The Lawphil Project – Arellano Law Foundation

**MEMORANDUM CIRCULAR NO. 30 s 1989 July 20, 1989**

**SUPREME COURT CIRCULARS AND ORDERS**

**MEMORANDUM CIRCULAR**

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

**SUBJECT:** GUIDELINES IN THE APPLICATION OF PENALTIES IN ADMINISTRATIVE CASES.

Pursuant to Resolution No. 89-506, dated July 20, 1989, the Civil Service Commission hereby prescribed the following guidelines in the application of penalties in administrative cases.

Administrative offenses provided for under the Civil Service Law (Presidential Decree No. 807) and the Code of Conduct (Republic Act No. 6713), classified into grave, less grave, and light and their corresponding penalties are:

 1st Offense 2nd Offense 3rd Offense

1. *GRAVE OFFENSES (Dismissal:*

1 **\***Dishonesty

2. **\***Gross Neglect of Duty

3. **\***Grave Misconduct

4. **\***Being notoriously undesirable

5. **\***Conviction of a crime involving moral turpitude

6. **\***Falsification of official Documents

7. **\***Physically or mentally incapacity or disability due to vicious habits

8. **\***Engaging directly or indirectly in partisan political activities by one holding

 non-political office

9. **\***Receiving for personal use of a fee, gift or other value valuable thing in the

 course of official duties or in connection therewith when such fee gift or other

 valuable thing is given by any person in the hope of expectation of

 receiving a favor or better treatment than that accorded to other persons, or

 committing acts punishable under the anti-graft laws

10. **\***Contracting loans of money or other property from persons with whom the office of

 the employee has business relations

11. **\*\***Soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment,

 loan, or anything of monetary value which in the course of his official duties or in

 connection with any operation being regulated by, or any transaction which may

 be affected by the function of his 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

12. **\*\***Disloyalty to the Republic of the Philippines and to The Filipino people

13. **\***Oppression : Suspension of 6 mos. 1 day to 1 year / Dismissal

**14. \*Disgraceful and immoral conduct : Suspension of 6 mos. 1 day to 1 year /** Dismissal

15. **\***Inefficiency and : Suspension :Dismissal

 incompetence in the 6 mos. 1 day

 performance of official 1 year

 duties

16. **\***Frequent unauthorized : Suspension : Dismissal

 absences or tardiness 6 mos. 1 day

 in reporting for duty 1 year

 loafing or frequent

 unauthorized absences

 from duty during regular

 office hours

17. **\***Refusal to perform : Suspension : Dismissal

 official duty 6 mos. 1 day

 1 year

18. **\***Gross insubordination : Suspension : Dismissal

 6 mos. 1 day

 1 year

19. **\***Conduct grossly : Suspension : Dismissal

 prejudicial to the best 6 mos. 1 day

 interest of the service 1 year

20. **\*\***Directly or indirectly : Suspension : Dismissal

 having financial and material 6 mos. 1 day

 interest in any transaction 1 year

 requiring the approval of his

 office. Financial and material

 interest is defined as pecuniary

 or proprietary interest by which

 a person will gain or lose something

21. **\*\***Owning, controlling, managing : Suspension : Dismissal

 or accepting employment as 6 mos. 1 day

 officer, employee, consultant, 1 year

 counsel, broker, agent, trustee,

 or nominee in any private

 enterprise regulated, supervised

 or licensed by his office, unless

 expressly allowed by law

22. **\*\***Engaging in the private : Suspension : Dismissal

 practice of his profession 6 mos. 1 day

 unless authorized by the 1 year

 Constitution, law or regulation,

 provided that such practice will

 not conflict with his official

 functions

23. **\*\***Disclosing or misusing : Suspension : Dismissal

 confidential or classified 6 mos. 1 day

 information officially known 1 year

 to him by reason of his

 office and not made available

 to the public, to further his

 private interests or give

 undue advantage to anyone,

 or to prejudice the public

 interest

24. **\*\***Obtaining or using any : Suspension : Dismissal

 statement filed under the 6 mos. 1 day

 Code of Conduct and Ethical 1 year

 Standards for Public Officials

 and Employees for any

 purpose contrary to morals

 or public policy or any

 commercial purpose other

 than by news and communication

 media for dissemination to the

 general public

1. *LESS GRAVE OFFENSES:*

1. **\***Simple neglect of duty : Suspension : Dismissal

 6 mos. 1 day

 1 year

2. **\***Simple misconduct : Suspension : Dismissal

 6 mos. 1 day

 1 year

3. **\***Gross discourtesy in the : Suspension : Dismissal

 course of official duties 1 mo. 1 day

 6 mos.

4. **\***Gross violation of existing : Suspension : Dismissal

 Civil Service Law and rules 1 mo. 1 day

 of serious nature 6 mos.

5. **\***Insubordination : Suspension : Dismissal

 6 mos. 1 day

 1 year

6. **\***Habitual drunkenness : Suspension : Dismissal

 6 mos. 1 day

 1 year

7. **\***Nepotism as defined in : Suspension : Dismissal

 Sec. 49 of Presidential 1 mo. 1 day

 Decree No. 807 6 mos.

8. **\*\***Recommending any son : Suspension : Dismissal

 to any position in a private 1 mo. 1 day

 enterprise which has a regular 6 mos.

 or pending official transaction

 with his office, unless such

 recommendation or referral

 is mandated by (1) law, or (2)

 international agreements,

 committed and obligation, or

 as part of the function of his

 office

9. **\*\***Unfair discrimination in : Suspension : Dismissal

 rendering public service due 1 mo. 1 day

 to party affiliation or preference 6 mos.

10. **\*\***Failure to file sworn : Suspension : Dismissal

 statements of assets, 1 mo. 1 day

 liabilities and net worth, 6 mos.

 and disclosure of business

 interest and financial connections

 including those of their spouses

 and unmarried children under

 eighteen (18) years of age living

 in their households

11. **\*\***Failure to resign from : Suspension : Dismissal

 his position in the private 1 mo. 1 day

 business enterprise within 6 mos.

 thirty (30) days from

 assumption of public office

 when conflict of interest

 arises, and/or failure to

 divest himself of his

 share holdings or interest

 in private business enterprise

 within sixty (60) days from

 such assumption of public

 office when conflict of interest

 arises: *Provided, however*, that

 for those who are already in

 the service and a conflict of

 interest arises, the official

 or employee must either

 resign or divest himself of

 said interest within the periods

 hereinabove provided, reckoned

 from the date when the conflict

 of interest had arisen

C. *LIGHT OFFENSES:*

1. **\***Neglect of duty : Reprimand : Suspension : Dismissal

 1-30 days

2. **\***Discourtesy in the : Reprimand : Suspension : Dismissal

 course of official duties 1-30 days

3. **\***Improper or unauthorized : Reprimand : Suspension : Dismissal

 solicitation of contributions 1-30 days

 from subordinate employees

 and by teachers or school

 officials from school children

4. **\***Violation of reasonable : Reprimand : Suspension : Dismissal

 office rules and regulations 1-30 days

5. **\***Gambling prohibited : Reprimand : Suspension : Dismissal

 by law 1-30 days

6. **\***Refusal to render : Reprimand : Suspension : Dismissal

 overtime service 1-30 days

7. **\***Disgraceful, immoral : Reprimand : Suspension : Dismissal

 or dishonest conduct prior 1-30 days

 to entering the service

8. **\***Borrowing money by : Reprimand : Suspension : Dismissal

 superior officers from 1-30 days

 subordinate to superior

 officers

9. **\***Lending money at usurious : Reprimand : Suspension : Dismissal

 rates of interest 1-30 days

10. **\***Willful failure to pay : Reprimand : Suspension : Dismissal

 just debts or willful 1-30 days

 failure to pay taxes due

 to the government

11. **\***Pursuit of private business, : Reprimand : Suspension : Dismissal

 vocation or profession 1-30 days

 without the permission

 required by Civil Service

 rules and regulations

12. **\***Lobbying for personal : Reprimand : Suspension : Dismissal

 interest or gain in 1-30 days

 legislative halls and

 offices without authority

13. **\***Promoting the sale of : Reprimand : Suspension : Dismissal

 tickets in behalf of 1-30 days

 private enterprises that

 are not intended for

 charitable or public welfare

 purposes and even in the

 latter cases if there is no

 prior authority

14. **\*\***Failure to act promptly : Reprimand : Suspension : Dismissal

 on letters and request within 1-30 days

 fifteen (15) days from receipt,

 except as otherwise provided

 in the rules implementing

 the Code of Conduct and

 Ethical Standards For Public

 Officials and Employees

15. **\*\***Failure to process : Reprimand : Suspension : Dismissal

 documents and complete 1-30 days

 action on documents and

 papers within a reasonable

 time from preparation

 thereof, except as

 otherwise provided in the

 rules implementing the

 Code of Conduct and

 Ethical Standards for

 Public Officials and

 Employees

16. **\*\***Failure to attend to : Reprimand : Suspension : Dismissal

 anyone who wants to 1-30 days

 avail himself of the

 services of the office,

 or act promptly and

 expeditiously on public

 transactions

Only one penalty shall be imposed for each case. "Each Case" means one administrative case which may involve one or more charges or counts.

In the determination of penalties to be imposed, mitigating and aggravating circumstances may be considered.

If the respondent is found guilty of two or more charges or counts, the penalty imposed should be that corresponding to the most serious charge or count and the rest may be considered as aggravating circumstances.

The second or the third offense committed need not be the same offense previously committed but any offense of the same classification.

The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of leave credit sand retirement benefits, and the disqualifications for re employment in the government service.

The penalty of forced resignation shall carry with it that of forfeiture of leave credits and retirement benefits, and the disqualification for employment in the government service for a period of one year.

However, where the resignation contains conditions or disqualification regarding re employment in a class of position, the respondent shall be disqualified for re employment in such position.

All Circulars, issuances inconsistent with the Memorandum Circular are deemed superseded.

THIS CIRCULAR SHALL TAKE EFFECT IMMEDIATELY.

Quezon City, July 20, 1989.

**(Sgd.) PATRICIA A. STO TOMAS**

*Chairman*

**Footnotes**

**\*** Offenses under Presidential Decree No. 807.

 The penalty of Forced Resignation may be imposed instead of dismissal.

 The penalty of Transfer, or demotion, or fine maybe imposed instead of Suspension from 1 month 1 day to 1 year.

 The penalty of fine may be imposed instead of suspension from 1 day to 1 month.

**\*\*** Offenses under Republic Act No. 6713

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