

## [ RESOLUTION No. 070244, February 07, 2007 ]

### AMENDMENT TO SECTION 43 , RULE III OF THE UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE

**Whereas,** Section 12 (2), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

**Whereas,** Section 47 (1), Chapter 6, Subtitle (A), Title I, Book V of the same Code provides that the *"Commission shall decide upon appeal all administrative disciplinary cases involving imposition of a penalty of suspension for more than thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, demotion in rank or salary or transfer, removal or dismissal from office"*.

**Whereas,** Section 47 (2), Chapter 6, Subtitle (A), Title I, Book V of the same Code likewise provides that "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".

**Whereas,** the Commission, pursuant to Section 43, Rule III of CSC Resolution No. 99-1936 dated August 31, 1999 (*Uniform Rules on Administrative Cases in the Civil [URACCS]*), has adopted the provision of the Administrative Code and provided for an appeal remedy for the decisions of bureau or office heads on administrative disciplinary cases before the department secretary, and finally to the Commission.

**Whereas,** the Administrative Code and the URACCS provide that when penalty imposed is removal from the government service, the same may become executor pending appeal only when confirmed by the department secretary concerned.

**Whereas,** the provisions of the Administrative Code and the URACCS are silent with respect to the same requirement on the decision of heads of attached on administrative disciplinary cases.

**Whereas,** the Supreme Court, in the case of *Fidencio Y. Beja Sr. vs. Court of Appeals, G. R. No. 97149, March 31, 1992 (207 SCRA 689)*, has defined the lateral relationship between a department and the agency attached to it as mere "attachment" for purposes of policy and program coordination, thus recognizing secretary on its internal operations including personnel management and discipline.

**Wherefore,** to serve the broader interest of justice, the Commission thereby adopts and promulgates the following rules to serve as amendment to, and clarification of Section 43, Rule III of CSC Resolution No. 99-1936 dated August 31, 1999 (*Uniform Rules on Administrative Cases in Civil Service [URACCS]*), as follows:

**"Section 43. Filing of Appeals.** – Decisions of heads of department, agencies, provinces, cities, municipalities and other instrumentalities