

**[CSC MEMORANDUM CIRCULAR NO. 19 S. 1999,
September 14, 1999]**

**REVISED UNIFORM RULES ON ADMINISTRATIVE CASES IN THE
CIVIL SERVICE**

The Civil Service Commission, through Resolution No. 991936 dated August 31, 1999, adopted the new "Uniform Rules on Administrative Cases in the Civil Service" which will govern the conduct of disciplinary and non-disciplinary proceedings in administrative cases brought before this Commission and/or other government agencies, except where special law provides otherwise.

The said Resolution was published in the Manila Standard on September 11, 1999 and thus it will take effect on September 27, 1999. In this regard, all concerned are enjoined to follow strictly the said new Rules.

Adopted: 14 Sept. 1999

(SGD.) CORAZON ALMA G. DE LEON
Chairman

RESOLUTION NO. 991936

WHEREAS, Section 12 (2), Chapter 3, Title I, Subtitle (A), Book V of Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission to prescribe, amend and enforce rules and regulations to effectively carry out its mandate;

WHEREAS, Section 12 (11), Chapter 3, Title I, Subtitle (A), Book V of the same Code provides, in part, that the Commission shall 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 of the agencies attached to it; and

WHEREAS, the existing rules and regulations in administrative cases need to be updated and revised to make them more responsive to the demands for speedy, fair and judicious disposition of cases;

NOW, THEREFORE, the Commission hereby adopts and promulgates the following rules that shall govern disciplinary and non-disciplinary proceedings in administrative cases.

RULE I. — GENERAL PROVISIONS

Section 1. Title. — These Rules shall be known as the Uniform Rules on Administrative Cases in the Civil Service.

Section 2. Coverage and Definition of Terms. — These Rules shall be applicable to all cases brought before the Civil Service Commission and other government agencies, except where a special law provides otherwise.

The terms hereunder shall be construed as follows:

a. CIVIL SERVICE is the generic term which refers to all men and women in all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters.

b. COMMISSION refers to the Civil Service Commission (Central Office and Regional Offices). cdrep

c. COMMISSION PROPER refers to the Civil Service Commission-Central Office.

d. CIVIL SERVICE REGIONAL OFFICES refer to the sixteen (16) Civil Service Regional Offices and those which may be subsequently created, each headed by a Regional Director.

e. DEPARTMENT, refers to any of the executive departments or entities having the category of a department, including the judiciary and the other constitutional commissions and offices

f. AGENCY refers to any bureau, office, commission, administration, board, committee, institute, corporation with original charter, state universities and colleges, or any other unit of the national government As well as provincial, city or municipal government.

g. DISCIPLINING AUTHORITY refers to the person, tribunal or body duly authorized to suspend, dismiss or discipline officials and employees in the Civil Service.

h. APPOINTING AUTHORITY refers to the person or body duly authorized to issue appointments in the civil service.

i. PERSONNEL ACTION refers to any action denoting the movement or progress of personnel in the Civil Service which shall include appointment through certification, promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment, demotion and separation from the service.

j. RESPONDENT refers to the person who is formally charged by the disciplining authority.

k. PERSON COMPLAINED OF refers to the person who is the subject of a complaint but who is not as yet formally charged by the disciplining authority.

l. PARTY ADVERSELY AFFECTED refers to the respondent against whom a decision in a disciplinary case has been rendered.

m. FORUM-SHOPPING refers to the filing of an administrative action or complaint before another agency or any tribunal against the same party involving the same acts or causes of action and relief.

n. QUALIFIED NEXT-IN-RANK refers to the employee who is appointed under a permanent status to a position previously determined to be a next-in-rank to the vacancy and who meets the requirements for appointment thereto.

o. THIRD LEVEL refers to positions in the Career Executive Service (CES) which include Undersecretary, Assistant Secretary, Bureau Director, Regional Director, Assistant Regional Director and other officers of equivalent rank.

p. PROBATIONARY EMPLOYEE refers to the employee who is issued an original appointment and who is required to undergo the first six (6) months of service on a probationary status.

Section 3. Technical Rules in Administrative Investigations. — Administrative investigations shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Jurisdiction of the Civil Service Commission. — The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, directly or on appeal, including contested appointments, and shall review decisions and actions of its offices and of the agencies attached to it.

Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service and upon all matters relating to the conduct, discipline and efficiency of such officers and employees.

Section 5. Jurisdiction of the Civil Service Commission Proper. — The Civil Service Commission Proper shall have jurisdiction over the following cases:

A. Disciplinary

1. Decisions of Civil Service Regional Offices brought before it on petition for review;
2. Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities, imposing penalties exceeding thirty days suspension or fine in an amount exceeding thirty days salary brought before it on appeal;
3. Complaints brought against Civil Service Commission Proper personnel;
4. Complaints against third level officials who are not presidential appointees;
5. Complaints against Civil Service officials and employees which are not acted upon by the agencies and such other complaints requiring direct or immediate action, in the interest of justice;
6. Requests for transfer of venue of hearing on cases being heard by Civil Service Regional Offices;
7. Appeals from the Order of Preventive Suspension; and
8. Such other actions or requests involving issues arising out of or in connection

with the foregoing enumerations.

B. Non-Disciplinary

1. Decisions of Civil Service Commission Regional Offices brought before it;
2. Requests for favorable recommendation on petition for executive clemency;
3. Protests against the appointment, or other personnel actions, involving third level officials; and
4. Such other analogous actions or petitions arising out of or in relation with the foregoing enumerations.

Section 6. Jurisdiction of Civil Service Regional Offices. — The Civil Service Commission Regional Offices shall have jurisdiction over the following cases:

A. Disciplinary

1. Complaints initiated by, or brought before, the Civil Service Commission Regional Offices provided that the alleged acts or omissions were committed within the jurisdiction of the Regional Office, including Civil Service examination anomalies or irregularities and the persons complained of are employees of agencies, local or national, within said geographical areas;
2. Complaints involving Civil Service Commission Regional Office personnel who are appointees of said office; and
3. Petitions to place respondent under Preventive Suspension.

B. Non-Disciplinary

1. Disapproval of appointments brought before it on appeal;
2. Protests against the appointments of first and second level employees brought before it directly or on appeal;
3. Decisions of national agencies and local government units within their geographical boundaries relative to personnel actions and non-disciplinary cases brought before it on appeal; and
4. Requests for accreditation of services and corrections of personal information in the records of the Commission.

Section 7. Jurisdiction of Heads of Agencies. — Heads of Departments, agencies, provinces, cities, municipalities and other instrumentalities shall have original concurrent jurisdiction, with the Commission, over their respective officers and employees.

A. Disciplinary

1. Complaints involving their respective personnel. 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 (30) days salary.

Decisions of Heads of Agencies imposing a penalty of removal shall be executory only after confirmation by the Department Secretary concerned.

B. Non-Disciplinary

1. Protests against the appointments of their respective personnel. They shall have original concurrent jurisdiction with the Civil Service Regional Office concerned; and
2. Complaints on personnel actions and other non-disciplinary actions of their respective personnel.

RULE II — DISCIPLINARY CASES

Section 8. Complaint. — A complaint against a civil service official or employee shall not be given due course unless it is in writing and subscribed and sworn to by the complainant. However, in cases initiated by the proper disciplining authority, the complaint need not be under oath.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.

The complaint should be written in a clear, simple and concise language and in a systematic manner as to apprise the civil servant concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

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 position and office of employment;
- c. a narration of the relevant and material facts which shows the acts or omission as allegedly committed by the civil servant;
- d. certified true copies of documentary evidence and affidavits of his witnesses, if any; and
- e. certification or statement of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed.

Section 9. When and Where to File a Complaint. — Except when otherwise provided for by law, an administrative complaint may be filed at anytime with the Commission, proper heads of departments, agencies, provinces, cities, municipalities and other instrumentalities.