



MC NO. 16, s. 1998

MEMORANDUM CIRCULAR

TO: ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS AND STATE COLLEGES AND UNIVERSITIES

SUBJECT: ANY RESPONSIVE PLEADING TO A FORMAL CHARGE SHALL BE CONSIDERED AS ANSWER/COMMENT

Pursuant to CSC Resolution No. 98-0683 dated March 31, 1998, the Commission has amended Sections 21 of the Uniform Rules of Procedure in the Conduct of Administrative Investigations in the Civil Service Commission, to read as follows:

Section 21. Formal Charge. - When the Commission finds the existence of a prima facie case, the respondent shall be formally charged. He shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless he had already received the same during the preliminary investigation. The respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit his answer under oath, together with the affidavits of his witnesses and other evidence, and a statement indicating whether or not he elects a formal investigation. He shall also be informed of his right to the assistance of a counsel of his choice. If the respondent has already submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

The Commission shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceedings. If any of these pleadings is interposed by the respondent the same shall be considered as an answer and shall be evaluated as such.

This Memorandum Circular shall take effect immediately.

Quezon City,


CORAZON ALMA G. DE LEON
Chairman

12 May 1998
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Republic of the Philippines
CIVIL SERVICE COMMISSION

Administrative Case; Administrative Procedures
Amendment No. 2 of CSC Resolution No. 94-0721 s. 1994
(Uniform Rules of Procedure in the Conduct of Administrative Investigations)

RESOLUTION NO. 980683

WHEREAS, the Civil Service Commission, pursuant to Section 6, Article IX-A of the 1987 Constitution, is mandated to promulgate its own rules concerning pleadings and practices before it or before any of its offices;

WHEREAS, Section 12 (2), Title (A), Book V of the Administrative Code of 1987 empowers the Civil Service Commission to prescribe, amend and enforce rules and regulations to effectively carry out said mandate;

WHEREAS, there is a need for the Commission to update and revise its present Uniform Rules of Procedure in the Conduct of Administrative Investigations to facilitate the disposition of cases submitted before it for resolution;

NOW, THEREFORE, Section 21 of the Uniform Rules of Procedure in the Conduct of Administrative Investigations in the CSC is hereby amended to read as follows:

Section 21. Formal Charge. - When the Commission finds the existence of a *prima facie* case, the respondent shall be formally charged. He shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless he had already received the same during the preliminary investigation. The respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit his answer under oath, together with the affidavits of his witnesses and other evidence, and a statement indicating whether or not he elects a formal investigation. He shall also be informed of his right to the assistance of a counsel of his choice. If the respondent has already submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

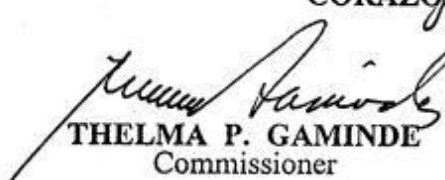
The Commission shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceedings. If any of these pleadings is interposed by the respondent the same shall be considered as an answer and shall be evaluated as such.

This resolution shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Quezon City,

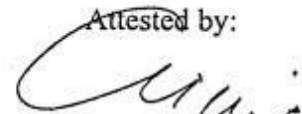
MAR 31 1998


CORAZON ALMA G. DE LEON
Chairman


THELMA P. GAMINDE
Commissioner


JOSE F. ERASTAIN, JR.
Commissioner

Attested by:


CARMENCITA GISELLE E. BRINGAS-BORILLO
Board Secretary VI