



2017 Rules on Administrative Cases in the Civil Service (RACCS)

Presented by:

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Administrative Discipline



Administrative Discipline

LEGAL BASIS:

Administrative Discipline had its genesis from the constitutional mandate which states as follows:

“Public Office is a public trust, 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” (Art. XI, Accountability of Public Officers)



Administrative Discipline

The phrase “public office is a public trust” refers to a representative government, the officers being mere agents and not rulers of the people, one where no one man or set of men has a proprietary or contractual right to an office, but where every officer accepts office pursuant to the provisions of law and holds the office as a trust for the people.



Administrative Discipline

Characteristics

1. Administrative Offenses do not prescribe (**Floria vs. Sunga, 386 SCRA 551**)
2. Flexible concept of the right to a “speedy disposition of cases” (**Ombudsman vs. Jurado, G.R. No. 154155** dated August 6, 2008)
3. Administrative cases are not subject to settlement (Modified by **Rule 11, 2017 RACCS**)
4. The withdrawal of the complainant is not a ground for the dismissal of the case
5. The complainant is a mere witness to the commission of the Offense, hence, anybody can file an administrative complaint



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 3, Complaint

Section 16. Withdrawal of the Complaint

The withdrawal of the complaint does not result in its outright dismissal or discharge of the person complained of from any administrative liability.



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 3, Complaint

Section 10. Who May Initiate. *Administrative proceedings may be initiated by the disciplining authority motu proprio or upon complaint of any other person.*

Section 11. Requisites of a Valid Complaint. *No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. In cases initiated by the proper disciplining authority or an authorized representative, a show cause order is sufficient*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), *RULE 3, Complaint*

The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 3, Complaint

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/her position and office;*
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;*
- d. certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and*
- e. certification or statement of non-forum shopping.*

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refiling upon compliance with the same.



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 3, Complaint

Section 12. Anonymous Complaint. *No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence.*

Section 13. When and Where to File a Complaint. *Except when otherwise provided for by law, an administrative complaint may be filed anytime with the Commission or any of its regional offices, heads of departments, agencies, national government, local government units, state universities and colleges (SUCs) or local universities and colleges (LUCs), and government-owned or controlled corporations with original charters except as may be provided by law.*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 3, Complaint

Section 17. Action on the Complaint. *Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 4, Preliminary Investigation

Section 18. Preliminary Investigation; Definition. *A Preliminary Investigation is a mandatory proceeding undertaken to determine whether a prima facie case exists to warrant the issuance of a formal charge/notice of charge.*

Section 19. How conducted. *Preliminary investigation may be conducted in any of the following manner: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; or c) clarificatory meeting with the parties to discuss the merits of the case*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), *RULE 4, Preliminary Investigation*

When the complaint is initiated by the disciplining authority, it or its authorized representative shall issue a show-cause order directing the person complained of to explain within the same period why no administrative case should be filed against the said person. The failure to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

The right to counsel may be exercised even during the preliminary investigation.

For cases filed before the Commission or any of its Regional Offices, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 113 of these Rules.



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 4, Preliminary Investigation

Section 22. Decision or Resolution After Preliminary Investigation. *If a prima facie case is established after preliminary investigation, the disciplining authority may issue either a formal charge or a notice of charge pursuant to Rule 5 of these Rules.*

In the absence of a prima facie case, the complaint shall be dismissed.



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 5, FORMAL CHARGE/NOTICE OF CHARGE

Section 23. Issuance of Formal Charge; Contents. *After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel.*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 5, FORMAL CHARGE/NOTICE OF CHARGE

If the respondent receives a notice of charge with incomplete attachments, the respondent may request for the lacking documents within 10 days from receipt of the formal/notice of charge and the period to answer will not run until the same is received by the respondent.

Section 25. Prohibited Pleadings. *The disciplining authority shall not entertain requests for clarification, bills of particulars, motions to dismiss, motions to quash, motions for reconsideration and motion for extension of time to file answer. The same shall be noted without action and attached to the records of the case.*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 6, ANSWER

Section 27. Failure to File an Answer. *If respondent fails or refuses to file an answer to the formal charge or notice of charge within the given period, he/she shall be considered to have waived his/her right to submit the same and the case may be decided based on available records.*





Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 7, PREVENTIVE SUSPENSION

***Section 28. Preventive Suspension; Nature.** Preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the respondent may be removed from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is being investigated.*



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 7, PREVENTIVE SUSPENSION

Section 29. When Issued; Grounds. *The proper disciplining authority, upon motion or motu proprio, may issue an order of preventive suspension against the respondent upon issuance of the formal charge or notice of charge, or immediately thereafter, if:*

A) The charge involves:

- 1. Dishonesty;***
- 2. Oppression;***
- 3. Grave Misconduct;***
- 4. Neglect in the Performance of Duty;***



Administrative Discipline

5. Other offenses punishable by dismissal from the service; or
6. An administrative offense committed on its second or third instance and the penalty is dismissal from the service; and

B) The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence.

In order for a preventive suspension order to be valid, any of the conditions in Items A and B must be present.



Administrative Discipline

RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS), RULE 7, PREVENTIVE SUSPENSION

***Section 30. Alternative to Preventive Suspension.** The proper disciplining authority may reassign respondent to another unit of the agency subject to the same period as provided in the immediately succeeding section.*



ADMINISTRATIVE DISCIPLINE

JURISDICTION

The authority to hear and decide cases. The power or jurisdiction to institute disciplinary actions in administrative cases is lodged only on the disciplinary authority to which such power is vested by law. Absent such legal basis the power to discipline cannot be exercised.

ADMINISTRATIVE DISCIPLINE

Delegation of the Power to Investigate

Heads of agencies have jurisdiction to investigate and discipline their own officials and employees, however, heads of agencies may delegate the power to investigate to their subordinates and just wait the recommendations which will be made afterwards.

(Sec. 47, par 2 and 3, EO 292)

The authority that decides the case, therefore, is also clothed with the power to investigate and is deemed to have done the same even if in reality somebody else conducted it by virtue of delegation.

ADMINISTRATIVE DISCIPLINE

Delegation of the Power to Issue Formal Charge and Preventive Suspension

The rule on the **non-delegation** of the BIR Commissioner's power to discipline BIR employees under the EO No. 292 **does not include the delegation of the power to issue formal charges and preventive suspension orders, which are merely part of the investigation process.**

The Court stressed in ***Quimbo vs. Acting Ombudsman Gervacio***, where we held:

“Jurisprudential law establishes a clear-cut distinction between suspension as preventive measure and suspension as penalty xxx”

(BIR vs. Leoncio A. Gan-Lim, Jr., G.R. No. 254939, 3 March 2021)

ADMINISTRATIVE DISCIPLINE

Permanency of Jurisdiction

Jurisdiction once present is not lost upon the instance of the parties but continues until the case is terminated.

(Que vs. Court of Appeals, 339 SCRA 505)

In administrative cases, jurisdiction over the person complained of remains even if he resigned from the service so long as the offense was committed during his incumbency.

(CSC Resolution No. 99-0298 dated January 1, 1999, Uy, Allan)

ADMINISTRATIVE DISCIPLINE

A public official's resignation does not render moot an administrative case that was filed prior to the official's resignation.

The jurisdiction of the Court at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case.

(Andutan vs. Ombudsman, G.R. No. 164679, July 26, 2011)

ADMINISTRATIVE DISCIPLINE

The retirement of petitioner effective January 1, 1998, did not render moot the instant case. The filing of the administrative complaint against petitioner on December 17, 1997, prior to his retirement, effectively conferred upon the NPC, the CSC, and this Court, the jurisdiction to resolve the case until its conclusion. Hence, the guilt or innocence of petitioner can be validly addressed by the Court in the instant administrative case.

(Largo vs. CA, CSC, NPC and Olandesca, G.R. No. 177244, Nov. 20, 2007)

ADMINISTRATIVE DISCIPLINE

Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.

(Pagano vs. Nazarro, Jr. cited in Andutan v. Ombudsman)

ADMINISTRATIVE DISCIPLINE

Cessation from office of respondent by resignation or retirement neither warrants the dismissal of the administrative complaint filed against him while he was still in the service nor does it render said administrative case moot and academic.

(Baquerfo vs. Sanchez, 495 Phil. 10, 2005 cited in Andutan vs. Ombudsman)

ADMINISTRATIVE DISCIPLINE

However, the holding in Andutan is premised on the finding that Andutan was involuntarily separated from the service by virtue of a directive from the Executive Secretary. x x x the separation from the service is not an absolute bar to the filing of an administrative charge if the public officer voluntarily separated from the service to “prevent the imminent filing thereof”.

(BSP v. OMB, G.R. No. 201069, 16 June 2021)

ADMINISTRATIVE DISCIPLINE

Andutan cannot be applied to respondent's case. The respondent's voluntary separation from the government service, in addition to her knowledge that a complaint would most likely to be filed against her at anytime, bolsters the Ombudsman's position that the respondent attempted to forestall the filing of an administrative case against her by availing of optional retirement.

(Office of the Ombudsman v. Hermosura, G.R. No. 207606, 16 February 2022)

ADMINISTRATIVE DISCIPLINE

Effect of Death to an Administrative Case under Investigation

- Death is a far graver and more powerful judgment than anything that this Court has jurisdiction to render. Hence, when the respondent in a pending administrative case dies, the case must be rendered moot. Proceeding any further would be to violate the respondent's fundamental right to due process. Should it be a guilty verdict, any monetary penalty imposed on the dead respondent's estate only works to the detriment of their heirs. To continue with such cases would not punish the perpetrator, but only subject the grieving family to further suffering by passing on the punishment to them.

(Sharon Flores-Concepcion v. Judge Castaneda, Branch 67, Paniqui, Tarlac, A.M. No. RTJ-15-2438, 2 September 2020)

ADMINISTRATIVE DISCIPLINE

Effect of Death to an Administrative Case under Investigation

- There is no more reason for this Court to proceed with this case.
- Respondent is dead. She could no longer evade liability. She could no longer pollute the courts with her incompetence and corrupt ways. She could no longer betray the public trust.
- Death, perhaps, was a more profound judgment than any this Court could impose.
- Despite all the constitutional powers we are endowed with as the Supreme Court of this country, we should have the humility to accept that we do not have the ability to punish a dead person. It is irrational to do so. Perhaps, only the universe can.

(Sharon Flores-Concepcion v. Judge Castaneda, Branch 67, Paniqui, Tarlac, A.M. No. RTJ-15-2438, 2 September 2020)

ADMINISTRATIVE DISCIPLINE

Effects of Death to an Administrative Case on Appeal

For humanitarian reasons, the Court ruled that respondent's mistakes should not unduly punish his heirs, especially if they had no part in or knowledge about respondent's extortion activities. Respondent's liability should be considered personal and extinguished upon his death. It should not extend beyond his death, and its effects should not be suffered by his heirs, lest it indirectly impose a harsh penalty upon innocent individuals. The Court stressed that respondents heirs already had to deal with the sudden death of a loved one. This alone was more than enough for a family to bear. Hence, to allow respondent's administrative case and the forfeiture of all of his death and survivorship benefits to subsist beyond his death would unnecessarily add to the already deep sorrow and grief of his bereaved family.

(Dr. Ramon S. Guerra, Jr., vs. The Board of Regents, West Visayas State University, G.R. No. 210512, 27 July 2022)

ADMINISTRATIVE DISCIPLINE

Appellate Jurisdiction

Refers to the jurisdiction to take cognizance of appeals from a decision of a lower deciding authority.

Exclusive Appellate Jurisdiction

All decisions of agency heads on administrative cases whether disciplinary or non-disciplinary are within the exclusive appellate jurisdiction of the CSC.

ADMINISTRATIVE DISCIPLINE

Backwages - In **Campol vs Balao-As**, the Sangguniang Bayan (SB) of Boliney, Abra passed a resolution in 2004 terminating Campol as SB Secretary in 2005, while his illegal termination was still pending, Campol obtained another job as an administrative aide in the Public Attorney's Office (PAO). SC ruled that Campol's PAO earning should not be deducted from the award of full backwages:

“Any income he may have obtained during the litigation of the case shall not be deducted from this amount. This is consistent with our ruling that an employee illegally dismissed has the right to live and to find employment elsewhere during the pendency of the case.”

Julius B. Campol, vs. Mayor Balao-As and VM Sianen, GR No. 197634, 2016

ADMINISTRATIVE DISCIPLINE

Revisiting **Campol vs Balao-As**, the SC agreed that the award of full back wages in favor of an illegally dismissed civil service employee who was subsequently employed in another govt agency violates the constitutional prohibitions against double office-holding and double compensation in the civil service. Sec. 8, Art. IX-B of the Constitution provides that no elective or appointive public officer or employee shall receive additional, double or indirect compensation xxx.

SC ruled that petitioners who were subsequently rehired by the NPC, absorbed by PSALM or Transco, or transferred or employed by other government agencies, are not entitled to back wages. To award back wages even to those who remained employed as a direct result of the 2003 reorganization amounts to unjust enrichment and damage to the government.

On the other hand, petitioners who were neither rehired by the NPC or absorbed by PSALM or Transco pursuant to the 2003 reorganization and subsequently employed in the private sector shall be entitled to full back wages (applying *Bustamante and Equitable Banking Corporation*).

NPC Drivers and Mechanics Association (NPC DAMA) vs. The National Power Corp., GR. No. 156208, November 21, 2017

Rule 14

PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS

Section 75. What Are Included. – Subject to the guidelines provided hereinafter and other existing laws, rules and regulations, the following benefits are included in the scope of back wages:

- a. Salaries from the time the official or employee was illegally dismissed /suspended up to the time of actual reinstatement;
- b. Representation and Transportation Allowance (RATA) as provided under existing rules;
- c. Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- d. Restoration of Leave Credits;
- e. Loyalty Award;
- f. Anniversary Bonus;

Rule 14

PAYMENT OF BACK WAGES AND OTHER SIMILAR BENEFITS

- g. 13th, 14th Month Pay and Cash Gift;
- h. Uniform/Clothing Allowance;
- i. Performance-based Bonus; and
- j. Other similar benefits given to regular employees by the agency

ADMINISTRATIVE DISCIPLINE

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**).

ADMINISTRATIVE DISCIPLINE

xxx allows the CSC to appeal in cases where the respondent is exonerated of charges. The Court did not deviate from the doctrine that the complainant, being a mere witness for the government, cannot appeal the decision rendered in the administrative case. xxx No private interest is involved in an administrative case as the offense is committed against the government.

(CSC vs Dacoycoy 306 SCRA 425)

ADMINISTRATIVE DISCIPLINE

In **National Power Corporation vs. Civil Service Commission and Tanfelix**, the National Power Corporation had previously filed an administrative complaint against one of its employees, Rodrigo Tanfelix, resulting in his dismissal from service. When the Civil Service Commission exonerated Tanfelix and the Court of Appeals affirmed the exoneration, the National Power Corporation was allowed to appeal.

(LRTA vs Salvaña, GR No. 192074, June 10, 2014)

ADMINISTRATIVE DISCIPLINE

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.

SPECIFIC OFFENSES

ADMINISTRATIVE DISCIPLINE

OFFENSES AND PENALTIES

Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity and effects on the government service.

ADMINISTRATIVE DISCIPLINE

Grave offenses are those which may be punished with dismissal from the service for the first offense or the maximum of 1 year suspension for the first offense and dismissal from the service for the second offense. Examples of Grave Offenses punishable with dismissal are :

- Serious Dishonesty
- Gross Neglect of Duty
- Grave Misconduct
- Being Notoriously Undesirable

ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with dismissal are:

- Conviction of a crime involving moral turpitude
- Falsification of Official Document
- Physical or mental incapacity due to immoral or vicious habits
- Receiving for personal use of a fee, gift or other valuable thing in the course of official duties when the same is given by any person in the hope or expectation of receiving a favor or better treatment, or committing other acts punishable under the anti graft laws

ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with dismissal are:

- Contracting loans of money or property from persons with whom the office of the employee has business relations
- Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her 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;
- Nepotism
- Disloyalty to the Republic of the Philippines.

ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with 6 mos. and 1 day to 1 year are:

- Less serious dishonesty
- Oppression
- Disgraceful and immoral conduct
- Inefficiency and incompetence in the performance of official duties
- Frequent unauthorized absences or tardiness
- Habitual tardiness in reporting for duty causing prejudice to the operations of the office
- Loafing from duty during regular office hours
- Refusal to perform official duty
- Gross insubordination
- Conduct prejudicial to the best interest of the service

ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with 6 mos. and 1 day to 1 year are:

- Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something.
- Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by one's office, unless expressly allowed by law.
- Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or to prejudice the public interest. Obtaining or using statement filed under RA 6713 for any purpose contrary to morals or public policy.

ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with 6 mos. and 1 day to 1 year are:

- Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and
- Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or (3) as part of the function of one's office.

ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

- Simple Neglect of Duty
- Simple Misconduct
- Discourtesy in the Course of Official Duties;

ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

- Gross Discourtesy in the course of official duties
- Violation of CS Law and Rules of serious nature

ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

- Insubordination
- Habitual Drunkenness
- Unfair discrimination in rendering public service due to party affiliation or preference
- Failure to File sworn statements of assets and liabilities

ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

- Failure to resign from his position in the private business where there is conflict of interest within 30 days from assumption of public office.
- Engaging directly or indirectly in partisan political activities by one holding non-political office.

ADMINISTRATIVE DISCIPLINE

Light offenses are those punishable with reprimand for the first offense, suspension of up to 30 days for the second offense and dismissal from the service for the third offense. Examples are:

- Simple Discourtesy
- Improper solicitation from subordinates or school children
- Violation of reasonable office rules and regulations

ADMINISTRATIVE DISCIPLINE

Light offenses are those punishable with reprimand for the first offense, suspension of up to 30 days for the second offense and dismissal from the service for the third offense. Examples are:

- Habitual tardiness, Gambling prohibited by law
- Refusal to render overtime service
- Immorality prior to entering the service

ADMINISTRATIVE DISCIPLINE

Light offenses are those punishable with reprimand for the first offense, suspension of up to 30 days for the second offense and dismissal from the service for the third offense. Examples are:

- Borrowing money from subordinates
- Lending money at usurious rates
- Willful failure to pay just debts or taxes due to the government

ADMINISTRATIVE DISCIPLINE

Light offenses are those punishable with reprimand for the first offense, suspension of up to 30 days for the second offense and dismissal from the service for the third offense. Examples are:

- Failure to attend to anyone who wants to avail of the services of his office
- Engaging in the Private Practice of Profession unless authorized and Pursuit of private business without the permission required by civil service rules and regulations.



CSC Resolution No. 2100079 dated January 27, 2021

Revised Rules on the Administrative Offense of Dishonesty

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CSC Resolution No. 2100079 dated January 27, 2021

Section 2. Classification of Dishonesty and their Corresponding Penalties.

- a. **Serious Dishonesty** – punishable by dismissal from the service.
- b. **Less Serious Dishonesty** – punishable by suspension from the government service for a period of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.
- c. **Simple Dishonesty** – punishable by suspension from the government service for a period of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year suspension for the second offense; and dismissal from the service for the third offense.



CSC Resolution No. 2100079 dated January 27, 2021

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

The presence of any one of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Serious Dishonesty:

- a. The dishonest act caused serious damage and grave prejudice to the government such as when the integrity of the office is tarnished, or the operations of the office are affected.
- b. The respondent gravely abused his/her authority in order to commit the dishonest act.

CSC Resolution No. 2100079 dated January 27, 2021

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

- c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he/she 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 whether or not said act was committed in the performance of his/her duties.



CSC Resolution No. 2100079 dated January 27, 2021

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

- e. 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.
- f. The dishonest act relates to the respondent's employment such as but not limited to misrepresentation on his/her qualifications as to education, experience, training and eligibility in order to qualify for a particular position, and/or the submission of fake and/or spurious credentials.
- g. Other analogous circumstances.



CSC Resolution No. 2100079 dated January 27, 2021

Section 4. Circumstances Constituting the Administrative 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 Section 3 (a) of these Rules.
- b. The dishonest act committed involves sums of money or government property and the respondent, who must not be an accountable officer as defined under these Rules, restitutes the same.



CSC Resolution No. 2100079 dated January 27, 2021

Section 4. Circumstances Constituting the Administrative Offense of Less Serious Dishonesty

- c. The respondent took advantage of his/her position in committing the dishonest but not for personal gain or benefit;
- d. The respondent did not take advantage of his/her position in committing the dishonest act but nonetheless resulted in his/her benefitting from such act.
- e. Other analogous circumstances.

CSC Resolution No. 2100079 dated January 27, 2021

Section 5. Circumstances Constituting the Administrative Offense of Simple Dishonesty.

- a. The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent, or that the same did not cause damage or prejudice to the government, subject to the condition that the dishonest act does not constitute moral depravity penalized under Section 3 (d) of these Rules.
- b. In falsification of any official document, where the information falsified is not related to his/her employment, or when the falsification of official document did not cause damage or prejudice to the government, unless the dishonest act constitutes moral depravity as defined under these Rules.

CSC Resolution No. 2100079 dated January 27, 2021

Section 5. Circumstances Constituting the Administrative Offense of Simple Dishonesty.

- c. The respondent did not take advantage of his/her position in committing the dishonest act, and that, such dishonest act did not result in any personal gain or benefit nor caused damage and prejudice to the government.
- d. Other analogous circumstances.

CSC Resolution No. 2100079 dated January 27, 2021

Section 9. When a respondent is found liable under Section 5(b) of these Rules, he/she can no longer be formally charged with the offense of Falsification of Official Document under Section 50(A)(6), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service.

Section 10. When the falsification of official document facilitated or was a necessary means for the commission of the dishonest act, the person complained of shall be formally charged only with the administrative offense of Dishonesty, whether it be Serious, Less Serious, or Simple, depending on the attendant circumstances, as the act of falsification is already subsumed in the offense of Dishonesty.



CSC Resolution No. 2100064

Revised SH Rules

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CSC Resolution No. 2100064 dated January 20, 2021

Republic Act No. 11313 (Safe Spaces Act) which was signed into law on April 17, 2019, intends to provide modification and several revisions on the expanded coverage of Anti-Sexual Harassment Act or RA 7877.

Implementing Rules and Regulations (IRR) of R.A. No. 11313 was issued and signed on October 28, 2019 and provides the guidelines and mechanisms in the implementation of the Safe Spaces Act.

CSC Resolution No. 2100064 dated January 20, 2021

The CSC issued CSC Resolution No. 2100064, promulgated January 20, 2021 (Revised Administrative Disciplinary Rules on Sexual Harassment Cases) pursuant to the provisions of the Safe Spaces Act and its IRR.

CSC Resolution No. 2100064 dated January 20, 2021

“Section. 4. Definition of Terms.

‘aa. SEXUAL HARASSMENT

SEXUAL HARASSMENT IN THE WORKPLACE includes the following:

“i. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals’ employment or education, job performance or opportunities.

CSC Resolution No. 2100064 dated January 20, 2021

“Section. 4. Definition of Terms.

ii. A conduct of sexual nature affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems.

iii. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

“Sexual harassment in the workplace may also be committed by a government employee or official in a work-related, training or education related environment of the person complained of, against any person regardless of the motive for committing such action or remarks, between peers, and by a subordinate to a superior office”.

CSC Resolution No. 2100064 dated January 20, 2021

SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks



CSC Resolution No. 2100064 dated January 20, 2021

Sexual harassment in streets and public spaces includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks. Acts constitutive of sexual harassment in streets and public spaces are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

CSC Resolution No. 2100064 dated January 20, 2021

ONLINE SEXUAL HARASSMENT refers to:

Gender-based online sexual harassment may be committed through an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear for personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photo's without consent, video and audio recordings, cyberstalking and online identity theft.

CSC Resolution No. 2100064 dated January 20, 2021

Section 14 b. Composition of CODI.

‘1. CODI shall serve as an independent internal mechanism to address and investigate complaints of sexual harassment.

‘2. CODI in workplaces shall be composed of at least one representative each from the management, the employees from the supervisory rank, the rank-and-file employees, and the union/s or employees association, if any. The head of agency shall also ensure that there will be a sufficient number of people who may immediately replace any member of the CODI in case s/he inhibits from any case, or when needed, so as not to cause any delay in the process being undertaken.

CSC Resolution No. 2100064 dated January 20, 2021

'3. In educational and training institutions, the CODI shall be composed of at least one (1) representative each from the school administration, the trainers, faculty members or instructors/professors, coaches and students or trainees, as deemed appropriate. Aside from the regular members of the CODI, the school head or the head of training institution must designate their respective permanent alternate who shall act on their behalf in case of absence of the regular member and must have the authority to render decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.

'4. Every CODI shall be headed by a woman and not less than half of its members shall be women

CSC Resolution No. 2100064 dated January 20, 2021

'5. When the complainant or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission or other disciplinary authorities with jurisdiction over the case.

'6. The complainant or the person complained of may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.

'7. The CODI shall ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.

CSC Resolution No. 2100064 dated January 20, 2021

'8. The CODI shall observe due process and within ten (10) days from the termination of the conduct of the investigation, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision.

CSC Resolution No. 2100064 dated January 20, 2021

'c. Duties and Liabilities of the Head of Office/Agencies or other Persons of Authority, Influence or Moral Ascendancy. The head of office or agency or other persons of authority, influence or moral ascendancy, shall have the duty to prevent and deter the occurrence of sexual harassment cases, as well as ensure that necessary action be taken on complaint filed with the CODI. To this extent, the head of office or agency shall:

'1. Disseminate or post in a conspicuous place a copy of the law and this rule to all persons in the workplace, which shall include the following:

1. Sending copies of the law and its rules through official notices or means of communications to heads of different departments, bureaus, offices, units or such subdivisions in a workplace for proper information of their members;
2. Posting a copy of the law and its rules online or in the official website of the workplace;
3. Conducting orientations on the law and its rules and providing its employees with copies in print or electronic form as well as preparing information materials such as primers, frequently asked questions and the like.

CSC Resolution No. 2100064 dated January 20, 2021

'2. Provide measures to prevent sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars, which shall be provided to all employees, regardless of rank and status.

Trainings on gender sensitivity, orientations on gender-based violence, and other relevant topics may also be conducted, in addition to the conduct of anti-sexual harassment seminars. Such trainings and orientations, when conducted, should form part of their staff development and basic knowledge of employees.

Trainings to further capacitate and increase the awareness of CODI members on preventing sexual harassment and proper case handling shall also be considered;



ADVOCACY



PREVENTION



OUTREACH

SEXUAL VIOLENCE RESPONSE

CSC Resolution No. 2100064 dated January 20, 2021

- '3. Create a Committee on Decorum and Investigation (CODI) to investigate and address complaints of sexual harassment

- '4. Develop and disseminate, in consultation with employees or their unions, if any, a code of conduct on sexual harassment and CODI manual, which will be in accordance with the provisions of the 2017 RACCS.

CSC Resolution No. 2100064 dated January 20, 2021

“Section 15. Jurisdiction of the CSC over Sexual Harassment Cases.

XXX

In cases wherein the respondent to a sexual harassment complaint is the head of office who is either a presidential appointee or an elective official, a complaint for sexual harassment shall be filed directly with the proper disciplining authority.

The Commission shall conduct periodic review to ensure compliance of all government offices and/or agencies in accordance with the guidelines provided under the PRIME-HRM.

“Section 17. Action on the Complaint. Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.

CSC Resolution No. 2100064 dated January 20, 2021

In sexual harassment cases, the CODI shall perform the following functions:

1. Receive complaints of sexual harassment;
2. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;
3. ***Within ten (10) days from the termination of the conduct of the investigation***, submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;
4. ***Ensure the protection of the complainant from retaliation and guarantee confidentiality to the greatest extent possible as well as ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes.***
5. Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;

CSC Resolution No. 2100064 dated January 20, 2021

“Section 51. Other Specific Offenses. The following acts also constitute administrative offenses.

A. The Offense of Sexual Harassment.

Sexual Harassment in the Workplace (SAME)



| <i>Offenses in Streets and Public Places</i> | | <i>1st Offense</i> | <i>2nd Offense</i> | <i>3rd Offense</i> |
|--|--|--|--|-------------------------------|
| Light | Catcalling or wolf-whistling | Reprimand | Suspension of one (1) to thirty (30) days | Dismissal |
| Less Grave | Unwanted invitations, misogynistic, transphobic and sexist slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details or making statements comments and suggestions with sexual innuendos | Suspension of one (1) month and one (1) day suspension to six (6)months | Dismissal | |

SF in Streets and Public Places

Penalty

Grave

Acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks

Dismissal

| <i>Online Sexual Harassment</i> | | <i>1st Offense</i> | <i>2nd Offense</i> | <i>3rd Offense</i> |
|---------------------------------|--|--------------------|---|--------------------|
| Light | Acts that include unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones | Reprimand | suspension of one (1) to thirty (30) days | Dismissal |

Online Sexual Harassment

1st Offense

2nd Offense

Less Grave

Acts that include the use of information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones

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

Dismissal

Online Sexual Harassment

Penalty

Grave

Uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment.

Dismissal

CSC Resolution No. 2100064 dated January 20, 2021

IV. For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:

a. Work-related sexual harassment is committed under the following circumstances:

xxx

b. Education or training-related sexual harassment

V. Persons Liable for Sexual Harassment

(SAME PROVISIONS)



Thank You!