



UPDATES ON ADMINISTRATIVE DISCIPLINE AND OTHER CIVIL SERVICE LAWS AND RULES



Characteristics of Administrative Discipline:

Administrative Offenses do not prescribe (Floria vs. Sunga, 386 SCRA 551)

Administrative cases are not subject to settlement

The withdrawal of the complainant is not a ground for the dismissal of the case

The complainant is a mere witness to the commission of the Offense, hence, anybody can file an administrative complaint

ORIGINAL JURISDICTION

Pagano vs. Nazarro, G.R. No. 149073, September 21, 2007

...this Court has never abetted government employees who deliberately set out to effect their separation from service as a means of escaping administrative proceedings that would be instituted against them.

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Clearly, the act of filing a Certificate of Candidacy while one is employed in the civil service constitutes a just cause for termination of employment for appointive officials. Section 66 of the Omnibus Election Code, in considering an appointive official ipso facto resigned, merely provides for the immediate implementation of the penalty for the prohibited act of engaging in partisan political activity. This provision was not intended, and should not be used, as a defense against an administrative case for acts committed during government service.

Jurisdiction over the person is not lost simply on account of the latter's separation from the service. What matters most is the time when the offense was committed.

A. ORIGINAL JURISDICTION

“The death or retirement of any judicial officer from the service does not preclude the finding of any administrative liability to which he shall still be answerable”
(Loyao vs Cube, A.M. No. P-02-1599, April 30, 2003)

“However, if the respondent could no longer be in a position to defend himself as in case of death, the administrative case should be dismissed”
(Limliman vs. Marrero, A.M. No. RTJ-02-1739, January 22, 2003)

A. ORIGINAL JURISDICTION

The CSC has no jurisdiction over the following:

- Presidential appointees
- Elective officials
- Public school teachers
- Court personnel
- Private citizens

A. ORIGINAL JURISDICTION

- In the case of *Alcala vs. Villar (416 SCRA 147)*, a public school teacher who actively participated in the proceedings before the Commission where he was accorded due process is deemed to have embraced said jurisdiction and cannot assail it afterwards.

B. APPELLATE JURISDICTION

- A private complainant has no personality to appeal (National Appellate Board vs. Mamauag, et. al., G.R. No. 149999, August 12, 2005)
- The dismissal of the complaint by the agency head is not appealable. Under EO 292, appeal is allowed only if the decision is for conviction imposing the penalty of suspension of more than thirty (30) days or dismissal.

B. APPELLATE JURISDICTION

- However, even if the penalty is 30 days suspension or less if the same is rendered without due process, appeal may be allowed.

The party adversely affected doctrine – Refers to the rule that in administrative cases only the respondent who was found guilty of an offense has the personality to file an appeal (Paredes vs. CSC). However, this is a procedural rule which must be invoked by the appellee otherwise, the appeal by the complainant may be given due course (Mendez vs CSC).

The CSC is considered a party adversely affected by the decision of a higher court reversing its decision on the issue of nepotism, since the CSC is the guardian of merit and fitness in the bureaucracy (Dacoycoy vs CSC)

In the more recent case of PNB vs Ricardo V. Garcia, Jr. September 9, 2002, the Supreme Court expressly abandoned the party adversely affected doctrine holding that the effort of the government to curb graft and corruption, malfeasance and misfeasance in the government will be rendered meaningless if appeal cannot be had from erroneous administrative decisions.

- The complainant in an administrative case is absolutely without personality to appeal, except if he/she is the agency head, the Civil Service Commission or the same is not put in issue. (NAB vs Mamauag, 466 SCRA 624, 2005)

Note: Pursuant to Rule 43 of the Rules of Court, Decisions of the Civil Service Commission are appealable to the Court of Appeals through a Petition for Review.

COMPLAINT – The means to bring to the attention of the proper disciplining authority, the commission of infraction by the one complained of.

Requisites of a valid complaint

- It must be in writing;
- Subscribed and sworn to by the complainant;
- Must contain the name and address of the complainant;
- Must contain the full name and address of the person complained of as well as his position and office of employment;

- Must contain a narration of how, when and where was the offense committed and other facts relevant thereto;
- Must contain certified true copies of documentary evidence and affidavits of witnesses, if any; and
- Must contain a certification of Non-forum shopping

Notes:

- A complaint initiated by the disciplining authority need not be under oath;
- An anonymous complaint shall not be given due course unless supported by obvious truth or such documentary or other direct evidence showing the probability that the offense was indeed committed by the person complained of, in which case, the latter may be asked to file counter-affidavit;
- The withdrawal of the complaint does not necessarily result in the dismissal of the case;

• The technical requirements for a valid complaint should be complied with otherwise the complaint will not be acted upon instead, notice to the complainant shall be sent requiring such compliance. In case of further failure to comply despite notice, the complaint shall be dismissed.

● In case the complaint is sufficient in form and substance, the person complained of shall be required to submit a counter-affidavit. If a prima facie case exists, Formal Charge shall be issued, otherwise the Complaint shall be dismissed. Failure to submit a counter-affidavit is deemed a waiver thereof.

(Preliminary Investigation)

● Preliminary Investigation already includes the fact-finding investigation which is an ex-parte examination of records.

● After a Formal Charge is issued the respondent will be asked to file an answer. In case of failure he is deemed to have waived the same and formal investigation shall already commence.

Preventive Suspension – A precautionary measure to insure that the respondent will not suppress evidence or harass the witnesses against him which is done by placing him under suspension for a certain period (60 days in LGU, 90 days in NGAs and 6 months if the suspension is imposed by the Office of the Ombudsman).

Requisites of a valid preventive suspension:

- Formal Charge was already issued
- Respondent is either charged with dishonesty, oppression, grave misconduct, neglect in the performance of duty or if there are reasons to believe the respondent is guilty of charge/s which would warrant his removal from the service.
- In lieu of preventive suspension, the proper disciplining authority or head of office may reassign respondent to other unit of the agency during the formal hearings.

- Preventive suspension shall be deferred or interrupted during the respondent's maternity or paternity leave.

- The period of delay owing to the fault of the respondent shall not be included in counting the period of preventive suspension

- Although interlocutory in character, an order of preventive suspension may be appealed to the CSC if it is found to be unwarranted, not in accordance with law or without basis.

● Back wages shall be paid in case a preventive suspension is declared illegal or null and void under the following circumstances: 1. The Order was issued by one who is not authorized by law; 2. The order was not premised on any of the grounds or causes warranted by law; 3. The order of preventive suspension was issued without a formal charge; or 4. The duration has exceeded the prescribed period, in which case the payment of back salaries shall correspond to the excess period only. A declaration of invalidity of a preventive suspension not based on any of the reasons aforesaid, shall similarly result in the reinstatement of the employee concerned but back wages shall not be paid unless the respondent is subsequently exonerated of the charges against him (CSC Resolution No. 030502 dated May 5, 2003).

- Back wages shall not be paid for a valid preventive suspension even if the respondent is exonerated since in that case the suspension is legal (Gloria vs CSC)
- Preventive suspension is not valid if the employee is not in the position to harass witnesses or suppress evidence (GELLEGANI, Ma Cynthia P.A. CSC Res. No. 021021)

Civil Service Commission (CSC) Resolution No. 09-0296 dated February 24, 2009 (Re: Prohibition on the Filing of Motion for Reconsideration on Preventive Suspension)

“2. A Motion for Reconsideration from the Order of or Resolution ordering a Preventive Suspension, shall not be allowed. In case such Motion is filed, the same shall be denied outright and shall not stay the execution of the said Order or Resolution. Neither shall it have the effect of stopping the running of the reglementary period to appeal.

CSC Resolution No. 09-0120 dated January 20, 2009

If on appeal, the Commission finds that the disciplining authority violated respondent-appellant's right to due process such as the failure to issue a formal charge, the Commission shall dismiss the appealed case and order the immediate reinstatement of the respondent with payment of back salaries and other benefits. However, the dismissal of the case shall be without prejudice on the part of the disciplining authority to re-file it in accordance with law. (emphasis supplied)

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OFFENSES AND PENALTIES



DISGRACEFUL AND IMMORAL CONDUCT

Refers to acts which violate the basic norm of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community

CLASSIFICATION

- a) Disgraceful and Immoral Conduct in the Workplace
- b) Disgraceful and Immoral Conduct Through a Forbidden Relationship
- c) Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts

DISGRACEFUL AND IMMORAL CONDUCT

- a) Disgraceful and Immoral Conduct in the Workplace – *committed by parties, regardless of marital status, under ANY of the following circumstances*
- a. The disgraceful and immoral conduct was committed in the workplace in a scandalous manner
 - a. The disgraceful and immoral conduct was committed by taking advantage of one's position and/or with the use of government property and resources

DISGRACEFUL AND IMMORAL CONDUCT

- a) Disgraceful and Immoral Conduct in the Workplace – *committed by parties, regardless of marital status, under ANY of the following circumstances*
- c.** The disgraceful and immoral conduct affected the work performance of the respondents

DISGRACEFUL AND IMMORAL CONDUCT

b) Disgraceful and Immoral Conduct Committed through a Forbidden Relationship –

The disgraceful and immoral conduct is classified under this section if the parties are engaged in a relationship forbidden by law

DISGRACEFUL AND IMMORAL CONDUCT

c) Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts –

Conduct which consists of immoral and deviant acts which are inherently forbidden by the basic norms of decency, morality and decorum such as, but not limited to incest, pedophilia, exhibitionism and the like, whether committed in a discreet or scandalous manner within or out of the workplace

WHO MAY INITIATE COMPLAINT

<p>a) Disgraceful and Immoral Conduct in the Workplace</p>	<ul style="list-style-type: none">● DISCIPLINING AUTHORITY● ANY PERSON
<p>b) Disgraceful and Immoral Conduct Through a Forbidden Relationship</p>	<ul style="list-style-type: none">● (filed against the married party) BY ANY IMMEDIATE MEMBER OF HIS/HER FAMILY
<p>c) Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts</p>	<ul style="list-style-type: none">● DISCIPLINING AUTHORITY● ANY PERSON

Memorandum Circular No. 15, s. 2010 dated August 5, 2010

“Section 1. Definition of Disgraceful and Immoral conduct – Disgraceful and Immoral Conduct refers to an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

“Section 2. Complaint for Disgraceful and Immoral Conduct; Who May Initiate/File: - A complaint for Disgraceful and Immoral Conduct may be initiated by the disciplining authority or filed by any person against the parties involved, whether married or unmarried.

“Section 3. Complaint for Disgraceful and Immoral Conduct Against Unmarried Government Personnel. – Unmarried government employees who do not have any existing legal impediments to contract marriage may not be made liable for the administrative offense of Disgraceful and Immoral Conduct unless the conduct consists of immoral and deviant acts which are inherently forbidden by the basic norms of decency, morality and decorum such as, but not limited to incest, pedophilia, exhibitionism and the like.

“Section 4. Manner of Commission of the Offense – The acts consisting of the administrative offense of Disgraceful and Immoral conduct may be committed in a scandalous or discreet manner, within or out of the workplace.

DISHONESTY

Has been defined as a form of conduct which connotes untrustworthiness and lack of integrity, a disposition to lie, cheat deceive, betray.”

[BALAGSO, Teodoro Jr. L., et al., CSC Resolution No. +99-1085, May 21, 1999 citing BRIONES, Rolando A., CSC Res. 97-3740 dated August 28, 1997]

DISHONESTY

“The concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth.”

[Section 1, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]

Classification of DISHONESTY

a) Serious Dishonesty-

Punishable by dismissal from the service

b) Less Serious Dishonesty-

1st offense - suspension from 6 months and 1 day to 1 year

2nd offense - dismissal from the service

[Section 2, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]

Classification of DISHONESTY

c) Simple Dishonesty-

1st offense - suspension of 1 month and 1 day to 6 months

2nd offense – suspension of 6 months and 1 day to 1 year

3rd offense - dismissal from the service

[Section 2, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of SERIOUS DISHONESTY:

- a) The dishonest act caused serious damage and grave prejudice to the government
- b) The respondent gravely abused his authority in order to commit the dishonest act
- c) Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption

- d) The dishonest act exhibits moral depravity on the part of the respondent
- e) The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment
- f) The dishonest act was committed several times or in various occasions
- g) The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets
- h) Other analogous circumstances

[Section 3, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of LESS SERIOUS DISHONESTY:

- a) The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification
- b) The respondent did not take advantage of his/her position in committing the dishonest act
- c) Other analogous circumstances

[Section 4, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of SIMPLE DISHONESTY:

- a) The dishonest act did not cause damage or prejudice to the government
- b) The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent
- c) In falsification of any official document, where the information falsified is not related to his/her employment

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of SIMPLE DISHONESTY:

- d) That the dishonest act did not result in any gain or benefit to the offender
- e) Other analogous circumstances

[Section 5, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]

GROSS NEGLIGENCE OF DUTY

Negligence is want of care required by the circumstances. It is a relative or comparative, not an absolute term, and its application depends upon the situation of the parties, and the degree of care and vigilance which the circumstances reasonably impose

[US vs. JUANILLO, 23 Phil. 212]

GRAVE VS. SIMPLE

In Grave Misconduct, as distinguished from Simple Misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rules, must be manifest.”

[LANDRITO vs. CSC, 223 SCRA 564

Citing In Re: Impeachment of Horilleno, 43 Phil. 212 [1922]

GROSS MISCONDUCT

Is transgression of some established or definite rule of action, more particularly unlawful behavior or gross negligence by the public officer.”

[ALCOBA, Victor, CSC Res. No. 97-0751 dated January 28, 1997 citing OFFICE OF THE COURT ADMINISTRATOR v BUCOY, 235 SCRA 588]

BEING NOTORIOUSLY UNDESIRABLE

This offense is based mainly on the general reputation of an employee for being difficult to work with, due to his/her quarrelsome attitude and/or repeated infractions of office rules. The focus in this offense is the totality of his conduct in office and not his liability for the individual acts.”

[LAGUILLES, Cesar P., CSC Resolution
0026, January 6, 1999]

No. 99-

CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE

Everything which is done contrary to justice, honesty, modesty or good morals.

[In Re: Basa, 41 Phil. 275; In Re: Isada, 60 Phil. 915]

MORAL TURPITUDE

Everything which is done contrary to justice, honesty, modesty or good morals.

“It (moral turpitude) implies something immoral in itself, regardless of the fact that it is punishable by law or not. It is not the prohibition by statute that fixes moral turpitude but the nature of the act itself.”

[ROBREDILLO, Mario, CSC Resolution No. 00-0657, March 10, 2000 citing DELA TORRE vs. COMELEC, 258 SCRA 483]

FALSIFICATION OF PUBLIC DOCUMENTS

Falsification as a rule is the misrepresentation of a thing, fact or condition, certifying that a thing is true when it is not, whether one has the right to make the representation or certificate. As applied to a public document, in order that said act be punishable, it is immaterial whether it has caused damage to a third person or not. This is because falsification of public documents is controlled by other principles distinct from those applicable to private documents.

[U.S. vs. BUENAVENTURA, 1 Phil. 433]

ENGAGING DIRECTLY OR INDIRECTLY IN PARTISAN POLITICAL ACTIVITIES BY ONE HOLDING NON-POLITICAL OFFICE

The term “election campaign” or ‘partisan political activity’ refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office.

[BUGTONG, Diosdado, CSC Res. No. 97-0807, January 28, 1997 citing Section 79 of the Omnibus Election Code of the Philippines (Batas Pambansa Bilang 881)]

NEPOTISM

All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned and controlled corporations, made in favor of a relative {within the third degree} of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

[DEBULGADO vs. CIVIL SERVICE COMMISSION, 238 SCRA 184]

LIMITATIONS ON APPOINTMENTS

No person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing and recommending authority.

[Section 79, Local Government Code of 1991]

DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES AND TO THE FILIPINO PEOPLE

It consists of abandonment or renunciation of one's loyalty to the government or advocating the overthrow of the government.

[Par. 7, Section 8, Presidential Decree No. 971, July 27, 1976]

OPPRESSION

The Commission has defined oppression as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.

[CSC Resolution No. 95-2125, March 21, 1995]

INEFFICIENCY AND INCOMPETENCE IN THE PERFORMANCE OF OFFICIAL DUTY

Incompetency – has been defined as the manifest lack of adequate ability and fitness for the satisfactory performance of official duties. This has reference to any physical, moral or intellectual quality the lack of which substantially incapacitates one to perform the duties of an officer.

[Sec. 8, Pres. Decree No. 971]

FREQUENT UNAUTHORIZED ABSENCES, OR TARDINESS IN REPORTING FOR DUTY, LOAFING OR FREQUENT UNAUTHORIZED ABSENCES FROM DUTY DURING REGULAR OFFICE HOURS

An officer or employee shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

[Section 22 (q), Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987)]

REFUSAL TO PERFORM OFFICIAL DUTY

“Any act conduct of officer or tribunal under a duty to perform, signifying intention not to perform. . .”

[Word & Phrases, Volume 36-A, Copyright, 1962]

GROSS INSUBORDINATION

Is a deliberate and willful refusal to comply with a lawful request or order of a higher authority. It involves disregard of proper authority and a refusal to obey that authority, a willful disrespect of it.”

[SOBREPEÑA, Carmelita G., CSC Resolution No. 001288, May 30, 2000 citing HARVEY, Tammang A., CSC Resolution No. 98-2225 August 21, 1998]

HABITAL DRUNKENNESS

One who frequently and repeatedly becomes intoxicated by excessive indulgence in intoxicating liquor so as to acquire a fixed habit and an involuntary tendency to become intoxicated as often as the temptation is presented, even though he remains sober for days or even weeks at a time.

[Black's Law Dictionary, 5th Edition]

FREQUENT UNAUTHORIZED TARDINESS (HABITUAL TARDINESS)

An employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.

[Section 22. (q) Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987)]

Memorandum Circular No. 16, s. 2010 dated August 6, 2010

1. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two months in a semester shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be; and
2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) consecutive months during the year shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be.

Memorandum Circular No. 17, s. 2010 dated
August 6, 2010

1. Any officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on Habitual Tardiness; and
2. Any officer or employee who is absent in the afternoon is considered to have incurred undertime, subject to the provisions on Undertime

WILLFUL FAILURE TO PAY JUST DEBTS

“Just debts” shall apply only to

1. Claims adjudicated by a court of law, or
2. Claims the existence and justness of which are admitted by the debtor.

[Section 22. Rule XIV, Omnibus Rules Implementing Book V of Executive Order 292 (Administrative Code of 1987)]

SEXUAL HARASSMENT

Sexual Harassment as a criminal offense is defined as a work, education or training related act committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor or any person *who, having authority, influence or moral ascendancy* over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

Administrative Disciplinary Rules on Sexual Harassment Cases

Sexual Harassment as an administrative offense is defined as an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work related, training or education related environment of the person complained of.

Section 6. Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

(a) directly participates in the execution of any act of sexual harassment as defined by these Rules;

(b) induces or directs another or others to commit sexual harassment as defined by these Rules;

(c) cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished;

(d) cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

Section 53. Sexual harassment is classified as grave, less grave and light offenses.

- A. Grave Offenses shall include but are not limited to:
 1. unwanted touching of private parts of the body (genitalia, buttocks, and breast;
 2. sexual assault;
 3. malicious touching;

4. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and

5. other analogous cases

B. Less Grave Offenses shall include but are not limited to:

1. unwanted touching or brushing against a victim's body;

2. pinching not falling under grave offenses;
3. derogatory or degrading remarks or innuendoes directed toward the members of one sex or one's sexual orientation or used to described a person;
4. verbal abuse or threats with sexual overtones; and
5. Other analogous cases.

C. The following shall be considered Light Offenses

1. surreptitiously looking or stealing a look at a person's private part or worn undergarments;

2. telling sexist/smUTty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are nature clearly embarrassing, offensive or vulgar;
3. malicious leering or ogling;
4. the display of sexually offensive pictures, materials or graffiti;
5. unwelcome inquiries or comments about a person's sex life;
6. unwelcome sexual flirtation; advances, propositions

7. making offensive hand or body gestures at an employee;
8. persistent unwanted attention with sexual overtones;
9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
10. Other analogous cases.

Section 56. The penalties for light, less grave and grave offenses are as follows:

A. For light offenses:

1st offense - Reprimand

2nd offense - Fine or suspension not

exceeding thirty (30) days

3rd offense - Dismissal

B. For Less grave offenses:

1st offense - Fine or suspension not less than thirty (30) days and not exceeding six (6) months

2nd offense - Dismissal

C. For grave offenses:

Dismissal.



Statement of Assets, Liabilities and Net Worth

and its Guidelines

What is the SALN?

- statement of assets, liabilities and net worth;
- disclosure of financial connections or business interests;
- identification of relatives within the fourth degree of consanguinity or affinity, which also include *bilas*, *balae* and *inso*



Why is there a need for change?

- **The previous form was found to be deficient.**
- **As a result of such, government agencies cannot fully prosecute erring officials with regard to unexplained wealth.**
- **To remove the confusion in the filling up of the SALN Form.**

What was the action taken?

- **CSC constituted a Technical Working Group.**
- **PURPOSE: To review the SALN Form in order to cure its incompleteness and to make the same in full compliance with the applicable laws.**
- **In 2011, CSC issued the Revised SALN Form incorporating the agreements made during the SALN-TWG meetings.**

What was the action taken?

- **However, the Revised SALN Form was met with oppositions from several government sectors.**
- **Some of the issues raised include:**
 - **SALN Form is burdensome to fill up.**
 - **The legal basis is not correct.**

What was the action taken?

- **On March 15, 2012, CSC resolved to defer the use of the Revised SALN Form and allowed the use of the previous form (1994 SALN Form).**
- **On March 16, 2012, the Commission agreed to re-constitute the TWG to resolve the issues facing the SALN Form.**

Members of the TWG



- ❖ Office of the President;
- ❖ Senate of the Philippines;
- ❖ House of Representatives;
- ❖ Supreme Court;
- ❖ Office of the Ombudsman;
- ❖ Commission on Audit;
- ❖ Department of Justice;
- ❖ Department of Finance;
- ❖ Department of Budget and Management;
- ❖ Department of Interior and Local Government;
- ❖ Governance Commission for GOCCs



Members of the TWG

- **From the public sector unions**
 - **Philippine Government Employees Association**
 - **Confederation of Independent Unions**



NEW SALN FORM

CSC Resolution No. 1300173 dated January 24, 2013

Legal Basis

- **Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees taken together with the 1987 Philippine Constitution**

Who are required to file?

- **All officials and employees of:**
 - national and local governments
 - state universities and colleges, and
 - government-owned and controlled corporations (GOCC) and their subsidiaries, with or without original charter

Who are exempted from filing?

- Those serving in honorary capacity;
- Laborers; and
- Casual or temporary workers.

However, those holding career positions under temporary status are required to file their SALN.

Basic Features

- **The following declarations have been removed:**
 - **Amount and sources of income;**
 - **Amount of personal and family expenses;**
 - **Amount of income taxes paid.**

Basic Features

- **Declaration of nature of real properties was removed.**
- **The subcategories under personal properties, i.e. Tangible and intangible were removed.**
- **The basis of assessed value and current fair market value was clarified, that is, it should be the amount found in tax declaration of the real properties.**

Basic Features

- **On the filing of spouses who are both government employees, the manner by which they should file their SALN was clarified.**
- **Identification of relatives is required to be “to the best of my knowledge” and the other declarations are “true and correct statements”**

Basic Features

- **The SALN Form is now easier to fill up.**
- **Most of the changes have been made in the guidelines clarifying matters raised in previous years.**

Fill it out together with the Guidelines which was arranged to match the sequence of information needed from the declarant.

How does one fill out the SALN Form?

Basic Information

SWORN STATEMENT OF ASSETS, LIABILITIES AND NET WORTH

As of _____

(Required by R.A. 6713)

Note: *Husband and wife who are both public officials and employees may file the required statements jointly or separately.*

Joint Filing *Separate Filing* *Not Applicable*

DECLARANT:				POSITION:	
	(Family Name)	(First Name)	(M.I.)	AGENCY/OFFICE:	
ADDRESS:				OFFICE ADDRESS:	
SPOUSE:				POSITION:	
	(Family Name)	(First Name)	(M.I.)	AGENCY/OFFICE:	
				OFFICE ADDRESS:	

Basic Information

DECLARANT is

- **single or**
- **married but whose spouse is not in the government service**

Tick off the box marked as “Not Applicable.”

Declarant's Children

- new column on **AGE**.

UNMARRIED CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE LIVING IN DECLARANT'S HOUSEHOLD

NAME		DATE OF BIRTH		AGE

Real Properties

- Refer to properties which are immovable by nature.
- SALN purposes, real properties are classified according to their use, that is, residential, commercial, agricultural, industrial, or mixed use and the like

ASSETS, LIABILITIES AND NETWORTH

(Including those of the spouse and unmarried children below eighteen (18) years of age living in declarant's household)

1. ASSETS

a. Real Properties*

DESCRIPTION <small>(e.g. lot, house and lot, condominium and improvements)</small>	KIND <small>(e.g. residential, commercial, industrial, agricultural and mixed use)</small>	LOCATION	ASSESSED	CURRENT FAIR	ACQUISITION		ACQUISITION COST
			VALUE	MARKET VALUE	YEAR	MODE	
			<small>(As found in the Tax Declaration of Real Property)</small>				
						Subtotal:	

Real Properties

- **DESCRIPTION** - land only or land with building, a house and lot, condominium unit, or an improvement such as an extension or garage, and the like.
- **IMPROVEMENTS** –
 - ❖ refer to all works that are constructed or introduced to the land, or repairs or improvements made to the land or building after its initial acquisition
 - ❖ may be declared separately or together with the land to which it is attached

Real Properties

- **ACQUISITION COST –**
 - amount of money paid to acquire or own something
 - also refers to the amount of expenses incurred for improvements introduced on a real property
 - In the case of properties received gratuitously, e.g. donation or inheritance, no acquisition cost shall be declared

Real Properties

- **In all real properties, the fair market value and assessed value as found in the tax declaration shall be declared.**

Personal Properties

- Refer to jewelry, appliances, furniture, motor vehicles and other tangible/movable properties.
- This shall also include investments or other assets, such as cash on hand or in bank, negotiable instruments, securities, stocks, bonds, and the like

b. Personal Properties*

DESCRIPTION	YEAR ACQUIRED	ACQUISITION COST/AMOUNT
		Subtotal :
		TOTAL ASSETS (a+b):

Declaration of Assets

- **CO-OWNED PROPERTIES** - declarant shall disclose the proportionate amount of his share in the property
- **PROPERTIES SUBJECT OF A CONTRACT TO SELL** - the amount already paid shall be declared as personal property
- **MORTGAGED PROPERTY** – the actual purchase price is the acquisition cost
 - **LIABILITY** to be declared shall be the outstanding balance of the loan as of December 31 of the preceding year

1. ASSETS

a. Real Properties*



DESCRIPTION <small>(e.g. lot, house and lot, condominium and improvements)</small>	KIND <small>(e.g. residential, commercial, industrial, agricultural and mixed use)</small>	LOCATION	ASSESSED VALUE	CURRENT FAIR MARKET VALUE	ACQUISITION		ACQUISITION COST
			<small>(As found in the Tax Declaration of Real Property)</small>		YEAR	MODE	
House & lot	residential	QC	500,000.00	750,000.00	2008	COS/mortgaged	PhP 1,500,000.00
Land	agricultural	Ilocos	200,000.00	400,000.00	2012	inheritance	PhP 0
						Subtotal:	PhP 1,500,000.00

b. Personal Properties*

DESCRIPTION	YEAR ACQUIRED	ACQUISITION COST/AMOUNT
Condominium (Contract To Sell)	2010	PhP 200,000.00
	Subtotal :	
	TOTAL ASSETS (a+b):	PhP 1,700,000.00

2. LIABILITIES*

NATURE	NAME OF CREDITORS	OUTSTANDING BALANCE
Real Estate Mortgage	Land Bank of the Philippines	PhP 700,000.00
	TOTAL LIABILITIES:	PhP 700,000.00
NET WORTH : Total Assets less Total Liabilities =		PhP 1,000,000.00

* Additional sheet/s may be used, if necessary.

Liabilities

- **Refer to financial liability or anything that can result to a transfer or disposal of an asset.**
- **NATURE OF LIABILITY - type of loan obtained from banks, financial institutions, GSIS, PAG-IBIG and others, such as personal, multi-purpose, salary, calamity loan and the like**
- **OUTSTANDING BALANCE - amount of money that one still owes on the loan as of December 31 of the preceding calendar year**

Computation of Net Worth

- **NET WORTH - sum of all assets (real and personal) less total liabilities**
- **In real properties, the acquisition cost shall be used in the computation of the net worth**
- **In personal properties, the acquisition cost or amount/value of money shall be used in the computation of the total net worth**

What are excluded in the computation?

- **Properties of unmarried children below 18 years of age living in the declarant's household**
- **Paraphernal or capital properties of declarant's spouse**

Spouses who are both public officers or employees

- **In case of separate filing**
 - **paraphernal or capital properties shall not be included in the computation of the declarant's net worth**
- **In case of joint filing**
 - **the total assets of the spouses shall include their respective paraphernal or capital properties**

SALN Form – 2nd page

Business Interests/ Financial Connections and Relatives in the Government

BUSINESS INTERESTS AND FINANCIAL CONNECTIONS

(of Declarant / Declarant's spouse/ Unmarried Children Below Eighteen (18) years of Age Living in Declarant's Household)

I/ We do not have any business interest or financial connection.

NAME OF ENTITY/BUSINESS ENTERPRISE	BUSINESS ADDRESS	NATURE OF BUSINESS INTEREST &/OR FINANCIAL CONNECTION	DATE OF ACQUISITION OF INTEREST OR CONNECTION

RELATIVES IN THE GOVERNMENT SERVICE

(Within the Fourth Degree of Consanguinity or Affinity. Include also Bilas, Balae and Inso)

I/ We do not know of any relative/s in the government service)

NAME OF RELATIVE	RELATIONSHIP	POSITION	NAME OF AGENCY/OFFICE AND ADDRESS

Business Interests / Financial Connections

- **BUSINESS INTERESTS** - declarant's existing interest in any business enterprise or entity, aside from his/her income from government
- **FINANCIAL CONNECTIONS** - declarant's existing connections with any business enterprise or entity, whether as a consultant, adviser and the like, with an expectation of remuneration for services rendered

Nature of Interest

- **refers to existing interest or connection in any business enterprise, whether as proprietor, investor, promoter, partner, shareholder, officer, managing director, executive, creditor, lawyer, legal consultant or adviser, financial or business consultant, and the like**

Relatives in the Government

RELATIVES IN THE GOVERNMENT SERVICE

(Within the Fourth Degree of Consanguinity or Affinity. Include also Bilas, Balae and Inso)

I/ We do not know of any relative/ s in the government service)

NAME OF RELATIVE	RELATIONSHIP	POSITION	NAME OF AGENCY/OFFICE AND ADDRESS

Relatives Within the 4th Degree

- **AFFINITY** - relationship of a husband to the blood relatives of his wife, or a wife to the blood relatives of her husband
- **CONSAGUINITY** - relationship by blood from the same stock or common ancestor

Relatives Within the 4th Degree

	Consanguinity	Affinity
1st degree	Parents Children	Parents-in-law
2nd degree	Grandparents Grandchildren Siblings	Grandparents-in-law Brother-in-law Sister-in law

Relatives Within the 4th Degree

	Consanguinity	Affinity
3rd degree	Uncle/Aunt Nephew/Niece	Uncle/Aunt-in-law Nephew/Niece-in-law
4th degree	1st Cousin	1st Cousin-in-law

Who else are included?

- ***Balae***
 - a parent of the declarant's son-in-law or daughter-in-law
- ***Bilas***
 - declarant's brother-in-law's wife or sister-in-law's husband
- ***Inso***
 - appellation for the wife of an elder brother or male cousin

Certification and Signature

I hereby certify that these are true and correct statements of my assets, liabilities, net worth, business interests and financial connections, including those of my spouse and unmarried children below eighteen (18) years of age living in my household, and that to the best of my knowledge, the above-enumerated are names of my relatives in the government within the fourth civil degree of consanguinity or affinity.

I hereby authorize the Ombudsman or his/her duly authorized representative to obtain and secure from all appropriate government agencies, including the Bureau of Internal Revenue such documents that may show my assets, liabilities, net worth, business interests and financial connections, to include those of my spouse and unmarried children below 18 years of age living with me in my household covering previous years to include the year I first assumed office in government.

Date: _____

<i>(Signature of Declarant)</i>		<i>(Signature of Co-Declarant/ Spouse)</i>	
Government Issued ID:		Government Issued ID:	
ID No.:		ID No.:	
Date Issued:		Date Issued:	

Certification and Signature

- **Declaration should be true and correct statements**
- **Identification of the relatives is only to the best of the declarant's knowledge**
- **Both spouses should sign, whether in the government or private sector**
- **If signature cannot be acquired, an explanation should be attached**

Pagination

- **The format should indicate the total number of pages of the SALN in case additional sheets are used**
- **Such as:**
 - **Page 1 of 3**
 - **Page 2 of 3**
 - **Page 3 of 3**
- **PURPOSE: To avoid insertions or pulling out of pages.**

Additional Sheets

SWORN STATEMENT OF ASSETS, LIABILITIES AND NET WORTH

As of _____

(Sample additional sheet/ s for the exclusive properties of the declarant's spouse and unmarried children below eighteen (18) years of age living in declarant's household)

+	NAME:			POSITION:	
	(Family Name)	(First Name)	(M.I.)	AGENCY/OFFICE:	

ASSETS, LIABILITIES AND NET WORTH

1. ASSETS

a. Real Properties

DESCRIPTION <small>(e.g. lot, house and lot, condominium and improvements)</small>	KIND <small>(e.g. residential, commercial, industrial, agricultural and mixed use)</small>	LOCATION	ASSESSED VALUE	CURRENT FAIR MARKET VALUE	ACQUISITION		ACQUISITION COST
			<small>(As found in the Tax Declaration of Real Property)</small>		YEAR	MODE	

b. Personal Properties

DESCRIPTION	YEAR ACQUIRED	ACQUISITION COST/AMOUNT

Indicate:

- name of the declarant
- position
- agency name
- year covered by the SALN,
- shall be signed on each page

Who can administer oath?

- The heads of agencies
- Those authorized by the head of agency the authority to administer oath
- Those authorized by law to administer oath, i.e. notaries public

The authority to administer oath must be in writing.

Other reminders

- **No unnecessary markings.**
- **Fill all applicable information. Otherwise, write “not applicable” or “N/A.”**
- **Filling up the form may be handwritten, computerized or typed.**
- **Handwriting must be legible.**

Violations of Public Officers

- **Failure of an official or employee to submit his/her SALN; and**
- **Failure to disclose or misdeclaration of any asset, liability, business interest, financial connection, and relative in the government in his/her SALN**

Penalties

- **FIRST OFFENSE**

- suspension of one (1) month and one (1) day to six (6) months

- **SECOND OFFENSE**

- dismissal from the service

Violation of Head of Agency

- **SIMPLE NEGLECT OF DUTY**

- **failure to comply with CSC Memorandum Circular No. 10, s. 2006, in relation to the Review and Compliance Procedure in the Filing and Submission of the SALN Form**

- **PENALTY**

- **FIRST OFFENSE : suspension of one (1) month and one (1) day to six (6) months**
- **SECOND OFFENSE: dismissal from the service**

Amendment to CSC MC No. 10, s. 2006*

Section 3. Ministerial Duty of the Head of Office to Issue Compliance Order.

Within five (5) days from receipt of the aforementioned list and recommendation, it shall be the ministerial duty of the Head of Office to issue an order requiring those who have incomplete data in their SALN to correct/supply the desired information and those who did not file/submit their SALNs to comply within a non-extendible period of thirty (30) days from receipt of the said Order.”

Amendment to CSC MC No. 10, s. 2006

Failure to file SALN includes:

- **failing to comply within the thirty (30) day period required under Section 3 of the amendment; and**
- **Submission of the SALN beyond thrity (30) day period.**

Thank You!