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2025 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE

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2025 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE

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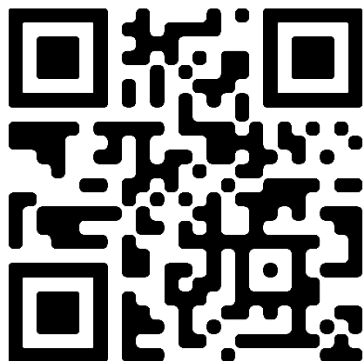
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THE COMMISSION



FOREWORD

The Civil Service Commission (CSC), as the central personnel agency of the Government, is mandated to adopt measures to promote morale, efficiency, integrity, responsiveness, and courtesy in the civil service. Under Executive Order No. 292 or the Administrative Code of 1987, the CSC shall continuously refine its rules in accordance with developing laws and evolving policy directives.

The implementation of the 2017 Rules on Administrative Cases in the Civil Service (RACCS) has been instrumental in the adjudication of disciplinary and non-disciplinary cases involving officials and employees in the civil service. However, to maintain relevance with new legislation and legal precedents, the CSC has revised these rules for 2025.

The 2025 RACCS incorporates key legislative updates and recent jurisprudence and integrates CSC policies such as the Revised Rules on the Administrative Offense of Dishonesty, the Revised Administrative Disciplinary Rules on Sexual Harassment Cases, the Adoption of Virtual Hearing in the CSC and its Regional Offices, the Delegation of Authority to the Assistant Commissioner for Legal to Dismiss Administrative Cases Based on Technical Grounds in the CSC, and the institutionalization of the Internal Affairs Board within the CSC.

The revised edition provides simple, direct, and comprehensive guidance for legal practitioners conducting administrative proceedings. The 2025 RACCS clarifies quasi-judicial processes, reduces interpretive ambiguities, and ensures adherence to the law in the interest of providing substantial justice for its clientele.

By effectively implementing Civil Service Law provisions, the 2025 RACCS will strengthen public accountability and integrity in the civil service while assisting agencies in conducting investigations and facilitating human resource actions.


Atty. MARILYN B. YAP, DPA
Chairperson

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RESOLUTION

WHEREAS, Section 3, Article IX-B of the 1987 Constitution mandates the Civil Service Commission (CSC), as the central personnel agency of the Government, to “establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service”;

WHEREAS, Section 6, Article IX-A of the 1987 Constitution authorizes the CSC en banc to “promulgate its own rules concerning pleadings and practices before it or before any of its offices”;

WHEREAS, Section 12 (2), Chapter 3, Title I, Subtitle A, Book V of the Administrative Code of 1987 empowers the CSC to “prescribe, amend, and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws”;

WHEREAS, pursuant to the above mandates, the CSC promulgated CSC Resolution No. 1701077 dated 3 July 2017, otherwise known as the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), which was published in The Philippine Star on 2 August 2017, and took effect on 18 August 2017;

WHEREAS, the CSC has since adopted new policies pertaining to the manner of disposition of administrative cases in the civil service;

WHEREAS, recent laws have since been enacted and judicial decisions have also been promulgated concerning administrative cases in the civil service; and

WHEREAS, the 2017 RACCS needs to be updated and revised to incorporate new policies of the CSC, laws, and jurisprudence, and to make it more responsive to the demand for speedy, fair, and judicious disposition of cases;

NOW, THEREFORE, the Commission hereby adopts and promulgates the following revised rules concerning disciplinary and non-disciplinary proceedings in administrative cases in the civil service.

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.

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.¹
- 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

¹ Prescribing the Use of the Rules and Regulations on Settlement of Accounts, Commission on Audit Circular No. 2009-006 (2009).

government, as well as provincial, city, municipal, or autonomous regional government, except as hereinafter otherwise provided.² 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,³ working in various capacities to implement and administer public policies and services.⁴
- 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

² Administrative Code of 1987 Book V, Title I, Chapter 1(A), § 5, Exec. Order No. 292 (1987).

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

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

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.⁵
- 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.
- p. **EXONERATION** refers to the act of the disciplining authority or an appellate body of relieving a person from a charge or liability,⁶ and may imply clearance not only from the immediate charge or accusation, but also from suspicion or attendant denigration.⁷
- 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.⁸

⁵ Electronic Commerce Act of 2000 § 5(e), Rep. Act No. 8792 (2000).

⁶ Exoneration, Black's Law Dictionary (4th eds. 1964).

⁷ Clemente v. Commission on Audit, 213 Phil. 264, citing Exonerate, Webster, Third New International Dictionary of the English Language.

⁸ 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 (2018).

- 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.
- 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.⁹
- x. **MEDIATOR** refers to a person who conducts mediation.¹⁰
- 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.

⁹ Implementing Rules and Regulations of the Alternative Dispute Resolution Act of 2004, Dept. of Justice Circular No. 98 (2009).

¹⁰ Alternative Dispute Resolution Act of 2004 § 3(r), Rep. Act No. 9285 (2004).

- 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 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.¹¹
- 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.¹²

¹¹ Light Rail Transit Authority v. Salvaña, 736 Phil. 123 (2014).

¹² Bureau of Internal Revenue v. Gan-Lim, G.R. No. 254939, 3 March 2021.

- 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.¹³
- 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.
- II. **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 psychosocial principles to improve the psychological functioning of individuals, families, groups, and organizations.¹⁴

¹³ *Wa-Acon v. People*, 539 Phil. 485 (2006).

¹⁴ 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/>.

- 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.¹⁵
- 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.¹⁶
- 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 Saludo v. American Express International, Inc., 521 Phil. 585 (2006).

¹⁶ 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.¹⁷

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.¹⁸ 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;

¹⁷ Administrative Code of 1987, Book V, Title I, Subtitle A, Chapter 3, § 12 (11) (1987).

¹⁸ "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."

- c. Requests for transfer of venue of hearing on cases being heard by CSC ROs;
- 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;¹⁹ 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:

¹⁹ Career Executive Service Board v. Civil Service Commission, 823 Phil. 534 (2018).

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.);
- 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.

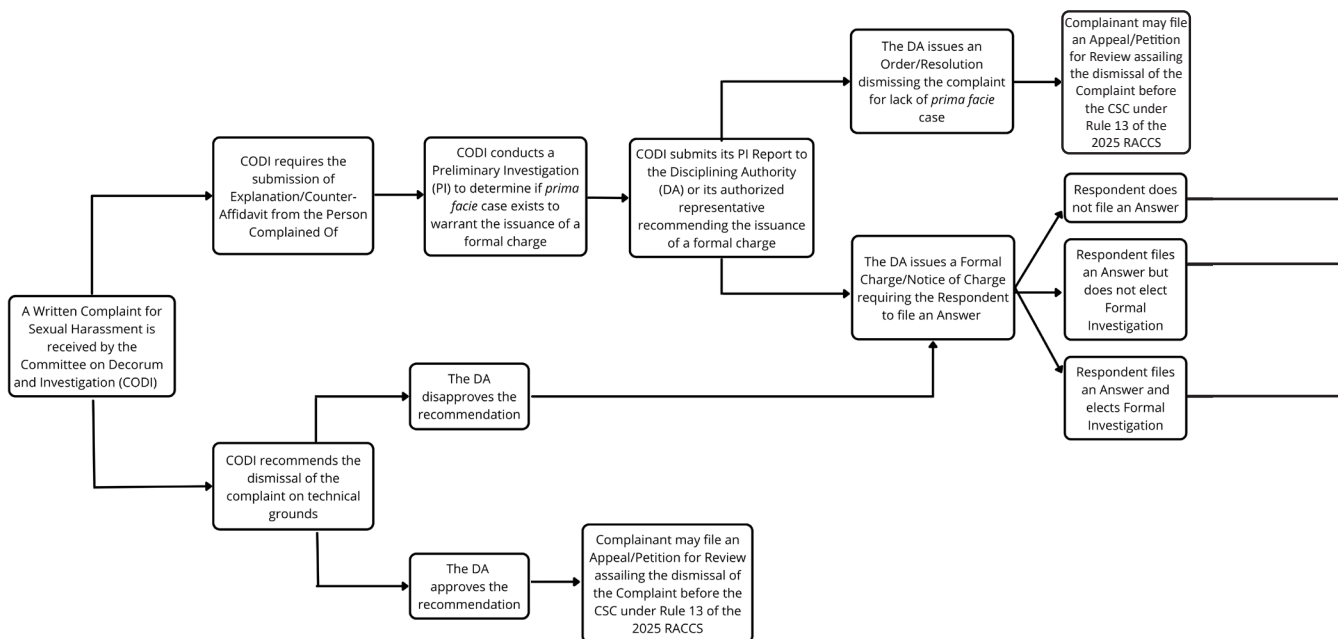
However, a formal complaint may be initiated by the CODI after conducting its own investigation on any report/complaint, whether filed anonymously or otherwise, but with the consent of the injured party, or by the legal guardian in case the injured party is a minor, mentally impaired, or otherwise incapacitated.

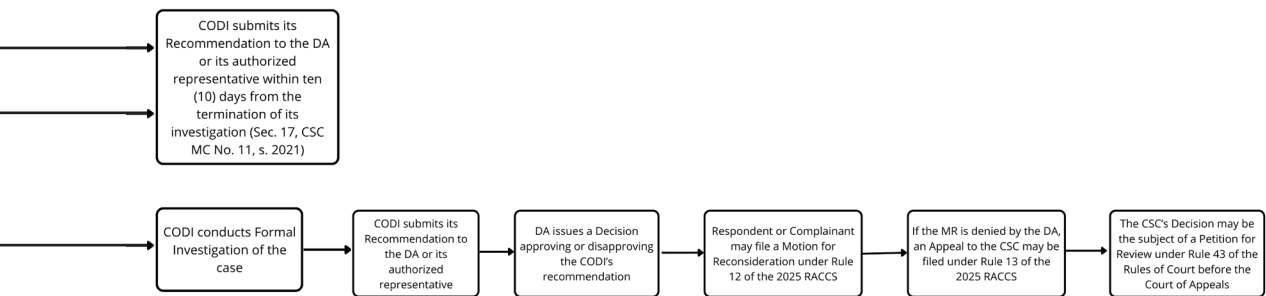
Section 20. *Action on the Complaint.* Upon receipt of a complaint which is sufficient in form and substance, the CODI shall conduct a preliminary investigation and determine the existence of *prima facie* case.

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.

FLOWCHART OF SEXUAL HARASSMENT CASES UNDER THE 2025 RACCS





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*.²⁰

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.²¹

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.²²

²⁰ Bureau of Internal Revenue v. Gan-Lim, G.R. No. 254939, 3 March 2021.

²¹ Revised Administrative Disciplinary Rules on Sexual Harassment Cases, CSC Resolution No. 2100064 dated 20 January 2021.

²² Gatchalian v. Urrutia, G.R. No. 223595, 16 March 2022, citing Local Government Code of 1991 § 87 and 455 (b)(1)(x), Rep. Act No. 7160 (1991).

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:

- 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.²³

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

²³ Gloria v. Court of Appeals, 365 Phil. 744 (1999).

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.²⁴

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.

²⁴ Garcia v. Molina, 776 Phil. 64 (2016).

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.

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.²⁵

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:

- 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.

²⁵ Fajardo v. Atty. Alvarez, 785 Phil. 303 (2016).

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. 2100420.²⁶

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

²⁶ Adoption of Virtual Hearing in the Civil Service Commission and its Regional Offices, CSC Resolution No. 2100420 dated 2 June 2021.

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.

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.²⁷ 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.

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.

²⁷ People v. Cabalquinto, 533 Phil. 703 (2006).

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 grounds²⁸ which shall be based on the following:

- a. Cases not cognizable by the CSC;²⁹
- b. Absence of any of the requisites for a valid complaint;³⁰
- 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;³¹
- d. Mootness and/or decisions which have attained finality;³²
- e. Dismissal with prejudice due to failure to perfect an appeal after having been directed to comply by the CSC;³³ 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.³⁴

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

²⁸ 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.

²⁹ § 7, Rule 2.

³⁰ § 11, Rule 3.

³¹ § 12, Rule 3.

³² § 58, Rule 9.

³³ § 94, Rule 13.

³⁴ Flores-Concepcion v. Judge Castañeda, A.M. No. RTJ-15-2438, 2 September 2020. See also Guerra Jr. v. Board of Regents, G.R. No. 210512, 27 July 2022.

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;³⁵

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

³⁵ 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).

- 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;³⁶
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;

³⁶ CSC Resolution No. 2100079 dated 27 January 2021.

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;
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 Harassment³⁷

1. Sexual Harassment in the Workplace

³⁷ Revised Administrative Disciplinary Rules on Sexual Harassment Cases, CSC Resolution No. 2100064 dated 20 January 2021.

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;
- 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.³⁸

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.

B. Dishonesty³⁹

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:

³⁸ Safe Spaces Act, Art. III, § 18, Rep. Act No. 11313 (2018).

³⁹ CSC Resolution No. 2100079 dated 27 January 2021.

- 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:

- 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, *motu proprio* or upon written request of the respondent, may 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,⁴⁰ 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.

⁴⁰ 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).

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.

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.⁴¹

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.

⁴¹ Central Luzon Drug Corp. v. Commissioner of Internal Revenue, 659 Phil. 496 (2011).

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 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 Secretary⁴² 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;

⁴² 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).

- 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.

RULE 14

PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS

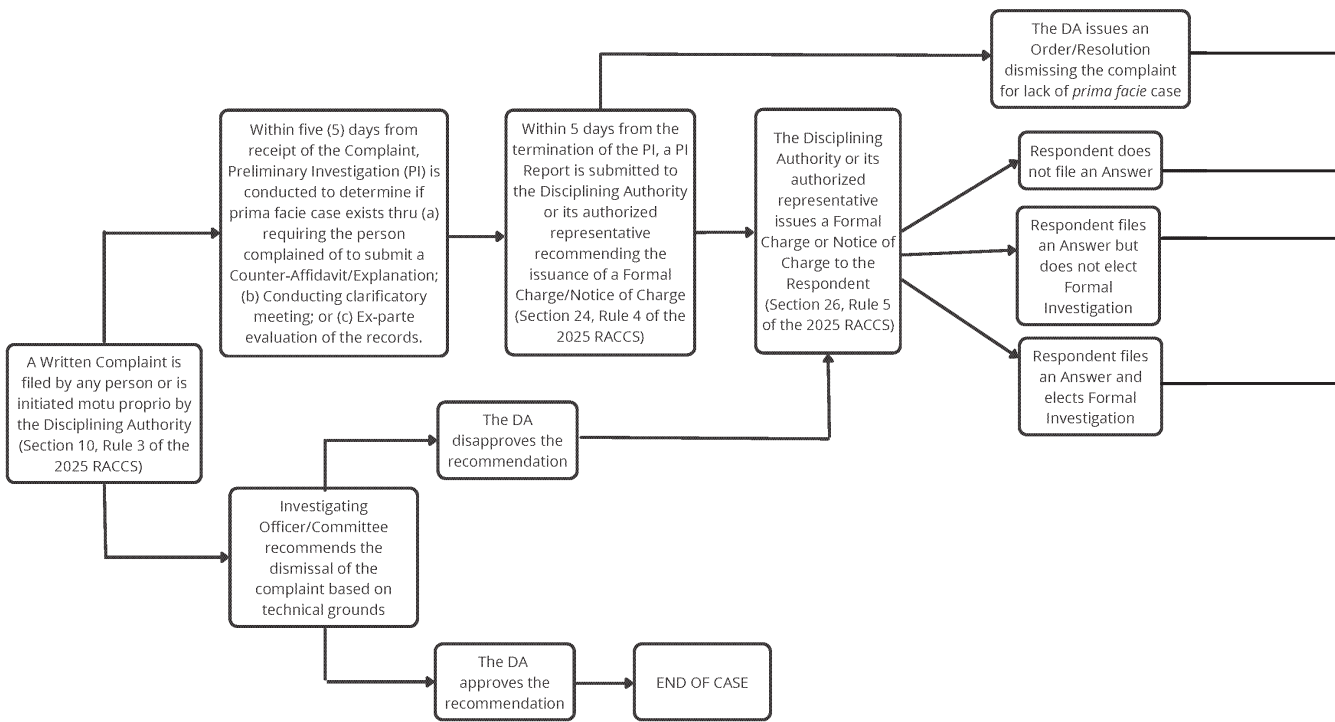
Section 100. *Who are Entitled.* The following are entitled to back wages and other similar benefits:

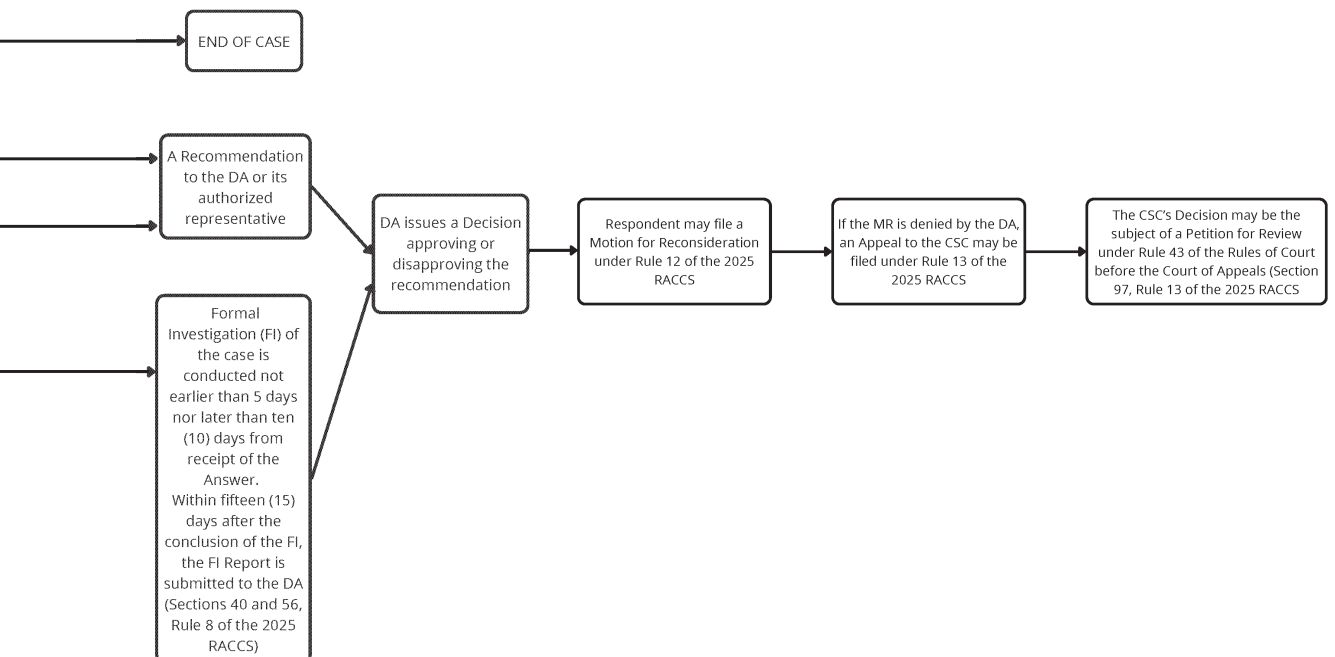
- a. An illegally dismissed or suspended official or employee who is exonerated of the charge or whose penalty is downgraded to reprimand and ordered reinstated in the service;
- b. An employee whose dismissal from the service is prematurely executed by the disciplining authority; and
- c. A respondent 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.

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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

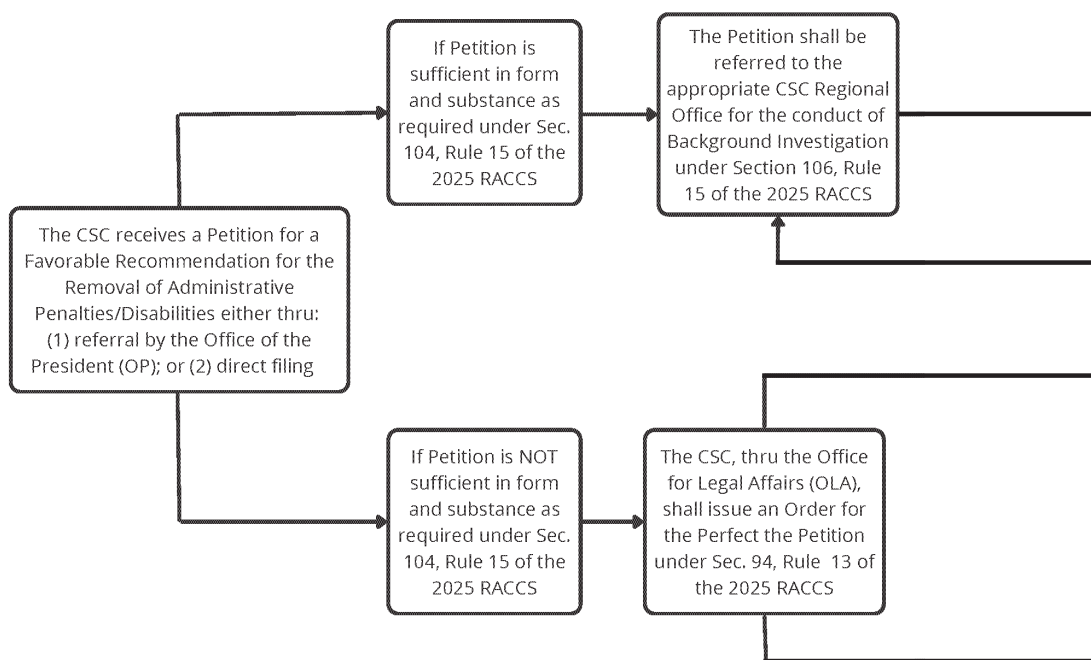
PROCEDURE FOR CONTEMPT

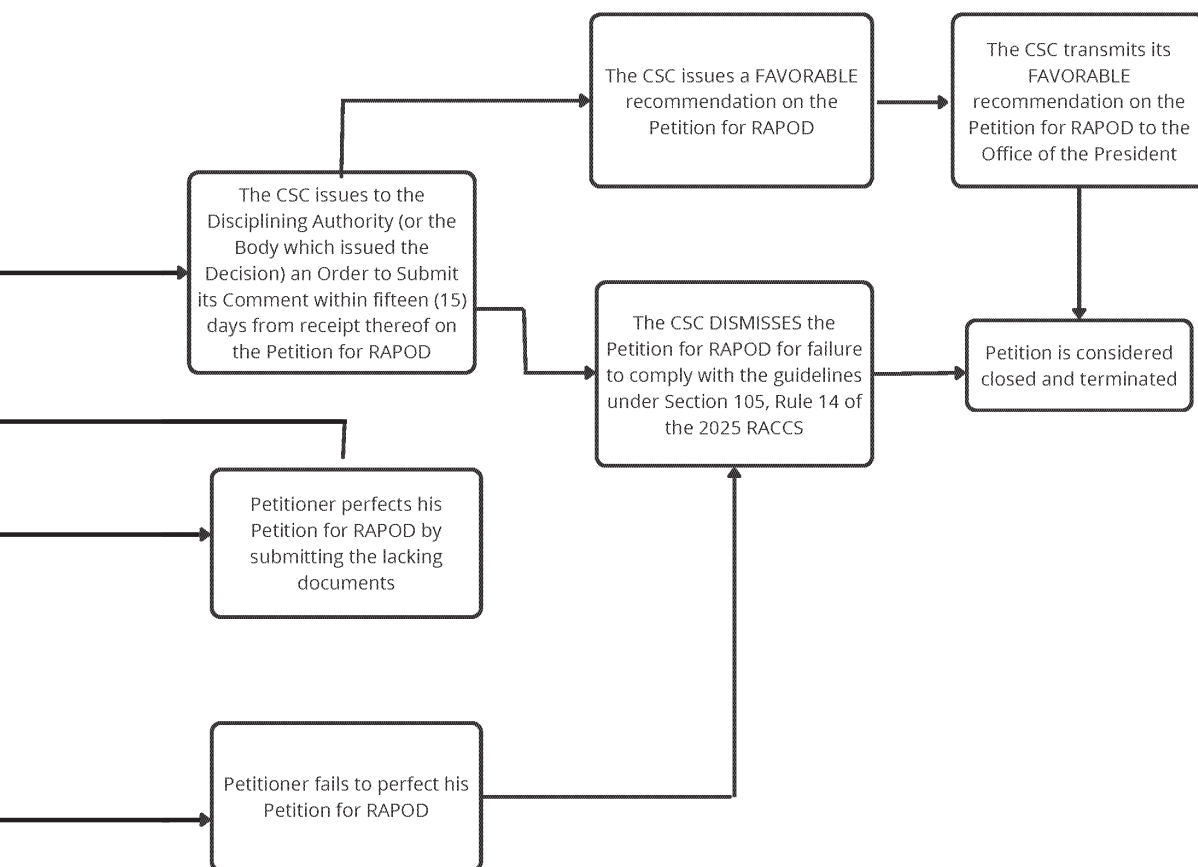
Section 108. *Direct Contempt against the Commission.* Any person who misbehaves in the presence of, or so near the Commission as to obstruct or interrupt its proceedings, or displays disrespectful or offensive behavior towards it or other persons present at its proceedings, or refuses to be sworn or 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.

FLOWCHART OF RAPOD CASES UNDER RULE 15 OF THE 2025 RACCS





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;⁴³
- b. Duly accomplished and updated Personal Data Sheet⁴⁴ of the parties with certified true copy of the service records attached;
- c. Certified true copy of the protested appointment; and
- 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;

⁴³ DBM-CSC Form No. 1, Revised 2017.

⁴⁴ CSC Form No. 212, Revised 2017.

- 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.⁴⁵ 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 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.

⁴⁵ Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws §9, Rule V (1991).

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.⁴⁶

B. Reversion to Maiden Name⁴⁷

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

⁴⁶ Policy Changes Relative to Correction of Personal Information, CSC Memorandum Circular No. 20 (2004).

⁴⁷ Vallar, Rommela, B., CSC Resolution No. 101203 dated 15 June 2010.

- 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.⁴⁸

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

⁴⁸ Palecpec v. Davis, 555 Phil. 675 (2007).

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.

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.⁴⁹

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.⁵⁰

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.

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

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

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.⁵¹

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.

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.

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

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,⁵² provided, that if the amount to be deducted is

⁵² NPC Drivers and Mechanics Association, et al. v. The National Power Corporation, et al., 821 Phil. 62 (2016).

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 deputize 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 deputize 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 deputize 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.

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.

Quezon City.

(Sgd.) **ATTY. MARILYN B. YAP, DPA**
Chairperson

(Sgd.) **ATTY. RYAN ALVIN R. ACOSTA**
Commissioner

(Sgd.) **ATTY. LUIS MEINRADO C.**
PAÑGULAYAN, CESO I
Commissioner

Attested by:

(Sgd.) **KATHERINE LIMARE-DELMORO**
Director IV
Commission Secretariat and Liaison Office

CSC Resolution No. 2500357 dated 30 April 2025 was published in the Daily Tribune on 19 July 2025 and shall take effect on 4 August 2025.

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RELEVANT LAWS

1. **EXECUTIVE ORDER NO. 292**
(ADMINISTRATIVE CODE OF 1987 BOOK V)
2. **REPUBLIC ACT NO. 11032**
AN ACT PROMOTING EASE OF DOING BUSINESS AND EFFICIENT DELIVERY OF GOVERNMENT SERVICES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9485, OTHERWISE KNOWN AS THE ANTI-RED TAPE ACT OF 2007, AND FOR OTHER PURPOSES
3. **REPUBLIC ACT NO. 11313**
AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR
4. **REPUBLIC ACT NO. 7877**
AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES)
5. **REPUBLIC ACT NO. 9285**
AN ACT TO INSTITUTIONALIZE THE USE OF AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM IN THE PHILIPPINES AND TO ESTABLISH THE OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION, AND FOR OTHER PURPOSES

EXECUTIVE ORDER NO. 292
ADMINISTRATIVE CODE OF 1987
BOOK V

TITLE I – CONSTITUTIONAL COMMISSIONS

SUBTITLE A – CIVIL SERVICE COMMISSION

Chapter I – General Provisions

SECTION 1. ***Declaration of Policy.*** – The State shall insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness; that the Civil Service Commission, as the central personnel agency of the Government, shall establish a career service, adopt measures to promote morale, efficiency, integrity, responsiveness, and courtesy in the civil service, strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability; that public office is a public trust and public officers and employees must at all times be accountable to the people; and that personnel functions shall be decentralized, delegating the corresponding authority to the departments, offices and agencies where such functions can be effectively performed.

SEC. 2. ***Duties and Responsibilities of Public Officers and Employees.*** – Public officers and employees shall have the duties, responsibilities, and accountability provided in Chapter 9, Book I of this Code.

SEC. 3. ***Terms and Conditions of Employment.*** – The terms and conditions of employment of all government employees, including those in government-owned or controlled corporations with original charters, shall be fixed by law. The terms and conditions of employment which are not fixed by law may be subject of negotiation between recognized employees' organizations and appropriate government authorities.

SEC. 4. ***Compensation.*** – The Congress shall provide for the standardization of compensation of government officials and employees including those in government-owned or controlled corporations with original charters, taking into account the nature of the responsibilities pertaining to, and the qualifications required for the position concerned.

SEC. 5. ***Definition of Terms.*** – As used in this title, the following shall be construed thus:

- (1) *Agency* means any bureau, office, commission, administration, board, committee, institute, corporation with original charter, whether performing governmental or proprietary function, or any other unit of the National Government, as well as provincial, city, municipal government, except as hereinafter otherwise provided.
- (2) *Appointing officer* is the person or body authorized by law to make appointments in the Philippine Civil Service.
- (3) *Class* includes all positions in the government service that are sufficiently similar as to duties and responsibilities and require similar qualifications that can be given the same title and salary and for all administrative and compensation purposes, be treated alike.
- (4) *Commission* refers to the Civil Service Commission.
- (5) *Chairman* refers to the Chairman of the Commission.
- (6) *Commissioner* refers to either of the two other members of the Commission.
- (7) *Department* includes any of the executive departments or entities having the category of a department including the judiciary, Commission on Elections and Commission on Audit.
- (8) *Eligible* refers to a person who obtains a passing grade in a civil service examination or is granted a civil service eligibility and whose name is entered in the register of eligibles.
- (9) *Examination* refers to a civil service examination conducted by the Commission and its regional offices or by other departments or agencies with the assistance of the Commission, or in coordination or jointly with it, and those that it may delegate to departments and agencies pursuant to this Title, or those that may have been delegated by law.
- (10) *Form* refers to those prescribed by the Civil Service Commission.

Chapter 2 – Coverage of the Civil Service

SEC. 6. **Scope of the Civil Service.** – (1) The Civil Service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

- (2) Position in the Civil Service shall be classified into career service and non- career service.

SEC. 7. **Career Service.** — The Career Service shall be characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

The Career Service shall include:

- (1) Open Career positions for appointment to which prior qualification in an appropriate examination is required;
- (2) Close Career position which are scientific, or highly technical in nature; these include the faculty and academic staff of state colleges and universities, and scientific and technical positions in scientific or research institutions which shall establish and maintain their own merit systems;
- (3) Positions in the Career Executive Service; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President;
- (4) Career officers, other than those in the Career Executive Service, who are appointed by the President, such as the Foreign Service Officers in the Department of Foreign Affairs;
- (5) Commission officers and enlisted men of the Armed Forces which shall maintain a separate merit system;
- (6) Personnel of government-owned or controlled corporations, whether performing governmental or proprietary functions, who do not fall under the non-career service; and
- (7) Permanent laborer, whether skilled, semi-skilled, or unskilled.

SEC. 8. **Classes of Positions in the Career Service.** — (1) Classes of positions in the career service appointment to which requires examinations shall be grouped into three major levels as follows:

- (a) The first level shall include clerical, trades, crafts, and custodial service positions which involve non-professional or sub- professional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies;
 - (b) The second level shall include professional, technical, scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level; and
 - (c) The third level shall cover positions in the Career Executive Service.
- (2) Except as herein otherwise provided, entrance to the first two levels shall be through competitive examinations, which shall be open to those inside and outside the service who meet the minimum qualification requirements. Entrance to a higher level does not require previous qualification in the lower level. Entrance to the third level shall be prescribed by the Career Executive Service Board.
- (3) Within the same level, no civil service examination shall be required for promotion to a higher position in one or more related occupational groups. A candidate for promotion should, however, have previously passed the examination for that level.

SEC. 9. **Non-Career Service.** — The Non-Career Service shall be characterized by (1) entrance on bases other than those of the usual tests of merit and fitness utilized for the career service; and (2) tenure which is limited to a period specified by law, or which is co-terminous with that of the appointing authority or subject to his pleasure, or which is limited to the duration of a particular project for which purpose employment was made.

The Non-Career Service shall include:

- (1) Elective officials and their personal or confidential staff;
- (2) Secretaries and other officials of Cabinet rank who hold their positions at the pleasure of the President and their personal or confidential staff(s);
- (3) Chairman and members of commissions and boards with fixed terms of office and their personal or confidential staff;

- (4) Contractual personnel or those whose employment in the government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the hiring agency; and
- (5) Emergency and seasonal personnel.

Chapter 3 – Organization and Functions of the Civil Service Commission

SEC. 10. **Composition.** – The Commission shall be composed of a Chairman and two Commissioners who shall be natural born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, with proven capacity for public administration, and must not have been candidates for any elective position in the elections immediately preceding their appointment.

SEC. 11. **Appointment of Chairman and Commissioners.** – The Chairman and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. Of the first appointed, the Chairman shall hold office for seven years, a Commissioner for five years, and another Commissioner for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

SEC. 12. **Powers and Functions.** – The Commission shall have the following powers and functions:

- (1) Administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;
- (2) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;
- (3) Promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;

- (4) Formulate policies and regulations for the administration, maintenance and implementation of position classification and compensation and set standards for the establishment, allocation and reallocation of pay scales, classes and positions;
- (5) Render opinions and rulings on all personnel and other Civil Service matters which shall be binding on all heads of departments, offices and agencies and which may be brought to the Supreme Court on certiorari;
- (6) Appoint and discipline its officials and employees in accordance with law and exercise control and supervision over the activities of the Commissions;
- (7) Control, supervise and coordinate Civil Service examinations. Any entity or official in government may be called upon by the Commission to assist in the preparation and conduct of said examinations including security, use of buildings and facilities as well as personnel and transportation of examination materials which shall be exempt from inspection regulations;
- (8) Prescribe all forms for Civil Service examinations, appointments, reports and such other forms as may be required by laws, rules and regulations;
- (9) Declare positions in the Civil Service as may properly be primarily confidential, highly technical or policy determining;
- (10) Formulate, administer and evaluate programs relative to the development and retention of qualified and competent workforce in the public service;
- (11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and the agencies attached to it. Officials and employees who fail to comply with such decisions, orders, or rulings shall be liable for contempt of the Commission. Its decisions, orders, or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on certiorari by the aggrieved party within thirty (30) days from receipt of a copy thereof;
- (12) Issued subpoena and subpoena duces tecum for the production of documents and records pertinent to investigations and inquires conducted by it in accordance with its authority conferred by the Constitution and pertinent laws;

- (13) Advise the President on all matters involving personnel management in the government service and submit to the President an annual report on the personnel programs;
- (14) Take appropriate action on all appointments and other personnel matters in the Civil Service including extension of Service beyond retirement age;
- (15) Inspect and audit the personnel actions and programs of the departments, agencies, bureaus, offices, local government units and other instrumentalities of the government including government-owned or controlled corporations; conduct periodic review of the decisions and actions of offices or officials to whom authority has been delegated by the Commission as well as the conduct of the officials and the employees in these offices and apply appropriated sanctions whenever necessary;
- (16) Delegate authority for the performance of any function to departments, agencies and offices where such function may be effectively performed;
- (17) Administer the retirement program for government officials and employees, and accredit government services and evaluate qualifications for retirement;
- (18) Keep and maintain personnel records of all officials and employees in the Civil Service; and
- (19) Perform all functions properly belonging to a central personnel agency and such other functions as may be provided by law.

SEC. 13. ***Duties and Responsibilities of the Chairman.*** — Subject to policies and rules adopted by the Commission, the Chairman shall:

- (1) Direct all operations of the Commission;
- (2) Establish procedures for the effective operations of the Commission;
- (3) Transmit to the President rules and regulations, and other guidelines adopted by the Chairman which require Presidential attention including annual and other periodic reports;
- (4) Issue appointments to, and enforce decisions on administrative discipline involving officials and employees of the Commission;

- (5) Delegate authority for the performance of any function to officials and employees of the Commission;
- (6) Approve and submit the annual and supplemental budget of the Commission; and
- (7) Perform such other functions as may be provided by law.

SEC. 14. ***Membership of the Chairman in Boards.*** — The Chairman shall be a member of the Board of Directors or of other governing bodies of government entities whose functions affect the career development, employment status, rights, privileges, and welfare of government officials and employees, such as the Government Service Insurance System, Foreign Service Board, Foreign Trade Service Board, National Board for Teachers, and such other similar boards as may be created by law.

SEC. 15. ***Duties and Responsibilities of the Members of the Commission.*** — Jointly with the Chairman, the two (2) Commissioners shall be responsible for the effective exercise of the rule-making and adjudicative functions of the Commission. They shall likewise perform such functions as may be delegated by the Commission. In case of the absence of the Chairman owing to illness or other cause, the senior member shall perform the functions of the Chairman.

SEC. 16. ***Offices in the Commission.*** — The Commission shall have the following offices:

- (1) The *Office of the Executive Director* headed by an Executive Director, with a Deputy Executive Director, shall implement policies, standards, rules and regulations promulgated by the Commission; coordinate the programs of the offices of the Commission and render periodic reports on their operations, and perform such other functions as may be assigned by the Commission.
- (2) The Merit System Protection Board composed of a Chairman and two (2) members shall have the following functions:
 - (a) Hear and decide on appeal administrative cases involving officials and employees of the Civil Service. Its decision shall be final except those involving dismissal or separation from the service which may be appealed to the Commission;
 - (b) Hear and decide cases brought before it on appeal by officials and employees who feel aggrieved by the determination of appointing authorities involving personnel actions and violations of the merit

system. The decision of the Board shall be final except those involving division chiefs of officials of higher ranks which may be appealed to the Commission;

- (c) Directly take cognizance of complaints affecting functions of the Commission, those which are unacted upon by the agencies, and such other complaints which require direct action of the Board in the interest of justice;
 - (d) Administer oaths, issue subpoena and subpoena duces tecum, take testimony in any investigation or inquiry, punish for contempt in accordance with the same procedures and penalties prescribed in the Rules of Court; and
 - (e) Promulgate rules and regulations to carry out the functions of the Board subject to the approval of the Commission.
- (3) The *Office for Legal Affairs* shall provide the Chairman with legal advice and assistance; render counselling services; undertake legal studies and researches; prepare opinions and rulings in the interpretation and application of the Civil Service law, rules and regulations; prosecute violations of such laws, rules and regulations; and represent the Commission before any Court or tribunal.
 - (4) The *Office for Planning and Management* shall formulate development plans, programs and projects; undertake research and studies on the different aspects of public personnel management; administer management improvement programs; and provide fiscal and budgetary services.
 - (5) The *Central Administrative Office* shall provide the Commission with personnel, financial, logistics and other basic support services.
 - (6) The *Office for Central Personnel Records* shall formulate and implement policies, standards, rules and regulations pertaining to personnel records maintenance, security, control and disposal; provide storage and extension service; and provide and maintain library services.
 - (7) The *Office for Position Classification and Compensation* shall formulate and implement policies, standards, rules and regulations relative to the administration of position classification and compensation.

- (8) The *Office for Recruitment, Examination and Placement* shall provide leadership and assistance in developing and implementing the overall Commission programs relating to recruitment, examination and placement, and formulate policies, standards, rules and regulations for the proper implementation of the Commission's examination and placement programs.
- (9) The *Office for Career Systems and Standards* shall provide leadership and assistance in the formulation and evaluation of personnel systems and standards relative to performance appraisal, merit promotion, and employee incentive benefits and awards.
- (10) The *Office for Human Resource Development* shall provide leadership and assistance in the development and retention of qualified and efficient workplace in the Civil Service; formulate standards for training and staff development; administer service- wide scholarship programs; develop training literature and materials; coordinate and integrate all training activities and evaluate training programs.
- (11) The *Office for Personnel Inspection and Audit* shall develop policies, standards, rules and regulations for the effective conduct or inspection and audit of personnel and personnel management programs and the exercise of delegated authority; provide technical and advisory services to Civil Service Regional Offices and government agencies in the implementation of their personnel programs and evaluation systems.
- (12) The *Office for Personnel Relations* shall provide leadership and assistance in the development and implementation of policies, standards, rules and regulations in the accreditation of employee associations or organizations and in the adjustment and settlement of employee grievances and management employee disputes.
- (13) The *Office for Corporate Affairs* shall formulate and implement policies, standards, rules and regulations governing corporate officials and employees in the areas of recruitment, examination, placement, career development, merit and awards systems, position classification and compensation, performing appraisal, employee welfare and benefits, discipline and other aspects of personnel management on the basis of comparable industry practices.
- (14) The *Office for Retirement Administration* shall be responsible for the enforcement of the constitutional and statutory provisions relative to retirement and the regulation for the effective implementation of the retirement of government officials and employees.

(15) The *Regional and Field Offices*. — The Commission shall have not less than thirteen (13) Regional offices each to be headed by a Director, and such field offices as may be needed, each to be headed by an official with at least the rank of an Assistant Director. Each Regional Office shall have the following functions:

- (a) Enforce Civil Service law and rules, policies, standards on personnel management within their respective jurisdiction;
- (b) Provide technical advice and assistance to government offices and agencies regarding personnel administration; and
- (c) Perform such other functions as may be delegated by the Commission.

SEC. 17. ***Organizational Structure***. — Each office of the Commission shall be headed by a Director with at least one (1) Assistant Director, and may have such divisions as are necessary to carry out their respective functions. As an independent constitutional body, the Commission may effect changes in the organization as the need arises.

CHAPTER 4 – Interdepartment Relations

SEC. 18. ***Civil Service Assistance to Departments and Agencies***. — Each Secretary or head of office, agency, government-owned or controlled corporation with original charter and local government shall be responsible for personnel administration in his office which shall be in accordance with the provision relating to civil service embodied in the Constitution, this Title and the rules, principles, standards, guidelines and regulations established by the Commission. The Civil Service Commission shall, whenever it deems it in the interest of the public service, organize in each department, office, agency, government-owned or controlled corporation, and provincial and city government a Civil Service Staff which shall be headed by an officer of the Commission. The necessary staff personnel and office facilities and equipment shall be provided by the department, government-owned or controlled corporation or local government where the staff is established but the Commission may augment these with its own. The staff shall serve as the principal liaison between the Civil Service and the Department concerned and shall perform the following specific functions and those functions which may hereafter be assigned to it by the Commission:

- (1) Provide technical assistance in all aspects of personnel management;

- (2) Monitor and audit periodically the personnel practices and performance of the Department or agency concerned as well as those of public officers and employees thereat;
- (3) Determine agency compliance with Civil Service Law and rules; and
- (4) In the performance of these functions, the staff shall welcome and receive from the public any suggestions, observations and complaints pertaining to the conduct of public officers and employees.

In the performance of their functions, the units so organized shall avail of the technical assistance and guidelines of the Civil Service Commission.

SEC. 19. **Council of Personnel Officers.** — There shall be a Council of Personnel Officers to be composed of Chief personnel officers of the different executive departments and of agencies with the category of department that the Chairman of the Commission shall select for membership. Except for its Executive Officer who shall be designated by the Chairman from among the appropriate officials in the Civil Service Commission, the Council is authorized to elect such other officer from among its members and to fix its own rules or procedures concerning attendance at meetings, approval of policy declaration, and other business matters. Provisions for necessary facilities and clerical assistance for the Council shall be made in the annual budget of the Commission.

The Council shall have the following functions:

- (1) Offer advice, upon request of the Secretary of a Department or the Commission, in developing constructive policies, standards, procedures, and programs as well as on matters relating to the improvement of personnel methods and to the solution of personnel problems confronting the various departments and agencies of the government;
- (2) Promote among the departments and agencies, through study and discussion, uniform and consistent interpretation and application of personnel policies; and
- (3) Serve as a clearing house of information and stimulate the use of methods of personnel management that will contribute most to good government.

SEC. 20. **Inspection and Audit.** — The Commission, through its designated representatives, shall conduct a periodic inspection and audit of the personnel management program of each department, agency, province or city, in order to: (a)

determine compliance with the Civil Service law, rules and standards; (b) review discharge of delegated authority; (c) make an adequate evaluation of the progress made and problems encountered in the conduct of the merit system in the national and local governments; (d) give advice and provide assistance in developing constructive policies, standards and procedures, and (e) stimulate improvement in all areas of personnel management.

Periodic inspection and audit include an appraisal of personnel management operations and activities relative to: (a) formulation and issuance of personnel policy; (b) recruitment and selection of employees; (c) personnel action and employment status; (d) career and employee development; (e) performance evaluation systems; (f) employee suggestions and incentive award; (g) employee relations and services; (h) discipline; (i) personnel records and reporting; and (j) program evaluation.

CHAPTER 5 – Personnel Policies and Standards

SEC. 21. ***Recruitment and Selection of Employees.*** – (1) Opportunity for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified to enter the service. Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions.

- (2) When a vacancy occurs in a position in the first level of the Career Service as defined in Section 8, the employees in the department who occupy the next lower positions in the occupational group under which the vacant position is classified, and in other functionally related occupational groups and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.
- (3) When a vacancy occurs in a position in the second level of the Career Service as defined in Section 8, the employees in the government service who occupy the next lower positions in the occupational group under which the vacant position is classified and in other functionally related occupational groups and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.
- (4) For purposes of this Section, each department or agency shall evolve its own screening process, which may include tests of fitness, in accordance with standards and guidelines set by the Commission. Promotion boards shall be formed to formulate criteria for evaluation, conduct tests or interviews, and make systematic assessment of training experience.

- (5) If the vacancy is not filled by promotion as provided herein the same shall be filled by transfer of present employees in the government service, by reinstatement by re-employment of persons separated through reduction in force, or by appointment of persons with the civil service eligibility appropriate to the positions.
- (6) A qualified next-in-rank employee shall have the right to appeal initially to the Secretaries or heads of agencies or instrumentalities including government-owned or controlled corporations with original charters, then to the Merit System Protection Board, and finally to the Civil Service Commission an appointment made in favor of another employee if the appellant is not satisfied with the written special reason or reasons given by the appointing authority for such appointment; Provided, however, that the decision of the Civil Service Commission may be reviewed on certiorari only by the Supreme Court within thirty (30) days from receipt of the decision of the aggrieved party. For purposes of this Section, "qualified next in rank" refers to an employee appointed on a permanent basis to a position previously determined to be next- in-rank and who meets the requirements for appointment thereto as previously determined by the appointing authority and approved by the Commission.
- (7) Qualification in an appropriate examination shall be required for appointment to positions in the first and second levels in the career service in accordance with the Civil Service rules, except as otherwise provided in this Title: Provided, That whenever there is a civil service eligible actually available for appointment, no person who is not such an eligible shall be appointed even in a temporary capacity to any vacant position in the career service in the government or in any government-owned or controlled corporation with original charter, except when the immediate filling of the vacancy is urgently required in the public interest, or when the vacancy is not permanent, in which cases temporary appointments of non-eligibles may be made in the absence of eligibles actually and immediately available.
- (8) The appropriate examinations herein referred to shall be those given by the Commission and the different agencies: Provided, however, That nothing herein shall affect those eligibilities acquired prior to the effectivity of the Civil Service Law: Provided, further, That a person with a civil service eligibility acquired by successfully passing an examination shall be qualified for a position requiring a lower eligibility if he possesses the other requirements for appointment to such position.

SEC. 22. **Qualification Standards.** – (1) A qualification standard expresses the minimum requirements for a class of positions in terms of education, training and experience, civil service eligibility, physical fitness, and other qualities required for successful performance. The degree of qualifications of an officer or employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.

Qualification standards shall be used as basis for civil service examinations for positions in the career service, as guides in appointment and other personnel actions, in the adjudication of protested appointments, in determining training needs, and as aid in the inspection and audit of the agencies' personnel work programs.

It shall be administered in such manner as to continually provide incentives to officers and employees towards professional growth and foster the career system in the government service.

(2) The establishment, administration and maintenance of qualification standards shall be the responsibility of the department or agency, with the assistance and approval of the Civil Service Commission and in consultation with the Wage and Position Classification Office.

SEC. 23. **Release of Examination Results.** – The results of any particular civil service examination held in a number of places on the same date shall be released simultaneously.

SEC. 24. **Register of Eligibles.** – The names of the competitors who pass an examination shall be entered in a register of eligibles arranged in the order of their general ratings and containing such information as the Commission may deem necessary.

SEC. 25. **Cultural Communities.** – In line with the national policy to facilitate the integration of the members of cultural communities and accelerate the development of the areas occupied by them, the Commission shall give special civil service examinations to qualify them for appointment in the civil service.

SEC. 26. **Personnel Actions.** – All appointments in the career service shall be made only according to merit and fitness, to be determined as far as practicable by competitive examinations. A non-eligible shall not be appointed to any position in the civil service whenever there is a civil service eligible actually available for and ready to accept appointment.

As used in this Title, any action denoting the movement or progress of personnel in the civil service shall be known as personnel action. Such action shall include appointment through certification, promotion, transfer, reinstatement, re-employment, detail, reassignment, demotion, and separation. All personnel actions shall be in accordance with such rules, standards and regulations as may be promulgated by the Commission.

- (1) *Appointment through certification.* — An appointment through certification to a position in the civil service, except as herein otherwise provided, shall be issued to a person who has been selected from a list of qualified persons certified by the Commission from an appropriate register of eligibles, and who meets all the other requirements of the position.

All such persons must serve a probationary period of six months following their original appointment and shall undergo a thorough character investigation in order to acquire permanent civil service status. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity any time before the expiration of the probationary period: *Provided*, That such action is appealable to the Commission.

- (2) *Promotion.* — A promotion is a movement from one position to another with an increase in duties and responsibilities as authorized by law and usually accompanied by an increase in pay. The movement may be from one department or agency to another or from one organizational unit to another in the same department or agency.
- (3) *Transfer.* — A transfer is a movement from one position to another which is of equivalent rank, level, or salary without break in service involving the issuance of an appointment.

It shall not be considered disciplinary when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefor. If the employee believes that there is no justification for the transfer, he may appeal his case to the Commission.

The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency: *Provided*, however, That any movement from the non-career service to the career service shall not be considered a transfer.

- (4) *Reinstatement.* — Any person who has been permanently appointed to a position in the career service and who has, through no delinquency or

misconduct, been separated therefrom, may be reinstated to a position in the same level for which he is qualified.

- (5) *Reemployment.* — Names of persons who have been appointed permanently to positions in the career service and who have been separated as a result of reduction in force or reorganization, shall be entered in a list from which selection for reemployment shall be made.
- (6) *Detail.* — A detail is the movement of an employee from one agency to another without the issuance of an appointment and shall be allowed, only for a limited period in the case of employees occupying professional, technical and scientific positions. If the employee believes that there is no justification for the detail, he may appeal his case to the Commission. Pending appeal, the decision to detail the employee shall be executory unless otherwise ordered by the Commission.
- (7) *Reassignment.* — An employee may be reassigned from one organizational unit to another in the same agency: *Provided,* That such reassignment shall not involve a reduction in rank, status or salary.

SEC. 27. **Employment Status.** — Appointment in the career service shall be permanent or temporary.

- (1) *Permanent status.* — A permanent appointment shall be issued to a person who meets all the requirements for the positions to which he is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of law, rules and standards promulgated in pursuant thereof.
- (2) *Temporary appointment.* — In the absence of appropriate eligibles and it becomes necessary in the public interest to fill a vacancy, a temporary appointment shall be issued to a person who meets all the requirements for the position to which he is being appointed except the appropriate civil service eligibility: *Provided,* That such temporary appointment shall not exceed twelve months, but the appointee may be replaced sooner if a qualified civil service eligible becomes available.

SEC. 28. **Salary Increase or Adjustment.** — Adjustments in salaries as a result of increase in pay levels or upgrading of positions which do not involve a change in qualification requirements shall not require new appointments except that copies of the salary adjustment notices shall be submitted to the Commission for record purposes.

SEC. 29. ***Reduction in Force.*** — Whenever it becomes necessary because of lack of work or funds or due to a change in the scope or nature of an agency's program or as a result of reorganization, to reduce the staff of any department or agency, those in the same group or class of positions in one or more agencies within the particular department or agency wherein the reduction is to be effected, shall be reasonably compared in terms of relative fitness, efficiency and length of service, and those found to be least qualified for the remaining positions shall be laid off.

SEC. 30. ***Career and Personnel Development.*** — The development and retention of a competent and efficient work force in the public service is a primary concern of government. It shall be the policy of the government that a continuing program of career and personnel development be established for all government employees at all levels. An integrated national plan for career and personnel development shall serve as the basis for all career and personnel development activities in the government.

SEC. 31. ***Career and Personnel Development Plans.*** — Each department or agency shall prepare a career and personnel development plan which shall be integrated into a national plan by the Commission. Such career and personnel development plans which shall include provisions on merit promotions, performance evaluation, in-service training, including overseas and local scholarships and training grants, job rotation, suggestions and incentive award systems, and such other provisions for employees' health, welfare, counseling recreation and similar services.

SEC. 32. ***Merit Promotion Plans.*** — Each department or agency shall establish merit promotion plans which shall be administered in accordance with the provisions of the Civil Service law and the rules, regulations and standards to be promulgated by the Commission. Such plans shall include provisions for a definite screening process, which may include tests of fitness, in accordance with standards and guidelines set by the Commission. Promotion Boards may be organized subject to criteria drawn by the Commission.

SEC. 33. ***Performance Evaluation System.*** — There shall be established a performance evaluation system, which shall be administered in accordance with rules, regulations and standards, promulgated by the Commission for all officers and employees in the career service. Such performance evaluation system shall be administered in such manner as to continually foster the improvement of individual employee efficiency and organizational effectiveness.

Each department or agency may, after consultation with the Commission, establish and use one or more performance evaluation plans appropriate to the various groups of positions in the department or agency concerned. No performance

evaluation shall be given, or used as a basis for personnel action, except under an approved performance evaluation plan: *Provided*, That each employee shall be informed periodically by his supervisor of his performance evaluation.

SEC. 34. ***Responsibility for Training.*** — The Commission shall be responsible for the coordination and integration of a continuing program of personnel development for all government personnel in the first and second levels.

Central staff agencies and specialized institutes shall conduct continuing centralized training for staff specialists from the different agencies. However, in those cases where there is sufficient number of participants to warrant training at department or agency or local government levels, such central staff agencies and specialized institutes shall render the necessary assistance, and consultative services.

To avoid duplication of effort and overlapping of training functions, the following functional responsibilities are assigned:

- (1) Public and private colleges and universities and similar institutions shall be encouraged to organize and carry out continuing programs of executive development.
- (2) The Commission, the Commission on Audit, the Department of Budget and Management, the General Services Administration, and other central staff agencies shall conduct centralized training and assist in the training program of the Departments or agencies along their respective functional areas of specialization.
- (3) In coordination with the Commission, the Department of Local Government and Community Development shall undertake local government training programs.
- (4) In coordination with the Commission, each department or agency, province or city shall establish, maintain and promote a systematic plan of action for personnel training at all levels in accordance with standards laid down by the Commission. It shall maintain appropriate training staffs and make full use of available training facilities.

Whenever it deems it necessary, the Commission shall take the initiative in undertaking programs for personnel development.

SEC. 35. ***Employee Suggestions and Incentive Award System.*** — There shall be established a government-wide employee suggestions and incentive awards system which shall be administered under such rules, regulations, and standards as may be promulgated by the Commission.

In accordance with rules, regulations, and standards promulgated by the Commission, the President or the head of each department or agency is authorized to incur whatever necessary expenses involved in the honorary recognition of subordinate officers and employees of the government who by their suggestions, inventions, superior accomplishment, and other personal efforts contribute to the efficiency, economy, or other improvement of government operations, or who perform such other extraordinary acts or services in the public interest in connection with, or in relation to, their official employment.

SEC. 36. ***Personnel Relations.*** — (1) It shall be the concern of the Commission to provide leadership and assistance in developing employee relations programs in the department or agencies.

(2) Every Secretary or head of agency shall take all proper steps toward the creation of an atmosphere conducive to good supervisor-employee relations and the improvement of employee morale.

SEC. 37. ***Complaints and Grievances.*** — Employees shall have the right to present their complaints or grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the department or agency, as the case may be, and the employee shall have the right to appeal such decision to higher authorities.

Each department or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employees' complaints or grievances in accordance with the policies enunciated by the Commission.

In case any dispute remains unresolved after exhausting all the available remedies under existing laws and procedures, the parties may jointly refer the dispute to the Public Sector Labor Management Council constituted under section 46, for appropriate action.

CHAPTER 6 – Right to Self-Organization

SEC. 38. **Coverage.** – (1) All government employees, including those in government-owned or controlled corporations with original charters, can form, join or assist employees organizations of their own choosing for the furtherance and protection of their interests. They can also form, in conjunction with appropriate government authorities, labor-management committees, work councils and other forms of workers' participation schemes to achieve the same objectives.

(2) The provisions of this Chapter shall not apply to the members of the Armed Forces of the Philippines, including police officers, policemen, firemen and jail guards.

SEC. 39. **Ineligibility of High-Level Employees to Join Rank-and- File Employees' Organization.** – High-level employees whose functions are normally considered as policy-making or managerial or whose duties are of highly confidential nature shall not be eligible to join the organization of rank- and-file government employees.

SEC. 40. **Protection of the Right to Organize.** – (1) Government employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organizations. Their employment shall not be subject to the condition that they shall not join or shall relinquish their membership in the employees' organizations.

(2) Government authorities shall not interfere in the establishment, functioning or administration of government employees' organizations through acts designed to place such organizations under the control of government authority.

SEC. 41. **Registration of Employees' Organization.** – Government employees' organizations shall register with the Civil Service Commission and the Department of Labor and Employment. The application shall be filed with the Bureau of Labor Relations of the Department which shall process the same in accordance with the provisions of the Labor Code of the Philippines. Applications may also be filed with the Regional Offices of the Department of Labor and Employment which shall immediately transmit the said applications to the Bureau of Labor Relations within three (3) days from receipt thereof.

SEC. 42. **Certificate of Registration.** – Upon approval of the application, a registration certificate shall be issued to the organization recognizing it as a legitimate employees' organization with the right to represent its members and undertake activities to further and defend its interests. The corresponding certificates of registration shall be jointly approved by the Chairman of the Civil Service Commission and the Secretary of Labor and Employment.

SEC. 43. ***Appropriate Organizational Unit.*** — The appropriate organizational unit shall be the employer's unit consisting of rank-and-file employees unless circumstances otherwise require.

SEC. 44. ***Sole and Exclusive Employees' Representatives.*** —

- (1) The duly registered employees' organization having the support of the majority of the employees in the appropriate organizational unit shall be designated as the sole and exclusive representative of the employees.
- (2) A duly registered employees' organization shall be accorded voluntary recognition upon a showing that no other employees' organization is registered or is seeking registration, based on the records of the Bureau of Labor Relations, and that the said organization has the majority support of the rank-and-file employees in the organizational unit.
- (3) Where there are two or more duly registered employees' organizations in the appropriate organizational unit, the Bureau of Labor Relations shall, upon petition, order the conduct of a certification election and shall certify the winner as the exclusive representative of the rank-and-file employees in said organizational unit.

SEC 45. ***The Public Sector Labor-Management Council.*** — A Public Sector Labor-Management Council is hereby constituted to be composed of the following: The Chairman of the Civil Service Commission, as Chairman; the Secretary of Labor and Employment, as Vice-Chairman; and the Secretary of Finance, the Secretary of Justice and the Secretary of Budget and Management, as members.

The Council shall implement and administer the provisions of this Chapter. For this purpose, the Council shall promulgate the necessary rules and regulations to implement this Chapter.

CHAPTER 7 – Discipline

SEC. 46. ***Discipline: General Provisions.*** — (a) No Officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

(b) The following shall be grounds for disciplinary action:

- (1) Dishonesty;

- (2) Oppression;
- (3) Neglect of duty;
- (4) Misconduct;
- (5) Disgraceful and immoral conduct;
- (6) Being notoriously undesirable;
- (7) Discourtesy in the course of official duties;
- (8) Inefficiency and incompetence in the performance of official duties;
- (9) Receiving for personal use of a 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 other persons, or committing acts punishable under the anti-graft laws;
- (10) Conviction of a crime involving moral turpitude;
- (11) Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
- (12) Violation of existing Civil Service Law and rules or reasonable office regulations;
- (13) Falsification of official document;
- (14) Frequent unauthorized absences or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours;
- (15) Habitual drunkenness;
- (16) Gambling prohibited by law;
- (17) Refusal to perform official duty or render overtime service;
- (18) Disgraceful, immoral or dishonest conduct prior to entering the service;
- (19) Physical or mental incapacity or disability due to immoral or vicious habits;
- (20) Borrowing money by superior officers from subordinates or lending by subordinates to superior officers;
- (21) Lending money at usurious rates of interest;
- (22) Wilful failure to pay just debts or wilful failure to pay taxes due to the government;
- (23) Contracting loans of money or other property from persons with whom the office of the employee concerned has business relations;
- (24) Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations;
- (25) Insubordination;
- (26) Engaging directly or indirectly in partisan political activities by one holding a non-political office;
- (27) Conduct prejudicial to the best interest of the service;
- (28) Lobbying for personal interest or gain in legislative halls or offices without authority;

- (29) Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases if there is no prior authority;
 - (30) Nepotism as defined in Section 60 of this Title.
-
- (c) Except when initiated by the disciplining authority, no complaint against a civil service official or employee shall be given due course unless the same is in writing and subscribed and sworn to by the complainant.
 - (d) In meting out punishment, the same penalties shall be imposed for similar offenses and only one penalty shall be imposed in each case. The disciplining authority may impose the penalty of removal from the service, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six months' salary, or reprimand.

SEC. 47. ***Disciplinary Jurisdiction.*** — (1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.

- (2) The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. 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 and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.
- (3) An investigation may be entrusted to regional director or similar officials who shall make the necessary report and recommendation to the chief of bureau or office or department within the period specified in Paragraph (4) of the following Section.

- (4) An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in the event he wins an appeal.

SEC. 48. ***Procedures in Administrative Cases Against Non- Presidential Appointees.*** — (1) Administrative proceedings may be commenced against a subordinate officer or employee by the Secretary or head of office of equivalent rank, or head of local government, or chiefs of agencies, or regional directors, or upon sworn, written complaint of any other person.

- (2) In the case of a complaint filed by any other persons, the complainant shall submit sworn statements covering his testimony and those of his witnesses together with his documentary evidence. If on the basis of such papers a *prima facie* case is found not to exist, the disciplining authority shall dismiss the case. If a *prima facie* case exist, he shall notify the respondent in writing, of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and other documents submitted, and the respondent shall be allowed not less than seventy-two hours after receipt of the complaint to answer the charges in writing under oath, together with supporting sworn statements and documents, in which he shall indicate whether or not he elects a formal investigation if his answer is not considered satisfactory. If the answer is found satisfactory, the disciplining authority shall dismiss the case.
- (3) Although a respondent does not request a formal investigation, one shall nevertheless be conducted when from the allegations of the complaint and the answer of the respondent, including the supporting documents, the merits of the case cannot be decided judiciously without conducting such investigation.
- (4) The investigation shall be held not earlier than five days nor later than ten days from the date of receipt of respondent's answer by the disciplining authority, and shall be finished within thirty days from the filing of the charges, unless the period is extended by the Commission in meritorious cases. The decision shall be rendered by the disciplining authority within thirty days from the termination of the investigation or submission of the report of the investigator, which report shall be submitted within fifteen days from the conclusion of the investigation.
- (5) The direct evidence for the complainant and the respondent shall consist of the sworn statement and documents submitted in support of the complaint or answer, as the case may be, without prejudice to the presentation of additional evidence deemed necessary but was unavailable at the time of the filing of the complaint or answer, upon which the cross-examination, by respondent and the

complainant, respectively, shall be based. Following cross-examination, there may be redirect and recross-examination.

- (6) Either party may avail himself of the services of counsel and may require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of *subpoena* or *subpoena duces tecum*.
- (7) The investigation shall be conducted only for the purpose of ascertaining the truth and without necessarily adhering to technical rules applicable in judicial proceedings. It shall be conducted by the disciplining authority concerned or his authorized representatives.

The phrase "any other party" shall be understood to be a complainant other than those referred to in subsection (a) hereof.

SEC. 49. **Appeals.** — (1) Appeals, where allowable, shall be made by the party adversely affected by the decision within fifteen days from receipt of the decision unless a petition for reconsideration is seasonably filed, which petition shall be decided within fifteen days. Notice of the appeal shall be filed with the disciplining office, which shall forward the records of the case, together with the notice of appeal, to the appellate authority within fifteen days from filing of the notice of appeal, with its comment, if any. The notice of appeal shall specifically state the date of the decision appealed from and the date of receipt thereof. It shall also specifically set forth clearly the grounds relied upon for excepting from the decision.

- (2) A petition for reconsideration shall be based only on any of the following grounds:
(a) new evidence has been discovered which materially affects the decision rendered; (b) the decision is not supported by the evidence on record; or (c) errors of law or irregularities have been committed which are prejudicial to the interest of the respondent: *Provided*, That only one petition for reconsideration shall be entertained.

SEC. 50. **Summary Proceedings.** — No formal investigation is necessary and the respondent may be immediately removed or dismissed if any of the following circumstances is present:

- (1) When the charge is serious and the evidence of guilt is strong;
- (2) When the respondent is a recidivist or has been repeatedly charged and there is reasonable ground to be believed that he is guilty of the present charge;
and
- (3) When the respondent is notoriously undesirable.

Resort to summary proceedings by the disciplining authority shall be done with utmost objectivity and impartiality to the end that no injustice is committed: *Provided*, That removal or dismissal except those by the President, himself or upon his order, may be appealed to the Commission.

SEC. 51. ***Preventive Suspension.*** — The proper disciplining authority may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves dishonesty, oppression or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service.

SEC. 52. ***Lifting of Preventive Suspension Pending Administrative Investigation.*** — When the administrative case against the officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of suspension of the respondent who is not a presidential appointee, the respondent shall be automatically reinstated in the service: *Provided*, That when 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 counted in computing the period of suspension herein provided.

SEC. 53. ***Removal of Administrative Penalties or Disabilities.*** — In meritorious cases and upon recommendation of the Commission, the President may commute or remove administrative penalties or disabilities imposed upon officers or employees in disciplinary cases, subject to such terms and conditions as he may impose in the interest of the service.

CHAPTER 8 – Prohibitions

SEC. 54. ***Limitation on Appointment.*** — (1) No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.

- (2) No candidate who has lost in any election shall, within one year after election, be appointed to any office in the Government or any government-owned or controlled corporations or in any of its subsidiaries.
- (3) Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries.

SEC. 55. **Political Activity.** — No officer or employee in the Civil Service including members of the Armed Forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he use his official authority or influence to coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any officer or employee from expressing his views on current political problems or issues, or from mentioning the names of candidates for public office whom he supports: *Provided*, That public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions from their subordinates or subject them to any of the acts involving subordinates prohibited in the Election Code.

SEC. 56. **Additional or Double Compensation.** — No elective or appointive public officer or employees shall receive additional or double compensation unless specifically authorized by law nor accept without the consent of the President, any present, emolument, office, or title of any kind from any foreign state.

Pensions and gratuities shall not be considered as additional, double or indirect compensation.

SEC. 57. **Limitations on Employment of Laborers.** — Laborers, whether skilled, semi-skilled or unskilled, shall not be assigned to perform clerical duties.

SEC. 58. **Prohibition on Detail or Reassignment.** — No detail or reassignment whatever shall be made within three (3) months before any election.

SEC. 59. **Nepotism.** — (1) All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

As used in this Section, the word "relative" and members of the family referred to are those related within the third degree either of consanguinity or of affinity.

(2) The following are exempted from the operation of the rules on nepotism: (a) persons employed in a confidential capacity, (b) teachers, (c) physicians, and (d) members of the Armed Forces of the Philippines: *Provided, however*, That in each particular instance full report of such appointment shall be made to the Commission.

The restriction mentioned in subsection (1) shall not be applicable to the case of a member of any family who, after his or her appointment to any position in an office or bureau, contracts marriage with someone in the same office or bureau, in which event the employment or retention therein of both husband and wife may be allowed.

- (3) In order to give immediate effect to these provisions, cases of previous appointments which are in contravention hereof shall be corrected by transfer, and pending such transfer, no promotion or salary increase shall be allowed in favor of the relative or relatives who were appointed in violation of these provisions.

CHAPTER 9 – Leave of Absence

SEC. 60. **Leave of Absence.** — Officers and employees in the Civil Service shall be entitled to leave of absence, with or without pay, as may be provided by law and the rules and regulations of the Civil Service Commission in the interest of the service.

CHAPTER 10 – Miscellaneous Provisions

SEC. 61. **Examining Committee, Special Examiners and Special Investigators.** — Subject to approval by the proper head of a department or agency, the Commission may select suitable persons in the government service to act as members of examining committees, special examiners or special investigators. Such person shall be designated examiners or investigators of the Commission and shall perform such duties as the Commission may require, and in the performance of such duties they shall be under its exclusive control.

Examining committees, special examiners or special investigators so designated may be given allowances or per diems for their services, to be paid out of the funds of, and at a rate to be determined by, the Commission.

SEC. 62. **Fees.** — The Commission shall collect and charge fees for civil service examinations, certifications of civil service ratings, service records, and other civil service matters, training courses, seminars, workshops in personnel management and other civil service matters. For this purpose, the Commission shall prescribe standard and reasonable rates for such examinations, certifications, training courses, seminars, and workshops: *Provided*, That no examination fees shall be collected in examinations given for the selection of scholars.

SEC. 63. **Income.** — The income of the Commission from fees, costs for services it may assess and levy, and such other proceeds generated in the performance of its functions shall be directly utilized by the Commission for its expenses.

SEC. 64. **Authority of Officers to Administer Oaths, Take Testimony, Prosecute and Defend Cases in Court.** — Members of the Commission, chiefs of offices, and other officers and employees of the Commission designated in writing by the Chairman may administer such oath as may be necessary in the transactions of official business and administer oaths and take testimony in connection with any authorized investigation. Attorneys of the Commission may prosecute and defend cases in connection with the functions of the Commission before any court or tribunal.

SEC. 65. **Liability of Appointing Authority.** — No person employed in the Civil Service in violation of the Civil Service Law and rules shall be entitled to receive pay from the government; but the appointing authority responsible for such unlawful employment shall be personally liable for the pay that would have accrued had the employment been lawful, and the disbursing officials shall make payment to the employee of such amount from the salary of the officers so liable.

SEC. 66. **Liability of Disbursing Officers.** — Except as may otherwise be provided by law, it shall be unlawful for a treasurer or other fiscal officer to draw or retain from the salary due an officer or employee any amount for contribution or payment of obligations other than those due the government or its instrumentalities.

SEC. 67. **Penal Provision.** — Whoever makes any appointment or employs any person in violation of any provision of this Title or the rules made thereunder or whoever commits fraud, deceit or intentional mis-presentation of material facts concerning other civil service matters, or whoever violates, refuses or neglects to comply with any of such provisions or rules, shall upon conviction be punished by a fine not exceeding one thousand pesos or by imprisonment not exceeding six (6) months, or both such fine and imprisonment in the discretion of the court.

REPUBLIC ACT NO. 11032

AN ACT PROMOTING EASE OF DOING BUSINESS AND EFFICIENT DELIVERY OF GOVERNMENT SERVICES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9485, OTHERWISE KNOWN AS THE ANTI-RED TAPE ACT OF 2007, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 1. Republic Act No. 9485, otherwise known as the "Anti-Red Tape Act of 2007", is hereby amended to read as follows:

"SECTION 1. **Short Title.** - This Act shall be known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018."

SEC. 2. Section 2 of the same Act is hereby amended to read as follows:

"SEC 2. **Declaration of Policy.** - It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government."

SEC. 3. Section 3 of the same Act is hereby amended to read as follows:

"SEC. 3. **Coverage.** - This Act shall apply to all government offices and agencies including local government units (LGUs), government-owned or -controlled corporations and other government instrumentalities, whether located in the Philippines or abroad, that provide services covering business and nonbusiness related transactions as defined in this Act."

SEC. 4. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. **Definition of Terms.** - As used in this Act, the following terms are defined as follows:

- "(a) *Action* refers to the written approval or disapproval made by a government office or agency on the application or request submitted by an applicant or requesting party for processing;
- "(b) *Business One Stop Shop (BOSS)* - a single common site or location, or a single online website or portal designated for the Business Permit and Licensing System (BPLS) of an LGU to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations;
- "(c) *Business-related transactions* - a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to national and local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate or continue to operate as a legitimate business;
- "(d) *Complex transactions* - applications or requests submitted by applicants or requesting parties of a government office which necessitate evaluation in the resolution of complicated issues by an officer or employee of said government office, such transactions to be determined by the office concerned;
- "(e) *Fixer* - any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration;
- "(f) *Government service* - the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the agency or office concerned;
- "(g) *Highly technical application* - an application which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof;

- "(h) *Nonbusiness transactions* - all other government transactions not falling under Section 4 (c) of this Act;
- "(i) *Officer or employee* - a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by an applicant or requesting party for processing;
- "(j) *Processing time* - the time consumed by an LGU or national government agency (NGA) from the receipt of an application or request with complete requirements, accompanying documents and payment of fees to the issuance of certification or such similar documents approving or disapproving an application or request;
- "(k) *Red tape* - any regulation, rule, or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow, suboptimal, and undesirable social outcomes;
- "(l) *Regulation* - any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity; and
- "(m) *Simple transactions* - applications or requests submitted by applicants or requesting parties of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government office."

SEC. 5. Section 5 of the same Act is hereby amended to read as follows;

"SEC. 5. ***Reengineering of Systems and Procedures.*** - All offices and agencies which provide government services are hereby mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and reengineer the same if deemed necessary to reduce bureaucratic red tape and processing time.

"The Anti-Red Tape Authority, created in this Act, shall coordinate with all government offices covered under Section 3 of this Act in the review of existing laws, executive issuances and local ordinances, and recommend the repeal of the same if deemed outdated, redundant, and adds undue regulatory burden to the transacting public.

"All proposed regulations of government agencies under Section 3 of this Act shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: *Provided*, That when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact.

"Upon effectivity of this Act, all LGUs and NGAs are directed to initiate review of existing policies and operations and commence with the reengineering of their systems and procedures in compliance with the provisions of this Act, pending the approval of the implementing rules and regulations (IRR) thereof."

SEC. 6. Section 6 of the same Act is hereby amended to read as follows:

"SEC. 6. **Citizen's Charter.** - All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or -controlled corporations, or LGUs shall set up their respective most current, and updated service standards to be known as the Citizen's Charter in the form of information billboards which shall be posted at the main entrance of offices or at the most conspicuous place, in their respective websites and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

- "(a) A comprehensive and uniform checklist of requirements for each type of application or request;
- "(b) The procedure to obtain a particular service;
- "(c) The person/s responsible for each step;
- "(d) The maximum time to conclude the process;
- "(e) The document/s to be presented by the applicant or requesting party, if necessary;

"(f) The amount of fees, if necessary; and

"(g) The procedure for filing complaints."

SEC. 7. A new Section 7 is hereby inserted after Section 6 of the same Act to read as follows:

"SEC. 7. **Zero-Contact Policy**.- Except during the preliminary assessment of the request and evaluation of sufficiency of submitted requirements, no government officer or employee shall have any contact, in any manner, unless strictly necessary with any applicant or requesting party concerning an application or request. Once the Department of Information and Communications Technology (DICT) has completed a web-based software enabled business registration system that is acceptable to the public as mandated under Section 26 of this Act, all transactions shall be coursed through such system. All government agencies including LGUs shall adopt a zero-contact policy."

SEC. 8. Section 7 of' the same Art is hereby renumbered as Section 8 to read as follows:

"SEC. 8. **Accountability of Heads of Offices and Agencies**. – The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned."

SEC. 9. Section 8 of the same Act is hereby amended and renumbered as Section 9 to read as follows;

"SEC. 9. **Accessing Government Services**. – The following shall be adopted by all government offices and agencies:

"(a) Acceptance of Applications or Requests. -

"(1) All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.

"(2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its

supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.

"(3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.

"(4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

"(b) Action of Office. –

"(1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received;

"For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

"The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

"If the application or request for license, clearance, permit, certification or authorization shall require the approval of the local Sangguniang Bayan, Sanggunuing Panlungsod, or the Sangguniang Panlalawigan as the case may be the Sanggunian concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local Sanggunian concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned Sanggunian.

"In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this Act shall be suspended and appropriate adjustments shall be made.

"(2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws.

"(c) Denial of Application or Request for Access to Government Service.
– Any denial of application request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of application or request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

"(d) Limitation of Signatories. - The number of signatories in any document shall be limited to a maximum of three (3) signatures which shall represent officers directly supervising the office or agency concerned: *Provided*, That in case the authorized signatory is on official business or official leave, an alternate shall be designated as signatory. Electronic

signatures or pre-signed license, clearance, permit, certification or authorization with adequate security and control mechanism may be used.

- "(e) Electronic Versions of Licenses, Clearances, Permits, Certifications or Authorizations. - All government agencies covered under Section 3 of this Act shall, when applicable, develop electronics versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy, which may be printed by the applicants or requesting parties in the convenience of their offices.
- "(f) Adoption of Working Schedules to Serve Applicants or Requesting Parties. - Heads of offices and agencies which render government services shall adopt appropriate working schedules to ensure that all applicants or requesting parties who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.
- "(g) Identification Card. - All employees transacting with the public shall be provided with an official identification card which shall be visibly worn during office hours.
- "(h) Establishment of Public Assistance/Complaints Desk. - Each office or agency .shall establish a public assistance/complaints desk in all their offices."

SEC. 10. Section 9 of the same Act is hereby amended and renumbered as Section 10 to read as follows:

"SEC, 10. ***Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization.*** -If a government office or agency fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved: *Provided*, That all required documents have been submitted and all required fees and charges have been paid. The acknowledgement receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.

"If a government office or agency fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or authorization shall automatically be extended: *Provided*, That the Authority, in coordination with the Civil Service Commission (CSC), Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Department of the Interior and Local Government (DILG) and other agencies which shall formulate the IRR of this Act, shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy."

SEC. 11. New sections to be numbered as Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19 are hereby inserted after Section 9 of the same Act, to read as follows:

"SEC. 11. ***Streamlined Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorizations.*** - The LGUs are mandated to implement the following revised guidelines in the issuance of business licenses, clearances, permits, certifications or authorizations:

- "(a) A single or unified business application form shall be used in processing new applications for business permits and business renewals which consolidates all the information of the applicant or requesting party by various local government departments, such as, but not limited to, the local taxes and clearances, building clearance, sanitary permit, zoning clearance, and other specific LGU requirements, as the case may be, including the fire clearance from the Bureau of Fire Protection (BFP). The unified form shall be made available online using technology-neutral platforms such as, but not limited to, the central business portal or the city/ municipality's website and various channels for dissemination. Hard copies of the unified forms shall likewise be made available at all times in designated areas of the concerned office and/or agency.
- "(b) A one-stop business facilitation service, hereinafter referred to as the business one stop shop, (BOSS) for the city/municipality's business permitting and licensing system to receive and process manual and/or electronic submission of application for license, clearance, permit, certification or authorization shall be established within the cities/ municipalities' *Negosyo Center* as provided for under Republic Act No. 10644, otherwise known as the "Go Negosyo Act". There shall be a queuing mechanism in the BOSS to better manage the flow of applications among the LGUs' departments receiving and processing

applications. LGUs shall implement colocation of the offices of the treasury, business permits and licensing office, zoning office, including the BFP, and other relevant city/municipality offices/ departments, among others, engaged in starting a business, dealing with construction permits.

- "(c) Cities/Municipalities are mandated to automate their business permitting and licensing system or set up an electronic BOSS within a period of three (3) years upon the effectivity of this Act for a more efficient business registration processes. Cities/Municipalities with electronic BOSS shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority, which may be printed by businesses in the convenience of their offices. The DICT shall make available to LGUs the software for the computerization of the business permit and licensing system. The DICT, DTI, and DILG, shall provide technical assistance in the planning and implementation of a computerized or software-enabled business permitting and licensing system.
- "(d) To lessen the transaction requirements, other local clearances such as, but not limited to, sanitary permits, environmental and agricultural clearances shall be issued together with the business permit.
- "(e) Business permits shall be valid for a period of one (1) year. The city/ municipality may have the option to renew business permits within the first month of the year or on the anniversary date of the issuance of the business permit.
- "(f) Barangay clearances and permits related to doing business shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act: *Provided, That the share in the collections shall be remitted to the respective barangays.*

"The pertinent provisions of Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", specifically Article IV, Section 152(c) is hereby amended accordingly."

"SEC. 12. *Streamlined Procedures for Securing Fire Safety Evaluation Clearance (FSEC), Fire Safety Inspection Certificate (FSIC), and Certification of Fire Incidents for Fire Insurance.* - For the issuance of FSEC, FSIC, and certification of fire incidents, the following shall be adopted to make business permitting more efficient:

- "(a) Issuance of FSEC and FSIC shall in no case be longer than seven (7) working days;
- "(b) For new business permit application, the FSIC already issued during the occupancy permit stage shall be sufficient as basis for the issuance of the FSIC for a business entity as a requirement for the business permit;
- "(c) For renewal of business permit, the BFP shall, within three (3) working days from application, present the FSIC to the city/municipality, either thru the copy of the FSIC or the negative/positive list: *Provided*, That the business entity shall inform the BFP and submit the necessary documentary requirements if renovations, modifications or any form of alterations are made to the original building structure thirty (30) working days before the expiration of the business permit;
- "(d) If the BFP fails to furnish the city/ municipality with an FSIC or to inform the same through the negative/positive list within three (3) working days from the application of business renewal, the business entity shall be deemed to have a temporary valid FSIC and, therefore, shall serve as the basis for the automatic renewal of the business permit;
- "(e) Issuance of the certification of fire incident for fire insurance purposes shall in no case be longer than twenty (20) working days, and may be extended only once for another twenty (20) working days;
- "(f) The BFP or any of its officials or employees shall not sell, offer to sell, or recommend specific brands of fire extinguishers and other fire safety equipment to any applicant or requesting party or business entity. Any violation thereof shall be punishable by imprisonment of one (1) year to six (6) years and a penalty of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00);
- "(g) The BFP shall colocate with the BOSS or in an appropriate area designated by the city/municipality within its premises to assess and collect the fire safety inspection fees;
- "(h) The BFP may enter into agreements with cities/municipalities, allowing the latter to be deputized as assessors and/or collecting agents for the fire safety inspection fees; and

"(i) The BFP shall develop and adopt an online or electronic mechanism in assessing fees, collecting/accepting payments and sharing/exchange of other relevant data on business permit processing.

"The pertinent provisions of Republic Act No. 9514, otherwise known as the "Revised Fire Code of the Philippines of 2008", are hereby amended accordingly."

"SEC. 13. **Central Business Portal (CBP)**. - To eliminate bureaucratic red tape, avert graft and corrupt practices and to promote transparency and sustain ease of doing business, the DICT shall be primarily responsible in establishing, operating and maintaining a CBP or other similar technology, as the DICT may prescribe.

"The CBP shall serve as a central system to receive applications and capture application data involving business-related transactions, including primary and secondary licenses, and business clearances, permits, certifications or authorizations issued by the LGUs: *Provided*, That the CBP may also provide links to the online registration or application systems established by NGAs.

"The DICT, upon consultation with the National Privacy Commission (NPC), NGAs and LGUs shall issue rules and guidelines on the following: (a) the establishment, operation and maintenance of the CBP; and (b) the use of electronic signatures.

"The DICT is hereby mandated to implement an Interconnectivity Infrastructure Development Program for interconnectivity between and among NGAs and LGUs.

"The DICT, in coordination with other concerned NGAs and LGUs, shall also conduct information dissemination campaigns aimed towards raising public awareness on the existence of the CBP and the improved access to and effective utilization of the program."

"SEC. 14. **Philippine Business Databank (PBD)**. – Within a period of one (1) year from the effectivity of this Act, the DICT, in coordination with the concerned agencies, shall establish, manage and maintain a PBD which shall provide the concerned NGAs and LGUs access to data and information of registered business entities for purposes of verifying the validity, existence of and other relevant information pertaining to business entities. All concerned NGAs and LGUs shall either link their own database

with the system or periodically submit to the system updates relevant to the information registered with them.

"The DICT, in consultation with the DTI, SEC, Cooperative Development Authority (CDA), NPC, DILG, LGUs, and other concerned agencies, shall issue the IRR on the development, management, operation and maintenance of the PBD within three (3) months from the effectivity of this Act.

"Documents already submitted by an applicant or requesting party to an agency which has access to the PBD shall no longer be required by other NGAs and LGUs having the same access. Documents or information shall be crosschecked and retrieved in the PBD.

"At the local government level, the city or municipal business process and licensing office shall not require the same documents already provided by an applicant or requesting party to the local government departments in connection with other business-related licenses, clearances, permits, certifications or authorizations such as, but not limited to, tax clearance, occupancy permit and barangay clearance,"

"SEC. 15. **Interconnectivity Infrastructure Development.** – In order to expedite the processing of licenses, clearances, permits, certifications or authorizations, the Authority, together with the DICT, shall develop a fast and reliable interconnectivity infrastructure. In relation to this, the processing and approval of licenses, clearances, permits, certifications or authorizations for the installation and operation of telecommunication, broadcast towers, facilities, equipment and service shall be:

"(a) a total of seven (7) working days for those issued by the barangay;

"(b) a total of seven (7) working days for those issued by LGUs; and

"(c) seven (7) working days for those issued by NGAs.

"If the granting authority fails to approve or disapprove an application for a license, clearance, permit, certification or authorization within the prescribed processing time, said application deemed approved: Provided, That when the appropriate local legislative body is necessary, a nonextendible period of twenty (20) working days is hereby prescribed.

"For homeowners and other community clearances, the officers of the homeowners association shall be given ten (10) working days to refer the

application to the members of the association pursuant to Section 10(k) of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners Associations": *Provided*, That a nonextendible period of thirty (30) working days is granted the homeowners association to give its consent or disapproval: *Provided*, further, That in case of disapproval, the granting authority shall notify the applicant or requesting party within the prescribed period of the reason/s for disapproval as well as remedial measures that may be taken by the applicant or requesting party.

"Within three (3) months upon the approval of the IRR of this Act, the Authority, in coordination with the DICT, shall review and recommend the repeal of outdated, redundant and unnecessary licenses, clearances, permits, certifications or authorizations being required by NGAs, LGUs, and private entities."

"SEC. 16. **Anti-Red Tape Unit in the Civil Service Commission (CSC)**. - The CSC shall maintain an anti-red tape unit in its central and all its regional offices, utilize Report Card Survey findings for purposive and integrated government-wide human resource systems and programs toward efficient delivery of government service as contemplated in this Act; and receive, review, hear, and decide on complaints on erring government employees and officials and noncompliance with the provisions of this Act."

"SEC. 17. **Anti-Red Tape Authority**. - To ensure the attainment of the objectives of this Act, there is hereby created the Anti-Red Tape Authority, herein referred to as the Authority, which shall be organized within six (6) months after the effectivity of this Act. The Authority shall be attached to the Office of the President.

"The Authority shall have the following powers and functions:

- "(a) Implement and oversee a national policy on anti-red tape and ease of doing business;
- "(b) Implement various ease of doing business and anti-red tape reform initiatives aimed at improving the ranking of the Philippines;
- "(c) Monitor and evaluate the compliance of agencies covered under Section 3 of this Act, and issue notice of warning to erring and/or noncomplying government employees or officials;

- "(d) Initiate investigation, *motu proprio* or upon receipt of a complaint, refer the same to the appropriate agency, or file cases for violations of this Act;
- "(e) Assist complainants in filing necessary case with the CSC, the Ombudsman and other appropriate courts, as the case may be;
- "(f) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of business permitting and licensing agencies;
- "(g) Review proposed major regulations of government agencies, using submitted regulatory impact assessments, subject to proportionality rules to be determined by the Authority;
- "(h) Conduct regulatory management training programs to capacitate NGAs and LGUs to comply with sound regulatory management practices;
- "(i) Prepare, in consultation with the appropriate agencies, regulatory management manuals for all government agencies and/or instrumentalities and LGUs;
- "(j) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations or procedures;
- "(k) Ensure the dissemination of and public access to information on regulatory management system and changes in laws and regulations relevant to the public by establishing the Philippine Business Regulations Information System;
- "(l) Enlist the assistance of the CSC, DTI and other government agencies in the implementation of its powers and functions provided for in this Act; and
- "(m) Perform such acts as may be necessary to attain the objectives of this Act."

"SEC. 18. **Composition of the Authority.** - The Authority shall be headed by a Director General to be appointed by the President of the Philippines upon effectivity of this Act, and such appointment shall be coterminous with the tenure of the President of the Philippines. The Director General shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Secretary.

"The Director General shall oversee the day-to-day operations of the Authority. He/She shall be assisted by three (3) Deputy Directors General each for legal, operations, and administration and finance: *Provided*, That they are career officials as defined in existing laws, rules and regulations. The Deputy Directors General shall enjoy the benefits, privileges, and emoluments equivalent to the rank of Undersecretary and shall likewise be appointed by the President of the Philippines.

"The Director General of the Authority, in consultation with the CSC, DTI and the Department of Budget and Management (DBM), shall determine the organizational structures including regional or field offices, qualification standards, staffing pattern and compensation of the newly created Authority in accordance with existing laws, rules and regulations: *Provided*, That in the absence of regional or field offices, the Authority may deputize the regional personnel of the DTI to perform its powers and functions."

"SEC. 19. *Ease of Doing Business and Anti-Red Tape Advisory Council.*

- There is hereby created an Ease of Doing Business and Anti-Red Tape Advisory Council, herein referred to as the Council. It shall be composed of the Secretary of the DTI as Chairperson, the Director General of the Authority as Vice-Chairperson, the Secretaries of the DICT, DILG and Department of Finance (DOF), and two (2) representatives from the private sector as members. The department secretaries may designate their representatives, who shall sit in a permanent capacity, with no less than Undersecretary in rank, and their acts shall be considered the acts of their principals. The private sector representatives shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed only once, from the nominees submitted by reputable business groups or associations.

"The Council shall be the policy and advisory body to the Authority. The Council shall formulate policies and programs that will continuously enhance and improve the country's competitiveness and ease of doing business. Towards this end, the Council shall have the following powers and functions:

- "(a) Plan, draft and propose a national policy on ease of doing business and anti-red tape;
- "(b) Recommend policies, processes and systems to improve regulatory management to increase the productivity, efficiency, and effectiveness of permitting and licensing agencies;

- "(c) Design and identify systems that will continuously enhance and improve the delivery of services in government and ease of doing business in the country;
- "(d) Authorize the creation or appointment of specific working groups or task forces in aid of the implementation of this Act;
- "(e) Propose legislation, amendments or modifications to Philippine laws related to anti-red tape and ease of doing business;
- "(f) Periodically review and assess the country's competitiveness performance, challenges, and issues;
- "(g) Provide technical assistance and advisory opinions in the review of proposed national or local legislation, regulations, or procedures;
- "(h) Recommend to the Authority the issuance of the appropriate measures to promote transparency and efficiency in business practices and delivery of services in government; and
- "(i) Perform such other functions as may be necessary or as may be directed by the President of the Philippines for the successful implementation to attain the objectives of this Act.

"The Authority shall serve as Secretariat to the Council to be headed by its Deputy Director General for operations.

"The National Competitiveness Council (NCC), created under Executive Order No. 44, Series of 2011, shall be renamed and reorganized as the Council. The pertinent provisions under the following presidential orders: Executive Order No. 571, Executive Order No. 44, and Administrative Order No. 38 are hereby repealed accordingly."

SEC. 12. Section 10 of the same Act is hereby amended and renumbered as Section 20 to read as follows:

"SEC. 20. **Report Card Survey.** - All offices and agencies providing government services shall be subjected to a Report Card Survey to be initiated by the Authority, in coordination with the CSC, and the Philippine Statistics Authority (PSA), which shall be used to obtain feedback on how provisions in the Citizen's Charter and the provisions of this Act are being followed and how the agency is performing.

"The Report Card Survey shall also be used to obtain information and/or estimates of hidden costs incurred by applicants or requesting parties to access government services which may include, but is not limited to, bribes and payment to fixers. The result of the survey shall also become basis for the grant of awards, recognition and/or incentives for excellent delivery of services in all government agencies.

"A feedback mechanism shall be established in all agencies covered by this Act and the results thereof shall be incorporated in their annual report"

SEC. 13. Sections 11 and 12 of the same Act are hereby deleted, and replaced with new sections to be numbered as Sections 21 and 22, to read as follows:

"SEC 21. **Violations and Persons Liable.** – Any person who performs or cause the performance of the following acts shall be liable:

- "(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 on the disapproval of an application or request;
- "(e) Failure to render government services within the prescribed processing time on any application 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; and
- "(h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."

"SEC. 22. **Penalties and Liabilities.** – Any violations of the preceding actions will warrant the following penalties and liabilities.

"(a) First Offense: Administrative liability with six (6) months suspension: *Provided, however,* That in the case of fixing and/or collusion with fixers under Section 21(h), the penalty and liability under Section 22(b) of this Act shall apply.

"(b) Second Offense: Administrative liability and criminal liability of dismissal from the service, perpetual disqualification from holding public office and forfeiture of retirement benefits and imprisonment of one (1) year to six (6) years with a fine of not less than Five hundred thousand pesos (P500,000.00), but not more than Two million pesos (P2,000,000.00).

"Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply."

SEC. 14. Section 13 of the same Act is hereby renumbered as Section 23 to read as follows:

"SEC. 23. **Civil and Criminal Liability, Not Barred.** - The finding of administrative liability under this Act shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated."

SEC. 15. Section 14 of the same Act is hereby amended and renumbered as Section 24 to read as follows:

"SEC. 24. **Administrative Jurisdiction.** - The administrative jurisdiction on any violation of the provisions of this Act shall be vested in either the CSC, or the Office of the Ombudsman as determined by appropriate laws and issuances."

SEC. 16. Section 15 of the same Act is hereby renumbered as Section 25, and all succeeding sections of the same Act are hereby deleted.

"SEC. 25. **Immunity; Discharge of Co-Respondent/ Accused to be a Witness.** - Any public official or employee or any person having been charged with another offense under this Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefore, shall be exempt from prosecution in the case/s where his/her information and testimony are given. The discharge may be granted and

directed by the investigating body or court upon the application or petition of any of the respondent/accused-informant and before the termination of the investigation: *Provided, That:*

- "(a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;
- "(b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused- informant;
- "(c) The testimony of said respondent/accused- informant can be substantially corroborated in its material points;
- "(d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and
- "(e) Said respondent/accused-informant does not appear to be the most guilty.

"Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence."

SEC. 17. New sections to be numbered as Sections 26, 27, 28, 29, 30, 31, 32 and 33 are hereby inserted after Section 15 of the same Act to read as follows:

"SEC. 26. ***Transition from Manual to Software.*** - Enabled Business-Related Transactions. - The DICT, in coordination with other concerned agencies, shall within three (3) years after the effectivity of this Act, automate business-related transactions by developing the necessary software and technology- neutral platforms and secure infrastructure that is web-based and accessible to the public. The DICT shall ensure that all municipalities and provinces classified as third (3rd), fourth (4th), fifth (5th) and sixth (6th) class are provided with appropriate equipment and connectivity, information and communications technology platform, training and capability building to ensure the LGUs compliance with this Act."

"SEC. 27. *Transitory Provisions.* –

- "(a) The Director General of the Authority, in consultation with the DTI, shall determine the organizational structure and personnel complement of the Authority. To ensure continued implementation of ease of doing business and anti-red tape reforms, the teams or units involved in regulatory improvement and/or ease of doing business-related programs of the DTI-Competitiveness Bureau shall serve as temporary secretariat of the Authority until such time that its organizational structure and personnel complement have been determined and filled up: *Provided*, That the staff of the DTI- Competitiveness Bureau shall have the option to be absorbed or transferred laterally to the Authority without diminution of their rank, position, salaries and other emoluments once the staffing pattern and plantilla position of the Authority has been approved.
- "(b) All regulatory management programs and anti-red tape initiatives across government agencies shall be gathered by the Authority. The DTI, CDA, NCC, DOF, Development Academy of the Philippines (DAP), and National Economic and Development Authority (NEDA) shall submit to the Authority a report on the status of their respective projects related to regulatory management.
- "(c) The Authority, in coordination with CSC and the Council, shall conduct an information dissemination campaign in all NGAs and LGUs to inform them of this Act amending Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007."

"SEC. 28. *Congressional Oversight Committee.* - To monitor the implementation of this Act, there shall be created a Congressional Oversight Committee on Ease of Doing Business (COC-EODB), to be composed of five (5) members from the Senate, which shall include the Chairpersons of the Senate Committees on Trade and Commerce and Entrepreneurship, Civil Service, Government Reorganization and Professional Regulation, and Economic Affairs; and five (5) members from the House of Representatives which shall include the Chairpersons of the House Committees on Trade and Industry, Civil Service and Professional Regulation, Government Reorganization, and Economic Affairs. The COC-EODB shall be jointly chaired by the Chairpersons of the Senate Committee on Trade and Commerce and Entrepreneurship and the House of Representatives Committee on Trade and Industry: *Provided*, That the oversight committee shall cease to exist after five (5) years upon the effectivity of this Act.

"The Secretariat of the COC-EODB shall be drawn from the existing personnel of the Senate and House of Representatives committees comprising the COC-EODB."

"SEC. 29. **Appropriations.** - The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the concerned agencies. In addition, the amount of Three hundred million pesos (P300,000,000.00) as initial funding for the Authority to be charged against the unexpended Contingency Fund of the Office of the President is hereby appropriated. Thereafter, the amount needed for the implementation of this Act shall be included in the annual General Appropriations Act."

"SEC. 30. **Implementing Rules and Regulations.** - The Authority with the CSC and DTI, and in coordination with the DICT, DOF, DILG, NEDA, PSA, CDA, SEC, the Office of the Ombudsman, Housing and Land Use Regulatory Board (HLURB) and the Union of Local Authorities of the Philippines (ULAP), shall promulgate the necessary rules and regulations within ninety (90) working days from the effectivity of this Act."

"SEC. 31. **Separability Clause.** - If any provision of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act."

"SEC. 32. **Repealing Clause.** - All provisions of laws, presidential decrees, letters of instruction and other presidential issuances which are incompatible or inconsistent with the provisions of this Act are hereby deemed amended or repealed accordingly."

"SEC. 33. **Effectivity.** - This Act shall take effect within fifteen (15) days following its publication in the Official Gazette or in two (2) national newspapers of general circulation."

SEC. 18. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,

(SGD.) **PANTALEON D. ALVAREZ**
Speaker of the House of Representatives

(SGD.) **AQUILINO "KOKO"
PIMENTEL III**
President of the Senate

This Act which is a consolidation of Senate Bill No. 1311 and House Bill No. 6579 was finally passed by the Senate and the House of representatives on February 21, 2018 and February 27, 2018, respectively.

(SGD.) **CESAR STRAIT PAREJA**
Secretary General
House of Representatives

(SGD.) **LUTGARDO B. BARBO**
Secretary of the Senate

Approved: MAY 28 2018

(SGD.) **RODRIGO ROA DUTERTE**
President of the Philippines

SAFE SPACES ACT

REPUBLIC ACT NO. 11313

AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Short Title.** – This Act shall be known as the “Safe Spaces Act”.

SEC. 2. **Declaration of Policies.** – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

Sec. 3. **Definition of Terms.** – As used in this Act:

- (a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- (b) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: *Provided*, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;
- (c) *Employer* refers to a person who exercises control over an employee: *Provided*, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;
- (d) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;

- (e) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;
- (f) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;
- (g) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and
- (h) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

ARTICLE I

GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

SEC. 4. ***Gender-Based Streets and Public Spaces Sexual Harassment.*** – The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is 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. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

SEC. 5. *Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public.* – Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in flagrante delicto and are required to immediately coordinate with local authorities

SEC. 6. *Gender-Based Sexual Harassment in Public Utility Vehicles.* – In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

SEC. 7. *Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.* – In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

SEC. 8. **Duties of Local Government Units (LGUs).** – local government units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

- (a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;
- (b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;
- (c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- (d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;
- (e) Create an anti-sexual harassment hotline; and
- (f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

SEC. 9. **Role of the DILG.** – The DILG shall ensure the full implementation of this Act by:

- (a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;
- (b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and
- (c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

SEC. 10. **Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.** – The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: Provided, That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

SEC. 11. *Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces.* – The following acts are unlawful and shall be penalized as follows:

- (a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –
 - (1) The first offense shall be punished by a fine of One thousand pesos (P1,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;
 - (2) The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (P3,000.00);

- (3) The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (P10, 000.00).
- (b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –
 - (1) The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - (2) The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);
 - (3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).
- (c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) –
 - (1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;
 - (2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P50,000.00);
 - (3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (P 100,000.00)

ARTICLE II

GENDER-BASED ONLINE SEXUAL HARASSMENT

SEC. 12. ***Gender-Based Online Sexual Harassment.*** – Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, 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, 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 of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

SEC. 13. ***Implementing Bodies for Gender-Based Online Sexual Harassment.*** – For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

Sec. 14. ***Penalties for Gender-Based Online Sexual Harassment.*** – The penalty of prision correccional in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: Provided, That such written order shall only be issued or granted upon

written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ARTICLE III

QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT

SEC. 15. *Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment.* – The penalty next higher in degree will be applied in the following cases:

- (a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or 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 services, such as the PNP and the Armed Forces of the Philippines (AFP), 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.

ARTICLE IV
GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

SEC. 16. ***Gender-Based Sexual Harassment in the Workplace.*** – The crime of gender-based sexual harassment in the workplace includes the following:

- (a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- (b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
- (c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and
- (d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

SEC. 17. ***Duties of Employers.*** – Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- (a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;
- (b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

- (c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:
 - (1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;
 - (2) Designate a woman as its head and not less than half of its members should be women;
 - (3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
 - (4) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;
 - (5) Observe due process;
 - (6) Protect the complainant from retaliation; and
 - (7) Guarantee confidentiality to the greatest extent possible;
- (d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:
 - (1) Expressly reiterate the prohibition on gender-based sexual harassment;
 - (2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and
 - (3) Set administrative penalties.

SEC. 18. ***Duties of Employees and Co-Workers.*** – Employees and co-workers shall have the duty to:

- (a) Refrain from committing acts of gender-based sexual harassment;
- (b) Discourage the conduct of gender-based sexual harassment in the workplace;
- (c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- (d) Report acts of gender-based sexual harassment witnessed in the workplace.

SEC. 19. ***Liability of Employers.*** – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions: or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P 15,000.00).

SEC. 20. ***Routine Inspection.*** – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

ARTICLE V

GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS

SEC. 21. ***Gender Based Sexual Harassment in Educational and Training Institutions.*** – All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender -based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

SEC. 22. ***Duties of School Heads.*** – School heads shall have the following duties:

- (a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;
- (b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;
- (c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:
 - (1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
 - (2) Designate a woman as its head and not less than half of its members should be women;
 - (3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
 - (4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
 - (5) Investigate and decide on complaints within ten (10) days or less upon receipt thereof;
 - (6) Observe due process;
 - (7) Protect the complainant from retaliation; and
 - (8) Guarantee confidentiality to the greatest extent possible.

- (d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:
 - (1) Expressly reiterate the prohibition on gender-based sexual harassment;
 - (2) Prescribe the procedures of the internal mechanism created under this Act; and
 - (3) Set administrative penalties.

SEC. 23. **Liability of School Heads.** –In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- (a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or
- (b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P15,000.00).

SEC. 24. **Liability of Students.** – Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

SEC. 25. **Routine Inspection.** – The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

ARTICLE VI COMMON PROVISIONS

SEC. 26. **Confidentiality.** – At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

SEC. 27. **Restraining Order.** – Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

SEC. 28. **Remedies and Psychological Counselling.** – A victim of gender- based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

SEC. 29. **Administrative Sanctions.** – Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

SEC. 30. **Imposition of Heavier Penalties.** – Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

SEC. 31. **Exemptions.** – Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

ARTICLE VII FINAL PROVISIONS

SEC. 32. **PNP Women and Children's Desks.** – The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

SEC. 33. **Educational Modules and Awareness Campaigns.** – The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age-appropriate educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

SEC. 34. **Safety Audits.** – LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction. Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

SEC. 35. **Appropriations.** – Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

SEC. 36. **Prescriptive Period.** – Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

- (a) Offenses committed under Section 11(a) of this Act shall prescribe in one (1) year;
- (b) Offenses committed under Section 11(b) of this Act shall prescribe in three (3) years;
- (c) Offenses committed under Section 11(c) of this Act shall prescribe in ten (10) years;

- (d) Offenses committed under Section 12 of this Act shall be imprescriptible; and
- (e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

SEC. 37. **Joint Congressional Oversight Committee.** – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality.

SEC. 38. **Implementing Rules and Regulations (IRR).** – Within ninety (90) days from the effectivity of this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the Commission on Human Rights (CHR), the DOH, the DOLE, the DepEd, the CHED, the DICT, the TESDA, the MMDA, the LTO, and at least three (3) women's organizations active on the issues of gender-based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

SEC. 39. **Separability Clause.** – If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 40. **Repealing Clause.** – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 41. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,

This Act which is a consolidation of Senate Bill No. 1558 and House Bill No. 8794 was passed by the Senate of the Philippines and the House of Representatives on February 6, 2019.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**
Speaker of the House of Representatives

(Sgd.) **DANTE ROBERTO G. MALING**
Acting Secretary General House of
Representatives

Approved: April 17, 2019

(Sgd.) **VICENTE C. SOTTO III**
President of the Senate

(Sgd.) **MYRA MARIE D. VILLARICA**
Secretary of the Senate

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

ANTI-SEXUAL HARASSMENT ACT OF 1995

REPUBLIC ACT 7877

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. **Title.** – This Act shall be known as the "Anti-Sexual Harassment Act of 1995."

SEC. 2. **Declaration of Policy.** – The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SEC. 3. **Work, Education or Training-related Sexual Harassment Defined.** – Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
 - (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.
- (b) In an education or training environment, sexual harassment is committed:
- (1) Against one who is under the care, custody or supervision of the offender;
 - (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
 - (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
 - (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

SEC. 4. *Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* – It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

- (a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

- (b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

SEC. 5. *Liability of the Employer, Head of Office, Educational or Training Institution.*

– The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

SEC. 6. *Independent Action for Damages.* – Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

SEC. 7. *Penalties.* – Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

SEC. 8. ***Separability Clause.*** – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SEC. 9. ***Repealing Clause.*** – All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) **EDGARDO J. ANGARA**
President of the Senate

(Sgd.) **JOSE DE VENECIA, JR.**
Speaker of the House of
Representatives

This Act which is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) **EDGARDO E. TUMANGAN**
Secretary of the Senate

(Sgd.) **CAMILO L. SABIO**
Secretary General
House of Representatives

Approved: February 14, 1995

(Sgd.) **FIDEL V. RAMOS**
President of the Philippines

REPUBLIC ACT No. 9285

AN ACT TO INSTITUTIONALIZE THE USE OF AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM IN THE PHILIPPINES AND TO ESTABLISH THE OFFICE FOR ALTERNATIVE DISPUTE RESOLUTION, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER 1 - GENERAL PROVISIONS

SECTION 1. **Title.** - This act shall be known as the "Alternative Dispute Resolution Act of 2004."

SEC. 2. **Declaration of Policy.** - it is hereby declared the policy of the State to actively promote party autonomy in the resolution of disputes or the freedom of the party to make their own arrangements to resolve their disputes. Towards this end, the State shall encourage and actively promote the use of Alternative Dispute Resolution (ADR) as an important means to achieve speedy and impartial justice and declog court dockets. As such, the State shall provide means for the use of ADR as an efficient tool and an alternative procedure for the resolution of appropriate cases. Likewise, the State shall enlist active private sector participation in the settlement of disputes through ADR. This Act shall be without prejudice to the adoption by the Supreme Court of any ADR system, such as mediation, conciliation, arbitration, or any combination thereof as a means of achieving speedy and efficient means of resolving cases pending before all courts in the Philippines which shall be governed by such rules as the Supreme Court may approve from time to time.

SEC. 3. **Definition of Terms.** - For purposes of this Act, the term:

- (a) "Alternative Dispute Resolution System" means any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency, as defined in this Act, in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof;
- (b) "ADR Provider" means institutions or persons accredited as mediator, conciliator, arbitrator, neutral evaluator, or any person exercising similar functions in any Alternative Dispute Resolution system. This is without prejudice to the rights of the parties to choose non accredited individuals to act as mediator, conciliator, arbitrator, or neutral evaluator of their dispute.

Whenever referred to in this Act, the term "ADR practitioners" shall refer to individuals acting as mediator, conciliator, arbitrator or neutral evaluator;

- (c) "Authenticate" means to sign, execute or adopt a symbol, or encrypt a record in whole or in part, intended to identify the authenticating party and to adopt, accept or establish the authenticity of a record or term;
- (d) "Arbitration" means a voluntary dispute resolution process in which one or more arbitrators, appointed in accordance with the agreement of the parties, or rules promulgated pursuant to this Act, resolve a dispute by rendering an award;
- (e) "Arbitrator" means the person appointed to render an award, alone or with others, in a dispute that is the subject of an arbitration agreement;
- (f) "Award" means any partial or final decision by an arbitrator in resolving the issue in a controversy;
- (g) "Commercial Arbitration" An arbitration is "commercial" if it covers matter arising from all relationships of a commercial nature, whether contractual or not;
- (h) "Confidential information" means any information, relative to the subject of mediation or arbitration, expressly intended by the source not to be disclosed, or obtained under circumstances that would create a reasonable expectation on behalf of the source that the information shall not be disclosed. It shall include (1) communication, oral or written, made in a dispute resolution proceedings, including any memoranda, notes or work product of the neutral party or non-party participant, as defined in this Act; (2) an oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing of reconvening mediation or retaining a mediator; and (3) pleadings, motions manifestations, witness statements, reports filed or submitted in an arbitration or for expert evaluation;
- (i) "Convention Award" means a foreign arbitral award made in a Convention State;
- (j) "Convention State" means a State that is a member of the New York Convention;

- (k) "Court" as referred to in Article 6 of the Model Law shall mean a Regional Trial Court;
- (l) "Court-Annexed Mediation" means any mediation process conducted under the auspices of the court, after such court has acquired jurisdiction of the dispute;
- (m) "Court-Referred Mediation" means mediation ordered by a court to be conducted in accordance with the Agreement of the Parties when an action is prematurely commenced in violation of such agreement;
- (n) "Early Neutral Evaluation" means an ADR process wherein parties and their lawyers are brought together early in a pre-trial phase to present summaries of their cases and receive a nonbinding assessment by an experienced, neutral person, with expertise in the subject in the substance of the dispute;
- (o) "Government Agency" means any government entity, office or officer, other than a court, that is vested by law with quasi-judicial power to resolve or adjudicate dispute involving the government, its agencies and instrumentalities, or private persons;
- (p) "International Party" shall mean an entity whose place of business is outside the Philippines. It shall not include a domestic subsidiary of such international party or a coventurer in a joint venture with a party which has its place of business in the Philippines.

The term foreigner arbitrator shall mean a person who is not a national of the Philippines.

- (q) "Mediation" means a voluntary process in which a mediator, selected by the disputing parties, facilitates communication and negotiation, and assist the parties in reaching a voluntary agreement regarding a dispute.
- (r) "Mediator" means a person who conducts mediation;
- (s) "Mediation Party" means a person who participates in a mediation and whose consent is necessary to resolve the dispute;
- (t) "Mediation-Arbitration" or Med-Arb is a step dispute resolution process involving both mediation and arbitration;

- (u) "Mini-Trial" means a structured dispute resolution method in which the merits of a case are argued before a panel comprising senior decision makers with or without the presence of a neutral third person after which the parties seek a negotiated settlement;
- (v) "Model Law" means the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law on 21 June 1985;
- (w) "New York Convention" means the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards approved in 1958 and ratified by the Philippine Senate under Senate Resolution No. 71;
- (x) "Non-Convention Award" means a foreign arbitral award made in a State which is not a Convention State;
- (y) "Non-Convention State" means a State that is not a member of the New York Convention.
- (z) "Non-Party Participant" means a person, other than a party or mediator, who participates in a mediation proceeding as a witness, resource person or expert;
- (aa) "Proceeding" means a judicial, administrative, or other adjudicative process, including related pre-hearing motions, conferences and discovery;
- (bb) "Record" means an information written on a tangible medium or stored in an electronic or other similar medium, retrievable form; and
- (cc) "Roster" means a list of persons qualified to provide ADR services as neutrals or to serve as arbitrators.

SEC. 4. ***Electronic Signatures in Global and E-Commerce Act.*** - The provisions of the Electronic Signatures in Global and E-Commerce Act, and its implementing Rules and Regulations shall apply to proceeding contemplated in this Act.

SEC. 5. ***Liability of ADR Provider and Practitioner.*** - The ADR providers and practitioners shall have the same civil liability for the Acts done in the performance of then duties as that of public officers as provided in Section 38 (1), Chapter 9, Book of the Administrative Code of 1987.

SEC. 6. **Exception to the Application of this Act.** - The provisions of this Act shall not apply to resolution or settlement of the following: (a) labor disputes covered by Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines, as amended and its Implementing Rules and Regulations; (b) the civil status of persons; (c) the validity of a marriage; (d) any ground for legal separation; (e) the jurisdiction of courts; (f) future legitime; (g) criminal liability; and (h) those which by law cannot be compromised.

CHAPTER 2 - MEDIATION

SEC. 7. **Scope.** - The provisions of this Chapter shall cover voluntary mediation, whether ad hoc or institutional, other than court-annexed. The term "mediation" shall include conciliation.

SEC. 8. **Application and Interpretation.** - In applying and construing the provisions of this Chapter, consideration must be given to the need to promote candor or parties and mediators through confidentiality of the mediation process, the policy of fostering prompt, economical, and amicable resolution of disputes in accordance with the principles of integrity of determination by the parties, and the policy that the decision-making authority in the mediation process rests with the parties.

SEC. 9. **Confidentiality of Information.** - Information obtained through mediation proceedings shall be subject to the following principles and guidelines:

- (a) Information obtained through mediation shall be privileged and confidential.
- (b) A party, a mediator, or a nonparty participant may refuse to disclose and may prevent any other person from disclosing a mediation communication.
- (c) Confidential Information shall not be subject to discovery and shall be inadmissible in any adversarial proceeding, whether judicial or quasi-judicial, However, evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its use in a mediation.
- (d) In such an adversarial proceeding, the following persons involved or previously involved in a mediation may not be compelled to disclose confidential information obtained during mediation: (1) the parties to the dispute; (2) the mediator or mediators; (3) the counsel for the parties; (4) the nonparty participants; (5) any persons hired or engaged in connection with the mediation as secretary, stenographer, clerk or assistant; and (6) any

other person who obtains or possesses confidential information by reason of his/her profession.

- (e) The protections of this Act shall continue to apply even if a mediator is found to have failed to act impartially.
- (f) a mediator may not be called to testify to provide information gathered in mediation. A mediator who is wrongfully subpoenaed shall be reimbursed the full cost of his attorney's fees and related expenses.

SEC. 10. ***Waiver of Confidentiality.*** - A privilege arising from the confidentiality of information may be waived in a record, or orally during a proceeding by the mediator and the mediation parties.

A privilege arising from the confidentiality of information may likewise be waived by a nonparty participant if the information is provided by such nonparty participant.

A person who discloses confidential information shall be precluded from asserting the privilege under Section 9 of this Chapter to bar disclosure of the rest of the information necessary to a complete understanding of the previously disclosed information. If a person suffers loss or damages in a judicial proceeding against the person who made the disclosure.

A person who discloses or makes a representation about a mediation is precluded from asserting the privilege under Section 9, to the extent that the communication prejudices another person in the proceeding and it is necessary for the person prejudiced to respond to the representation of disclosure.

SEC. 11. ***Exceptions to Privilege.*** -

- (a) There is no privilege against disclosure under Section 9 if mediation communication is:
 - (1) in an agreement evidenced by a record authenticated by all parties to the agreement;
 - (2) available to the public or that is made during a session of a mediation which is open, or is required by law to be open, to the public;
 - (3) a threat or statement of a plan to inflict bodily injury or commit a crime of violence;

- (4) internationally used to plan a crime, attempt to commit, or commit a crime, or conceal an ongoing crime or criminal activity;
 - (5) sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation in a proceeding in which a public agency is protecting the interest of an individual protected by law; but this exception does not apply where a child protection matter is referred to mediation by a court or a public agency participates in the child protection mediation;
 - (6) sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against mediator in a proceeding; or
 - (7) sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against a party, nonparty participant, or representative of a party based on conduct occurring during a mediation.
- (b) There is no privilege under Section 9 if a court or administrative agency, finds, after a hearing in camera, that the party seeking discovery of the proponent of the evidence has shown that the evidence is not otherwise available, that there is a need for the evidence that substantially outweighs the interest in protecting confidentiality, and the mediation communication is sought or offered in:
- (1) a court proceeding involving a crime or felony; or
 - (2) a proceeding to prove a claim or defense that under the law is sufficient to reform or avoid a liability on a contract arising out of the mediation.
- (c) A mediator may not be compelled to provide evidence of a mediation communication or testify in such proceeding.
- (d) If a mediation communication is not privileged under an exception in subsection (a) or (b), only the portion of the communication necessary for the application of the exception for nondisclosure may be admitted. The admission of particular evidence for the limited purpose of an exception does not render that evidence, or any other mediation communication, admissible for any other purpose.

SEC. 12. ***Prohibited Mediator Reports.*** - A mediator may not make a report, assessment, evaluation, recommendation, finding, or other communication regarding a mediation to a court or agency or other authority that make a ruling on a dispute that is the subject of a mediation, except:

- (a) Where the mediation occurred or has terminated, or where a settlement was reached.
- (b) As permitted to be disclosed under Section 13 of this Chapter.

SEC. 13. ***Mediator's Disclosure and Conflict of Interest.*** - The mediation shall be guided by the following operative principles:

- (a) Before accepting a mediation, an individual who is requested to serve as a mediator shall:
 - (1) make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and any existing or past relationship with a party or foreseeable participant in the mediation; and
 - (2) disclosure to the mediation parties any such fact known or learned as soon as is practical before accepting a mediation.
- (b) If a mediation learns any fact described in paragraph (a) (1) of this section after accepting a mediation, the mediator shall disclose it as soon as practicable.

At the request of a mediation party, an individual who is requested to serve as mediator shall disclose his/her qualifications to mediate a dispute.

This Act does not require that a mediator shall have special qualifications by background or profession unless the special qualifications of a mediator are required in the mediation agreement or by the mediation parties.

SEC. 14. ***Participation in Mediation.*** - Except as otherwise provided in this Act, a party may designate a lawyer or any other person to provide assistance in the mediation. A lawyer of this right shall be made in writing by the party waiving it. A waiver of participation or legal representation may be rescinded at any time.

SEC. 15. ***Place of Mediation.*** - The parties are free to agree on the place of mediation. Failing such agreement, the place of mediation shall be any place convenient and appropriate to all parties.

SEC. 16. *Effect of Agreement to Submit Dispute to Mediation Under Institutional Rules.* - An agreement to submit a dispute to mediation by any institution shall include an agreement to be bound by the internal mediation and administrative policies of such institution. Further, an agreement to submit a dispute to mediation under international mediation rule shall be deemed to include an agreement to have such rules govern the mediation of the dispute and for the mediator, the parties, their respective counsel, and nonparty participants to abide by such rules.

In case of conflict between the institutional mediation rules and the provisions of this Act, the latter shall prevail.

SEC. 17. *Enforcement of Mediated Settlement Agreement.* - The mediation shall be guided by the following operative principles:

- (a) A settlement agreement following successful mediation shall be prepared by the parties with the assistance of their respective counsel, if any, and by the mediator.

The parties and their respective counsels shall endeavor to make the terms and condition thereof complete and make adequate provisions for the contingency of breach to avoid conflicting interpretations of the agreement.

- (b) The parties and their respective counsels, if any, shall sign the settlement agreement. The mediator shall certify that he/she explained the contents of the settlement agreement to the parties in a language known to them.
- (c) If the parties so desire, they may deposit such settlement agreement with the appropriate Clerk of a Regional Trial Court of the place where one of the parties resides. Where there is a need to enforce the settlement agreement, a petition may be filed by any of the parties with the same court, in which case, the court shall proceed summarily to hear the petition, in accordance with such rules of procedure as may be promulgated by the Supreme Court.
- (d) The parties may agree in the settlement agreement that the mediator shall become a sole arbitrator for the dispute and shall treat the settlement agreement as an arbitral award which shall be subject to enforcement under Republic Act No. 876, otherwise known as the Arbitration Law, notwithstanding the provisions of Executive Order No. 1008 for mediated dispute outside of the CIAC.

CHAPTER 3 - OTHER ADR FORMS

SEC. 18. ***Referral of Dispute to other ADR Forms.*** - The parties may agree to refer one or more or all issues arising in a dispute or during its pendency to other forms of ADR such as but not limited to (a) the evaluation of a third person or (b) a mini-trial, (c) mediation-arbitration, or a combination thereof.

For purposes of this Act, the use of other ADR forms shall be governed by Chapter 2 of this Act except where it is combined with arbitration in which case it shall likewise be governed by Chapter 5 of this Act.

CHAPTER 4 - INTERNATIONAL COMMERCIAL ARBITRATION

SEC. 19. ***Adoption of the Model Law on International Commercial Arbitration.*** - International commercial arbitration shall be governed by the Model Law on International Commercial Arbitration (the "Model Law") adopted by the United Nations Commission on International Trade Law on June 21, 1985 (United Nations Document A/40/17) and recommended approved on December 11, 1985, copy of which is hereto attached as Appendix "A".

SEC. 20. ***Interpretation of Model Law.*** - In interpreting the Model Law, regard shall be had to its international origin and to the need for uniformity in its interpretation and resort may be made to the *travaux preparatoires* and the report of the Secretary General of the United Nations Commission on International Trade Law dated March 25, 1985 entitled, "International Commercial Arbitration: Analytical Commentary on Draft Trade identified by reference number A/CN. 9/264."

SEC. 21. ***Commercial Arbitration.*** - An arbitration is "commercial" if it covers matters arising from all relationships of a commercial nature, whether contractual or not. Relationships of a transactions: any trade transaction for the supply or exchange of goods or services; distribution agreements; construction of works; commercial representation or agency; factoring; leasing, consulting; engineering; licensing; investment; financing; banking; insurance; joint venture and other forms of industrial or business cooperation; carriage of goods or passengers by air, sea, rail or road.

SEC. 22. ***Legal Representation in International Arbitration.*** - In international arbitration conducted in the Philippines, a party may be presented by any person of his choice. Provided, that such representative, unless admitted to the practice of law in the Philippines, shall not be authorized to appear as counsel in any Philippine court, or any other quasi-judicial body whether or not such appearance is in relation to the arbitration in which he appears.

SEC. 23. ***Confidential of Arbitration Proceedings.*** - The arbitration proceedings, including the records, evidence and the arbitral award, shall be considered confidential and shall not be published except (1) with the consent of the parties, or (2) for the limited purpose of disclosing to the court of relevant documents in cases where resort to the court is allowed herein. Provided, however, that the court in which the action or the appeal is pending may issue a protective order to prevent or prohibit disclosure of documents or information containing secret processes, developments, research and other information where it is shown that the applicant shall be materially prejudiced by an authorized disclosure thereof.

SEC. 24. ***Referral to Arbitration.*** - A court before which an action is brought in a matter which is the subject matter of an arbitration agreement shall, if at least one party so requests not later than the pre-trial conference, or upon the request of both parties thereafter, refer the parties to arbitration unless it finds that the arbitration agreement is null and void, inoperative or incapable of being performed.

SEC. 25. ***Interpretation of the Act.*** - In interpreting the Act, the court shall have due regard to the policy of the law in favor of arbitration. Where action is commenced by or against multiple parties, one or more of whom are parties who are bound by the arbitration agreement although the civil action may continue as to those who are not bound by such arbitration agreement.

SEC. 26. ***Meaning of "Appointing Authority."*** - "Appointing Authority" as used in the Model Law shall mean the person or institution named in the arbitration agreement as the appointing authority; or the regular arbitration institution under whose rules the arbitration is agreed to be conducted. Where the parties have agreed to submit their dispute to institutional arbitration rules, and unless they have agreed to a different procedure, they shall be deemed to have agreed to procedure under such arbitration rules for the selection and appointment of arbitrators. In ad hoc arbitration, the default appointment of an arbitrator shall be made by the National President of the Integrated Bar of the Philippines (IBP) or his duly authorized representative.

SEC. 27. ***What Functions May be Performed by Appointing Authority.*** - The functions referred to in Articles 11(3), 11(4), 13(3) and 14(1) of the Model Law shall be performed by the Appointing Authority, unless the latter shall fail or refuse to act within thirty (30) days from receipt of the request in which case the applicant may renew the application with the Court.

SEC. 28. ***Grant of Interim Measure of Protection.*** -

- (a) It is not incompatible with an arbitration agreement for a party to request, before constitution of the tribunal, from a Court an interim measure of

protection and for the Court to grant such measure. After constitution of the arbitral tribunal and during arbitral proceedings, a request for an interim measure of protection or modification thereof, may be made with the arbitral tribunal or to the extent that the arbitral tribunal has no power to act or is unable to act effectively, the request may be made with the Court. The arbitral tribunal is deemed constituted when the sole arbitrator or the third arbitrator who has been nominated, has accepted the nomination and written communication of said nomination and acceptance has been received by the party making request.

(b) The following rules on interim or provisional relief shall be observed:

- (1) Any party may request that provision relief be granted against the adverse party:
- (2) Such relief may be granted:
 - (i) to prevent irreparable loss or injury;
 - (ii) to provide security for the performance of any obligation;
 - (iii) to produce or preserve any evidence; or
 - (iv) to compel any other appropriate act or omission.
- (3) The order granting provisional relief may be conditioned upon the provision of security or any act or omission specified in the order.
- (4) Interim or provisional relief is requested by written application transmitted by reasonable means to the Court or arbitral tribunal as the case may be and the party against whom the relief is sought, describing in appropriate detail the precise relief, the party against whom the relief is requested, the grounds for the relief, and evidence supporting the request.
- (5) The order shall be binding upon the parties.
- (6) Either party may apply with the Court for assistance in Implementing or enforcing an interim measure ordered by an arbitral tribunal.
- (7) A party who does not comply with the order shall be liable for all damages resulting from noncompliance, including all expenses, and reasonable attorney's fees, paid in obtaining the order's judicial enforcement.

SEC. 29. **Further Authority for Arbitrator to Grant Interim Measure of Protection.** - Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party, order any party to take such interim measures of protection as the arbitral tribunal may consider necessary in respect of the subject matter of the dispute following the rules in Section 28, paragraph 2. Such interim measures may include but shall not be limited to preliminary injunction directed against a party, appointment of receivers or detention, preservation, inspection of property that is the subject of the dispute in arbitration. Either party may apply with the Court for assistance in implementing or enforcing an interim measures ordered by an arbitral tribunal.

SEC. 30. **Place of Arbitration.** - The parties are free to agree on the place of arbitration. Failing such agreement, the place of arbitration shall be in Metro Manila, unless the arbitral tribunal, having regard to the circumstances of the case, including the convenience of the parties shall decide on a different place of arbitration.

The arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts, or the parties, or for inspection of goods, other property or documents.

SEC. 31. **Language of the Arbitration.** - The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the language to be used shall be English in international arbitration, and English or Filipino for domestic arbitration, unless the arbitral tribunal shall determine a different or another language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined in accordance with paragraph 1 of this section.

CHAPTER 5 - DOMESTIC ARBITRATION

SEC. 32. **Law Governing Domestic Arbitration.** - Domestic arbitration shall continue to be governed by Republic Act No. 876, otherwise known as "The Arbitration Law" as amended by this Chapter. The term "domestic arbitration" as used herein shall mean an arbitration that is not international as defined in Article (3) of the Model Law.

SEC. 33. ***Applicability to Domestic Arbitration.*** - Article 8, 10, 11, 12, 13, 14, 18 and 19 and 29 to 32 of the Model Law and Section 22 to 31 of the preceding Chapter 4 shall apply to domestic arbitration.

CHAPTER 6 - ARBITRATION OF CONSTRUCTION DISPUTES

SEC. 34. ***Arbitration of Construction Disputes: Governing Law.*** - The arbitration of construction disputes shall be governed by Executive Order No. 1008, otherwise known as the Construction Industry Arbitration Law.

SEC. 35. ***Coverage of the Law.*** - Construction disputes which fall within the original and exclusive jurisdiction of the Construction Industry Arbitration Commission (the "Commission") shall include those between or among parties to, or who are otherwise bound by, an arbitration agreement, directly or by reference whether such parties are project owner, contractor, subcontractor, quantity surveyor, bondsman or issuer of an insurance policy in a construction project.

The Commission shall continue to exercise original and exclusive jurisdiction over construction disputes although the arbitration is "commercial" pursuant to Section 21 of this Act.

SEC. 36. ***Authority to Act as Mediator or Arbitrator.*** - By written agreement of the parties to a dispute, an arbitrator may act as mediator and a mediator may act as arbitrator. The parties may also agree in writing that, following a successful mediation, the mediator shall issue the settlement agreement in the form of an arbitral award.

SEC. 37. ***Appointment of Foreign Arbitrator.*** - The Construction Industry Arbitration Commission (CIAC) shall promulgate rules to allow for the appointment of a foreign arbitrator or coarbitrator or chairman of a tribunal a person who has not been previously accredited by CIAC: Provided, That:

- (a) the dispute is a construction dispute in which one party is an international party;
- (b) the person to be appointed agreed to abide by the arbitration rules and policies of CIAC;
- (c) he/she is either coarbitrator upon the nomination of the international party; or he/she is the common choice of the two CIAC-accredited arbitrators first appointed one of whom was nominated by the international party; and

- (d) the foreign arbitrator shall be of different nationality from the international party.

SEC. 38. ***Applicability to Construction Arbitration.*** - The provisions of Sections 17 (d) of Chapter 2, and Section 28 and 29 of this Act shall apply to arbitration of construction disputes covered by this Chapter.

SEC. 39. ***Court to Dismiss Case Involving a Construction Dispute.*** - A regional trial court which a construction dispute is filed shall, upon becoming aware, not later than the pretrial conference, that the parties had entered into an arbitration to be conducted by the CIAC, unless both parties, assisted by their respective counsel, shall submit to the regional trial court a written agreement exclusive for the Court, rather than the CIAC, to resolve the dispute.

CHAPTER 7 - JUDICIAL REVIEW OF ARBITRAL AWARDS

A. DOMESTIC AWARDS

SEC. 40. ***Confirmation of Award.*** - The confirmation of a domestic arbitral award shall be governed by Section 23 of R.A. 876.

A domestic arbitral award when confirmed shall be enforced in the same manner as final and executory decisions of the Regional Trial Court.

The confirmation of a domestic award shall be made by the regional trial court in accordance with the Rules of Procedure to be promulgated by the Supreme Court.

A CIAC arbitral award need not be confirmed by the regional trial court to be executory as provided under E.O. No. 1008.

SEC. 41. ***Vacation Award.*** - A party to a domestic arbitration may question the arbitral award with the appropriate regional trial court in accordance with the rules of procedure to be promulgated by the Supreme Court only on those grounds enumerated in Section 25 of Republic Act No. 876. Any other ground raised against a domestic arbitral award shall be disregarded by the regional trial court.

B. FOREIGN ARBITRAL AWARDS

SEC. 42. ***Application of the New York Convention.*** - The New York Convention shall govern the recognition and enforcement of arbitral awards covered by the said Convention.

The recognition and enforcement of such arbitral awards shall be filed with the regional trial court in accordance with the rules of procedure to be promulgated by the Supreme Court. Said procedural rules shall provide that the party relying on the award or applying for its enforcement shall file with the court the original or authenticated copy of the award and the arbitration agreement. If the award or agreement is not made in any of the official languages, the party shall supply a duly certified translation thereof into any of such languages.

The applicant shall establish that the country in which foreign arbitration award was made is a party to the New York Convention.

If the application for rejection or suspension of enforcement of an award has been made, the regional trial court may, if it considers it proper, vacate its decision and may also, on the application of the party claiming recognition or enforcement of the award, order the party to provide appropriate security.

SEC. 43. ***Recognition and Enforcement of Foreign Arbitral Awards Not Covered by the New York Convention.*** - The recognition and enforcement of foreign arbitral awards not covered by the New York Convention shall be done in accordance with procedural rules to be promulgated by the Supreme Court. The Court may, on grounds of comity and reciprocity, recognize and enforce a nonconvention award as a convention award.

SEC. 44. ***Foreign Arbitral Award Not Foreign Judgment.*** - A foreign arbitral award when confirmed by a court of a foreign country, shall be recognized and enforced as a foreign arbitral award and not a judgment of a foreign court.

A foreign arbitral award, when confirmed by the regional trial court, shall be enforced as a foreign arbitral award and not as a judgment of a foreign court.

A foreign arbitral award, when confirmed by the regional trial court, shall be enforced in the same manner as final and executory decisions of courts of law of the Philippines.

SEC. 45. ***Rejection of a Foreign Arbitral Award.*** - A party to a foreign arbitration proceeding may oppose an application for recognition and enforcement of the

arbitral award in accordance with the procedural rules to be promulgated by the Supreme Court only on those grounds enumerated under Article V of the New York Convention. Any other ground raised shall be disregarded by the regional trial court.

SEC. 46. ***Appeal from Court Decisions on Arbitral Awards.*** - A decision of the regional trial court confirming, vacating, setting aside, modifying or correcting an arbitral award may be appealed to the Court of Appeals in accordance with the rules of procedure to be promulgated by the Supreme Court.

The losing party who appeals from the judgment of the court confirming an arbitral award shall be required by the appellate court to post counterbond executed in favor of the prevailing party equal to the amount of the award in accordance with the rules to be promulgated by the Supreme Court.

SEC. 47. ***Venue and Jurisdiction.*** - Proceedings for recognition and enforcement of an arbitration agreement or for vacation, setting aside, correction or modification of an arbitral award, and any application with a court for arbitration assistance and supervision shall be deemed as special proceedings and shall be filed with the regional trial court (i) where arbitration proceedings are conducted; (ii) where the asset to be attached or levied upon, or the act to be enjoined is located; (iii) where any of the parties to the dispute resides or has his place of business; or (iv) in the National Judicial Capital Region, at the option of the applicant.

SEC. 48. ***Notice of Proceeding to Parties.*** - In a special proceeding for recognition and enforcement of an arbitral award, the Court shall send notice to the parties at their address of record in the arbitration, or if any party cannot be served notice at such address, at such party's last known address. The notice shall be sent at least fifteen (15) days before the date set for the initial hearing of the application.

CHAPTER 8 - MISCELLANEOUS PROVISIONS

SEC. 49. ***Office for Alternative Dispute Resolution.*** - There is hereby established the Office for Alternative Dispute Resolution as an attached agency to the Department of Justice (DOJ) which shall have a Secretariat to be headed by an executive director. The executive director shall be appointed by the President of the Philippines.

The objective of the office are:

- (a) to promote, develop and expand the use of ADR in the private and public sectors; and

To assist the government to monitor, study and evaluate the use by the public and the private sector of ADR, and recommend to Congress needful statutory changes to develop. Strengthen and improve ADR practices in accordance with world standards.

SEC. 50. ***Powers and Functions of the Office for Alternative Dispute Resolution.*** - The Office for Alternative Dispute Resolution shall have the following powers and functions:

- (a) To formulate standards for the training of the ADR practitioners and service providers;
- (b) To certify that such ADR practitioners and ADR service providers have undergone the professional training provided by the office;
- (c) To coordinate the development, implementation, monitoring, and evaluation of government ADR programs;
- (d) To charge fees for their services; and
- (e) To perform such acts as may be necessary to carry into effect the provisions of this Act.

SEC. 51. ***Appropriations.*** - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 52. ***Implementing Rules and Regulations (IRR).*** - Within one (1) month after the approval of this Act, the secretary of justice shall convene a committee that shall formulate the appropriate rules and regulations necessary for the implementation of this Act. The committee, composed of representatives from:

- (a) the Department of Justice;
- (b) the Department of Trade and Industry;
- (c) the Department of the Interior and Local Government;
- (d) the president of the Integrated Bar of the Philippines;
- (e) A representative from the arbitration profession; and
- (f) A representative from the mediation profession; and
- (g) A representative from the ADR organizations shall within three (3) months after convening, submit the IRR to the Joint Congressional Oversight Committee for review and approval. The Oversight Committee shall be composed of the chairman of the Senate Committee on Justice and Human Rights, chairman of the House Committee on Justice, and one (1) member each from the majority and minority of both Houses.

The Joint Oversight Committee shall become *functus officio* upon approval of the IRR.

SEC. 53. ***Applicability of the Katarungan Pambarangay.*** - This Act shall not be interpreted to repeal, amend or modify the jurisdiction of the Katarungan Pambarangay under Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

SEC. 54. ***Repealing Clause.*** - All laws, decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 55. ***Separability Clause.*** - If for any reason or reasons, any portion or provision of this Act shall be held unconstitutional or invalid, all other parts or provisions not affected shall thereby continue to remain in full force and effect.

SEC. 56. ***Effectivity.*** - This act shall take effect fifteen days (15) after its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) **FRANKLIN M. DRILON**
President of the Senate

(Sgd.) **JOSE DE VENECIA, JR.**
Speaker of the House of
Representatives

This Act which is a consolidation of Senate Bill No. 2671 and House Bill No. 5654 was finally passed by the Senate and the House of Representatives on February 4, 2004.

(Sgd.) **OSCAR G. YABES**
Secretary of Senate

(Sgd.) **ROBERTO P. NAZARENO**
Secretary General
House of Representatives

Approved: April 2, 2004

(Sgd.) **GLORIA MACAPAGAL-ARROYO**
President of the Philippines

THE 2025 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE

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