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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