

[GSIS RESOLUTION NO. 155, June 29, 2004]

RULES OF PROCEDURE IN THE ADMINISTRATIVE INVESTIGATION OF GSIS OFFICIALS AND EMPLOYEES

RESOLVED: That in order to prevent or deter the commission of administrative offenses, properly administer the investigation and disposition of administrative cases involving GSIS personnel and expedite the prosecution and resolution of such cases, to **APPROVE** the proposed Policy and Procedural Guidelines on the Rules of Procedure in the Administrative Investigation of GSIS Officials and Employees which has been passed upon by the Management Committee in its meeting held on June 7, 2004, a copy of which is hereto attached and made part of this Resolution by reference.

All existing policies and procedural guidelines which are inconsistent with this PPG are modified, superseded, or repealed accordingly.

This PPG shall take effect immediately.

Adopted: 29 June 2004

POLICY AND PROCEDURAL GUIDELINES NO. 178-04

RULES OF PROCEDURE IN ADMINISTRATIVE INVESTIGATIONS OF GSIS EMPLOYEES AND OFFICIALS

I. BACKGROUND/RATIONÁLE

Section 1, Article XI of our Constitution provides that, "public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."

To ensure that public officers and employees obey these constitutional duties, the system of merit and awards to promote responsiveness, productivity, honesty, and courtesy in public service must be accompanied by effective and prompt means of determining the truth in administrative cases so that the guilty is punished, the innocent is exonerated.

This PPG is adopted to inform GSIS employees and officials of the manner and procedure of determining the truth in administrative investigations.

II. OBJECTIVES

A. To provide clear guidelines in administrative investigations that GSIS officials and employees can easily understand and follow;

B. To help ensure the prompt determination of the truth in administrative investigations;

C. To inform GSIS officials and employees of the consequences of administrative offenses and, thus, deter them from committing administrative offenses; and

D. To properly administer the investigation and resolution of administrative cases in the GSIS, in accordance with existing rules and procedures.

III. POLICIES

A. Coverage

This PPG shall apply to all regular and permanent employees and officials of the GSIS.

This PPG shall not apply to cases of sexual harassment, which are governed by PPG No. 165-02 dated 16 May 2002.

B. Basic Principles

Administrative investigations involving personnel of the GSIS shall be governed by the following basic principles that are cited in decisions of the Supreme Court and Civil Service Commission:

1. The proceedings in administrative cases involving the enforcement of discipline are similar to judicial proceedings, but the rules of procedure are not as strict, rigid, formal, and technical as those observed in the courts;
2. The purpose of an administrative investigation is to ascertain the truth;
3. The acts of the investigator in an administrative case should not be measured with the same yardstick as that used for a judge in a court of law;
4. In administrative cases, the basic and essential requirements of due process, fairness, equity, and reasonableness are observed;
5. Decisions in administrative cases must be based on substantial evidence, which is defined as "such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion"; and
6. Administrative investigations, being summary in nature, must be completed promptly.

C. Classification of Offenses

Administrative offenses with their corresponding penalties are classified into grave, less grave or light depending on their gravity, depravity of the offender, and effects of the offense on government service.

D. Administrative Offenses and Their Penalties

The following are the administrative offenses and their corresponding penalties:

OFFENSES**P E N A L T Y****1st
Offense 2nd
Offense 3rd
Offense****I. GRAVE OFFENSES**

a. Dishonesty	Dismissal
b. Gross Neglect of Duty	Dismissal
c. Grave Misconduct	Dismissal
d. Being Notoriously Undesirable	Dismissal
e. Conviction of a crime involving moral turpitude	Dismissal
f. Falsification of official document	Dismissal
g. Physical or mental incapacity or disability due to immoral or vicious habits	Dismissal
h. Engaging directly or indirectly in partisan political activities by one holding non-political office	Dismissal
i. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection thereon 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.	Dismissal
j. Contracting loans of money or other property from persons with whom the office of the employee has business relations	Dismissal
k. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated	Dismissal

by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature

l. Nepotism	Dismissal	
m. Disloyalty to the Republic of the Philippines and to the Filipino people	Dismissal	
n. Oppression Suspension from 6 months and 1 day to 1 year	Dismissal	
o. Disgraceful and immoral conduct Suspension from 6 months and 1 day to 1 year	Dismissal	
p. Inefficiency and incompetence in the performance of official duties Suspension from 6 months and 1 day to 1 year	Dismissal	
q. Frequent unauthorized absences and tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular hours	Suspension from 6 months and 1 day to 1 year	Dismissal
r. Refusal to perform official duty	Suspension from 6 months and 1 day to 1 year	Dismissal
s. Gross insubordination	Suspension from 6 months and 1 day to 1 year	Dismissal
t. Conduct prejudicial to the best interest of the service	Suspension from 6 months and 1 day to 1 year	Dismissal
u. Directly or indirectly	Suspension	Dismissal

<p>having financial interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something</p> <p>v. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law.</p>	<p>from 6 months and 1 day to 1 year</p>	
<p>w. Disclosing or misusing confidential or classified information officially known to him by reason or his office and not made available to the public, to further his private interests or to give undue advantage to anyone, or to prejudice the public interest</p>	<p>Suspension from 6 months and 1 day to 1 year</p>	Dismissal
<p>x. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public</p>	<p>Suspension from 6 months and 1 day to 1 year</p>	Dismissal
<p>y. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and</p>	<p>Suspension from 6 months and 1 day to 1 year</p>	Dismissal