



Administrative Justice

“Civil Service Law and
Rules: An Overview”

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ADMINISTRATIVE DISCIPLINE

Philippine Association for Government Budget Administration (PAGBA)
2018 2nd Quarterly Seminar & Meeting
Crown Legacy Hotel, Baguio City
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ADMINISTRATIVE DISCIPLINE

DEFINITION:

A part of Administrative Law which deals with administrative infractions or grounds for disciplinary actions, administrative penalties and administrative disciplinary procedure.



ADMINISTRATIVE DISCIPLINE

LEGAL BASES:

Art. XI, 1987 Constitution (Public Accountability)

Art. IX, 1987 Constitution (Civil Service)

The Revised Administrative Code of 1987 (E.O. 292)

Local Government Code

RA 6713

The Ombudsman Act

2017 Rules on Administrative Cases including Disciplinary Rules on Sexual Harassment Cases

Supreme Court Decisions

CSC Resolutions

Other Laws dealing with administrative discipline



ADMINISTRATIVE DISCIPLINE

LEGAL BASES:

Administrative Discipline had its genesis from the constitutional mandate which states as follows:

“Public Office is a public trust, Public Officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, Loyalty, and efficiency, act with patriotism and justice and lead modest lives” (Art. XI, Accountability of Public Officers)



ADMINISTRATIVE DISCIPLINE

The phrase “public office is a public trust” refers to a representative government, the officers being mere agents and not rulers of the people, one where no one man or set of men has a proprietary or contractual right to an office, but where every officer accepts office pursuant to the provisions of law and holds the office as a trust for the people.



ADMINISTRATIVE DISCIPLINE

Characteristics of Administrative Discipline:

1. Administrative Offenses do not prescribe (Floria vs. Sunga, 386 SCRA 551)
2. Flexible concept of the right to a “speedy disposition of cases” (OMBUDSMAN VS. JURADO, G.R. No. 154155 dated August 6, 2008)
3. Administrative cases are not subject to settlement (Modified by Rule 11, 2017 RACCS)
4. The withdrawal of the complainant is not a ground for the dismissal of the case
5. The complainant is a mere witness to the commission of the Offense, hence, anybody can file an administrative complaint



ADMINISTRATIVE DISCIPLINE

No officer or employee of the government can be disciplined or removed from office except for cause and after due process. (Art. IX-B, Sec 2, par 3, 1987 Constitution).

The phrase “for cause” refers to grounds for disciplinary actions enumerated in the Revised Administrative Code of 1987 (EO 292).

The procedure in administrative cases is governed by CSC Resolution No. 1101502 (Revised Rules On Administrative Cases in the Civil Service) with the Rules of Court being applied in suppletory character.



ADMINISTRATIVE DISCIPLINE

Investigation and adjudication of administrative complaints against appointive local officials and employees as well as their suspension and removal shall be in accordance with the Civil Service Law and Rules and other pertinent laws. The results of such administrative investigations shall be reported to the Civil Service Commission (Sec. 84, Local Government Code).



ADMINISTRATIVE DISCIPLINE

Official Subject to Disciplinary Authority; Exceptions. – The Office of the Ombudsman shall have disciplinary authority over all elective and appointive officials of the Government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet, local government, government-owned or controlled corporations and their subsidiaries, except over officials who may be removed only by impeachment or over Members of Congress, and the Judiciary (Sec.21, RA 6770, the Ombudsman Act)



ADMINISTRATIVE DISCIPLINE

Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee even if no criminal prosecution is instituted against him (Sec. 11, par b, RA 6713, The Code of Conduct)



ADMINISTRATIVE DISCIPLINE

JURISDICTION

The authority to hear and decide cases. The power or jurisdiction to institute disciplinary actions in administrative cases is lodged only on the disciplinary authority to which such power is vested by law. Absent such legal basis the power to discipline cannot be exercised.



ADMINISTRATIVE DISCIPLINE

Heads of agencies have jurisdiction to investigate and discipline their own officials and employees, however, heads of agencies may delegate the power to investigate to their subordinates and just wait the recommendations which will be made afterwards. (Sec. 47, par 2 and 3, EO 292).

The authority that decides the case, therefore, is also clothed with the power to investigate and is deemed to have done the same even if in reality somebody else conducted it by virtue of delegation.



ADMINISTRATIVE DISCIPLINE

Jurisprudence on Jurisdiction:

“Jurisdiction over the subject matter of case is conferred by law and determined by the allegations in the complaint.”
(*Deltaventures Resources, Inc. vs Cabato*, 327 SCRA 482)

“The Court loses jurisdiction upon the finality of the decision, except to order the execution within its lifetime.”
(*Lizardo, Sr. vs Montano*, 332 SCRA 163).



ADMINISTRATIVE DISCIPLINE

Kinds of Jurisdiction

Original jurisdiction – Jurisdiction to take cognizance of cases which exist for the first time (i.e. complaint, petition, protests, request for favorable recommendation for executive clemency) under it are two sub-classifications:



ADMINISTRATIVE DISCIPLINE

Exclusive original jurisdiction – Original jurisdiction which cannot be exercised by another body. Example is the jurisdiction of the CSC over examination related cases, cases of sexual harassment filed against its officials and employees, requests for a favorable recommendation for executive clemency, requests for extension of service, requests to transfer venue of hearing being conducted by any of the CSC offices, and other cases which other bodies cannot legally act upon.



ADMINISTRATIVE DISCIPLINE

Concurrent original jurisdiction – Original jurisdiction which two or more bodies may exercise. This, however, cannot be exercised simultaneously as the same gives rise to the prohibited practice of forum shopping. This is subject to the rule that the assumption of one body over a case excludes other bodies that may exercise concurrent jurisdiction over the same.



ADMINISTRATIVE DISCIPLINE

Permanency of Jurisdiction – Jurisdiction once present is not lost upon the instance of the parties but continues until the case is terminated. (*Que vs. Court of Appeals, 339 SCRA 505*). In administrative cases, jurisdiction over the person complained of remains even if he resigned from the service so long as the offense was committed during his incumbency (*CSC Resolution No. 99-0298 dated January 1, 1999, Uy, Allan*).



ADMINISTRATIVE DISCIPLINE

A public official's resignation does not render moot an administrative case that was filed prior to the official's resignation.

The jurisdiction of the Court at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case.

(Andutan vs. Ombudsman, G.R. No. 164679, July 26, 2011)



ADMINISTRATIVE DISCIPLINE

Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.

(Pagano vs. Nazarro, Jr. cited in Andutan v. Ombudsman)



ADMINISTRATIVE DISCIPLINE

*Disciplining authority may allow payment of fine in place of suspension in several circumstances including when the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be served anymore, the fine may be sourced from the accumulated leave credits or whatever benefits due the respondent. (2017 RACCS)



ADMINISTRATIVE DISCIPLINE

Section 66 of the Omnibus Election Code, in considering an appointive official ipso facto resigned, merely provides for the immediate implementation of the penalty for the prohibited act of engaging in partisan political activity. This provision was not intended, and should not be used, as a defense against an administrative case for acts committed during government service.

(Esther S. Pagano vs. Juan Nazarro, Jr. et al. G.R. No. 149072, September 21, 2007)



ADMINISTRATIVE DISCIPLINE

Cessation from office of respondent by resignation or retirement neither warrants the dismissal of the administrative complaint filed against him while he was still in the service nor does it render said administrative case moot and academic.

(Baquerfo vs. Sanchez, 495 Phil. 10 , 2005 cited in Andutan vs. Ombudsman)



ADMINISTRATIVE DISCIPLINE

Appellate Jurisdiction - Refers to the jurisdiction to take cognizance of appeals from a decision of a lower deciding authority.

Exclusive appellate jurisdiction – all decisions of agency heads on administrative cases whether disciplinary or non-disciplinary are within the exclusive appellate jurisdiction of the CSC.



ADMINISTRATIVE DISCIPLINE

The Party Adversely Affected Doctrine – Refers to the rule that in administrative cases only the respondent who was found guilty of an offense has the personality to file an appeal (Paredes vs. CSC). However, this is a procedural rule which must be invoked by the appellee otherwise, the appeal by the complainant may be given due course (Mendez vs CSC).



ADMINISTRATIVE DISCIPLINE

*The CSC is considered a party adversely affected by the decision of a higher court reversing its decision on the issue of nepotism, since the CSC is the guardian of merit and fitness in the bureaucracy.

(Dacoycoy vs CSC)



ADMINISTRATIVE DISCIPLINE

In the case of *PNB vs Ricardo V. Garcia, Jr.*, September 9, 2002, the Supreme Court expressly abandoned the *Party Adversely Affected Doctrine* holding that the effort of the government to curb graft and corruption, malfeasance and misfeasance in the government will be rendered meaningless if appeal cannot be had from erroneous administrative decisions.



ADMINISTRATIVE DISCIPLINE

The complainant in an administrative case is absolutely without personality to appeal, except if he/she is the agency head, the Civil Service Commission or the same is not put in issue. (NAB vs Mamauag, 466 SCRA 624, 2005)



ADMINISTRATIVE DISCIPLINE

xxx allows the CSC to appeal in cases where the respondent is exonerated of charges. The Court did not deviate from the doctrine that the complainant, being a mere witness for the government, cannot appeal the decision rendered in the administrative case. xxx No private interest is involved in an administrative case as the offense is committed against the government.

(CSC vs Dacoycoy 306 SCRA 425)



ADMINISTRATIVE DISCIPLINE

The right to appeal by government parties was not limited to the Civil Service Commission.

In *Pastor v. City of Pasig*, this court ruled that the City of Pasig had standing to appeal the decision of the Civil Service Commission reinstating a city employee to her former position, despite the city government having reassigned her to another unit.

(LRTA vs Salvaña, GR No. 192074, June 10, 2014)



ADMINISTRATIVE DISCIPLINE

In *Geronga v. Varela*, this Court ruled that the Mayor of Cadiz City had the right to file a motion for reconsideration of a decision by the Civil Service Commission exonerating a city employee on the ground that "as the appointing and disciplining authority, he is a real party in interest."

In *Department of Education v. Cuanan*, this Court ruled that the Department of Education "qualified as a party adversely affected by the judgment, who can file an appeal of a judgment of exoneration in an administrative case.

(LRTA vs Salvaña, GR No. 192074, June 10, 2014)

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ADMINISTRATIVE DISCIPLINE

The ruling in National Appellate Board was applied in *Montoya v. Varilla*, *Pleyto v. PNP-CIDG*, and *Ombudsman v. Liggayu*.

The present rule is that a government party is a "party adversely affected" for purposes of appeal provided that the government party that has a right to appeal must be the office or agency prosecuting the case.

(LRTA vs Salvaña, GR No. 192074, June 10, 2014)



ADMINISTRATIVE DISCIPLINE

Indeed, recent decisions showed that this Court has allowed appeals by government parties.

In *Civil Service Commission v. Yu*, this Court allowed the Civil Service Commission to appeal the Court of Appeals' decision granting the reinstatement of a government employee whose appointment had been revoked by the Commission.

(LRTA vs Salvaña, GR No. 192074, June 10, 2014)



ADMINISTRATIVE DISCIPLINE

In *National Power Corporation v. Civil Service Commission and Tanfelix*, the National Power Corporation had previously filed an administrative complaint against one of its employees, Rodrigo Tanfelix, resulting in his dismissal from service. When the Civil Service Commission exonerated Tanfelix and the Court of Appeals affirmed the exoneration, the National Power Corporation was allowed to appeal.

(LRTA vs Salvaña, GR No. 192074, June 10, 2014)



ADMINISTRATIVE DISCIPLINE

Note: Pursuant to Rule 43 of the Rules of Court, Decisions of the Civil Service Commission are appealable to the Court of Appeals through a Petition for Review.



SPECIFIC OFFENSES

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May 25, 2018



ADMINISTRATIVE DISCIPLINE

OFFENSES AND PENALTIES

Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity and effects on the government service.



ADMINISTRATIVE DISCIPLINE

Grave offenses are those which may be punished with dismissal from the service for the first offense or the maximum of 1 year suspension for the first offense and dismissal from the service for the second offense. Examples of Grave Offenses punishable with dismissal are :

- Serious Dishonesty
- Gross Neglect of Duty
- Grave Misconduct
- Being Notoriously Undesirable



ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with dismissal are :

- Conviction of a crime involving moral turpitude
- Falsification of Official Document
- Physical or mental incapacity due to immoral or vicious habits
- Receiving for personal use of a fee, gift or other valuable thing in the course of official duties when the same is given by any person in the hope or expectation of receiving a favor or better treatment, or committing other acts punishable under the anti graft laws



ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with dismissal are:

- Contracting loans of money or property from reasons with whom the office of the employee has business relations
- Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her 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;
- Nepotism and Disloyalty to the Republication of the Philippines.



ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with 6 mos. and 1 day to 1 year are:

- Less serious dishonesty
- Oppression
- Disgraceful and immoral conduct
- Inefficiency and incompetence in the performance of official duties
- Frequent unauthorized absences or tardiness
- Habitual tardiness in reporting for duty causing prejudice to the operations of the office
- Loafing from duty during regular office hours
- Refusal to perform official duty
- Gross insubordination
- Conduct prejudicial to the best interest of the service



ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with 6 mos. and 1 day to 1 year are:

- Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something
- 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 one's office, unless expressly allowed by law
- Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or to prejudice the public interest
- Obtaining or using statement filed under RA 6713 for any purpose contrary to morals or public policy



ADMINISTRATIVE DISCIPLINE

Examples of Grave Offenses punishable with 6 mos. and 1 day to 1 year are:

- 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; and
- Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or (3) as part of the function of one's office.



ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense.

Examples are:

- Simple Neglect of Duty
- Simple Misconduct
- Discourtesy in the Course of Official Duties;



ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

x x x

- Gross Discourtesy in the course of official duties
- Violation of CS Law and Rules of serious nature



ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

x x x

- Insubordination
- Habitual Drunkenness
- Unfair discrimination in rendering public service due to party affiliation or preference
- Failure to File sworn statements of assets and liabilities



ADMINISTRATIVE DISCIPLINE

Less Grave offenses are those punishable with 1 mo. 1 day to 6 mos. For the first offense and dismissal for the second offense. Examples are:

x x x

- Failure to resign from his position in the private business where there is conflict of interest within 30 days from assumption of public office
- Engaging directly or indirectly in partisan political activities by one holding non-political office



ADMINISTRATIVE DISCIPLINE

Light Offenses are those punishable with reprimand for the first offense, suspension of up to 30 days for the second offense and dismissal from the service for the third offense. Examples are:

- Simple Discourtesy
- Improper solicitation from subordinates or school children
- Violation of reasonable office rules and regulations



ADMINISTRATIVE DISCIPLINE

Light Offenses are those punishable with reprimand for the first offense, suspension of up 30 days for the second offense and dismissal from the service for the third offense. Examples are:

x x x

- Habitual tardiness, Gambling prohibited by law
- Refusal to render overtime service
- Immorality prior to entering the service



ADMINISTRATIVE DISCIPLINE

Light Offenses are those punishable with reprimand for the first offense, suspension of up 30 days for the second offense and dismissal from the service for the third offense. Examples are:

X X X

- Borrowing money from subordinates
- Lending money at usurious rates
- Willful failure to pay just debts or taxes due to the government



ADMINISTRATIVE DISCIPLINE

- Failure to attend to anyone who wants to avail of the services of his office
- Engaging in the Private Practice of Profession unless authorized and Pursuit of private business without the permission required by civil service rules and regulations.



ADMINISTRATIVE DISCIPLINE

Extenuating, Mitigating, Aggravating or Alternative Circumstances.

In determining the imposable penalties, some circumstances may be appreciated for the purpose of mitigating or aggravating the liability of the respondent. They are as follows:

- Physical illness
- Malice
- Time and place of offense
- Taking undue advantage of official position
- Taking undue advantage of subordinate
- Undue disclosure of confidential information



ADMINISTRATIVE DISCIPLINE

Extenuating, Mitigating, Aggravating or Alternative Circumstances.

In determining the imposable penalties, some circumstances may be appreciated for the purpose of mitigating or aggravating the liability of the respondent. They are as follows:

x x x

- Use of government property in the commission of the offense,
- Habitual Commission of the offense during office hours and within office premises,



ADMINISTRATIVE DISCIPLINE

Extenuating, Mitigating, Aggravating or Alternative Circumstances.

In determining the imposable penalties, some circumstances may be appreciated for the purpose of mitigating or aggravating the liability of the respondent. They are as follows:

- Offense is committed during office hours and within the premises of the office or building
- Employment of fraudulent means to commit or conceal the offense
- First offense
- Education
- Length of service and other analogous circumstances

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ADMINISTRATIVE DISCIPLINE

DISGRACEFUL AND IMMORAL CONDUCT

Refers to acts which violate the basic norm of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community



ADMINISTRATIVE DISCIPLINE

DISHONESTY

Has been defined as a form of conduct which connotes untrustworthiness and lack of integrity, a disposition to lie, cheat deceive, betray.”

(BALAGSO, Teodoro Jr. L., et al., CSC Resolution No. +99-1085, May 21, 1999 citing BRIONES, Rolando A., CSC Res. 97-3740 dated August 28, 1997)



ADMINISTRATIVE DISCIPLINE

DISHONESTY

“The concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth.”

(Section 1, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006)



ADMINISTRATIVE DISCIPLINE

Classification of DISHONESTY

a) Serious Dishonesty -

Punishable by dismissal from the service

b) Less Serious Dishonesty -

1st offense - suspension from 6 months and 1 day to 1 year

2nd offense - dismissal from the service

[Section 2, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]



ADMINISTRATIVE DISCIPLINE

Classification of DISHONESTY

c) Simple Dishonesty-

1st offense - suspension of 1 month and 1 day to 6 months

2nd offense – suspension of 6 months and 1 day to 1 year

3rd offense - dismissal from the service

[Section 2, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of **SERIOUS DISHONESTY**:

- a) The dishonest act caused serious damage and grave prejudice to the Government
- b) The respondent gravely abused his authority in order to commit the dishonest act
- c) Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of **SERIOUS DISHONESTY**:

x x x

- d) The dishonest act exhibits moral depravity on the part of the respondent
- e) The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of **SERIOUS DISHONESTY**:

X X X

- f) The dishonest act was committed several times or in various occasions
- g) The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of **SERIOUS DISHONESTY**:

X X X

h) Other analogous circumstances

[Section 3, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of LESS SERIOUS DISHONESTY:

X X X

- a) The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification
- b) The respondent did not take advantage of his/her position in committing the dishonest act
- c) Other analogous circumstances

[Section 4, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of LESS SERIOUS DISHONESTY:

X X X

- a) The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification
- b) The respondent did not take advantage of his/her position in committing the dishonest act
- c) Other analogous circumstances

[Section 4, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of SIMPLE DISHONESTY:

X X X

- a) The dishonest act did not cause damage or prejudice to the government
- b) The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent
- c) In falsification of any official document, where the information falsified is not related to his/her employment



ADMINISTRATIVE DISCIPLINE

The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of SIMPLE DISHONESTY:

X X X

- d) That the dishonest act did not result in any gain or benefit to the offender
 - e) Other analogous circumstances
- [Section 5, RULES ON ADMINISTRATIVE OFFENSE OF DISHONESTY, CSC Resolution No. 06-0538, April 4, 2006]



ADMINISTRATIVE DISCIPLINE

GROSS NEGLIGENCE OF DUTY

Negligence is want of care required by the circumstances. It is a relative or comparative, not an absolute term, and its application depends upon the situation of the parties, and the degree of care and vigilance which the circumstances reasonably impose

[*US vs. JUANILLO, 23 Phil. 212*]



ADMINISTRATIVE DISCIPLINE

GRAVE VS. SIMPLE

In Grave Misconduct, as distinguished from Simple Misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rules, must be manifest.”

[*LANDRITO vs. CSC*, 223 SCRA 564]

Citing *In Re: Impeachment of Horilleno*, 43 Phil. 212 [1922]



ADMINISTRATIVE DISCIPLINE

CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE

Everything which is done contrary to justice, honesty, modesty or good morals.

[In Re: Basa, 41 Phil. 275; In Re: Isada, 60 Phil. 915]



ADMINISTRATIVE DISCIPLINE

MORAL TURPITUDE

Everything which is done contrary to justice, honesty, modesty or good morals.

“It (moral turpitude) implies something immoral in itself, regardless of the fact that it is punishable by law or not. It is not the prohibition by statute that fixes moral turpitude but the nature of the act itself.”

[*ROBREDILLO, Mario, CSC Resolution No. 00-0657, March 10, 2000 citing DELA TORRE vs. COMELEC, 258 SCRA 483*]



ADMINISTRATIVE DISCIPLINE

FALSIFICATION OF PUBLIC DOCUMENTS

Falsification as a rule is the misrepresentation of a thing, fact or condition, certifying that a thing is true when it is not, whether one has the right to make the representation or certificate. As applied to a public document, in order that said act be punishable, it is immaterial whether it has caused damage to a third person or not. This is because falsification of public documents is controlled by other principles distinct from those applicable to private documents. [U.S. vs. BUENAVENTURA, 1 Phil. 433]



ADMINISTRATIVE DISCIPLINE

ENGAGING DIRECTLY OR INDIRECTLY IN PARTISAN POLITICAL ACTIVITIES BY ONE HOLDING NON-POLITICAL OFFICE

The term “election campaign” or ‘partisan political activity’ refers to an act designed to promote the election or defeat of a particular candidate or candidates to a public office.

[BUGTONG, Diosdado, CSC Res. No. 97-0807, January 28, 1997 citing Section 79 of the Omnibus Election Code of the Philippines (Batas Pambansa Bilang 881)]



ADMINISTRATIVE DISCIPLINE

NEPOTISM

All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned and controlled corporations, made in favor of a relative {within the third degree} of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

[*DEBULGADO vs. CIVIL SERVICE COMMISSION, 238 SCRA 184*]



ADMINISTRATIVE DISCIPLINE

LIMITATIONS ON APPOINTMENTS

No person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing and recommending authority.

[Section 79, Local Government Code of 1991]



ADMINISTRATIVE DISCIPLINE

DISLOYALTY TO THE REPUBLIC OF THE PHILIPPINES AND TO THE FILIPINO PEOPLE

It consists of abandonment or renunciation of one's loyalty to the government or advocating the overthrow of the Government.

[Par. 7, Section 8, Presidential Decree No. 971, July 27, 1976]



ADMINISTRATIVE DISCIPLINE

OPPRESSION

The Commission has defined oppression as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.

[CSC Resolution No. 95-2125, March 21, 1995]



ADMINISTRATIVE DISCIPLINE

INEFFICIENCY AND INCOMPETENCE IN THE PERFORMANCE OF OFFICIAL DUTY

Incompetency – has been defined as the manifest lack of adequate ability and fitness for the satisfactory performance of official duties. This has reference to any physical, moral or intellectual quality the lack of which substantially incapacitates one to perform the duties of an officer.

[*Sec. 8, Pres. Decree No. 971*]



ADMINISTRATIVE DISCIPLINE

FREQUENT UNAUTHORIZED ABSENCES, OR TARDINESS IN REPORTING FOR DUTY, LOAFING OR FREQUENT UNAUTHORIZED ABSENCES FROM DUTY DURING REGULAR OFFICE HOURS

An officer or employee shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

[Section 22 (q), Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987)]

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ADMINISTRATIVE DISCIPLINE

REFUSAL TO PERFORM OFFICIAL DUTY

“Any act conduct of officer or tribunal under a duty to perform, signifying intention not to perform...”

[*Word & Phrases, Volume 36-A, Copyright, 1962*]



ADMINISTRATIVE DISCIPLINE

GROSS INSUBORDINATION

Is a deliberate and willful refusal to comply with a lawful request or order of a higher authority. It involves disregard of proper authority and a refusal to obey that authority, a willful disrespect of it.”

[SOBREPEÑA, Carmelita G., CSC Resolution No. 001288, May 30, 2000 citing HARVEY, Tammang A., CSC Resolution No. 98-2225 August 21, 1998]



ADMINISTRATIVE DISCIPLINE

HABITUAL DRUNKENNESS

One who frequently and repeatedly becomes intoxicated by excessive indulgence in intoxicating liquor so as to acquire a fixed habit and an involuntary tendency to become intoxicated as often as the temptation is presented, even though he remains sober for days or even weeks at a time.

[Black's Law Dictionary, 5th Edition]



ADMINISTRATIVE DISCIPLINE

FREQUENT UNAUTHORIZED TARDINESS (HABITUAL TARDINESS)

An employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.

[Section 22. (q) Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987)]



Memorandum Circular No. 16, s. 2010 dated August 6, 2010

1. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two months in a semester shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be; and
2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two (2) consecutive months during the year shall be liable for Simple Misconduct and/or Conduct Prejudicial to the Best Interest of the Service, as the case may be.



Memorandum Circular No. 17, s. 2010 dated August 6, 2010

1. Any officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on habitual tardiness; and
2. Any officer or employee who is absent in the afternoon is considered to have incurred undertime, subject to the provisions on undertime.



ADMINISTRATIVE DISCIPLINE

WILLFUL FAILURE TO PAY JUST DEBTS

“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.

[Section 22. Rule XIV, Omnibus Rules Implementing Book V of Executive Order 292 (Administrative Code of 1987)]



LAW AND RULES ON SEXUAL HARASSMENT

Philippine Association for Government Budget Administration (PAGBA)
2018 2nd Quarterly Seminar & Meeting
Crown Legacy Hotel, Baguio City
May 2-5, 2018



ADMINISTRATIVE DISCIPLINE

Definition:

The term Sexual Harassment has varying definitions depending on what type of case will be instituted. If the case is criminal in nature, the definition under RA 7877 applies, thus, all elements thereof must be present for purposes of conviction. On the other hand, the administrative offense of sexual harassment is defined under the Administrative Disciplinary Rules on Sexual Harassment cases promulgated by the Civil Service Commission (CSC Resolution No. 01-0940) which conspicuously deviated from the stringent requirements of RA 7877 insofar as the elements of the offense are concerned.



ADMINISTRATIVE DISCIPLINE

Sexual Harassment as a criminal offense is defined as a work, education or training related act committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor or any person who, ***having authority, influence or moral ascendancy*** over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.



ADMINISTRATIVE DISCIPLINE

Sexual Harassment as an administrative offense is defined as an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work related, training or education related environment of the person complained of.



ADMINISTRATIVE DISCIPLINE

Note that the two definitions are substantially the same except that in the administrative sexual harassment cases the element of moral ascendancy, influence or authority on the part of the offender is not present.



ADMINISTRATIVE DISCIPLINE

II. Forms of commission

Section 5. The following are illustrative forms of sexual harassment:

(a) Physical

- i. Malicious Touching;
- ii. Overt sexual advances;
- iii. Gestures with lewd insinuation.

(b) Verbal, such as but not limited to, requests or demands for sexual favors, and lurid remarks;



ADMINISTRATIVE DISCIPLINE

II. Forms of commission

Section 5. The following are illustrative forms of sexual harassment:

X X X

- (c) Use of objects, pictures or graphics, letters or writing notes with sexual underpinnings;
- (d) Other forms analogous to the foregoing.



ADMINISTRATIVE DISCIPLINE

III. Persons Liable

Section 6. Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

- (a) directly participates in the execution of any act of sexual harassment as defined by these Rules;
- (b) induces or directs another or others to commit sexual harassment as defined by these Rules;



ADMINISTRATIVE DISCIPLINE

III. Persons Liable

Section 6. Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

X X X

(c) cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; or

(d) cooperates in the commission of sexual harassment by another through previous or simultaneous acts.



ADMINISTRATIVE DISCIPLINE

IV. Committee on Decorum and Investigation

Section 7. A Committee on Decorum and Investigation (CODI) shall be created in all national or local agencies of the government, state colleges and universities, including government-owned or controlled corporations with original charters. The Committee shall perform the following functions:

- (a) Receive complaints of sexual harassment;
- (b) Investigate sexual harassment complaints in accordance with the prescribed procedure;



ADMINISTRATIVE DISCIPLINE

IV. Committee on Decorum and Investigation

Section 7.

X X X

(c) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision;

(d) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;



ADMINISTRATIVE DISCIPLINE

Localized Committees on Decorum and Investigation established in the regional or field offices, as the case may be, of the agency or institution shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the disciplining authority.

When a member of the Committee is the complainant or the person complained of in a sexual harassment case, he/she shall be disqualified from being a member of the Committee *or the complaint may be filed directly with the Civil Service Commission



ADMINISTRATIVE DISCIPLINE

VII. Classification of Acts of Sexual Harassment (Grave, Less Grave and Light)

Section 53. *Sexual harassment is classified as grave, less grave and light offenses.*

- A. Grave Offenses shall include, but are not limited to:
1. unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);



ADMINISTRATIVE DISCIPLINE

VII. Classification of Acts of Sexual Harassment (Grave, Less Grave and Light)

Section 53. *Sexual harassment is classified as grave, less grave and light offenses.*

X X X

2. sexual assault;
3. malicious touching;



ADMINISTRATIVE DISCIPLINE

VII. Classification of Acts of Sexual Harassment (Grave, Less Grave and Light)

Section 53. *Sexual harassment is classified as grave, less grave and light offenses.*

4. requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance, and

5. other analogous cases.



ADMINISTRATIVE DISCIPLINE

B. Less Grave Offenses shall include, but are not limited to:

1. unwanted touching or brushing against a victim's body;
2. pinching not falling under grave offenses;



ADMINISTRATIVE DISCIPLINE

B. Less Grave Offenses shall include, but are not limited to:

3. derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;



ADMINISTRATIVE DISCIPLINE

**B. Less Grave Offenses shall include,
but are not limited to:**

X X X

4. verbal abuse with sexual overtones; and
5. other analogous cases.



ADMINISTRATIVE DISCIPLINE

C. The following shall be considered Light Offenses;

1. surreptitiously looking at a person's private part or worn undergarments;
2. making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;



ADMINISTRATIVE DISCIPLINE

C. The following shall be considered Light Offenses;

X X X

3. malicious leering or ogling;
4. the display of sexually offensive pictures, materials or graffiti;
5. unwelcome inquiries or comments about a person's sex life;



ADMINISTRATIVE DISCIPLINE

C. The following shall be considered Light Offenses;

X X X

6. unwelcome sexual flirtation, advances, propositions;
7. making offensive hand or body gestures at an employee;



ADMINISTRATIVE DISCIPLINE

C. The following shall be considered Light Offenses;

X X X

8. persistent unwanted attention with sexual overtones;
9. unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
10. other analogous cases.



ADMINISTRATIVE DISCIPLINE

VIII. Administrative Liabilities

Section 54. The head of office who fails to act within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office shall be charged with Neglect of Duty.



ADMINISTRATIVE DISCIPLINE

VIII. Administrative Liabilities

Section 55. Any person who is found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity and seriousness of the offense.



ADMINISTRATIVE DISCIPLINE

VIII. Administrative Liabilities

Section 56. The penalties for light, less grave, and grave offenses are as follows:

A. For light offenses:

1st offense – Reprimand

2nd offense – Fine or suspension not exceeding thirty (30) days

3rd offense – Dismissal



ADMINISTRATIVE DISCIPLINE

VIII. Administrative Liabilities

Section 56. The penalties for light, less grave, and grave offenses are as follows:

X X X

B. For less grave offenses:

1st offense – Fine or suspension of not less than thirty (30) days and not exceeding six (6) months

2nd offense – Dismissal



ADMINISTRATIVE DISCIPLINE

VIII. Administrative Liabilities

Section 56. The penalties for light, less grave, and grave offenses are as follows:

X X X

C. For grave offenses: Dismissal



ADMINISTRATIVE DISCIPLINE

VIII. Administrative Liabilities

Section 57. 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.



2017 Omnibus Rules on Appointments and Other Human Resource Actions

Philippine Association for Government Budget Administration (PAGBA)
2018 2nd Quarterly Seminar & Meeting
Crown Legacy Hotel, Baguio City
May 2-5, 2018



Overview



Objectives:

- Articulate the salient features of the 2017 ORAOHRA
- Interpret the revised policy uniformly

Introduction



- Update and consolidate the various issuances on appointments and other human resource actions
- Address issues, problems and changing needs
- Align with jurisprudence, legislations and trends

RULE I

General Policies on Appointments



Sec. 1. State shall ensure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to **merit and fitness**.

Sec. 2. Merit and fitness shall be determined, as far as practicable, by **competitive examinations**. This does not apply to appointments to positions which are **policy determining, primarily confidential, or highly technical**.

RULE I

General Policies on Appointments



Sec. 3. Any action denoting the **movement** or **progress** of human resource in the civil service such as promotion, transfer, reappointment, reinstatement, reemployment, reclassification, detail, reassignment, secondment, demotion and separation shall be known as **human resource action**.

SECONDMENT



Guidelines on Secondment

CSC Resolution No. 061165 dated July 5, 2006

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

- **Permanent appointment** – an appointment issued to a person who meets all **QS requirements of the position.**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Temporary appointment – issued to an appointee who meets the education, experience, and training requirements **except** eligibility

- May **only be issued in absence of a qualified eligible** who is **actually available** who is **willing** to accept the appointment
- Shall **not to exceed 12 months** and may only be **renewed once**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Temporary appointment shall be disapproved/invalidated if the deficiency of the appointee is any or combination of the **education, training, or experience requirement**, except to positions that are:

- ✓ hard to fill
- ✓ provided by special law (medical officer/specialist positions, special science teachers, police officers, and faculty positions)
- ✓ other meritorious cases as may be determined by the Commission

X Not allowed for positions involving practice of profession regulated by bar/board laws

Temporary appointment issued to a person who meets all the requirements of the position shall be disapproved/invalidated.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Employment Status

Substitute appointment - issued when regular incumbent is:

- temporarily unable to perform
- on an approved leave of absence
- under suspension
- on a scholarship grant or on secondment.

This is effective only *until the return of the incumbent.*

A substitute appointment is allowed *only if the leave of absence of the incumbent is at least three (3) months, except in the case of teachers.*

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Employment Status

Substitute appointment –

A position whose duties involve practice of a profession covered by bar/board or special laws shall require the appropriate license.

The substitute appointee shall be entitled to the salaries and benefits attached to the position except for those benefits requiring longer period of service for the availment thereof.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Coterminous appointment - appointment issued to a person **whose tenure is limited** to a period specified by law.

- Coterminous with the appointing officer/authority
- Coterminous with the head of the organizational unit where assigned

Must meet the education, experience, and training requirements of the position

Eligibility is not required except for positions involving practice of profession or requiring licenses

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

- Coterminous (primarily confidential in nature)

Exempt from qualification requirements except for positions involving practice of profession or requiring licenses.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Fixed Term appointment – specified term of office subject to reappointment as provided by law, such as Chairperson and members of commissions and boards, SUC President, and Head of Agency appointed by the Board.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Employment Status

Contractual appointment - **special contract** to undertake local or foreign-assisted projects or a specific work or job **requiring special or technical skills** not available in the employing agency

- **Limited to 1 year, may be renewed every year depending on performance**
- **Must meet education, training and experience proposed by agency heads and approved by CSC**
- **Eligibility not required except for positions involving practice of profession or requiring licenses**
- **Entitled to the same benefits enjoyed by regular employees**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status

Casual appointment for essential and necessary services where there are not enough regular staff to meet the demands of the service and for emergency cases and intermittent period

- **Must meet education, training and experience proposed by agency heads and approved by CSC**
- **Eligibility not required except for positions involving practice of profession or requiring licenses**
- **In no case shall casual appointment be issued to fill a vacant plantilla position**
- **Entitled to the same benefits enjoyed by regular employees**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status of Teachers

Permanent —meets all the requirements of the position.

Provisional —meets all the requirements of the position **except the eligibility** *

Temporary —meets all the requirements of the position **except the education** *

*** only in the absence of a qualified eligible actually available who is willing to accept the appointment as certified by the Schools Division Superintendent**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Employment Status of Teachers

Substitute – regular incumbent **temporarily unavailable** – required to possess RA 1080 (Teacher) Eligibility

Contractual – **specialized subject** in secondary education; **part-time** – inclusive period indicated for purposes of crediting services – not required to possess RA 1080 (Teacher) eligibility

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Original appointment

the **initial entry** into the **career or non-career service** **subject to probationary period** under Rule V of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Nature of Appointment



Promotion

the **advancement** of a **career employee** from one position to another with an increase in duties and responsibilities and usually accompanied by increase in salary

- **upward movement** from the **non-career service to the career** service and vice versa shall **not** be considered as a **promotion** but as **reappointment**
- **promotion to another agency** (promoted employee will be required to **notify the head of agency** within **30 days** prior to assumption to the position).
- **special promotions** exempted from qualification requirements but subject to validation

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



The pendency of an administrative case against any employee shall not be a bar to promotion.

An employee who has been found guilty of an administrative offense and imposed the penalty of demotion, suspension or fine shall be disqualified for promotion for the same period of suspension or fine.

In the case of demotion, the period of disqualification for promotion shall be within one (1) year.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Nature of Appointment



Transfer

- the movement of employee from one position to another which is of **equivalent rank, level or salary** without gap in the service *requires:*
 - Written Notice of transfer = 30 days prior to effectivity date
 - Written Notice of acceptance – 30 days from receipt of notice

✘ No notice of acceptance – deemed approved after lapse of 30 days from receipt of written notice

✘ Failure to transfer on specified date - employee deemed resigned. May be reappointed or reemployed subject to the usual hiring process

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reemployment

- the appointment of a person who has been **previously appointed** to a position in the government service but was **separated** therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation, or any non-disciplinary action such as dropping from the rolls and other modes of separation.
- **presupposes a gap in service**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reappointment the issuance of an appointment as a result of reorganization, devolution, salary standardization, re-nationalization, recategorization, rationalization or similar events, including the following:

- The issuance of appointment from **temporary to permanent, career to non-career or vice versa, non-career to another non-career**
- The **renewal** of temporary, contractual and casual appointment upon the expiration of the appointment or subsequent appointment of substitute teachers
- Personal or coterminous staff of elective officials, who shall **continue to serve in a coterminous capacity**
- **NO GAP IN SERVICE**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Reinstatement

- to comparable positions – restoration of a person as a result of a decision, to career position from which he/she has, through no delinquency or misconduct, been separated but **subject position already abolished**; issuance of appointment required
- to the same position/item – no need for issuance of appointment

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Nature of Appointment

Demotion - movement of an employee from a higher position to a lower position where he/she qualifies, if a lower position is available. It entails reduction in duties, responsibilities, status or rank, which may or may not involve a reduction in salary.

- **Due to reorganization/rationalization (REAPPOINTMENT)**
– salary of the higher position
- **Voluntary demotion** - same step of the salary grade of the previous position

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Nature of Appointment

Reclassification

- includes downgrading or upgrading when there is a substantial change in regular duties and responsibilities of the position
- not subject to QS; vested right

Reclassification of position *requires the issuance of an appointment* but the same is ministerial on the part of the appointing officer/authority.

In LGUs, *no reclassification shall be allowed* except when the position is actually vacant

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



HR movements not requiring issuance of appointment expanded to include

- **Change in item number**
- **Salary adjustment - NOSA**
- **Step increment - NOSI**
- **Reinstatement to the same position/item**
- **Demotion** as a result of a disciplinary action
- **Positions marked as coterminous with the incumbent**

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Other Human Resource Actions

Reassignment

movement across the organizational structure **without a reduction in rank, status, or salary**; requires issuance of an Office Order by the appointing officer

- Reassignment of employees with station-specific place of work **within the geographical location of the agency** shall be allowed only for a maximum period of one (1) year

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Geographical location – area **within the jurisdiction of an agency.**

- NGAs, GOCCs, SUCS – central to regional office, main campus to satellite campus provided that the office of reassignment is existing in the organizational structure of the agency
- LGUs – area within the locality of an LGU where an employee may be reassigned from the Provincial/City/Municipal Hall to other areas within the locality provided that the reassignment is existing in the organizational structure of the LGU

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Station Specific Appointment

An appointment is considered station-specific when:

- the particular office or station where the position is located is **specifically indicated on the face of the appointment paper**
- the **position title already specifies the station**, such as Human Resource Management Officer, Accountant, Budget Officer, Assessor, Social Welfare and Development Officer, and such other positions with organizational unit/station-specific function.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Appointment is **not** station specific

- One-year maximum period of reassignment within the geographical location of the agency shall not apply
- Employee concerned may request for a recall of the reassignment citing his/her reasons why he/she wants to go back to his/her original station
- Reassignment may also be revoked or recalled by the appointing officer/authority or be declared not valid by the Civil Service Commission or a competent court, on appeal

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Constructive dismissal exists when an official or employee quits his/her work because of the agency head's **unreasonable, humiliating, or demeaning actuations**, which render continued work impossible because of **geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position**. Hence, the employee is deemed illegally dismissed.

This may occur although there is no diminution or reduction in rank, status or salary of the employee

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Reassignment that constitutes constructive dismissal may be any of the following:

- Reassignment of an employee to perform duties and responsibilities inconsistent with the duties and responsibilities of his/her position such as from a position of dignity to a more servile or menial job;
- Reassignment to an office not in the existing organizational structure;
- Reassignment to an existing office but the employee is not given any definite set of duties and responsibilities;

Reassignment that constitutes constructive dismissal may be any of the following:

- Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location
- Reassignment that is done indiscriminately or whimsically such as reassignment of employees twice within a year, or reassignment of career service officials and employees with valid appointments during change of administration of elective and appointive officials.

Reassignment that results in constructive dismissal must be sufficiently established.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



- provide avenue for employees with no station specific appointment to request **recall of reassignment**;
- provide grounds that constitute indiscriminate and whimsical reassignment;
- include provision on reassignment of public health, social and school teachers and other professions covered by special laws; and
- **pending appeal**, reassignment shall **not be executory**.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Detail

temporary movement of an employee **from one department or agency to another** which does not involve a reduction in rank, status or salary.

- provide limit to period of detail to a **maximum of 3 years** (Section 5, Item b (3))
- detail without consent shall be allowed only for a period of one (1) year
- require that detail be covered by an agreement that such will not result in reduction in rank, status or salary (Section 5, Item b (4))

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Detail

The employee may appeal the detail order within 15 days upon receipt to the Commission or CSCRO with jurisdiction if he/she believes there is no justification for the detail. **Pending appeal, the detail order shall be executory** unless otherwise ordered by the Commission.

The decision of the said CSCRO may be further appealed to the Commission within 15 days from receipt.

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- Imposition of additional and/or higher duties to be performed by a public official/employee which is temporary and can be terminated anytime at the pleasure of the appointing officer/authority
 - perform the duties of another position on concurrent capacity or on full-time basis;
 - designation in an acting capacity or as Officer-in-Charge (OIC)

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Designation

- designation in an **acting capacity** - ministerial functions attached to the position but also the exercise of discretion since the person designated is deemed to be the incumbent of the position
- officials designated as **officer-in-charge** - enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities

RULE V

Probationary Period



Probationary period - period of actual service following the issuance of a permanent appointment wherein the appointee undergoes a **thorough character investigation** and **assessment of capability** to perform the duties of the position enumerated in the Position Description Form (PDF).

RULE V

Probationary Period



Coverage

- Those who are issued **original appointments** under **permanent status** in the career service and who meet all the requirements of the positions
- **Non-career service employees who are reappointed/reemployed to a career position under permanent status**

RULE V

Probationary Period



- Temporary appointees who after meeting the eligibility requirements for a permanent appointment in the career service are reappointed (change of status to permanent)
- Those who are reemployed under permanent status
- First-time appointees to closed career positions (faculty and academic staff in state universities and colleges/local colleges and universities, Scientists), unless otherwise provided under the agency Charter

Exempt from probationary period:

- Teachers who, prior to issuance of permanent appointments, **have acquired adequate training and professional preparation** in any school recognized by the government, and possess the appropriate civil service eligibility pursuant to Section 4 of Republic Act No. 4670
- **First-time appointees to closed career positions** in SUCs, and scientific and research institutions if so provided under their agency Charters
- Appointees to positions exempted from the probationary period as may be provided by law.

RULE V

Probationary Period



Reasons for Termination of a Probationary Appointee

- Unsatisfactory performance or want of capacity
- Failure of the appointee to observe propriety in his/her acts, behavior and human/public relations
- Habitual tardiness or absenteeism
- Critical factors based on SPMS
- Unsatisfactory Conduct or Behavior
- Neglect of Duty
- Insubordination

RULE VI

Effectivity and Submission of Appointments



If the appointee has taken his/her oath of office and assumed the duties of the position, **he/she shall be entitled to receive his/her salary at once without awaiting the approval/validation of his/her appointment by the Commission. The appointment shall remain effective until disapproved/invalidated by the Commission.**

RULE VI

Effectivity and Submission of Appointments



If the appointee is not allowed to assume office despite his/her receipt of the appointment, or submission thereof to the Commission for approval, the official/s or employee/s **who caused the non-assumption** of the appointee **shall be held administratively liable therefor.**

RULE VI

Effectivity and Submission of Appointments



Services rendered without an appointment

- **Not credited as government service**
- **Not recognized by the Commission**
- **Payment of salaries and other benefits = personal liability of the person who made him/her assume office**

RULE VII

Publication and Posting of Vacant Positions



Vacant positions in the career service shall be published and posted **in three (3) conspicuous places for a period of at least ten (10) calendar days for NGAs, SUCs and GOCCs** with original charters in accordance with the provisions of **RA No. 7041** and its implementing guidelines, and **not less than fifteen (15) calendar days for local government units** pursuant to Section 80(a), Title Three, Book I of **RA No. 7160**.

RULE VII

Publication and Posting of Vacant Positions



Effect of Incorrect Information in the Publication

Any incorrect information in the publication of vacant positions, i.e. item number, position title, qualification standards shall be a *ground for the disapproval/invalidation of appointments*

RULE VII

Publication and Posting of Vacant Positions



Positions Exempt From Publication and Posting

- a. Primarily confidential;
- b. Policy-determining;
- c. Highly technical which includes the faculty and academic staff of state/local colleges and universities, and scientific and technical positions in scientific and research institutions with established merit systems;

RULE VII

Publication and Posting of Vacant Positions



Positions Exempt From Publication and Posting

- d. Coterminous with that of the appointing officer/authority, including other non-career positions such as contractual and casual as identified under Section 9, Subtitle A, Title I, Book V of EO No. 292;
- e. Reappointment (change of status to permanent) of those appointed on temporary status for Category II positions under CSC MC No. 11, s. 1996 , as amended; or

RULE VII

Publication and Posting of Vacant Positions



Positions Exempt From Publication and Posting

f. Those to be filled by existing regular employees in the agency in case of reorganization/rationalization; provided, the approved staffing pattern is posted in the agency bulletin boards and other conspicuous places in its central and regional/field offices.

RULE VII

Publication and Posting of Vacant Positions



Validity of Publication

- **Valid until filled** up but not to extend beyond nine (9) months from date of publication
- Should no appointment be issued within the 9-month period, the agency has to cause the re-publication and re-posting of the vacant position.

RULE VII

Publication and Posting of Vacant Positions



ANTICIPATED VACANCIES

- Allowed only to agencies with **SUCCESSION PLAN**.

Exceptions:

- Anticipated vacancies due to **RETIREMENT, RESIGNATION, OR TRANSFER** but the publication should be made not earlier than sixty (60) days prior thereto.

RULE VIII

Qualification Standards



Qualification Standards

The qualification standards are the **minimum and basic requirements for positions in the government in terms of education, training, experience, Civil Service eligibility, physical fitness and other qualities** required for successful performance of the duties of the position. These shall serve as the **basic guide in the selection of the employees and in the evaluation of appointments to all positions in the government.**

RULE VIII

Qualification Standards



Qualification Standards

- Agencies are **encouraged to set specific or higher standards for their positions**, including the required competencies.
- These standards shall be submitted to the Commission for approval, and once approved, the agency shall uniformly and consistently adopt these in the selection and appointment of employees

RULE VIII

Qualification Standards



Establishment of QS for all positions

- For all positions in the Index of Occupational Services (IOS), Position Titles and Salary grades
- Positions subsequently created and approved in accordance with existing laws, policies, rules and regulations
- QS established and approved by the Commission for positions in particular sector may be adopted for the same position titles in other government sectors without the need for prior approval of the CSC*

* Agencies shall inform the Commission that they are adopting the CSC-approved QS

RULE VIII

Qualification Standards



Establishment of QS for unique positions

- All agency positions should be included in the approved QS Manual of the agency
- Unique positions should have a QS approved/confirmed by the Commission

Appointment to positions without approved QS shall be disapproved/invalidated

RULE VIII

Qualification Standards



QS by Special Law

- QS for certain positions prescribed by a special law shall prevail
- QS for department head and assistant department head positions (mandatory or optional) in LGUs, considered as executive/managerial positions and for newly-created department head and assistant department head positions shall be equivalent or comparable to those prescribed by RA No. 7160

RULE VIII

Qualification Standards



QS for Career Positions

- Must meet the **Education, Training, Experience, Eligibility** and **Competency** requirements prescribed in the QS Manual or CSC approved agency QS
- QS for positions, which may include competencies (knowledge, skills and attitudes) shall be established based on the set of duties and responsibilities indicated in the Position Description Form

RULE VIII

Qualification Standards



QS for Non-Career Positions

- Appointees to casual, contractual, and coterminous positions that are **not** primarily confidential **must meet the education, training, and experience** requirements of the position as proposed by agency heads and approved by the CSC
- Pending submission and approval of agency QS, the qualification requirements under the CSC QS Manual shall be used as bases in the attestation
- **Eligibility is not required** but PREFERENCE should be given to CS eligible. HOWEVER, for **practice of profession** regulated by the BAR or Board or requiring licenses, the corresponding **license/certificate of registration** shall be required

RULE VIII

Qualification Standards



Appointees to primarily confidential positions exempt from QS

Appointees to primarily confidential/personal staff positions are **exempt from QS**

EXCEPT

- those whose duties involve the practice of profession regulated by the BAR/Board laws and/or require licenses
- those specifically required by a special law, e.g. (Provincial/City/Municipal Administrator, Information Officer)

RULE VIII

Qualification Standards



Reappointment of incumbents under permanent status under reorganization

Considered as having met the qualification standards for the position

RULE VIII

Qualification Standards



EDUCATION

Refers to the **formal** or **non-formal** academic, technical or vocational studies that will enable the candidate to successfully perform the duties and responsibilities indicated in the Position Description Form of the position to be filled.

RULE VIII

Qualification Standards



Education

Non-Formal Education

Certificates of completion of non-formal education issued by the **Department of Education** shall be considered **valid documents for appointment** to positions requiring completion of elementary or high school education, provided, that other requirements of the positions are met.

RULE VIII

Qualification Standards



Education

Degree Obtained From Foreign Schools

Certification issued by **CHED** that a **degree obtained from foreign schools is equivalent to a bachelor's or master's degree** shall be considered valid document for meeting the education requirement for positions requiring completion of a bachelor's or master's degree

RULE VIII

Qualification Standards



Education

Determination of Relevancy of Bachelor's Degree

- Appointee must complete a bachelor's degree from a CHED-recognized college or university
- Supplemented by **12 academic units** of the subject or course

RULE VIII

Qualification Standards



Education

Education Requirement for Division Chief and Executive/Managerial positions

- Graduate of Master's degree
- Certificate of Leadership and Management (C-Pro)

RULE VIII

Qualification Standards



Education

**Considered to have met the Master's Degree
for appointment to Division Chief/Managerial Positions**

- Completion of Bachelor of Laws or Doctor of Medicine
(considered as appropriate education)
- **CES or CSE eligibles**
- **RA 1080 eligibles**
(involves practice of profession belonging to the same
occupational group or functionally related positions)

RULE VIII

Qualification Standards



Experience refers to the previous jobs in either the **government or private sector, whether full-time or part-time**, which, as certified by the Human Resource Management Officer or authorized officials of the previous employer, are functionally related to the duties in the PDF of the position to be filled.

RULE VIII

Qualification Standards



Experience

Relevant Experience Acquired through Job Order or Contract of Service

- May be considered relevant experience **provided covered by a contract or MOA**

Relevant Experience Acquired through Volunteer Work

Experience, on full time basis, as certified by the HRMO or authorized officials, may be considered relevant experience

QUALIFICATION STANDARDS SHOULD BE MET AT THE TIME OF THE ISSUANCE OF APPOINTMENT

RULE VIII

Qualification Standards



Experience

Acquired in First Level positions

- May be considered for meeting the experience requirement for second level positions when acquired in the same occupational group or functionally related positions

Relevant Experience Acquired through Designation

- covered by an Office or Memorandum Order
- Not a violation of the rules on designation

RULE VIII

Qualification Standards



Training

Learning & Development Interventions

Training refers to formal or non-formal training courses and HRD interventions such as coaching, mentoring, job rotation, seminars, workshops, and others that are part of the employee's Individual Development Plan/Career Development Plan.

- Continuous learning and development shall be espoused by the CSC
- **At least one planned HRD intervention for each employee should be ensured by agency head during the year.**

RULE VIII

Qualification Standards



Training

May be acquired from:

- CSC accredited learning and development institutions ;
- Government training institutions;
- Non-accredited private training institution offering training of highly technical/specialized nature;
- Local training institution that is internationally acclaimed for meeting the global standards of excellence in training;
- Institution recognized by Commission on Higher Education (CHED) as Center of Excellence (COE) or Development (COD);
- Foreign institution that offers training for scholarship purposes or for personal advancement of participants; or
- Other institutions that partner with the Civil Service Commission in building capabilities of civil servants.

RULE VIII

Qualification Standards



Training

The following are **not** considered for purposes of meeting the training requirement:

- Attendance to annual agency planning sessions/ workshops/ conferences as a requirement for operations
- Services rendered as facilitator/resource persons in seminars/ workshops/training

RULE VIII

Qualification Standards



Training

**Learning and Development/Training Requirement
for Executive/Managerial Positions in Second Level
(involves practice of profession)**

- **40 hours (MCLE) for BAR passers or (CPE/CPD)** for licensed professionals or trainings relevant to the practice of profession, AND
- **80 hours of management trainings TAKEN WITHIN THE LAST 5 YEARS** reckoned from the date of issuance of appointment (Sec. 68)

RULE VIII

Qualification Standards



Eligibility refers to the result of **passing a merit and fitness test** which may be determined as far as practicable by competitive examination, or based on highly technical qualifications or other tests of merit and fitness

RULE VIII

Qualification Standards



Eligibility

First Level Eligibility

- First level eligibilities are appropriate for appointment to positions in the **first level**.
- Do not apply to those covered by bar/board/special laws, and other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

RULE VIII

Qualification Standards



Eligibility

Second Level Eligibility

- **Second level eligibilities** are appropriate for appointment to positions in the second and first level.
- They do not apply to those covered by bar/board/ special laws, and other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

RULE VIII

Qualification Standards



Eligibility

Practice of Profession

Eligibilities resulting from passing the bar/board examinations **shall be required for appointment to positions the duties of which constitute the practice of profession(s)** regulated by the Philippine bar/board laws.

RULE VIII

Qualification Standards



Eligibility

Practice of Profession

Eligibilities resulting from passing the bar/board examinations which require **completion of at least a bachelor's degree** shall be considered **appropriate to positions for which the examination is given**, and to other **first and second level positions** not covered by bar/board/special laws

RULE VIII

Qualification Standards



Eligibility

Eligibilities resulting from passing the bar/board examinations which require **completion of less than a bachelor's degree** shall be considered **appropriate to positions for which the examination is given**, and to other **first level positions** not covered by bar/board/special laws or those that require licenses

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board



Role of the HRMPSB

- **HRMPSB** shall serve as the **recommending body** for appointment

The HRMPSB shall be primarily responsible for the judicious and objective selection of candidates for appointment in the agency in accordance with the approved Agency MSP and shall recommend to the appointing officer/authority the top five (5) ranking candidates deemed most qualified for appointment to the vacant position.

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board



Role of the HRMO in the HRMPSB

- MEMBER of the HRMPSB. **Shall not act as HRMPSB Secretariat.**
- **HRMO Office/Unit shall perform secretariat and technical support function to the HRMPSB.**
- **Agency head shall designate an employee from other units to act as Secretariat in case it has only 1 HRMO**

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board



Agency head

- Assess the merits of the HRMPSB recommendation for appointment
- Exercise sound discretion
- Select from among the top five ranking applicants deemed most qualified for appointment
- may appoint an applicant who is ranked higher than those next-in-rank to the vacant position based on the assessment of qualifications/competence evidenced by the comparative ranking

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board

HRMPSB Membership

- Agency head shall, as far as practicable, ensure equal representation of men and women for all levels of positions
- Membership can be modified, provided it conforms with the prescribed composition; cannot be minimized
- Change in composition should be reported to CSC
- For LGUs, the same composition should be followed; should not be composed entirely of the members of the local sanggunian

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board

Ratings Considered for Promotion

- At least **Very Satisfactory performance rating for one year in the present position** before being considered for promotion. (Sec. 95)

Filling up of vacancies resulting from promotion

- Not to be filled until the promotional appointments have been approved/validated by the CSC, except in meritorious cases as may be authorized by the Commission

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board

3 Salary Grade Limitation for Promotion

As a general rule

- An employee may be promoted to a position which is not more than 3 salary, pay or job grades higher than the employee's present position

The limitation apply only to promotion within the agency.

The prohibition shall not apply in the following cases:

- Transfer incidental to promotion provided that the appointee is subjected to deep selection
- Reappointment involving promotion from non-career to career provided that the appointee was subjected to deep selection
- Reappointment from career to non-career position
- Reemployment
- Reclassification of position

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board

Appointments issued in violation of the 3-salary grade rule shall be disapproved/invalidated, except:

- The position occupied by the person is next-in-rank to the vacant position as identified in the MSP and SRP of the agency
- The vacant position is a lone or entrance position
- The vacant position is hard to fill
- The vacant position is unique and highly specialized
- The candidates passed through a deep selection process, taking into account superior qualifications
- The vacant position belongs to the closed career system

RULE IX

Agency Merit Selection Plan and Human Resource Merit Promotion and Selection Board

Appointments issued in violation of the 3-salary grade rule shall be disapproved/invalidated, except:

Other Meritorious Cases

- Appointee is a lone applicant who meets all the requirements of the position and passed through a deep selection process
- Qualified next-in-rank waived their right in writing
- The next in rank position is vacant
- Next in rank employee/s is/are not qualified
- Qualified next-in-rank did not apply

RULE X

Certain Modes of Separation – Documents Required for Record Purposes

Resignation

Complete and operative resignation

(DTI vs. Singun, G.R. No. 149356, March 14, 2008)

- Written intention to relinquish;
- Acceptance by the appointing authority/ officer;
and
- Written notice of such acceptance duly served to
the official or employee concerned.

RULE X

Certain Modes of Separation – Documents Required for Record Purposes

Resignation

- Complete and operative resignation not acted after the lapse of 30-day period (*DTI vs. Singun*)
- Revocable until accepted
- Restoration to former position not automatic in case of withdrawal once resignation is deemed complete and operative
- Proof of notice of the acceptance of resignation to the employee to be submitted

RULE X

Certain Modes of Separation – Documents Required for Record Purposes

Resignation

- An official or employee under investigation, except those prohibited by law, may be allowed to resign pending decision of his/her case without prejudice to the continuation of the proceedings until finally terminated.
- Section 12, R.A. No. 3019 (Anti-Graft and Corrupt Practices Act):

“Section 12. Termination of office. No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him, for any offense under this Act or under the provisions of the Revised Penal Code on bribery.”

RULE X

Certain Modes of Separation – Documents Required for Record Purposes

Dismissal

- **Report on Database of Individuals Barred From Taking Civil Service Examinations and from Entering Government Service (DIBAR)**, together with a certified true copy of the decision rendered which has become executory, shall be submitted to the CSC Field Office within thirty (30) calendar days from the date of dismissal, for record purposes.

Dropping from the Rolls

- This rule was deleted in the 2017 ORAOHRA since it was transferred to the 2017 RAGCCS

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments



Grounds for Disapproval/Invalidation of Appointments

- a. The appointee does not meet the QS
- b. The appointee has been dismissed for cause as enumerated in Section 50 (A), Rule 10 of the 2017 RACCS or has been found guilty of a crime where perpetual/temporary disqualification from appointment is attached to the penalty thereof, unless an executive clemency has been granted
- c. The appointee has intentionally practiced or attempted to practice any deception or fraud in connection with his/her appointment

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

Grounds for the Recall of Disapproval/Invalidation of Appointments

- d. The appointment has been issued in violation of the CSC-approved Merit Selection Plan.

- e. The contractual/casual appointment has been issued to fill a vacant position in the plantilla of personnel or the contractual/casual appointee will perform the duties and responsibilities of the vacant position; or

- f. The appointment has been issued in violation of existing Civil Service Law, rules and regulations, the Board/Bar, Local Government Code of 1991 (RA No.7160), Publication Law (RA No.7041), the Omnibus Election Code (BP Blg. 881, as amended) and other pertinent laws

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

If the appointment is disapproved/invalidated on grounds which do not constitute a violation of pertinent laws, the same is considered effective until the disapproval/invalidation is affirmed by the CSCRO or the Commission.

The services rendered shall be credited as government services and the appointee shall be entitled to the payment of salaries from the government as a de facto officer.

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

- An appointment which is disapproved/invalidated on grounds that constitute a violation of pertinent laws may be appealed and the appointee may continue to render services. In the event the disapproval/invalidation is affirmed by the Commission, it **becomes executory.**

The services rendered shall not be credited as government service and the appointing authority/officer shall be personally liable for the payment of salaries.

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

- The appointing officer/authority shall be **personally liable for the salary** of an appointee paid after the CSC has finally disapproved/invalidated the appointment.
- An employee whose promotional appointment is disapproved/ invalidated shall be **reverted to his/her former position.**

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

Appointments issued after an election up to June 30 by outgoing elective appointing officer/authority shall be disapproved/invalidated, unless the following requisites are met:

- **Appointee meets the minimum QS**
- **The appointee has undergone HRMPSB screening prior to the election ban**
- **There is urgent need for the issuance of the appointment so as not to prejudice public service or endanger public safety**
- **CS law, rules and regulations and special laws on the issuance of appointments are followed**

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

Appointments issued after a presidential election up to June 30 by an appointive appointing officer/authority coterminous with the President shall be disapproved/invalidated, unless the following requisites are met:

- **Appointee meets the minimum QS**
- **The appointee has undergone HRMPSB screening prior to the election ban**
- **There is urgent need for the issuance of the appointment so as not to prejudice public service or endanger public safety**
- **CS law, rules and regulations and special laws on the issuance of appointments are followed**

RULE XI

Disapproval/Invalidation and Recall of Approval/Validation of Appointments

Reappointment (renewal) by outgoing appointing officer after the elections or before June 30 of an election year

If in the **exigency of the service**, the outgoing appointing officer, whether elective or appointive, opts to **reappoint temporary, casual and/or contractual employees or appoint/reappoint substitute teachers**, during reorganization, **after the election or before June 30** of an election year, **prior authority** must be obtained from the **concerned CSCRO**, otherwise such appointments shall be **disapproved/invalidated**

RULE XII

Prohibitions

- No appointive official shall hold any other office or employment in the government unless otherwise allowed by law or by the primary functions of his/her position.
- No elective official shall be eligible for appointment in any capacity to any public office or position during his/her tenure.
- No elective or appointive public officer or employee shall receive additional, double or indirect compensation, unless specifically authorized by law, nor accept without the consent of Congress, any present, emolument, office or title of any kind from any foreign government.

RULE XII

Prohibitions

- A person who lost in an election, **except Barangay election**, shall not be eligible for appointment or reemployment to any office in the government or government-owned or controlled corporation **1 year after election**.
- A person holding a public appointive office or position, including active members of the armed forces, shall be considered resigned from his/her office upon filing of the certificate of candidacy. This prohibition extends to private citizens appointed as board members in public offices representing the private sector.

RULE XII

Prohibitions

An employee who **resigned from the government service** during the three (3)-month period before any election to promote the candidacy of another **shall not be reemployed during the six-month period** following such election.

RULE XII

Prohibitions

No officer or employee in the civil service including the members of the Armed Forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he/she use his/her official authority or influence to coerce the political activity of any person or body. Nothing herein provided shall be understood to prevent any officer from expressing his/her views on current political problems or issues, or from mentioning the name of candidates for public office whom he/she supports.

RULE XII

Prohibitions

Rules on Nepotism, Exemptions

No appointment shall be made in favor of a relative of the appointing or recommending officer/authority, or of the chief of the bureau or office or of the person exercising immediate supervision over the appointee (**within the 3rd degree either of consanguinity or of affinity**)

**Nepotism covers all kinds of appointments
REGARDLESS OF STATUS including casual,
contractual and coterminous BUT ARE NOT
PRIMARYLY CONFIDENTIAL**

The Rule on Nepotism applies to DESIGNATION

RULE XII

Prohibitions

- Prohibition on appointment in the career service extends to relatives of Appointing or Recommending (A/R) officer/authority with the **4th civil degree of consanguinity or affinity.**
- However, in the non-career service the prohibition extends to the 3rd degree relatives of consanguinity or affinity of appointing or recommending officer

RULE XII

Prohibitions

Exempted from Nepotism

- a. persons employed in a confidential capacity
- b. teachers
- c. physicians
- d. members of the Armed Forces of the Philippines
- e. science and technology personnel under RA No. 8439
- f. other positions as may be provided by law

RULE XII

Prohibitions

Other Prohibited Acts

- Withdrawal or revocation of an appointment already accepted by an appointee
- Appointment or reemployment of a person perpetually dismissed from the service unless he/she has been granted executive clemency by the President of the Philippines upon recommendation of the Commission
- Promotion within six months prior to compulsory retirement, except otherwise provided by law
- Transfer of heads of oversight agencies and their staff or being appointed to any position in the agency of assignment within one year after termination of assignment or designation
- Non-career to perform the duties belonging to career positions
- Consultant, contractual, non-career or detailed employee designated to positions exercising control or supervision over regular and career employees, except as may be provided by law

RULE XII

Prohibitions

Extension of Service

For those who will complete the 15 years for retirement under GSIS Law:

Maximum period of two (2) years may be allowed to complete the fifteen (15) years of service required under the GSIS Law

RULE XII

Prohibitions

Extension of Service

The only basis for Heads of Offices to allow an employee to continue rendering service after his/her 65th birthday is a CSC Resolution granting the request for extension

RULE XII

Prohibitions

Rule on Dual Citizenship

- Person with dual citizenship shall not be appointed in the government unless he/she renounces his/her foreign citizenship

This rule shall not apply to Filipino citizen whose foreign citizenship was acquired by birth.

RULE XII

Prohibitions

Appointment to public office of those naturalized to another country

- cannot be extended to those who are candidates for or are occupying any public office in the country of which they are naturalized citizen and/or in active service as commissioned or non-commissioned officers in the armed forces of the country of which they are naturalized citizens

Question and Answer





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