

## **[ CSC MEMORANDUM CIRCULAR NO. 42, August 22, 1990 ]**

### **RULES AND REGULATIONS GOVERNING THE CONTEMPT POWER OF THE CIVIL SERVICE COMMISSION**

Pursuant to Paragraph 11, Section 12, Chapter 3, Title I(A), Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, which took effect on November 23, 1989, and CSC Resolution No. 90-788, promulgated on August 22, 1990, hereunder are the Rules and Regulations governing the exercise of contempt power of this Commission:

*SECTION 1. Direct Contempt Can be Imposed Summarily: Judgment is not Appealable.* — Any person who is guilty of misbehavior in the presence of, or so near the Commission, or any of its members as to obstruct or interrupt the proceedings before the same, including disrespect towards the Commission, or any of its members, like the use of any disrespectful or insulting language, or derogatory remarks in the pleadings, memoranda and/or position papers, offensive personalities towards others, or refusal to be sworn in, or to answer, as a witness, or to subscribe an affidavit or deposition when required so to do, may be summarily adjudged in direct contempt of the Commission, publicly reprimanded or censured and/or imposed a fine not exceeding two hundred pesos.

Decisions of the Commission declaring any person in direct contempt shall not be appealable.

*SECTION 2. Contumacious/Contemptuous Acts Punishable After Due Proceedings.* — After a charge in writing has been filed and an opportunity given to the respondent to be heard by himself or counsel, an official or employee or person found guilty of any of the following acts or omissions may be punished for indirect contempt:

- a. Disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission;
- b. Any abuse of or any unlawful interference with the processes or proceedings of the Commission, or any improper conduct tending, directly or indirectly, to impede, obstruct, delay or degrade the implementation of any lawful writ, process, order, decision, resolution, ruling or command of the Commission which does not constitute direct contempt as provided for in the preceding Section; and
- c. Deliberate failure to obey a subpoena or subpoena duces tecum duly served without valid justification therefor.