

[GSIS RESOLUTION NO. 54, May 30, 2005]

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

RESOLVED, to CONFIRM the revised PPG No. 178-04 on the Rules of Procedure in Administrative Investigation of GSIS Officials and Employees embodying the amendments introduced by the Board per Board Resolution No. 50 dated May 18, 2005, subject to revisions on matters of style.

The President and General Manager shall go over the revised PPG on the Rules of Procedure in Administrative Investigations of GSIS Officials and Employees.

The PPG shall take effect fifteen (15) calendar days from confirmation by the Board. Therein after, the revised rules shall govern all cases brought against GSIS personnel. They shall apply also to cases pending at the moment, except when in the opinion of the Board itself, or of the President and General Manager, with the concurrence of the Board, such application would not be feasible or would work an injustice, in which event the former rules shall apply.

It is understood that all existing policies and procedural guidelines which are inconsistent with this PPG are modified, superseded, or repealed accordingly.

A copy of the revised PPG is hereto attached and made an integral part of this resolution.

Adopted: 30 May 2005

RULES OF PROCEDURE IN ADMINISTRATIVE INVESTIGATIONS OF GSIS OFFICIALS AND EMPLOYEES

Policy and Procedural Guidelines No. 178-04, As Amended

RULE I RATIONALE

Section 1. Employment in the GSIS is a public trust.-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." Throughout their employment, GSIS officials and employees must be worthy of the trust and confidence reposed in them.

Sec. 2. To ensure that GSIS officials and employees are faithful to their duties under the constitution and the laws, 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.

Sec. 3. This PPG is adopted to promote good governance and safeguard public interest through the speedy investigation and punishment or removal of those proven unfit or unworthy to serve in GSIS.

RULE II OBJECTIVES

Section 1. To ensure that ~~[properly administer]~~ the investigation and resolution of administrative cases in the GSIS shall only be for just and legal causes and in accordance with law and existing rules and procedures;

Sec. 2. To provide clear guidelines in administrative investigations that GSIS officials and employees can easily understand and follow;

Sec. 3. To inform the public that GSIS requires from its officials and employees the highest ethical, courtesy and performance standards;

Sec. 4. To inform GSIS officials and employees of the consequences of administrative offenses and, thus, deter them from committing the same; and

Sec. 5. To help ensure the prompt determination of the truth in administrative investigations to the end that the innocent is exonerated and the guilty is punished.

RULE III POLICIES

Section 1. Coverage.-This PPG shall apply to all officials and employees of the GSIS.

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

Sec. 2. 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:

(a) 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;

(b) The purpose of an administrative investigation is to ascertain the truth;

(c) In administrative cases, the basic and essential requirements of due process, fairness, equity, and reasonableness must be observed;

(d) 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;

(e) 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

(f) Administrative investigations, being summary in nature, must be completed promptly.

Sec. 3. 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.

RULE IV
ADMINISTRATIVE OFFENSES AND THEIR PENALTIES

Section 1. The following are the administrative offenses and their corresponding penalties:

OFFENSES	P E N A L T Y		
	1st Offense	2nd Offense	3rdOffense
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. Immoral or vicious habits			

resulting in
physical or mental
incapacity or disability

Dismissal

h. Engaging directly or
indirectly in partisan
political
activities by one holding
non-political office

Dismissal

i. Receiving for personal
benefit 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 from him 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 or entities 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
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

Dismissal

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 place of duty during regular office 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 Dismissal