.

Upon receipt of the written notice, the CSC RO shall effect the reversion and issue a Notice to the requesting party and the IRMO.

Section 130. Required Supporting Documents. The following documents shall be submitted with the request for Correction of Personal Information:

- a. Original Certificate of Live Birth duly authenticated by the Local Civil Registrar of the municipality or city where the birth was registered or recorded, or the Philippine Statistics Authority, or in its absence, a court order;
- b. Personal Affidavit of Discrepancy;
- c. Photocopy of document/s sought to be corrected; and
- d. Proof of payment of the filing fee.

Section 131. Additional Supporting Documents. When the submitted Certificate of Live Birth is issued on the basis of late registration, original or duly authenticated copies of the following supporting documents must also be submitted:

- a. Baptismal and other similar or equivalent certificate, unless the same has been lost or destroyed during a war, fire, natural calamity, or any other fortuitous event, in which case, a certification issued by the proper church or religious authority must be submitted.

If the requesting party was not issued any such certificate or was not baptized, an affidavit issued by either the Parish Priest or religious leader, or the records

⁴⁷ Policy Changes Relative to Correction of Personal Information, CSC Memorandum Circular No. 20 (2004).

⁴⁸ Vallar, Rommela, B., CSC Resolution No. 101203 dated 15 June 2010.

custodian of the parish or equivalent religious congregation or sect where the alleged baptism took place, attesting to this fact, must be submitted.

- b. Other employment, personal, or school records which support the entry reflected in the belatedly registered birth certificate and which entry is requested to be reflected in the records of the Commission as the true and correct entry.

RULE 20

DROPPING FROM THE ROLLS

Section 132. *Grounds and Procedure for Dropping from the Rolls.* Officers and employees who are either (1) absent without approved leave, (2) have unsatisfactory or poor performance, (3) have shown to be physically unfit, or (4) medically determined to be mentally unstable to perform their duties may be dropped from the rolls within thirty (30) days from the time a ground therefor arises.

The failure to drop the officer or employee concerned within the period mentioned will bar the head of agency from exercising the same.

The procedure for dropping from the rolls shall be as follows:

A. Absence Without Official Leave (AWOL)

1. An official or employee who is continuously on AWOL for at least thirty (30) working days may be immediately dropped from the rolls without prior notice.

A notice of separation shall be issued at the official's or employee's last known address (e.g., personal data sheet on record, etc.). The separated official or employee has the right to appeal such separation within fifteen (15) days from receipt of the notice of separation.

Failure to provide a notice of separation shall not invalidate the dropping from the rolls of the employee concerned. However, the right to appeal shall be counted from the date of actual receipt by the employee of the notice of separation.⁴⁹

2. If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work order shall be served at the last known address on record of the official or employee. Failure to report to work within the period stated in the order, which shall not be less than three (3) days from receipt thereof, is a valid ground to drop the official or employee from the rolls.

⁴⁹ Palecpec v. Davis, 555 Phil. 675 (2007).

3. An official or employee who incurs substantial absences without leave three (3) times over a period of six months — whether the cumulative absences incurred is less than or exceeds thirty (30) working days — which, under the circumstances, evince a pattern of behavior or scheme designed to circumvent the foregoing rules may likewise be dropped from the rolls without notice. In determining whether the absences incurred are substantial, circumstances that would affect service delivery shall be considered.

B. Unsatisfactory or Poor Performance

1. An employee who obtained Unsatisfactory rating for one rating period or exhibited poor performance within the first three (3) months of the rating period shall be provided appropriate developmental intervention by the head of the functional unit and supervisor of the employee (i.e., Division/Unit Head) in coordination with the HRM Office/Personnel Office, to address competency-related performance gaps.

If after provision of developmental intervention, the employee still obtains Poor rating for the remaining months of the rating period or Unsatisfactory rating in the immediately succeeding rating period, such employee may be dropped from the rolls.

2. An officer or employee who is given two (2) consecutive Unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of the unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance may warrant dropping from the rolls. Such notice shall be given not later than thirty (30) days from the end of the semester and shall contain sufficient information which shall enable the officer or employee to prepare an explanation within a reasonable period specified in the notice. This period shall not apply to probationary employees as defined under Section 4 of these Rules.
3. An officer or employee, who for one evaluation period is rated Poor in performance, may be dropped from the rolls after notice in writing of such rating within fifteen (15) days after the end of the third month, with sufficient warning that failure to improve performance within the remaining period of the semester shall warrant dropping from the rolls. Such notice shall also contain sufficient information which shall enable the officer or employee to prepare an explanation within a reasonable period specified in the notice.

Failure to provide a notice of separation shall not invalidate the dropping from the rolls of the employee concerned. However, the right to appeal shall be counted from the date of actual receipt by the employee of the notice of separation.⁵⁰

⁵⁰ Palecpec v. Davis, 555 Phil. 675 (2007).

C. Physical Unfitness

1. An officer or employee who is continuously absent for more than one (1) year because of illness may be declared physically unfit to perform the duties of the position and may be consequently dropped from the rolls.
2. An officer or employee who is intermittently absent because of illness for at least two hundred sixty (260) working days during a twenty-four (24)-month period may also be declared physically unfit by the head of agency.

For this purpose, notice of separation through dropping from the rolls shall be served to the officer or employee concerned containing a brief statement of the nature of the incapacity to work. Failure to provide a notice of separation shall not invalidate the dropping from the rolls of the employee concerned. However, the right to appeal shall be counted from the date of actual receipt by the employee of the notice of separation.⁵¹

D. Mental Instability Affecting Work Performance

1. An officer or employee who is consistently displaying abnormal behavior that affects work performance or the operations of the office, which may manifest mental instability, shall be provided necessary human resource and psychological interventions. If after interventions, such abnormal behavior or mental disorder continues to manifest, as reported by a co-worker/s or immediate supervisor/s and confirmed by a licensed psychiatrist, the officer or employee may be dropped from the rolls.
2. If the officer or employee refuses to undergo the necessary human resource and/or psychological interventions, dropping from the rolls may be resorted to based on the report of a co-worker/s or immediate supervisor/s and after confirmation by a licensed psychiatrist.

For this purpose, notice of separation through dropping from the rolls shall be served to the officer or employee concerned containing a brief statement of the nature of the incapacity to work. Failure to provide a notice of separation shall not invalidate the dropping from the rolls of the employee concerned. However, the right to appeal shall be counted from the date of actual receipt by the employee of the notice of separation.⁵²

Section 133. Written Notice; Who Signs. The written notice mentioned in the preceding paragraphs shall be signed by the highest-ranking human resource management officer in the agency upon the recommendation of the person exercising immediate supervision over the officer or employee.

⁵¹ Palecpec v. Davis, 555 Phil. 675 (2007).

⁵² Palecpec v. Davis, 555 Phil. 675 (2007).

However, the notice of separation shall be signed by the appropriate appointing authority or head of agency.

Section 134. Order of Separation through Dropping from the Rolls; Immediately Executory. The agency shall not entertain a motion for reconsideration from the order of separation through dropping from the rolls. Instead, the employee shall appeal directly to the Commission within fifteen (15) days from receipt of the order. Pending appeal, the order of separation is immediately executory.

Section 135. Dropping from the Rolls; Non-Disciplinary in Nature; Effects. This mode of separation from the service for unauthorized absences, unsatisfactory or poor performance, physical unfitness, or mental instability is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government, or in the imposition of accessory penalties.

RULE 21

REMEDIES IN NON-DISCIPLINARY CASES

Section 136. Filing a Motion for Reconsideration. The party adversely affected by the action or decision of the CSC RO or FO in non-disciplinary cases may file a motion for reconsideration with the CSC RO or FO which rendered the same within fifteen (15) days from receipt thereof unless otherwise provided by law.

A motion for extension of time to file a motion for reconsideration is not allowed.

The filing of the motion for reconsideration shall stay the execution of the decision or resolution of the CSC RO or FO subject of that motion.

Section 137. When Deemed Filed. A motion for reconsideration sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack, or the registry receipt, which shall be attached to the records of the case.

In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Where the motion for reconsideration is filed through electronic means, the date of electronic transmission thereof shall be considered as the date of filing.

Section 138. Grounds. The motion for reconsideration on a non-disciplinary action or decision or resolution shall be based on any of the following:

- a. Newly discovered evidence which one could not, with reasonable diligence, have discovered and produced at the hearing, and which if presented would probably alter the outcome of the case; or

- b. The action or decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 139. *Limitation.* Only one motion for reconsideration from each party shall be entertained. If a second motion for reconsideration is filed notwithstanding its proscription under these Rules, the finality of the decision and the period to file an appeal or petition for review, if any, shall be reckoned from the denial of the first motion for reconsideration.

Section 140. *Petition for Review from Invalidation or Disapproval of Appointments, Protest/s, and Recall of Approval or Validation of Appointments.* The petition for review of the invalidation or disapproval of appointments, protest/s, and recall of approval/validation of appointments shall be subject to the rules stated in Rules 17 and 18.

Section 141. *Appeal from Decisions on Other Human Resource Actions.* Other human resource actions such as dropping from the rolls, reassignment, among others, may be brought to the Commission by way of an appeal or petition for review.

Section 142. *When and Where to File an Appeal or Petition for Review.* An action or decision of the CSC RO may be appealed to the Commission within fifteen (15) days from receipt thereof by the party adversely affected.

Section 143. *When deemed filed.* In cases of appeals or petition for review sent by registered mail or through a private courier service, it is deemed filed on the date stamped on the envelope or the courier pack. The envelope with the date stamp shall be attached to the records of the case.

In case of personal delivery, the Appeal or Petition for Review shall be deemed filed on the date stamped thereon by the proper receiving office.

If the Appeal or Petition for Review is filed via electronic means, the same shall be governed by the applicable rules on electronic filing.

Section 144. *Perfection of an Appeal or a Petition for Review.* To perfect an appeal or a petition for review, the appellant or petitioner shall submit the following documents:

- a. Memorandum of Appeal or Letter-Appeal or a Petition for Review which shall contain:
 - 1. the material dates showing the timeliness of the appeal;
 - 2. a concise statement of the facts and issues involved and the grounds relied upon;

3. certified true copies of the assailed decision, resolution, or order; and
4. certified true copies of documents or evidence relevant to the case.

The Memorandum of Appeal or Letter-Appeal or the Petition for Review, as the case may be, shall be filed with the Commission, copy furnished the CSC RO concerned.

The CSC RO shall submit to the Commission the complete records of the case within fifteen (15) days from receipt of the copy of the Appeal or Petition for Review, which shall be systematically and chronologically arranged, paged, and securely bound to prevent loss.

- b. Proof of payment of the required fee; and
- c. A statement or certificate of non-forum shopping.

If the appellant or petitioner fails to comply with any of the above requirements upon the filing of the appeal or petition for review, the Commission shall direct compliance to the foregoing within a period of ten (10) days from receipt of such directive.

Failure to comply with said directive shall be construed as failure to perfect an appeal or petition for review and shall cause its dismissal with prejudice to its refiling.

The filing of a Notice of Appeal without an attached Memorandum of Appeal shall not stop the running of the period to appeal.

If a party resorts to forum shopping on appeal, the same shall be dismissed with prejudice.

Section 145. *Effects of Decisions of the Commission Granting the Appeal or Petition for Review with Finality.* Where the Commission decides with finality to set aside, modify, or reverse an action or a decision appealed before it, the decision shall have the following effects on the employee:

- a. Dropping from the Rolls — reinstatement to the employee's former post with payment of back wages and other monetary benefits in accordance with Section 101 of these Rules;
- b. Illegal Termination — reinstatement with payment of back wages and other monetary benefits in accordance with Section 101 of these Rules;
- c. Disapproval, Invalidation, and Recall of Approval/Validation of Appointments — retention in the position subject of the appointment with entitlement to salaries, allowances, benefits, and other emoluments in accordance with Section 101 of these Rules, emanating from his or her office.

- d. Reassignment, Transfer, Detail, or Secondment — restoration to the employee's former position; and
- e. Demotion — restoration to the employee's previous position, with entitlement to back wages, by way of salary differentials, covering the period of demotion, including other benefits.

Where the official or employee is illegally separated, the payment of back wages and other benefits shall be computed from the time of illegal separation up to actual reinstatement. However, if the illegally separated official or employee was employed in another government agency while the appeal or petition for review is pending, any amount received as compensation from such employment shall be deducted from the back wages to be awarded,⁵³ provided, that if the amount to be deducted is equivalent to or exceeds the amount of back wages, the illegally separated official or employee shall not be paid back wages.

RULE 22

MISCELLANEOUS PROVISIONS

Section 146. *Deputation of Lawyers of Other Agencies.* The Commission may depute lawyers of other agencies to conduct preliminary and formal investigations and to make the necessary report and recommendation to the Commission within the period specified in Sections 24 and 56.

A CSC RO may depute lawyers of another CSC RO, provided that the same is agreed upon by both CSC ROs in writing and that the Commission is duly informed of said action.

Other agencies of the government may depute lawyers of other agencies provided that prior understanding is executed in a Memorandum between the two agencies.

Section 147. *Execution of CSC RO Decisions.* The decisions of the CSC ROs shall be immediately executory after fifteen (15) days from receipt by the affected party/parties thereof, unless a motion for reconsideration or a petition for review is seasonably filed with the Commission, in which case the execution of the decision shall be held in abeyance.

Upon attaining finality, as evidenced by the receipt by the affected party/parties of a copy of the Commission's Decision/Resolution, in cases where an appeal was filed, the CSC RO Decision shall be implemented or executed by the issuing RO.

A certificate of finality of the decision or resolution may be issued by the concerned office upon motion of any interested party.

⁵³ NPC Drivers and Mechanics Association, et al. v. The National Power Corporation, et al., 821 Phil. 62 (2016).

Section 148. Execution of the Decisions of the Commission. The decisions of the Commission shall be immediately executory after fifteen (15) days from receipt by the affected party/parties thereof unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

For this purpose, the CSC ROs shall monitor and assist in the effective and immediate implementation of these decisions.

Section 149. Effect of Pendency of Petition for Review or Certiorari with the Court. The filing and pendency of a petition for review with the Court of Appeals or certiorari with the Supreme Court shall not stop the execution of the decision of the Commission unless the Court issues a restraining order or an injunction.

Section 150. Non-execution of Decision. Any officer or employee who willfully refuses or fails to implement the executory resolution, decision, order, or ruling of the Commission to the prejudice of the public service and the affected party, may be cited for indirect contempt of the Commission as defined in Rule 16 hereof and may be administratively charged with Conduct Prejudicial to the Best Interest of the Service or Neglect of Duty or be held criminally liable under Section 67 of Book V of the Administrative Code of 1987.

Section 151. Computation of Period. In computing any period of time prescribed by these Rules, the first day shall be excluded and the last day included unless it be a Saturday, a Sunday, or a legal holiday or a special non-working day, in which case the period shall run until the end of the next working day.

Copies of decisions and other communications shall be served to the counsel of record if one is represented by a counsel. However, a party represented by a counsel is not precluded from securing or being served a copy of said decisions and other communications. The period to perfect a Motion for Reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, whichever comes earlier.

Section 152. Presumptive Notice; Service of Order and Service of Processes.

- a. A party is presumed to have received a Notice or Order of the Commission or the CSC RO in any of the following instances:
 1. In cases under formal investigation before the Commission, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing and the addressee is from within the National Capital Region (NCR), or at least seventy-five (75) days if the addressee is from outside the NCR, for cases before the Commission.

In cases before the CSC ROs, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing if the addressee is from within the geographical area of the RO which exercises jurisdiction therein, or at

least seventy-five (75) days if the addressee is from outside such geographical area.

2. In cases before the Commission where an Order was issued directing a party/parties either to comply with the requirements to perfect an action; file comment or answer on a pending action and/or transmit case records; file their respective position papers; and other analogous matters, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the NCR, or after seventy-five (75) days if the addressee is from outside the NCR.

In cases before the CSC ROs, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the geographical area of the RO which exercises jurisdiction therein, or after seventy-five (75) days if the addressee is from outside such geographical area.

In the case of Notices or Orders mentioned in Items No. 1 and 2 hereof, after the lapse of a period of thirty (30) days from the date of the presumptive notice as appearing on the record of the case, without the concerned party either appearing for the scheduled hearing, providing a valid request for postponement (Item 1), or submitting any compliance (Item 2), the Commission shall proceed to act upon such case accordingly. On the other hand, if there is a submitted valid request for postponement (Item 1), or compliance (Item 2), the Commission or CSC RO shall proceed to act upon such case as of the date of receipt of request or compliance.

- b. A party, in order to ensure timely service, may opt to avail of private couriers for the service of pleadings, motions and other submissions. Proof of service in such case shall either be a sworn certification or affidavit of service from the courier specifically referring to the date of service and the corresponding tracking number for the mail matter.

Section 153. Presumptive Notice of CSC Decisions and Resolutions; Period to File a Motion for Reconsideration or Appeal. In the absence of proof of service or receipt, a party shall be presumed to have received a copy of the CSC Decision or Resolution after one (1) year from its date of promulgation. The aggrieved party shall have a period of fifteen (15) days from such presumptive receipt of the CSC Decision or Resolution to file a motion for reconsideration with the Commission or appeal before the Court of Appeals or the Supreme Court.

The failure of the aggrieved party to file the motion for reconsideration or appeal within the period provided shall render the Decision or Resolution final and executory.

Section 154. Reconsideration from the Commission's action based on presumptive notice. In the event that the Commission renders an action, decision, or resolution based on presumptive notice to a party, under Section 152, said party may move for reconsideration thereof within fifteen (15) days from notice, subject to the following requirements:

- a. In cases before the Commission, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the National Capital Region, or after seventy-five (75) days if the addressee is from outside the National Capital Region.
- b. In cases before the CSC ROs, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the geographical area of the RO which exercises jurisdiction, or after seventy-five (75) days if the addressee is from outside the geographical area.

Section 155. Fees and Other Charges. Reasonable filing fees and other charges shall be provided in separate issuances that the Commission shall promulgate as it may deem fit.

RULE 23 **EFFECTIVITY AND SEPARABILITY**

Section 156. Repealing Clause. The 2017 Rules on Administrative Cases in the Civil Service as prescribed in CSC Resolution No. 1701077 dated 3 July 2017, and all other memorandum circulars, resolutions, rules, and regulations, inconsistent with these Rules are hereby repealed, amended, or modified accordingly.

Section 157. Separability. If any portion of these Rules is declared unconstitutional or invalid by competent authority, the other provisions not otherwise affected shall remain in full force and effect.

Section 158. Transitory. These Rules shall govern all cases filed after they take effect, and also all further proceedings in cases then pending, except to the extent that in the opinion of the CSC, their application would not be feasible, would work injustice, or would violate substantive rights, in which event, the previously applicable rules shall apply.

Section 159. Effectivity. These Rules shall take effect after fifteen (15) days from the date of publication in the Official Gazette, or in a newspaper of general circulation.

CSC Resolution No. 2500358 dated 30 April 2025 was published in The Daily Tribune newspaper on 19 July 2025 and shall take effect on 04 August 2025.


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ATTY. MARILYN B. YAP
Chairperson

Date: 16 September 2025