



M. C. NO. 06 S. 1991

MEMORANDUM CIRCULAR


T O : ALL HEADS OF DEPARTMENTS, BUREAUS
AND AGENCIES OF THE NATIONAL AND
LOCAL GOVERNMENTS, INCLUDING
GOVERNMENT-OWNED AND/OR CONTROLLED
CORPORATION WITH ORIGINAL CHARTERS

SUBJECT : APPRECIATION OF MITIGATING AND
AGGRAVATING CIRCUMSTANCES

The CSC in its Resolution No. 91-195 dated Feb. 6, 1991 adopted the policy that in the appreciation of any mitigating circumstances in favor of the respondent in an administrative case and/or any aggravating circumstances against him, the same must be invoked or pleaded by the proper party, otherwise the said circumstances shall not be considered in the determination of the proper penalty to be imposed against the respondent concerned.

All circulars, guidelines, rules and regulations inconsistent with this Memorandum Circular are repealed, revoked or amended accordingly.

This Memorandum Circular shall take effect immediately.


PATRICIA A. STO. TOMAS
Chairman

February 6, 1991
OLA/RCL/19-L/marlyn(v17)



APPRECIATION OF MITIGATING
AND AGGRAVATING CIRCUMSTANCES

x - - - - - x

RESOLUTION NO. 91-195

WHEREAS, the Civil Service Commission, as the central personnel agency of the Government is mandated under the 1987 Constitution to adopt measures to promote morale, efficiency, integrity, courtesy and responsiveness in the Civil Service;


WHEREAS, pursuant to Section 6, Article IX-A of the 1987 Constitution, the Commission en banc may promulgate its own rules concerning pleadings and practice before it or before any of its offices;

WHEREAS, pursuant to Executive Order No. 292, otherwise known as the Administrative Code of 1987, the Commission shall prescribe, amend and enforce suitable rules and regulations for carrying into effect its functions,


WHEREAS, under CSC MC 30, s. 1989 (Guidelines in the Application of Penalties in Administrative Cases), mitigating and aggravating circumstances may be considered in the determination of the penalty to be imposed against a respondent in an administrative case;

NOW, THEREFORE, the Commission RESOLVED, as it hereby RESOLVES to adopt the policy that in the appreciation of any mitigating circumstances in favor of the respondent in an administrative case and/or any aggravating circumstances against him, the same must be invoked or pleaded by the proper party concerned, otherwise, said circumstances shall not be considered in the determination of the proper penalty to be imposed against the respondent concerned.

Quezon City, February 6, 1991.


PATRICIA A. STO. TOMAS
Chairman


SAMILO N. BARLONGAY
Commissioner


MARIO D. YANGO
Commissioner

Attested by:


C. V. USAC

Board Secretary VI

OLA/RCL/19-L/marlyn(v17)