

MEMORANDUM CIRCULAR

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

SUBJECT: REVISED UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE

The Civil Service Commission, through Resolution No. 99-1936 dated August 31, 1999, adopted the new "Uniform Rules in Administrative Cases in the Civil Service" which will govern the conduct of disciplinary and non-disciplinary proceedings in administrative cases brought before this Commission and/or other government agencies, except where special law provides otherwise,

The said resolution was published in the Manila Standard on September 11, 1999 and thus it will take effect on September 27, 1999. In this regard, all concerned are enjoined to follow strictly the said new Rules.

(Sgd.) CORAZON ALMA G. DE LEON
Chairman

14 September 1999

Resolution No. 99-1936 was published Sept. 11, 1999 on pages 9-10 of the Manila Standard.

Resolution No. 991936

Whereas, Section 12 (2), Chapter 3 Title I, Subtitle (A), Book V of Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission to prescribe, amend

and enforce rules and regulations to effectively carry out its mandate;

Whereas, Section 12 (11), Chapter 3, Title I, Subtitle (A), Book V of the same Code provides, in part, that the Commission shall hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it; and

Whereas, the existing rules and regulations in administrative cases need to be updated and revised to make them more responsive to the demands for speedy, fair and judicious disposition of cases;

NOW, THEREFORE, the Commission hereby adopts and promulgates the following rules that shall govern disciplinary and non-disciplinary proceedings in administrative cases.

RULE I
GENERAL PROVISIONS

Section 1. **Title.** – These Rules shall be known as the Uniform Rules on Administrative Cases in the Civil Service.

Section 2. **Coverage and Definition of Terms.** – These Rules shall be applicable to all cases brought before the Civil Service Commission and other government agencies, except where a special law provides otherwise.

The terms hereunder shall be construed as follows:

- a. **CIVIL SERVICE** is the generic term which refers to all men and women in all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters.
- b. **COMMISSION** refers to the Civil Service Commission (Central Office and Regional Offices).
- c. **COMMISSION PROPER** refers to the Civil Service Commission-Central Office.

- d. **CIVIL SERVICE REGIONAL OFFICES** refer to the sixteen (16) Civil Service Regional Offices and those which may be subsequently created, each headed by a Regional Director.
- e. **DEPARTMENT** refers to any of the executive departments or entities having the category of a department, including the judiciary and the other constitutional commissions, and offices.
- f. **AGENCY** refers to any bureau, office, commission, administration, board, committee, institute, corporation with original charter, state universities and colleges, or any other unit of the national government as well as provincial, city or municipal government.
- g. **DISCIPLINING AUTHORITY** refers to the person, tribunal or body duly authorized to suspend, dismiss or discipline officials and employees in the Civil Service.
- h. **APPOINTING AUTHORITY** refers to the person or body duly authorized to issue appointments in the civil service.
- i. **PERSONNEL ACTION** refers to any action denoting the movement or progress of personnel in the Civil Service which shall include appointment through certification, promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment, demotion and separation from the service.
- j. **RESPONDENT** refers to the person who is formally charged by the disciplining authority.
- k. **PERSON COMPLAINED OF** refers to the person who is the subject of a complaint but who is not as yet formally charged by the disciplining authority
- l. **PARTY ADVERSELY AFFECTED** refers to the respondent against whom a decision in a disciplinary case has been rendered.

- m. **FORUM-SHOPPING** refers to the filing of an administrative action or complaint before another agency or any tribunal against the same party involving the same acts or causes of action and relief.
- m. **QUALIFIED NEXT-IN-RANK** refers to the employee who is appointed under a permanent status to a position previously determined to be a next-in-rank to the vacancy and who meets the requirements for appointment thereto.
- o. **THIRD LEVEL** refers to positions in the Career Executive Service (CES) which include Undersecretary, Assistant Secretary, Bureau Director, Regional Director, Assistant Regional Director and other officers of equivalent rank.
- p. **PROBATIONARY EMPLOYEE** refers to the employee who is issued an original appointment and who is required to undergo the first six (6) months of service on a probationary status.

Section 3. ***Technical Rules in Administrative Investigations.***

– Administrative investigations shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. ***Jurisdiction of the Civil Service Commission.*** –

The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, directly or on appeal, including contested appointments, and shall review decisions and actions of its offices and of the agencies attached to it.

Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service and upon all matters relating to the

conduct, discipline and efficiency of such officers and employees.

Section 5. ***Jurisdiction of the Civil Service Commission Proper.*** – The Civil Service Commission Proper shall have jurisdiction over the following cases:

A. Disciplinary

1. Decisions of Civil Service Regional Offices brought before it on petition for review;
2. Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities, imposing penalties exceeding thirty days suspension or fine in an amount exceeding thirty days salary brought before it on appeal;
3. Complaints brought against Civil Service Commission Proper personnel;
4. Complaints against third level officials who are not presidential appointees;
5. Complaints against Civil Service officials and employees which are not acted upon by the agencies and such other complaints requiring direct or immediate action, in the interest of justice;
6. Requests for transfer of venue of hearing on cases being heard by Civil Service Regional Offices;
7. Appeals from the Order of Preventive Suspension; and
8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumerations.

B. Non-Disciplinary

1. Decisions of Civil Service Regional Offices brought before it;
2. Requests for favorable recommendation on petition for executive clemency;

3. Protests against the appointment, or other personnel actions, involving third level officials; and
4. Such other analogous actions or petitions arising out of or in relation with the foregoing enumerations.

Section 6. ***Jurisdiction of Civil Service Regional Offices.*** – The Civil Service Regional Offices shall have jurisdiction over the following cases:

A. Disciplinary

1. Complaints initiated by, or brought before, the Civil Service Regional Offices provided that the alleged acts or omissions were committed within the jurisdiction of the Regional Office, including Civil Service examination anomalies or irregularities and the persons complained of are employees of agencies, local or national, within said geographical areas;
2. Complaints involving Civil Service Regional Office personnel who are appointees of said office; and
3. Petitions to place respondent under Preventive Suspension.

B. Non-Disciplinary

1. Disapproval of appointments brought before it on appeal;
2. Protests against the appointments of first and second level employees brought before it directly or on appeal;
3. Decisions of national agencies and local government units within their geographical boundaries relative to personnel actions and non-disciplinary cases brought before it on appeal; and

4. Requests for accreditation of services and corrections of personal information in the records of the Commission.

Section 7. ***Jurisdiction of Heads of Agencies.*** – Heads of Departments, agencies, provinces, cities, municipalities and other instrumentalities shall have original concurrent jurisdiction, with the Commission, over their respective officers and employees.

A. Disciplinary

1. Complaints involving their respective personnel. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty (30) days salary. Decisions of Heads of Agencies imposing a penalty of removal shall be executory only after confirmation by the Department Secretary concerned.

B. Non-disciplinary

1. Protests against the appointments of their respective personnel. They shall have original concurrent jurisdiction with the Civil Service Regional Office concerned; and
2. Complaints on personnel actions and other non-disciplinary actions of their respective personnel.

**RULE II
DISCIPLINARY CASES**

Section 8. ***Complaint.*** – A complaint against a civil service official or employee shall not be given due course unless it is in writing and subscribed and sworn to by the complainant. However, in cases initiated by the proper disciplining authority, the complaint need not be under oath.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.

The complaint should be written in a clear, simple and concise language and in a systematic manner as to apprise the civil servant concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

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

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed.

Section 9. ***When and Where to File a Complaint.*** – Except when otherwise provided for by law, an administrative complaint may be filed at anytime with the Commission, proper heads of departments, agencies, provinces, cities, municipalities and other instrumentalities.

Section 10. ***Withdrawal of the Complaint.*** – The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person complained of, the same should be given due course.

Section 11. **Action on the Complaint.** – Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall require the person complained of to submit a Counter-Affidavit/Comment under oath within three (3) days from receipt.

Section 12. **Preliminary Investigation.** – A Preliminary Investigation involves the *ex parte* examination of records and documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices. During said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits.

Failure of the person complained of to submit his counter affidavit shall be considered as a waiver thereof.

Thereafter, if necessary, the parties may be summoned to a conference where the investigator may propound clarificatory and other relevant questions.

Upon receipt of the counter-affidavit or comment under oath, the disciplining authority may now determine whether a prima facie case exist to warrant the issuance of a formal charge.

A fact-finding investigation may be conducted further or prior to the preliminary investigation for the purpose of ascertaining the truth. A preliminary investigation necessarily includes a fact-finding investigation.

For this purpose, preliminary investigation may be entrusted by the Commission to lawyers of other agencies pursuant to Section 79.

Section 13. **Duration of the Investigation.** – A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the disciplining authority and shall be terminated within thirty (30) days thereafter.

Section 14. **Investigation Report.** – Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Investigation Report and the complete records of the case to the disciplining authority.

Section 15. **Decision or Resolution After Preliminary Investigation.** – If a prima facie case is established during the investigation, a formal charge shall be issued by the disciplining authority. A formal investigation shall follow.

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

Section 16. **Formal Charge.** – After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his answer whether or not he elects a formal investigation of the charge(s), and a notice that he is entitled to be assisted by a counsel of his choice.

If the respondent has submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

The disciplining authority 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 are interposed by the respondent, the same shall be

considered as an answer and shall be evaluated as such.

Section 17. **Answer.** – The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of his case. It shall also include a statement indicating whether or not he elects a formal investigation.

Section 18. **Failure to File an Answer.** – If the respondent fails or refuses to file his answer to the formal charge within five (5) days from receipt thereof, he shall be considered to have waived his right thereto and formal investigation may commence.

Section 19. **Preventive Suspension.** – Upon petition of the complainant or *motu proprio*, the proper disciplining authority may issue an order of preventive suspension upon service of the Formal Charge, or immediately thereafter to any subordinate officer or employee under his authority pending an investigation, if the charge involves:

- a. dishonesty;
- b. oppression;
- c. grave misconduct;
- d. neglect in the performance of duty; or
- e. if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service.

An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his misfeasance or malfeasance and to preclude the possibility of exerting undue influence or pressure on the witnesses against him or tampering of documentary evidence on file with his Office.

In lieu of preventive suspension, for the same purpose, the proper disciplining authority or head of

office, may reassign respondent to another unit of the agency during the formal hearings.

Section 20. **Duration of Preventive Suspension.** – When the administrative case against an officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of his preventive suspension, unless otherwise provided by special law, he shall be automatically reinstated in the service; provided that, when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the 90 calendar days period of preventive suspension. Provided further that should the respondent be on Maternity/Paternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

Section 21. **Remedies from the Order of Preventive Suspension.** – The respondent may file a motion for reconsideration with the disciplining authority or may elevate the same to the Civil Service Commission by way of an appeal within fifteen (15) days from receipt thereof.

Section 22. **Conduct of Formal Investigation.** – Although the respondent does not request a formal investigation, one shall nevertheless be conducted by the disciplining authority where from the allegations of the complaint and the answer of the respondent, including the supporting documents of both parties, the merits of the case cannot be decided judiciously without conducting such investigation. The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

For this purpose, the Commission may entrust the formal investigation to lawyers of other agencies pursuant to Section 79.

Section 23. **Pre-Hearing Conference.** – At the commencement of the formal investigation, the Hearing Officer may conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties;
- d. Waiver of objections to admissibility of evidence;
- e. Limiting the number of witnesses, and their names;
- f. Dates of subsequent hearings; and
- g. Such other matters as may aid in the prompt and just resolution of the case.

The parties may submit position paper/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearings.

Section 24. **Continuous Hearing Until Terminated; Postponement.** – Hearings shall be conducted on the hearing dates set by the Hearing Officer or as agreed upon during the pre-hearing conference.

Where no pre-hearing conference is conducted, the parties, their counsel and witnesses, if any, shall be given a notice of at least five (5) days before the first scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice. A party shall be granted only three (3) postponements upon oral or written requests. A fourth postponement may

be granted only upon written request and subject to the discretion of the disciplining authority.

If the respondent fails or refuses to appear during the scheduled hearings despite due notice, the investigation shall proceed ex parte and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings.

Section 25. **Preliminary Matters.** – At the start of the hearing, the hearing officer shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If the respondent appears without the aid of a counsel, he shall be deemed to have waived his right thereto.

Before taking the testimony of a witness, the hearing officer shall place him under oath and then take his name, address, civil status, age, and place of employment.

A sworn statement of a witness(es) properly identified and affirmed shall constitute his direct testimony, copy furnished the other party.

Clarificatory questions may also be asked.

Section 26. **Appearance of Counsel.** – Any counsel appearing before any hearing or investigation shall manifest orally or in writing, his appearance for either the respondent or complainant, stating his full name, IBP receipt and exact address where he can be served with notices and other pleadings. Any pleading or appearance of a counsel without complying with the above stated requirements shall not be recognized.

Section 27. **Order of Hearing.** – Unless the Hearing Officer directs otherwise, the order of hearing may be as follows:

- a. The prosecution shall present its evidence subject to the pre-hearing agreement;
- b. Cross-examination by the party;
- c. There may be redirect and re-cross examination;
- d. The respondent shall then offer evidence in support of his defense following the same order;
- e. Rebuttal and sur-rebuttal, if any.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation.

Failure to submit the same within the given period shall be considered a waiver thereof.

Section 28. **Objections.** – All objections raised during the hearing shall be resolved by the hearing officer. However, objections that cannot be ruled upon by the hearing officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority. The Hearing Officer shall accept all evidence deemed material and relevant to the case. In case of doubt, he shall allow the admission of evidence subject to the objection interposed against its admission.

Section 29. **Markings.** – All documentary evidence or exhibits shall be properly marked by letters (A,B,C, etc.) if presented by the complainant and by numbers (1,2,3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 30. **Request for Subpoena.** – If a party desires the attendance of a witness or the production of documents, he shall make a request for the issuance

of the necessary subpoena *ad testificandum* and/or subpoena *duces tecum*, at least three (3) days before the scheduled hearing.

Section 31. **Issuance of Subpoena.** – The Hearing Officer may issue subpoena *ad testificandum* to compel the attendance of witnesses and subpoena *duces tecum* for the production of documents or things.

Section 32. **Records of Proceedings.** – Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording.

Section 33. **Filing of Motions, Petitions, Appeals and Other Pleadings.** – Any motion, petition, appeal and other pleadings sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the disciplining office.

Section 34. **Effect of the Pendency of an Administrative Case.** – Pendency of an administrative case shall not disqualify respondent for promotion or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as follows:

- a. When the disciplining authority has issued a formal charge; or
- b. In case of a complaint filed by a private person, a prima facie case is found to exist by the disciplining authority.

Section 35. **Formal Investigation Report.** – Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the Hearing Officer with the disciplining authority. The

complete records of the case shall be attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge of the transmittal of the complete records shall be held responsible for any loss or suppression of pages thereof.

Section 36. ***When Case is Decided.*** – The disciplining authority shall render his decision on the case within thirty (30) days from receipt of the Report of Investigation.

Section 37. ***Finality of Decisions.*** – A decision rendered by heads of agencies whereby a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall be final and executory. However, if the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days salary the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

RULE III REMEDIES

Section 38. ***Filing of Motion for Reconsideration.*** – The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within fifteen (15) days from receipt thereof.

Section 39. ***When deemed filed.*** – A motion for reconsideration sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and

in case of personal delivery, the date stamped thereon by the proper office.

Section 40. ***Grounds for Motion for Reconsideration.*** – The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered, or
- b. The decision is not supported by the evidence on record, or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 41. ***Limitation.*** – Only one motion for reconsideration shall be entertained.

Section 42. ***Effect of Filing.*** – The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Section 43. ***Filing of Appeals.*** – Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.

In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and finally to the Commission Proper. Pending appeal, the same shall be executory except where the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.

A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely

bound to prevent loss, with its comment, within fifteen (15) days, to the appellate authority.

Section 44. ***When deemed filed.*** – An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.

Section 45. ***Appeal Fee.*** – The appellant shall pay an appeal fee of Three Hundred Pesos (P300.00) and a copy of the receipt thereof shall be attached to the appeal.

Section 46. ***Perfection of an Appeal.*** – To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision submit the following:

- a. Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;
- b. Three (3) copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence;
- c. Proof of service of a copy of the appeal memorandum to the disciplining office;
- d. Proof of payment of the appeal fee; and
- a. A statement or certificate of non-forum shopping.

Failure to comply with any of the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall cause its dismissal.

Section 47. ***Effect of Filing.*** – An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in the event he wins the appeal.

Section 48. ***When Case is Remanded for Violation of Respondent's Right to Due Process.*** – If the case on appeal with the Commission Proper is remanded to the proper disciplining authority for further investigation, the said disciplining authority shall finish the investigation within three (3) calendar months from the date of receipt of the records from the Commission, unless the investigation is delayed due to the fault, negligence or petition of the respondent, or an extension is granted by the Commission Proper in meritorious cases. The period of delay shall not be included in the computation of the prescribed period.

Within fifteen (15) days from the termination of the investigation, the disciplining authority shall render its decision. If at the end of said period, the disciplining authority fails to decide the case, the Commission Proper shall vacate and set aside the appealed decision and declare respondent exonerated of the charge. If the respondent is under preventive suspension, he shall be immediately reinstated and shall be entitled to back salaries and other benefits.

The Civil Service Regional Office and the Office for Legal Affairs of the Commission Proper shall evaluate requests for the extension of formal investigations and grant the same on meritorious grounds. In disposing the requests, these offices shall be guided by the principles of justice and fair play, provided, that the extension shall not be for more than twenty (20) days. For this purpose, the Director shall monitor the implementation of the CSC Resolution remanding the case to the proper disciplining authority for further investigation and to submit a report to the Commission Proper.

Section 49. ***Petition for Review.*** – A complainant may elevate the decision of the Civil Service Regional Office dismissing a complaint for lack of a prima facie case

before the Commission Proper through a Petition for Review within fifteen (15) days from the receipt of said decision.

Section 50. ***Petition for Review with the Court of Appeals.***

– A party may elevate a decision of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Revised Rules of Court.

Section 51. ***Recommendation for an Executive Clemency.*** –

In meritorious cases and upon recommendation of the Commission, the President may commute or remove administrative penalties or disabilities imposed upon officers or employees in disciplinary cases, subject to such terms and conditions as he may impose in the interest of the service.

For this purpose, a petition for a favorable recommendation for the grant of executive clemency may be filed by a dismissed or disciplined employee with the Commission Proper upon submission of the following:

- a. certified true copy of the decision in the disciplinary case with a favorable recommendation by the disciplining authority;
- b. certification from reputable members of the community where he resides to the effect that he has become a useful member thereof;
- c. proof of non-pendency of an appeal/petition for review relative to his disciplinary case before any court/tribunal; and
- d. proof of payment of Three Hundred (P300.00) Pesos.

RULE IV PENALTIES

Section 52. ***Classification of Offenses.*** – Administrative offenses with corresponding penalties are classified

into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following are grave offenses with their corresponding penalties:

1. Dishonesty
1st offense – Dismissal
2. Gross Neglect of Duty
1st offense – Dismissal
3. Grave Misconduct
1st offense – Dismissal
4. Being Notoriously Undesirable
1st offense – Dismissal
5. Conviction of a crime involving moral turpitude
1st offense – Dismissal
6. Falsification of official document
1st offense – Dismissal
7. Physical or mental incapacity or disability due to immoral or vicious habits
1st offense – Dismissal
8. Engaging directly or indirectly in partisan political activities by one holding non-political office
1st offense – Dismissal
9. Receiving for personal use of a fee, gift or other 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 or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws.
1st offense – Dismissal
10. Contracting loans of money or other property from persons with whom the office of the employee has business relations.

- 1st offense – Dismissal
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 functions 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.
- 1st offense – Dismissal
12. Nepotism
- 1st offense – Dismissal
13. Disloyalty to the Republic of the Philippines and to the Filipino people
- 1st offense – Dismissal
14. Oppression
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
15. Disgraceful and immoral conduct
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
16. Inefficiency and incompetence in the performance of official duties
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
17. Frequent unauthorized absences, or tardiness in reporting for duty, loafing or frequent

- unauthorized absences from duty during regular office hours
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
18. Refusal to perform official duty
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
19. Gross insubordination
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
20. Conduct prejudicial to the best interest of the service
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
21. Directly or indirectly having financial and material interest in any transaction 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.
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal
22. 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 his office, unless expressly allowed by law.
- 1st offense – Suspension (6 mos. 1 day to 1 year)
- 2nd offense – Dismissal

23. Disclosing or misusing confidential or classified information officially known 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.
 1st offense – Suspension (6 mos. 1 day to 1 year)
 2nd offense – Dismissal
 24. 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.
 1st offense – Suspension (6 mos. 1 day to 1 year)
 2nd offense – Dismissal
 25. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his office.
 1st offense – Suspension (6 mos. 1 day to 1 year)
 2nd offense – Dismissal
- B. The following are less grave offenses with the corresponding penalties:
1. Simple Neglect of Duty
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal
 2. Simple Misconduct

- 1st Offense – Suspension 1 mo. 1 day to 6 mos.
- 2nd Offense – Dismissal
3. Gross Discourtesy in the course of official duties
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal
4. Violation of existing Civil Service Law and rules of serious nature
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal
5. Insubordination
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal
6. Habitual Drunkenness
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal
7. Unfair discrimination in rendering public service due to party affiliation or preference.
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal
8. Failure to file sworn statements of assets, liabilities and net worth, 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.
 1st Offense – Suspension 1 mo. 1 day to 6 mos.
 2nd Offense – Dismissal

9. Failure to resign from his position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself of his shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and 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.
- 1st Offense – Suspension 1 mo. 1 day to 6 mos.
- 2nd Offense – Dismissal
- C. The following are Light Offenses with corresponding penalties:
1. Discourtesy in the course of official duties
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
3. Violation of reasonable office rules and regulations
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1-30 days
- 3rd Offense – Dismissal

4. Frequent unauthorized tardiness (Habitual Tardiness)
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1-30 days
- 3rd Offense – Dismissal
5. Gambling prohibited by law
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
6. Refusal to render overtime service
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
7. Disgraceful, immoral or dishonest conduct prior to entering the service
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1-30 days
- 3rd Offense – Dismissal
8. Borrowing money by superior officers from subordinates
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
9. Lending money at usurious rates of interest.
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
10. Willful failure to pay just debts or willful failure to pay taxes due to the government
- 1st Offense – Reprimand
- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
- The term “just debts” shall apply only to:
1. Claims adjudicated by a court of law, or

2. Claims the existence and justness of which are admitted by the debtor.
11. Lobbying for personal interest or gain in legislative halls and offices without authority
 - 1st Offense – Reprimand
 - 2nd Offense – Suspension 1-30 days
 - 3rd Offense – Dismissal
12. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority
 - 1st Offense – Reprimand
 - 2nd Offense – Suspension 1-30 days
 - 3rd Offense – Dismissal
13. Failure to act promptly on letters and request within 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
 - 1st Offense – Reprimand
 - 2nd Offense – Suspension 1 -30 days
 - 3rd Offense – Dismissal
14. Failure to process documents and complete 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
 - 1st Offense – Reprimand
 - 2nd Offense – Suspension 1-30 days
 - 3rd Offense – Dismissal
15. Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions
 - 1st Offense – Reprimand

- 2nd Offense – Suspension 1 -30 days
- 3rd Offense – Dismissal
16. Engaging in private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his official functions.
 - 1st Offense – Reprimand
 - 2nd Offense – Suspension 1-30 days
 - 3rd Offense – Dismissal
17. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations
 - 1st Offense – Reprimand
 - 2nd Offense – Suspension 1-30 days
 - 3rd Offense – Dismissal

Section 53. ***Extenuating, Mitigating, Aggravating, or Alternative Circumstances.*** – In the determination of the penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

- a. Physical illness
- b. Good faith
- c. Taking undue advantage of official position
- d. Taking undue advantage of subordinate
- e. Undue disclosure of confidential information
- f. Use of government property in the commission of the offense
- g. Habituality
- h. Offense is committed during office hours and within the premises of the office or building
- i. Employment of fraudulent means to commit or conceal the offense
- j. Length of service in the government
- k. Education, or

I. Other analogous circumstances

Nevertheless, in the appreciation thereof, the same must be invoked or pleaded by the proper party, otherwise, said circumstances shall not be considered in the imposition of the proper penalty. The Commission, however, in the interest of substantial justice may take and consider these circumstances.

Section 54. ***Manner of Imposition.*** When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- a. The *minimum* of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The *medium* of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The *maximum* of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- d. Where aggravating and mitigating circumstances are present, paragraph [a] shall be applied where there are more mitigating circumstances present; paragraph [b] shall be applied when the circumstances equally offset each other; and paragraph [c] shall be applied when there are more aggravating circumstances.

Section 55. ***Penalty for the Most Serious Offense.*** If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

Section 56. ***Duration and effect of administrative penalties.***
– The following rules shall govern in the imposition of administrative penalties:

- a. The penalty of dismissal shall result in the permanent separation of the respondent from the service, with or without prejudice to criminal or civil liability.
- b. The penalty of transfer shall carry with it the sanction that failure on the part of the respondent to seek transfer to another office within a period of not less than ninety (90) days, he shall be considered resigned. The penalty of transfer may be imposed with a condition that the respondent shall be barred from holding a position involving property or money responsibility.
- c. The penalty of demotion shall include reduction in rank, or salary, or both.
- d. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.
Suspension of one day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all money benefits including leave credits.
- e. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory.
- f. The penalty of reprimand or censure shall not carry with it any accessory penalty nor result in the temporary cessation of work.

Section 57. ***Administrative Disabilities/Accessories to Administrative Penalties.***

- a. Cancellation of eligibility
- b. Forfeiture of retirement benefits
- c. Disqualification for reinstatement or re-employment

- d. Disqualification for promotion
- e. Bar from taking any Civil Service examination

Section 58. ***Administrative Disabilities Inherent in Certain Penalties.***

- a. The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for re-employment in the government service, unless otherwise provided in the decision.
- b. The penalty of transfer shall carry with it disqualification for promotion for a period of six (6) months from the date respondent reports to the new position or station.
- c. The penalty of demotion shall carry with it disqualification for promotion at the rate of two (2) months for every step or one (1) month for every range of salary by which he was demoted to be computed from the date respondent reports to the new position or station.
- d. The penalty of suspension shall carry with it disqualification for promotion corresponding to the period of suspension.
- e. The penalty of fine shall carry with it disqualification for promotion for a period twice the number of days he was fined.
- f. The penalty of fine shall be paid to the agency imposing the same, computed on the basis of respondent's salary at the time the decision becomes final and executory.
- g. The following are the Guidelines for the payment of fine:
 - 1. Fines shall be paid within a period not exceeding one year reckoned from the date the decision/resolution becomes final and executory.

- 2. Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:

- a. Fine equivalent to one (1) month salary shall be paid within two (2) months;
- b. Fine equivalent to two (2) months salary shall be paid within four (4) months;
- c. Fine equivalent to three (3) months salary shall be paid within six (6) months;
- d. Fine equivalent to four (4) months salary shall be paid within eight (8) months;
- e. Fine equivalent to five (5) months salary shall be paid within ten (10) months;
- f. Fine equivalent to six (6) months salary shall be paid within twelve (12) months;

- 3. Should the respondent fail to pay in full the fine within the prescribed period, he shall be deemed to have failed to serve the penalty imposed, hence, the disqualification for promotion shall remain in effect until such time that the fine is fully paid.

- h. The penalty of reprimand shall not carry with it any of the accessory penalties.
- i. A warning or admonition shall not be considered a penalty.

Section 59. ***Effect of Exoneration on Certain Penalties.***

- a. In case the penalty imposed is a fine, the same shall be refunded.
- b. In case the penalty imposed is demotion, the exonerated employee shall be restored to his former position without loss of seniority rights with payment of salary differentials.
- c. In case the penalty imposed is transfer, he shall immediately be restored to his former post unless he decides otherwise. In case there is demotion in

rank, salary or status, he shall be restored to his former rank, salary or status.

- d. In case the penalty imposed is suspension, he shall immediately be reinstated to his former post without loss of seniority rights with payment of back salaries.
- e. In case the penalty imposed is dismissal, he shall immediately be reinstated without loss of seniority rights with payment of back salaries.

Mandatory leave benefits shall not be charged against the respondent's leave credits.

The respondent who is exonerated by final judgment shall be entitled to the leave credits for the period he had been out of the service.

RULE V NON-DISCIPLINARY CASES

A. PROTEST

Section 60. ***Who may File a Protest and Where to File.*** – A qualified next-in-rank employee may file a protest with the appointing authority or with the Civil Service Regional Office against an appointment made in favor of another who does not possess the minimum qualification requirements.

However, any protest against appointments to third level position shall be filed with the Commission Proper.

Section 61. ***Form and Content of Protest.*** – The protest shall be subscribed and sworn to and written in clear, unequivocal and concise language. It shall contain the following:

- a. the position being contested, including its item number, correct position title and the salary per annum;

- b. the full name, office, position and salary per annum of both the protestant and the protestee;
- c. the facts and arguments constituting the grounds for the protest; and
- d. proof of payment of a filing fee of Three Hundred Pesos (P300.00).

Section 62. ***When to File a Protest.*** – The protest may be filed within fifteen (15) days from the issuance of the appointment or promotion. In cases where the protest is filed with the Commission, the protestant shall furnish the appointing authority, a copy of his protest and submit proof of service thereof.

For this purpose, all appointments or promotions shall be duly announced and/or posted in bulletin boards or at conspicuous places in the Department or Agency.

Section 63. ***Effect of Protest on the Appointment.*** – A protest shall not render an appointment ineffective nor stop the approval thereof, by the Civil Service Field or Regional Office, but the approval shall be subject to the final outcome of the protest.

Section 64. ***Effect of Withdrawal of Protest.*** – A protest or an appeal in this case may be withdrawn at any time as a matter of right. The withdrawal of the protest or appeal shall terminate the protest case.

Section 65. ***When Protest is Deemed Filed.*** – A protest is deemed filed, in case the same is sent by mail, on the postmark date on the envelope which shall be attached to the records of the case, and in case of personal delivery, on the date stamped by the agency or the Commission.

Section 66. ***Transmittal of Records.*** – In cases where the protest is filed with the Commission, the head of department or agency shall forward his comment and the records of the case within ten (10) days from receipt of the copy of the protest. The records shall be systematically and chronologically arranged, paged

and securely bound to prevent loss and shall include the following:

- a. Statement of Duties or Job description of the contested position;
- b. Duly accomplished and updated personal data sheets of the parties with certified statement of service records attached;
- c. Certified copy of the protested appointment; and
- d. Comparative assessment of the qualifications of the protestant and protestee.

Section 67. ***Dismissal of Protest.*** – A protest shall be dismissed on any of the following grounds:

- a. The protestant is not a qualified next-in-rank;
- b. The protest is not directed against a particular protestee but to “anyone who is appointed to the position” or directed to two or more protestees;
- c. The protest is not in accordance with the required form as prescribed in these Rules;
- d. No appointment has been issued or the appointment has been disapproved;
- e. The protest is filed outside the 15-day reglementary period as provided in Section 62 hereof;
- f. Non-payment of the filing fee; and
- g. Non-submission of a certificate of non-forum shopping.

Section 68. ***Finality of Decision.*** – Decision on a protest case shall become final after fifteen (15) days from receipt thereof.

Section 69. ***Available Remedies.***

- a. The decision of the regional office or bureau may be appealed initially to the Department Secretary then to the Civil Service Regional Office within fifteen (15) days and finally to the Commission Proper. In cases where the protest is filed within

the department or agency, the protestant may file a motion for reconsideration of the adverse decision, ruling or action within fifteen (15) days from receipt with the same agency.

- b. In cases where the protest is filed with the Civil Service Regional Office, a motion for reconsideration may be filed with the same office within fifteen (15) days from the receipt of the adverse decision then to the Commission Proper within the same period.

The protestant shall furnish a copy of his protest to the head of agency concerned who shall submit his comment to the Civil Service Regional Office within ten (10) days.

Section 70. ***Effect of Decision.*** – In case the protest is finally decided against the protestee, the approval of his appointment shall be recalled and the appointment shall be considered disapproved. The protestee shall be reverted to his former position, if applicable.

B. OTHER PERSONNEL and NON-DISCIPLINARY ACTIONS

Section 71. ***Complaint or Appeal to the Commission.*** – Other personnel actions, such as, but not limited to, separation from the service due to unsatisfactory conduct or want of capacity during probationary period, dropping from the rolls due to Absence Without Official Leave (AWOL), physically and mentally unfit, and unsatisfactory or poor performance, action on appointments (disapproval, invalidation, recall, and revocation), reassignment, transfer, detail, secondment, demotion, or termination of services, may be brought to the Commission, by way of an appeal.

Section 72. ***When and Where to File.*** – A decision or ruling of a department or agency may be appealed within

fifteen (15) days from receipt thereof by the party adversely affected to the Civil Service Regional Office and finally, to the Commission Proper within the same period.

A motion for reconsideration may be filed with the same office which rendered the decision or ruling within fifteen (15) days from receipt thereof.

Section 73. **Requirement of Filing.**- The appellant shall furnish a copy of his appeal to the head of department or agency concerned who shall submit his comment, together with the records, to the Commission within ten (10) days from receipt thereof. Proof of service of the appeal on the head of department of agency shall be submitted with the Commission.

Section 74. **Grounds for Dismissal.** -An appeal involving non-disciplinary cases shall be dismissed on any of the following grounds:

- a. The appeal is filed beyond the reglementary period;
- b. The filing fee of Three Hundred (P300.00) has not been paid, or
- c. The appeal does not contain a certification of non-forum shopping.

Section 75. **Effect of Decision.** – Where the Commission, on appeal, sets aside, modifies or reverses the decision whereby an employee was dropped from the rolls, he shall be reinstated immediately to his former post with payment of back salaries and other money benefits.

For this purpose, dropping from the rolls, being non-disciplinary in nature, shall not result in the forfeiture of benefits. In case of illegal termination, the employee shall be reinstated with payment of back salaries. In case of disapproval, invalidation, recall and revocation of appointments, the appointee shall be restored to his former position without loss of seniority rights.

In case of reassignment, transfer, detail, or secondment, he shall return to his former position.

In case of demotion in rank, salary or status, he shall be restored to his former rank, salary, and status.

C. CORRECTION OF PERSONAL INFORMATION IN THE RECORDS OF THE COMMISSION

Section 76. **Where to file.** – Requests for correction of name, date of birth, place of birth and other personal information in the records of the Civil Service Commission shall be filed with the Civil Service Regional Office concerned and with the following documents:

- a. Original Certificate of Live Birth, or in its absence a court order;
- b. Affidavit of Discrepancy; and
- c. Photocopy of the documents sought to be corrected.

A filing fee of One Hundred Pesos (P100.00) shall be paid and a receipt thereof shall be attached to the request.

Section 77. **Available Remedies.** – In case of denial of the request for correction of personal information, the requesting party may within fifteen (15) days from receipt thereof, file a motion for reconsideration with the same regional office. An appeal may thereafter be filed with the Commission Proper within the same period after payment of the appeal fee of Three Hundred Pesos (P300.00).

RULE VI MISCELLANEOUS PROVISIONS

Section 78. **Schedule of Filing Fees.**- The following are the schedule of fees subject to the revision from time to time when the need arises:

- a. Appeal P 300.00
- b. Protest P 300.00
- c. Petition for Review P 300.00
- d. Complaints/appeal on other personnel and non-disciplinary actions P 300.00
- e. Favorable Recommendation for Executive Clemency P 300.00
- f. Correction of Personal Information in the records of the Civil Service Commission P 100.00

Section 79. **Deputization by CSC of other lawyers.** The Commission may deputize lawyers of other agencies and similar officials to conduct preliminary and formal investigation and to make the necessary report and recommendation within the period specified in Sections 13 and 22.

Section 80. **Execution of Decision.** – The decisions of the Commission Proper or its Regional Offices shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

Section 81. **Implementation of Final Decisions.** – The Civil Service Regional Offices (CSROs) shall monitor the immediate implementation of these decisions.

Section 82. **Effect of Pendency of Petition for Review/Certiorari with the Court.** – The filing and pendency of a petition for review with the Court of Appeals or certiorari with the Supreme Court shall not stop the execution of the final decision of the Commission unless the Court issues a restraining order or an injunction.

Section 83. **Non-execution of Decision.** – Any officer or employee who willfully refuses or fails to implement the final resolution, decision, order or ruling of the Commission to the prejudice of the public service and the affected party, may be cited in contempt of the

Commission and administratively charged with conduct prejudicial to the best interest of the service or neglect of duty.

Section 84. **Computation of Period.** – In computing any period of time prescribed by these Rules, the first day shall be excluded and the last day included unless it be a Saturday a Sunday or a legal holiday, in which case the period shall run until the end of the next working day which is neither a Saturday, a Sunday nor a legal holiday.

Copies of decisions and other communications shall be served on counsel but receipt by either counsel or party shall be deemed to be a valid service. The period to perfect a motion for reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, whichever is later.

Section 85. **Effectivity.** -These Rules shall take effect after fifteen (15) days from date of publication in a newspaper of general circulation.

Section 86. **Repealing Clause.** – The Uniform Rules of Procedure in the Conduct of Administrative Investigation in the Civil Service Commission as prescribed in the CSC Resolution No. 94-0521 dated January 25, 1994, the Rules of Procedure in the Conduct of Preliminary & Formal Investigation as prescribed by the Civil Service Commission in its Resolution No. 92-457 dated March 24, 1992, Resolution No. 89-779 as implemented by MC No. 46, s. 1989, Sections 61 and 65 of MC 41, s. 1998, Section 9, Rule XIV of the Omnibus Rules Implementing Book V of Administrative Code of 1987 (EO 292), Section 2, CSC Memorandum Circular No. 32, s. 1963, and all other office memoranda, memorandum circulars, resolutions, rules or regulations inconsistent with these Rules are hereby repealed or modified accordingly.

Quezon City, August 31, 1999.