Republic of the Philippines
CIVIL SERVICE COMMISSION

Updates on Recent CSC Issuances

Presented by:

Atty. ARIEL G. RONQUILLO

Assistant Commissioner

Civil Service Commission

PAGBA
PHILIPPINE ASSN. FOR GOV'T BUDGET ADMINISTRATION INC. • MANILA •

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GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Overview

a. Revised Rules on the Administrative Offense of Dishonesty

b. Revised Sexual Harassment Rules

c. Policies on the Flexible Work Arrangement in the Government

d. Policy on Employment in the Government Service of Filipino Citizens with Dual Citizenship

e. Relevant Jurisprudence

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

CSC Resolution No. 2100079 dated January 27, 2021

*"**WHEREFORE**, the Commission hereby **RESOLVES** to **PROMULGATE** the following revised rule in classifying the administrative offense of Dishonesty:*

Section 1. Definition of Terms.

a. Dishonesty – refers to 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. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his /her state of mind at the time the offense was committed, the time he/she might have had at his/her disposal for the purpose of meditating on the consequences of his/her act, and the degree of reasoning he/she could have had at that moment. [1]

[1] Wooden vs. Civil Service Commission, 471 SCRA 512.

CSC Resolution No. 2100079 dated January 27, 2021

Section 1. Definition of Terms.

b. **Grave Abuse of Authority –** means the use of authority in a wantonly and capriciously excessive and extravagant manner contrary to law or rule for which such authority is given.

c. **Accountable Officer –** refers to a public officer or employee who, in the discharge of his/her office, receives money, property or accountable forms from the government which he/she is bound to later account for.

d. **Moral Depravity –** refers to an act that is inherently immoral or of innate repulsiveness as to reflect the respondent's total lack of morals and values.

CSC Resolution No. 2100079 dated January 27, 2021

Section 2. Classification of Dishonesty and their Corresponding Penalties.

a. **Serious Dishonesty –** punishable by dismissal from the service.

b. **Less Serious Dishonesty –** punishable by suspension from the government service for a period of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.

c. **Simple Dishonesty –** punishable by suspension from the government service for a period of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year suspension for the second offense; and dismissal from the service for the third offense.

CSC Resolution No. 2100079 dated January 27, 2021

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

The presence of any one of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Serious Dishonesty:

a. The dishonest act caused serious damage and grave prejudice to the government such as when the integrity of the office is tarnished, or the operations of the office are affected.

b. The respondent gravely abused his/her authority in order to commit the dishonest act.

CSC Resolution No. 2100079 dated January 27, 2021

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he/she is directly accountable and the respondent shows an intent to commit material gain, graft and corruption.

d. The dishonest act exhibits moral depravity on the part of the respondent whether or not said act was committed in the performance of his/her duties.

CSC Resolution No. 2100079 dated January 27, 2021

Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

e. 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.

f. The dishonest act relates to the respondent's employment such as but not limited to misrepresentation on his/her qualifications as to education, experience, training and eligibility in order to qualify for a particular position, and/or the submission of fake and/or spurious credentials.

g. Other analogous circumstances.

CSC Resolution No. 2100079 dated January 27, 2021

Section 4. Circumstances Constituting the Administrative Offense of Less Serious Dishonesty

a. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under Section 3 (a) of these Rules.

b. The dishonest act committed involves sums of money or government property and the respondent, who must not be an accountable officer as defined under these Rules, restitutes the same.

CSC Resolution No. 2100079 dated January 27, 2021

Section 4. Circumstances Constituting the Administrative Offense of Less Serious Dishonesty

c. The respondent took advantage of his/her position in committing the dishonest but not for personal gain or benefit;

d. The respondent did not take advantage of his/her position in committing the dishonest act but nonetheless resulted in his/her benefitting from such act.

e. Other analogous circumstances.

CSC Resolution No. 2100079 dated January 27, 2021

Section 5. Circumstances Constituting the Administrative Offense of Simple Dishonesty.

a. The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent, or that the same did not cause damage or prejudice to the government, subject to the condition that the dishonest act does not constitute moral depravity penalized under Section 3 (d) of these Rules.

b. In falsification of any official document, where the information falsified is not related to his/her employment, or when the falsification of official document did not cause damage or prejudice to the government, unless the dishonest act constitutes moral depravity as defined under these Rules.

CSC Resolution No. 2100079 dated January 27, 2021

Section 5. Circumstances Constituting the Administrative Offense of Simple Dishonesty.

c. The respondent did not take advantage of his/her position in committing the dishonest act, and that, such dishonest act did not result in any personal gain or benefit nor caused damage and prejudice to the government.

d. Other analogous circumstances.

CSC Resolution No. 2100079 dated January 27, 2021

Section 6. Appreciation of Mitigating and Aggravating Circumstances.

Except for Serious Dishonesty which is punishable by dismissal from the service, the circumstances mentioned under Section 53, Rule 10, 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) may be appreciated as either mitigating or aggravating circumstances in the determination of the penalties to be imposed. In the appreciation thereof, the same must be invoked or pleaded by the respondent, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The disciplining authority, however, in the interest of substantial justice, may take and consider such circumstances *motu proprio*.

CSC Resolution No. 2100079 dated January 27, 2021

Section 7. Manner of Imposition of Penalty.

When applicable, the imposition of the penalty shall be made in accordance with the manner provided under Section 54, Rule 10, 2017 RACCS, thus:

a. The **minimum** of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.

b. The **medium** of the penalty shall be imposed where no mitigating and aggravating circumstances are present.

c. The **maximum** of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

CSC Resolution No. 2100079 dated January 27, 2021

Section 7. Manner of Imposition of Penalty.

Where aggravating and mitigating circumstances are present, paragraph (a) shall be applied when there are more mitigating circumstances present; paragraph (b) shall be applied when the circumstances equally offset each other; and paragraph (c) shall be applied when there are more aggravating circumstances.

The following divisible penalties shall have their medium range of penalty, to wit:

a) Penalty of suspension ranging from one (1) month and one (1) day to six (6) months shall have three (3) months as its medium penalty; and

b) Penalty of suspension ranging from six (6) months and one (1) day to one (1) year shall have nine (9) months as its medium penalty.

CSC Resolution No. 2100079 dated January 27, 2021

Section 8. Imposition of Accessory Penalties.

a. The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.

   Terminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Service (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

b. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.

CSC Resolution No. 2100079 dated January 27, 2021

Section 9. When a respondent is found liable under Section 5(b) of these Rules, he/she can no longer be formally charged with the offense of Falsification of Official Document under Section 50(A)(6), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service.

Section 10. When the falsification of official document facilitated or was a necessary means for the commission of the dishonest act, the person complained of shall be formally charged only with the administrative offense of Dishonesty, whether it be Serious, Less Serious, or Simple, depending on the attendant circumstances, as the act of falsification is already subsumed in the offense of Dishonesty.

CSC Resolution No. 2100079 dated January 27, 2021

Section 11. Repealing Clause.

These Rules expressly repeal CSC Resolution No. 060538 dated April 4, 2006. Any other previous issuances of the Commission that are in conflict with these Rules are deemed repealed accordingly.

Section 12. Effectivity.

These Rules shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

CSC Decisions and Supreme Court Jurisprudence

LOQUINARIO, Roberto
BARRANDA, Jessie B.
Re: Serious Dishonesty;
Falsification of Official Document
(CSC Decision No. 200053 dated 21 January 2020)

FACTS:

Roberto Loquinario (Loquinario) Broadcast Production Supervisor and Jessie Barranda (Barranda), Broadcast Operation Technician III, are both regular employees of DWRB-Radyo ng Bayan Naga.

On 30 May 2019, at around 4:40 in the afternoon, Loquinario requested Barranda to punch out his (Loquinario) Daily Time Records (DTR) at 5:00 pm and sign on the Daily Attendance Registry/Sheet, as the former's official time out. Thereafter, Barranda acceded.

However, said request of Loquinario was overheard by Jane B. Betito (Betitio), Broadcast Program Producer Announcer II, who later on filed a complaint against Loquinario and Barranda for Serious Dishonesty and Falsification of Official Document.

In his Comment, Loquinario denied the allegation and claimed that on said date, his wife called and informed him that their son was vomiting and getting weak, hence, she pleaded him to go home immediately so they could bring their son to the hospital. Because of the situation he was faced, he was impelled to hurriedly leave ahead of his 5:00 pm time out and appealed to Barranda to punch-out the former's DTR at 5:00 p.m., the same time that the he will leave the office.

On the other hand, Barranda claimed that when Loquinario made the request, it was already 4:56 pm or 4 minutes away from 5:00 pm. Also, it was the first time that he agreed to punch out someone else’s DTR because of an emergency situation, hence, he obliged.

On 10 August 2018, the Civil Service Commission Regional Office (CSC RO V), issued Decision No. 180104 finding both Loquinario and Barranda guilty of Serious Dishonesty and Falsification of Official Document and meted upon them the penalty of Dismissal from the Service with all its accessory penalties. They filed a Motion for Reconsideration which was also denied in Resolution No. 1800313 dated 12 October 2018.

ISSUE:

Whether there is substantial evidence to hold Loquinario and Barranda guilty of Serious Dishonesty and Falsification of Official Document.

RULING:

While the act of Loquinario in asking somebody to punch out his DTR and log his time out in the Daily Attendance Registry/Sheet at 5:00 p.m., where in fact he is already out of the office, constitutes a dishonest act.

However, under the Rules on the Administrative Offense of Dishonesty (CSC Resolution No. 060538 dated 4 April 2006), **while the said dishonest act of Loquinario and Barranda caused damage and prejudice to the government, it was not considered as not so serious**. In fact, Loquinario was able to present a medical certificate to prove that indeed his son was confined at the hospital on 30 May to 3 June 2016 due to Acute Gastroenteritis and Moderate Dehydration.

Moreover, Commission recognized the need to provide a classification for the offense of Dishonesty in order to impose the corresponding penalty based on the circumstances of the case. **It is acknowledged that some acts of Dishonesty are not constitutive of an offense so grave to warrant the imposition of the penalty of dismissal from the service. The Commission also considered family circumstances, feeling remorse and acknowledgment of infractions, and the mitigating circumstances of first offense in favor of Loquinario and Barranda. Furthermore, substantial evidence for Falsification of Official Document was not established, hence, they were only found guilty of Less Serious Dishonesty with a minimum penalty of six (6) months and one (1) day suspension.**

ESTELITO V. REMOLONA v. CIVIL SERVICE COMMISSION (G.R. No. 137473, August 2, 2002)

FACTS:

The petition seeks to review and set aside the Decision rendered by the Court of Appeals dated July 31, 1998, upholding the decision of the Civil Service Commission (CSC) which ordered the dismissal of petitioner Estelito V. Remolona (Remolona) from government service for dishonesty, and the Resolution dated February 5, 1999, denying petitioner's motion for reconsideration.

Records show that petitioner Estelito V. Remolona is the Postmaster at the Postal Office Service in Infanta, Quezon, while his wife Nery Remolona is a teacher at the Kiborosa Elementary School.

In a letter dated January 3, 1991, Francisco R. America, District Supervisor of the Department of Education, Culture & Sports at Infanta, Quezon, inquired from the CSC as to the status of the civil service eligibility of Mrs. Remolona who purportedly got a rating of 81.25% as per Report of Rating issued by the National Board for Teachers.

Verification from the Register of Eligibles in the CSC RO IV Office for Central Personnel Records revealed that Remolona's name is not in the list of passing and failing examinees, and that the list of examinees for December 10, 1989 does not include the name of Remolona. Furthermore, Examination No. 061285 as indicated in her report of rating belongs to a certain Marlou C. Madelo, who took the examination in Cagayan de Oro and got a rating of 65.00%.

During the preliminary investigation conducted by the CSC FO-Quezon, Remolona admitted that he was responsible for acquiring the alleged fake eligibility, that his wife has no knowledge thereof, and that he did it because he wanted them to be together. Based on the foregoing, the CSC FO-Quezon recommended the filing of the appropriate administrative action against Remolona but absolved Mrs. Nery Remolona from any liability since it has not been shown that she willfully participated in the commission of the offense.

Consequently, a Formal Charge was filed against petitioner Remolona and Nery C. Remolona for possession of fake eligibility, falsification, and dishonesty. A formal hearing ensued wherein the parties presented their respective evidence. Thereafter, the CSC RO IV recommended that the spouses Estelito and Nery Remolona be found guilty as charged and be meted the corresponding penalty. Said recommendation was adopted by the CSC which issued Resolution No. 95-2908 on April 20, 1995, finding the spouses Estelito and Nery Remolona guilty of dishonesty and imposing the penalty of dismissal and all its accessory penalties. However, in its Resolution dated August 27, 1996, the CSC, acting on the motion for reconsideration filed by the spouses Remolona, absolved Nery Remolona from liability and held that there is no evidence to show that she has used the fake eligibility to support an appointment or promotion. Nery Remolona did not indicate in her Personal Data Sheet that she possesses any eligibility.

On appeal, the Court of Appeals dismissed the petition for review filed by petitioner Remolona. His motion for reconsideration and/or new trial was likewise denied. Aggrieved, petitioner Remolona filed a petition for review before the Supreme Court.

ISSUE:

Whether a civil service employee can be dismissed from the government service for an offense which is not work-related or which is not connected with the performance of his official duty.

RULING :

Remolona insists that his dismissal is a violation of his right to due process under Section 2(3), Article XI (B) of the Constitution which provides that “no officer or employee in the Civil Service shall be removed or suspended except for cause.” Although the offense of dishonesty is punishable under the Civil Service law, Remolona opines that such act must have been committed in the performance of his function and duty as Postmaster. Considering that the charge of dishonesty involves the falsification of the certificate of rating of his wife Nery Remolona, the same has no bearing on his office and hence, he is deemed not to have been dismissed for cause. This proposition is untenable.

It cannot be denied that dishonesty is considered a grave offense punishable by dismissal for the first offense under Section 23, Rule XIV of the Rules Implementing Book V of Executive Order No. 292. And **the rule is that dishonesty, in order to warrant dismissal, need not be committed in the course of the performance of duty by the person charged. The rationale for the rule is that if a government officer or employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his office, they affect his right to continue in office**.

The Government cannot tolerate in its service a dishonest official, even if he performs his duties correctly and well, because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellow men, even against offices and entities of the government other than the office where he is employed; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave misconduct, oppression and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations. The private life of an employee cannot be segregated from his public life. **Dishonesty inevitably reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service.**

The principle is that when an officer or employee is disciplined, the object sought is not the punishment of such officer or employee but the improvement of the public service and the preservation of the public’s faith and confidence in the government

We likewise find no merit in the contention of Remolona that the penalty of dismissal is too harsh considering that there was no damage caused to the government since the certificate of rating was never used to get an appointment for his wife, Nery Remolona. Although no pecuniary damage was incurred by the government, there was still falsification of an official document that constitutes gross dishonesty which cannot be countenanced, considering that he was an accountable officer and occupied a sensitive position. The Code of Conduct and Ethical Standards for Public Officials and Employees enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service.

WHEREFORE, the decision appealed from is hereby **AFFIRMED** in toto.

ANGELICA A. FAJARDO v. MARIO J. CORRAL
(G.R. No. 212641, July 05, 2017)

FACTS:

This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, which seeks to annul and set aside the Decision dated September 16, 2013, and Resolution dated May 9, 2014 of the Court of Appeals (CA).

Respondent Mario J. Corral (Corral), Officer-in-Charge (OIC) Manager of the Treasury Department of the Philippine Charity Sweepstakes Office (PCSO), filed a Complaint-Affidavit against petitioner Angelica Fajardo (Fajardo) for Serious Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of Service before the Office of the Ombudsman (Ombudsman).

Fajardo was designated as OIC, Division Chief III, Prize Payment (Teller) Division of the Treasury Department of the PCSO. Her duties included instituting procedures in actual payment of prizes, conducting periodic check-up, actual counting of paid winning tickets, and requisitioning of cash for distribution to paying tellers. She was also authorized to draw cash advance of Php3,000,000.00. For such accountability, Fajardo was bonded with the Bureau of Treasury for Php1,500,000.00. In line with her duties, she was issued a vault, which she alone has access to as she held its key and knew the combination to open the same, to keep the money and documents in her custody.

On November 13, 2008, a team from the PCSO Internal Audit Department (IAD) conducted a spot audit on Fajardo's cash and cash items. The team discovered that Fajardo had a shortage of Php218,461.00. After such audit, Fajardo did not report for work, so said team of auditors sealed her vault on November 17, 2008 and her steel cabinet on November 28, 2008.

Corral required Fajardo to report for work, to explain her shortage during the audit, and to be physically present in the opening of her vault. Fajardo requested an additional five working days within which to report back to work, but she failed to do the same despite the lapse of such extended period.

On January 8, 2009, another cash count was conducted, upon recommendation of the Commission on Audit (COA). Said audit was held in the presence of Fajardo and representatives from IAD and COA. During the said cash count, it was discovered that cash worth Php1,621,476.00 and checks worth Php37,513.00 were missing. As such, Fajardo had a total shortage of Php1,877,450.00. It was also discovered that there were undetermined number of paid winning sweepstakes tickets amounting to Php1,024,870.00 dating back from 2004, which were not processed for liquidation/replenishment.

Five days thereafter or on January 13, 2009, a letter was issued to Fajardo, which ordered her to immediately produce the missing funds and to explain such shortage. However, Fajardo failed to account and to produce the missing funds, and to give a reasonable excuse for such shortage.

In a letter dated January 27, 2009, Fajardo admitted her mistake. She offered to settle her accountability by waiving all her rights to bonuses and monetary benefits for 2008 and paying Php300,000.00. In her letter, Fajardo did not question the regularity of the conduct of spot audits.

In a Decision dated September 1, 2010, the Ombudsman found Fajardo guilty of Serious Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of Service. Fajardo filed a motion for reconsideration, which was denied in an Order dated March 16, 2011. Aggrieved, Fajardo filed a Petition for Review before the CA.

In a Decision dated September 16, 2013, the CA dismissed said petition and affirmed the ruling of the Ombudsman. Fajardo filed a Motion for Reconsideration, which was denied by the CA in a Resolution dated May 9, 2014. Hence, this petition for review before the Supreme Court.

ISSUE:

Whether Fajardo is guilty of Serious Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.

RULING:

The Court finds no reason to deviate from the factual findings of both the Ombudsman and the CA.

In the case at bar, it is established that Fajardo, entrusted with the funds of PCSO, failed to account for cash and cash items in the amount of Php1,877,450.00 and paid winning sweepstakes tickets in the amount of Php1,024,870.00. When she was asked to expound on such shortage, she offered no satisfactory explanation for the same.

The evidence presented were the two Certifications and Demands (Cash and Examination Count Sheet) which were signed by Fajardo, stating the shortage of funds on her account. It is undisputed that Fajardo offered no explanation for such shortage of funds when demand was made and admitted her accountability in a Letter dated January 27, 2009.

Fajardo was charged with serious dishonesty, grave misconduct and conduct prejudicial to the best interest of service.

Fajardo was charged with *serious dishonesty*, which necessarily entails the presence of any one of the following circumstances:

> *"**(3) 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;**"*

Clearly, **Fajardo's acts constitute serious dishonesty for her dishonest act deals with money on her account; and that her failure to account for the shortage showed an intent to commit material gain, graft and corruption. Evidence of misappropriation of the missing funds is not required because the existence of shortage of funds and the failure to satisfactorily explain the same would suffice**.

Grave misconduct was committed when Fajardo failed to keep and account for cash and cash items in her custody. It must be noted that she was issued a vault by the PCSO and was bonded by the Bureau of Treasury for her to effectively carry out her duties and responsibilities. Yet, investigation conducted by the PCSO reveals that she failed to perform such duties when such funds on her account were reported missing. Her corrupt intention was evident on her failure to explain such missing funds despite reasonable opportunity to do the same.

Lastly, conduct prejudicial to the best interest of service was committed because the acts of Fajardo tarnished the image of PCSO, as the principal government agency for raising and providing funds for health programs, medical assistance and services, and charities of national character, considering that aside from the shortage of funds, unpaid winning tickets dated 2004 were also found in Fajardo's possession when she should have liquidated and replenished the same. The CA correctly held that the public would lose their trust to PCSO because of the reported misappropriation of funds, which are allotted as prizes

WHEREFORE, the instant petition is **DENIED**. Accordingly, the Decision dated September 16, 2013 and Resolution dated May 9, 2014 of the Court of Appeals in CA-G.R. SP No. 121180 are **AFFIRMED *in toto***.

LIGHT RAIL TRANSIT AUTHORITY v. SALVAÑA
(G.R. No. 192074, June 10, 2014)

FACTS:

On May 12, 2006, then Administrator of the Light Rail Transit Authority, Melquiades Robles, issued Office Order No. 119, series of 2006. The order revoked Atty. Aurora A. Salvaña's designation as Officer-in-Charge (OIC) of the LRTA Administrative Department. It "direct[ed] her instead to handle special projects and perform such other duties and functions as may be assigned to her" by the Administrator.

Atty. Salvaña was directed to comply with this office order through a memorandum issued on May 22, 2006 by Atty. Elmo Stephen P. Triste, the newly designated OIC of the administrative department. Instead of complying, Salvaña questioned the order with the Office of the President.

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Atty. Salvaña was directed to comply with this office order through a memorandum issued on May 22, 2006 by Atty. Elmo Stephen P. Triste, the newly designated OIC of the administrative department. Instead of complying, Salvaña questioned the order with the Office of the President.

In the interim, Salvaña applied for sick leave of absence on May 12, 2006 and from May 15 to May 31, 2006. In support of her application, she submitted a medical certificate issued by Dr. Grace Marie Blanco of the Veterans Memorial Medical Center (VMMC).

LRTA discovered that Dr. Blanco did not issue this medical certificate. Dr. Blanco also denied having seen or treated Salvaña on May 15, 2006, the date stated on her medical certificate.

On June 23, 2006, Administrator Robles issued a notice of preliminary investigation. The notice directed Salvaña to explain in writing within 72 hours from her receipt of the notice "why no disciplinary action should be taken against [her]" for not complying with Office Order No. 119 and for submitting a falsified medical certificate.

Salvaña filed her explanation on June 30, 2006. She alleged that as a member of the Bids and Awards Committee, she "refused to sign a resolution" favoring a particular bidder. She alleged that Office Order No. 119 was issued by Administrator Robles to express his "ire and vindictiveness" over her refusal to sign.

The LRTA's Fact-finding Committee found her explanation unsatisfactory. On July 26, 2006, it issued a formal charge against her for Dishonesty, Falsification of Official Document, Grave Misconduct, Gross Insubordination, and Conduct Prejudicial to the Best Interest of the Service.

On August 5, 2006, "Salvaña tendered her irrevocable resignation." None of the pleadings alleged that this irrevocable resignation was accepted, although the resolution of the Fact-finding Committee alluded to Administrator Robles' acceptance of the resignation letter.

In the meantime, the investigation against Salvaña continued, and the prosecution presented its witnesses.

On October 31, 2006, the Fact-finding Committee issued a resolution “finding Salvaña guilty of all the charges against her and imposed [on] her the penalty of dismissal from the service with all the accessory penalties.” The LRTA Board of Directors approved the findings of the Fact-finding Committee.

Salvaña appealed with the Civil Service Commission.

On July 18, 2007, the Civil Service Commission modified the decision and issued Resolution No. 071364. **The Civil Service Commission found that Salvaña was guilty only of simple dishonesty.** She was meted a penalty of suspension for three months.

LRTA moved for reconsideration of the resolution. This was denied in a resolution dated May 26, 2008. LRTA then filed a petition for review with the Court of Appeals.

On November 11, 2009, the Court of Appeals dismissed the petition and affirmed the Civil Service Commission's finding that Salvaña was only guilty of simple dishonesty. The appellate court also ruled that Administrator Robles had no standing to file a motion for reconsideration before the Civil Service Commission because that right only belonged to respondent in an administrative case. LRTA moved for reconsideration of this decision but was denied. Hence, LRTA filed this present petition.

ISSUE:

Whether Salvaña was correctly found guilty of simple dishonesty only.

RULING :

Respondent’s application for sick leave, if approved, would allow her to be absent from work without any deductions from her salary. Being a government employee, respondent would have received her salaries coming from government funds.

Since her application for sick leave was supported by a false medical certificate, it would have been improperly filed, which made all of her absences during this period unauthorized. The receipt, therefore, of her salaries during this period would be tantamount to causing damage or prejudice to the government since she would have received compensation she was not entitled to receive.

This act of causing damage or prejudice, however, cannot be classified as serious since the information falsified had no direct relation to her employment. Whether or not she was suffering from hypertension is a matter that has no relation to the functions of her office.

Given these circumstances, the offense committed can be properly identified as less serious dishonesty. Less serious dishonesty is classified by the following acts:

> *"The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification."*

We hold, therefore, that respondent Atty. Aurora A. Salvaña is guilty of less serious dishonesty.

Civil Service Commission vs. Marilou T. Rodriguez
(G.R. No. 248255 dated 27 August 2020)

FACTS

On 7 and 8 June 1988, Marilou T. Rodriguez (Rodriguez) took the National Licensure Examination (NLE) conducted in Manila, however, she failed to pass the same. Notwithstanding, Rodriguez applied as staff nurse at the Davao Oriental Provincial Hospital and submitted her supposed passing rate of 76.6% in the 1988 NLE and her PRC identification card, thereafter, she was accepted and was appointed under permanent status. In 2001, she applied for promotion and was required to submit an updated copy of her license as a registered nurse.

While she continuously represent in her applications and appointment from 1 April 1989 to 17 July 2000 and in her Personal Data Sheet (PDS) that she took and passed the 1988 NLE with a rating of 76.6% and she possessed a valid PRC ID, Rodriguez never got to submit to the hospital an updated copy of her license as a registered nurse.

On 31 July 2022, Rodriguez resigned from the hospital and worked as a nurse abroad until 2009.

In the same year, she took NLE and passed, but she returned abroad to work.

In 2013, she returned to the Philippines for good and applied and got appointed as nurse at the Office of City Health Office, Mati, Davao Oriental.

On 16 December 2014, she received a Show Cause Order from the CSC Regional Office (RO XI), why no administrative case should be filed against her in connection with her Personal Data Sheets dated March 9, 1989, April 19, 1989, April 25, 1991, September 3, 1992, September 16, 1994, and April 24, 2000, where she invariably stated that she passed the 1988 NLE with a rating of 79.6% and that she was a registered nurse with professional license No. 0158713. It was later on discovered that said PRC Identification Card with license No. 0158713 actually belonged to a certain Ella S. Estopo.

On 24 April 2015, Rodriguez was formally charged with Serious Dishonesty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Serious Dishonesty.

In her Answer, she admitted that her previous PRC Identification Card was spurious, but she invoked good faith. She mentioned certain Evelyn Sapon who made her believe that she was on a deferred status list insofar as the 1988 NLE is concerned. And that she has to pay P2000.00 as a processing fee and submit the lacking documents in exchange for her PRC ID. And it was only in 2002 that she learned that the PRC Identification Card she possessed was fake.

Upon learning, she immediately resigned from Davao Oriental Provincial Hospital. She had no intention to falsify her Personal Data Sheets. She honestly believed that she passed the 1988 NLE.

On 8 April 2016, CSC RO XI, a decision was rendered finding Rodriguez guilty as charged and meted upon her the penalty of dismissal from the service. Her Motion for Reconsideration was likewise denied under Resolution No. 16-00727 dated 18 July 2016.

Rodriguez filed a Petition for Review before the Court of Appeals which granted her petition on the ground that there was good faith when she resigned from government service. Her admission as to the fake PRC Identification Card and her remorsefulness relative to the incident were also taken into consideration. CSC filed a Motion for Reconsideration which was denied on 4 July 2019.

ISSUE:

Whether the Court of Appeals committed a reversible error when it cleared the respondent of any liability arising from her submission and use of a spurious NLE rating and PRC Identification Card and from falsely declaring in her various Personal Data Sheets that she was a registered nurse during the relevant years in question?

RULING:

The Supreme Court ruled that good faith must fail.

At the onset, Rodriguez already knew that she failed the 1988 NLE because her name did not appear on the list on the list of successful examinees. Thereafter, after receiving the PRC Identification Card allegedly sent by Sapon, she did not even take the steps to verify its authenticity, which was belatedly discovered as belonging to one Ella S. Estopo. Furthermore, despite having failed in passing the 1988 NLE, she still applied and practiced the nursing profession which is only bestowed to those who passed the NLE and possessed a valid license as a registered nurse. Lastly, Rodriguez used the fake 1988 NLE rating of 79.6% and PRC Identification Card to gain employment at the Davao Oriental Provincial Hospital from 1989 to 2002. She even got promoted several times because of these fake documents.

Falsification of PDS Constitutes Serious Dishonesty under CSC Resolution No. 06-0538 when she employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment. Rodriguez also committed said offense several times in accomplishing her PDS in various years. And her 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.

Regarding the respondent's argument that she can no longer be charged with serious dishonesty and grave misconduct for acts she committed between 1989 and 2000 because she already resigned as Nurse II in 2002, the Court decreed that dishonesty need not be committed in the course of the performance of duty by the person charged. The rationale is that if a government officer or employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his or her office, they affect his or her right to continue public service.

Here, the administrative charges of serious dishonesty and grave misconduct do not hinge on the position respondent used to hold at the Davao Oriental Provincial Hospital but on her moral fitness to continue working in public service. Her repeated false declarations in her Personal Data Sheets during her employment with the provincial hospital prejudiced other qualified applicants who would have been hired for that position had it not been for her false declarations.

Respondent is also liable for conduct prejudicial to the best interest of the service. This administrative offense refers to an act or acts of a public officer that tarnished the image and integrity of his or her public office

In this case, Rodriguez, having been found guilty of serious dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service, was imposed the penalty of dismissal from the government service with all its accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations and forfeiture of retirement benefits, except accrued leave credits, if any.

TERESITA M. CAMSOL vs. CIVIL SERVICE COMMISSION
G.R. No. 238059 dated 8 June 2020

FACTS:

Teresita M. Camsol (Camsol), Forest Technician II at the Department of Environment and Natural Resources (DENR) – Community Natural Resources Officer (CENTRO), Buguias, Abatan, Buguias, Benguet, requested from the CSC-Cordillera Administrative Region (CAR), an authentication of her Career Service Professional Eligibility. Thus, she indicated in the Eligibility/Exam Records Request Form (ERRF) that she passed the Career Service Professional Examination (Computer-Assisted Test/CAT) on 16 September 2002 in Baguio City with a rating of 82.10.

However, it appears from the Master List of Eligibles on the file of CSC-CAR to no CS Exam was conducted on that particular date. Instead, it was discovered that Camsol took and failed the Career Service Professional Examination (CSPE) conducted on May 2, 2002 and October 17, 2002, where she obtained ratings of both 48.08 on both occasions.

Meanwhile, Camsol alleged that certain Allan made her believe that the Certificate of Eligibility (COE) she possessed was genuine. And that she personally received said COE from Allan in exchange for one hundred pesos (P100.00). She further alleged that Allan asked for more money, but she refused.

Thereafter, CSC CAR formally charged and eventually found guilty of Grave Misconduct, Conduct Prejudicial to the Best Interest the Service and Serious Dishonesty in a decision dated 5 February 2016. Camsol filed a Petition for Review before the Commission, which was dismissed in a decision dated on 4 October 2016. Likewise, her Motion for Reconsideration was also denied through a Resolution dated 7 February 2017.

Camsol further elevated her case before the Court of Appeals which denied the petition and affirmed the decision rendered by the CSC. Hence, she filed a Petition for Review before the Supreme Court.

ISSUE:

The sole issue, in this case, is whether the CA erred in holding that petitioner is guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Service, and imposing the penalty of dismissal, without considering any mitigating circumstance in the petitioner's favor.

RULING:

The Supreme Court found her petition partially meritorious.

Findings of fact of administrative bodies, like the CSC, will not be interfered with by the courts in the absence of grave abuse of discretion on the part of the former, or unless the aforementioned findings are not supported by substantial evidence. These factual findings carry even, more weight when affirmed by the CA, in which case, they are accorded not only great respect, but even finality.

However, under Section 48, Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (2017 RRACCS), mitigating and aggravating circumstances may still be appreciated in the penalty to be imposed, with the disciplining authority having the discretion to consider these circumstances in the interest of substantial justice.

In rendering its decision, the Supreme Court considered Camsol's length of service, humanitarian and equitable considerations, and advanced age, among other things in determining the imposable penalty. In this case, it ratiocinated that Camsol did not benefit from the spurious COE, neither did she take advantage of the same to be promoted, as her current position does not require a 2nd grade eligibility. She also did not indicate in her Personal Data Sheet (PDS) that she passed the same examinations. Moreover, the petitioner has been diligently serving the public for more than three (3) decades, from being a casual laborer to her current position as Forest Technician II.

This was also her first offense, not having been the subject of any complaint, administrative or criminal, since she started working. She was a loyalty awardee, having rendered 30 years of dedicated service in the government, and was rated Very Satisfactory in her performance rating. Furthermore, the petitioner is now 56 years old and at the threshold of her retirement. Her dismissal from the service could foreclose her an opportunity to earn income and support her family.

In this case, while Camsol was found guilty of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, and Serious Dishonesty, her penalty was modified from dismissal from government service to one (1) year suspension after taking into consideration the mitigating circumstances raised by Camsol.

Bacsasar v. CSC, G. R. No. 180853, 20 January 2009

FACTS:

Manicam M. Bacsasar, Municipal Assessor, Municipal Government of Bubong, Lanao del Norte was charged with Dishonesty by the Civil Service Commission-Autonomous Region in Muslim Mindanao (CSC-ARMM) committed as follows: (i) In her Personal Data Sheet (PDS) dated 20 February 2001, she indicated that she passed the Career Service Professional Examination (CSPE) on 28 November 2000 with a rating of 87.54% conducted in Quezon City; (ii) that the said eligibility was used to support her appointment as Municipal Assessor under permanent status issued by Mayor Hadji Ali Munder of Bubong, Lanao del Sur; and (iii) that verification from Civil Service Commission-National Capital Region (CSC NCR), Quezon City yielded results that Bacsasar's name is not included in the Master List of passing and failing list of the 28 November 2000 CSPE.

Bacsasar informed the CSC- ARMM that she is waiving her right to a formal investigation.

On 9 February 2004, the CSC-ARMM rendered a Decision finding Bacsasar guilty of Dishonesty and imposing upon her the penalty of dismissal.

In her Answer, Bacsasar, denied the charge and averred that on 15 October 2002, a certain Tingcap Pandi (now deceased) approached and convinced her to obtain a Civil Service eligibility without taking an examination. Bacsasar admitted that she used the said eligibility to support the issuance of her permanent appointment, but she claimed that she was not aware that the eligibility issued to her was fake/spurious, and that she only learned about the falsity of her eligibility only after verification with the CSC-NCR.

Bacsasar informed the CSC- ARMM that she is waiving her right to a formal investigation.

On 9 February 2004, the CSC-ARMM rendered a Decision finding Bacsasar guilty of Dishonesty and imposing upon her the penalty of dismissal.

Petitioner appealed to the CSC. In a Resolution dated 14 December 2005, the CSC dismissed Bacsasar's Appeal and sustained the CSC-ARMM's Decision.

Bacsasar filed a Petition for Review with the Court of Appeals (CA). On 26 June 2007, the CA dismissed the said Petition for having been filed out of time and for lack of merit.

The CA held that the failure of the petitioner to file her Petition for Review within the reglementary period rendered the CSC decision final and executory. It had been divested of jurisdiction to entertain the petition. The CA also affirmed the CSC finding that there is substantial evidence to establish Bacsasar culpability. A Motion for Reconsideration was filed with the CA which in turn denied it on 2 October 2007.

ISSUES:

1. Whether the dismissal of Bacsasar's Petition for Review by the CA was issued in violation of due process; and

2. Whether the CA committed a reversible error in affirming the CSC-ARMM Decision finding Bacsasar guilty of Dishonesty.

RULING:

The instant Petition for Certiorari was denied.

The Supreme Court (SC) ruled that the CA correctly dismissed the petition as it no longer had any jurisdiction to alter or nullify the assailed CSC resolutions. Bacsasar belatedly filed her Petition for Review with the CA. She received the assailed CSC Resolution on 8 January 2007. However, she filed her Appeal with the CA only on 27 February 2007.

It emphasized that the perfection of an appeal in the manner and within the period prescribed by law is mandatory. Failure to conform to the rules regarding the appeal will render the judgment final and executory and beyond the power of the Court's review.

Nonetheless, the SC discussed the other issues raised by Bacsasar to show that the Petition will fail.

On the first issue, Petitioner asserts denial of due process because her case was decided without a formal investigation. She claims that she was denied the opportunity to present evidence, confront the witnesses against her, and object to the evidence adduced against her. This Court is not convinced.

Petitioner waived her right to a formal investigation on 6 October 2003. This Court reiterated that the essence of due process does not necessarily require a hearing, but simply a reasonable opportunity or right to be heard or, as applied to administrative proceedings, an opportunity to explain one's side.

On the second issue, Bacsasar also ascribes reversible error on the part of the CA in not dismissing the case against her. She maintains that she was not aware that her eligibility was spurious. She was made to believe by Pandi that the said eligibility was genuine. She insists that there is no substantial evidence to prove her guilt.

This Court cannot accept Bacsasar’s simplistic claim that she used the fake eligibility in good faith because she was not aware that the same was spurious. It held that good faith is actually a question of intention. Although this is something internal, we can ascertain a person's intention not from his own protestation of good faith, which is self-serving, but from the evidence of his conduct and outward acts.

This Court carefully noted Bacsasar’s acts which are inconsistent with her claim of good faith and agreed on the following disquisition of the CA rejecting Bacsasar's protestation of good faith:

First, Bacsasar obviously knew that Pandi, if indeed, he was existing, was a fixer, because any aspirant for employment in the government service such as Bacsasar knows well that a civil service eligibility cannot be obtained without taking and passing the appropriate civil service examination.

Second, the petitioner claims she relied on the assurance of Pandi. Amazingly, the petitioner believed an unbelievable tale. Anyone who wants to be appointed as Municipal Assessor, a position of grave responsibility, cannot be recklessly credulous or downright gullible.

Third, the petitioner did not take any step to determine from the CSC the authenticity of the document procured for her by the “fixer,” which turned out to be spurious, before using it as a basis for indicating in her PDS that she passed the civil service professional examination. This aberrant behavior of the petitioner is contrary to good faith.

Fourth, without verifying with the CSC the authority of Tingcap Pandi in offering the unusual "service", the petitioner proceeded to use the spurious document in support of her appointment as Municipal Assessor.

Finally, the Supreme Court emphasized that dishonesty is a serious offense, which reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue, and integrity. Its immense debilitating effect on the government service cannot be over-emphasized. Under Civil Service regulations, the use of fake or spurious civil service eligibility is regarded as dishonesty and grave misconduct, punishable by dismissal from the service.

Thus, the CA, therefore, committed no reversible error in upholding the petitioner's dismissal.

The Petition is denied. The assailed Resolutions of the CA are affirmed.

REVISED **SEXUAL HARASSMENT** RULES

(CSC Resolution No. 2100064 dated 20 January 2021)

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

CSC Resolution No. 2100064 dated January 20, 2021

- **Republic Act No. 11313 (Safe Spaces Act)** which was signed into law on April 17, 2019, intends to provide modification and several revisions on the expanded coverage of Anti-Sexual Harassment Act or RA 7877.

- **Implementing Rules and Regulations (IRR) of R.A. No. 11313** was issued and signed on October 28, 2019 and provides the guidelines and mechanisms in the implementation of the Safe Spaces Act.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

CSC Resolution No. 2100064 dated January 20, 2021

“Section. 4. Definition of Terms.

‘aa. SEXUAL HARASSMENT

SEXUAL HARASSMENT IN THE WORKPLACE includes the following:

“i. An act or series of act involving any unwelcome sexual advances, request or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individuals’ employment or education, job performance or opportunities.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

SHin Streets and Public Places		1st Offense	2nd Offense	3rd Offense
Light	Catcalling or wolf-whistling	Reprimand	Suspension of one (1) to thirty (30) days	Dismissal
Less Grave	Unwanted invitations, misogynistic, transphobic and sexists slurs, persistent uninvited comments or gestures on a person's appearances, relentless request for personal details or making statements comments and suggestions with sexual innuendos	Suspension of one (1) month and one (1) day suspension to six (6)months	Dismissal	

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

SH in Streets and Public Places		Penalty
Grave	Acts that include public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces as alleys, roads, sidewalks and parks	Dismissal

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Online Sexual Harassment		1st Offense	2nd Offense	3rd Offense
Light	Acts that include unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging with sexual overtones	Reprimand	suspension of one (1) to thirty (30) days	Dismissal

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Online Sexual Harassment		1st Offense	2nd Offense
Less Grave	Acts that include the use of information and communication technology in terrorizing and intimidating victims through physical, psychological, and emotional threats with sexual overtones	Suspension of one (1) month and one (1) day suspension to six (6) months	Dismissal

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Online Sexual Harassment		Penalty
Grave	Uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing online of any of the victim's photos, videos, or any information of sexual content, impersonating identities of victims online or posting lies of sexual nature about the victims to harm their reputation, or filing false abuse reports to online platforms to silence victims of sexual harassment.	Dismissal

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

CSC Resolution No. 2100064 dated January 20, 2021

IV. For the purpose of these Rules, the administrative offense of sexual harassment is further described in the following circumstances:

a. Work-related sexual harassment is committed under the following circumstances:

xxx

b. Education or training-related sexual harassment

V. Persons Liable for Sexual Harassment

(SAME PROVISIONS)

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

CIVIL SERVICE COMMISSION
Republic of the Philippines

POLICIES ON
FLEXIBLE WORK ARRANGEMENTS
IN THE GOVERNMENT

(CSC Resolution No. 2200209 dated 18 May 2022)

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

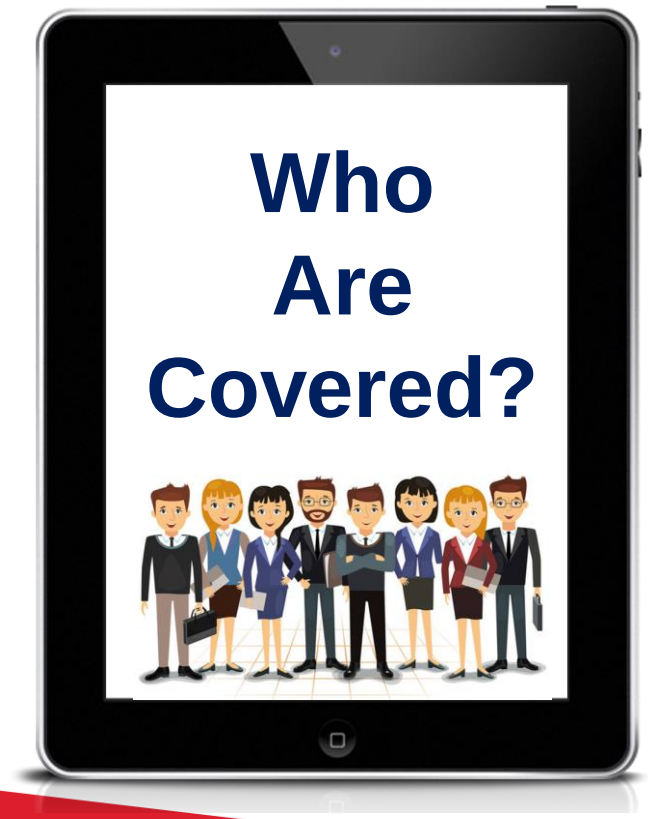
Policies on Flexible Work Arrangements in the Government

CSC Resolution No. 2200209, 18 May 2022

Date of Effectivity

15 JUNE 2022 or after fifteen (15) days from its publication in the Businessworld on 31 May 2022

Policies on Flexible Work Arrangements in the Government



Scope and Coverage:

A. Government agencies:
   1. Constitutional Bodies;
   2. Departments, Bureaus, and Agencies of the National Government;
   3. GOCCs with original charters;
   4. SUCs; and
   5. LGUs;

GAWING LINGKOD BAYANI ANG BAWAT

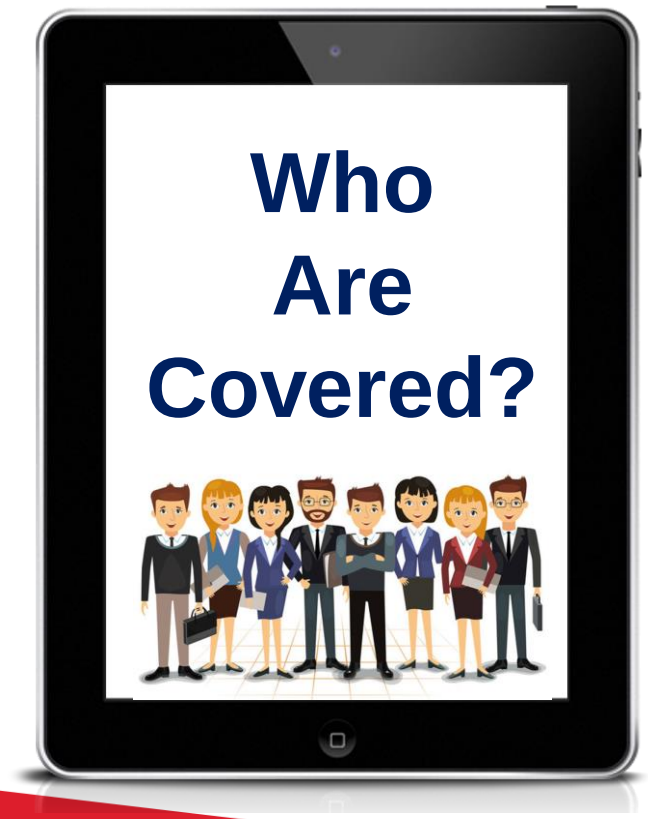
Policies on Flexible Work Arrangements in the Government

Scope and Coverage:

B. All appointive government officials and employees of the above-mentioned agencies, regardless of status of appointment (permanent, temporary, provisional, substitute, coterminous, casual, contractual or fixed term)

GAWING LINGKOD BAYANI ANG BAWAT

Policies on Flexible Work Arrangements in the Government



Scope and Coverage:

C. JOS and COS

The Department of Budget and Management (DBM) and/or the Commission on Audit (COA) may formulate a parallel issuance on the matter for contract of service (COS) and job order (JO) workers in government, taking into consideration the same parameters set forth in the Policies.

GAWING LINGKOD BAYANI ANG BAWAT

FLEXIBLE WORK ARRANGEMENTS (FWA)

Government agencies may adopt any of the following FWA:

01 FLEXIPLACE;

02 COMPRESSED WORKWEEK;

03 SKELETON WORKFORCE;

04 WORK SHIFTING;

05 FLEXITIME; AND

06 OTHER FLEXIBLE WORK ARRANGEMENTS

Flexible Work Arrangements

01 FLEXIPLACE

is an output-oriented work arrangement that authorizes officials or employees to render service at a location away from their office, either in the:

home/residence of the official or employee,

agency satellite office, or

another fixed place,

on a temporary basis duly approved by the head of office/agency.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Flexible Work Arrangements

3 Types of Flexiplace

01 Work-From-Home

02 Work from Satellite Office

03 Work from Another Fixed Place

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Flexible Work Arrangements

3 Types of Flexiplace

01

Work-From-Home

work at home or their residence

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Flexible Work Arrangements

3 Types of Flexiplace

01 02

Work from Satellite Office

instead of reporting to their office, report for work at their agency satellite office near their place of residence (e.g., central/other regional office/ field office)

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Flexible Work Arrangements

3 Types of Flexiplace

01 02 03

Work From Another Fixed Place

render service within the Philippines, at a place conducive for productive work and efficient performance of official duties and responsibilities, other than their home or residence and satellite office.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Flexible Work Arrangements

CONDITIONS FOR FLEXIPLACE

1. **REGULAR** - regular and recurring basis and for a period agreed upon with the supervisor and duly approved by the head of agency/office

2. **SITUATIONAL** - for ad-hoc task/s or assignment/s that require/s short period of time or project-based e.g., project proposal preparation, reports preparation, research, case adjudication, and other analogous circumstances

3. **MEDICAL** - for those who are recuperating from a medical condition

- Duration shall be based on the recommendation of the attending physician.
- Request for flexiplace shall be supported by the medical records

Flexible Work Arrangements

02 **COMPRESSED WORKWEEK**

- the forty (40) hours workweek for five (5) days is compressed to four (4) days or less, as may be applicable.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Flexible Work Arrangements

03 SKELETON WORKFORCE

- a minimum number is required to man the office to render service when full staffing is not possible.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Flexible Work Arrangements

04 WORK SHIFTING

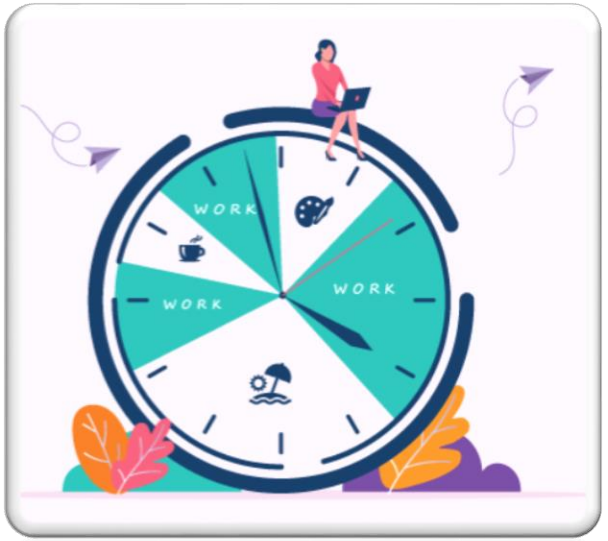
- Applicable to offices/ agencies that observe work shifting or flexible working time.
- Staggered working hours refers to the existing 24/7 shifting schedule and the flexible working time schedule.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Flexible Work Arrangements

05 FLEXITIME

Adopt flexible time from 7:00 AM to 7:00 PM on a daily basis provided that the required forty (40) hours workweek is complied with.



GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Flexible Work Arrangements

06 OTHER FLEXIBLE WORK ARRANGEMENTS

- agencies may adopt a combination of any of the above FWA appropriate or applicable to the mandate/functions of the agency.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

General Requirements of FWA:

- Officials/employees shall render work from 8:00 AM to 12:00 PM and from 1:00 PM to 5:00 PM on all days except Saturdays, Sundays, and Holidays;

- Agencies shall ensure continuous delivery of services from 8:00 AM to 5:00 PM, including lunch break, throughout the workweek;

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

General Requirements of FWA:

- **Agencies shall formulate internal guidelines on the FWA they have adopted and implemented, which are appropriate/applicable to their mandate and functions;**

- **The internal guidelines shall include tasks that may be allowed to be accomplished outside the office and other protocols such as health emergency plans to prevent the spread of infectious diseases**

Parameters in the Implementation of WFH

Research

Evaluation and formulation of accounting, auditing and management control systems

Recording, examination and interpretation of financial records and reports

Budget planning and forecasting

ALLOWED WFH TASKS

Policy formulation/review/amendment

Project work, including but not limited to, drafting of proposals/ project studies/training modules

Data encoding/processing

Adjudication of cases or review of cases, including legal work

BAYANI ANG BAWAT KAWANI

Parameters in the Implementation of WFH

Sending/receiving e-mail

Preparation of information materials

Computer programming

ALLOWED WFH TASKS

Database maintenance

HR tasks e.g. computation of leave credits, preparation of payroll etc., as the case maybe

Design work/drafting of drawing plans

Other analogous tasks which require the use of a computer and the World Wide Web (Internet) for reading, encoding, printing or submission of written outputs for the review, evaluation or final presentation/assessment of the immediate supervisor, the head of office or management.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

General Requirements of FWA:

Agencies shall incorporate in their Public Service Continuity Plan (PSCP) the adoption of FWA;

PSCP is an all-hazard plan to ensure continuous delivery of services to the public amidst any disruption. It works by highlighting internal capacities, recovery requirements, and strategies to minimize damage and loss to essential processes, ensure succession of leadership, and improve continuity capabilities of all government entities.

General Requirements of FWA:

- Employees under FWA shall be entitled to **Compensatory Overtime Credit/ Overtime Pay if they physically reported for work** and **rendered services beyond the normal eight (8) hours** on scheduled workdays or forty (40) hours a week;

- **Agencies shall adopt performance standards and timelines** in accordance with EODB, in consonance with the approved OPCR/DPCR/IPCR to guide government officials and employees in the performance of their assigned task/s.

General Requirements of FWA:

- **Failure to accomplish the assigned task/s within the timelines set by the agency may be a ground to deny subsequent requests of employees for flexiplace work arrangement.**
- **Agencies shall adopt a monitoring mechanism;**
- **Agencies shall adopt the use of videoconferencing/ teleconferencing;**

General Requirements of FWA:

- **Agencies shall adopt security measures to ensure confidentiality, integrity, and availability of official documents and other relevant information. Personal data shall be processed by the employees pursuant to RA No. 10173 or the Data Privacy Act of 2012.**

- **Agencies are encouraged to use the Philippine National Public Key Infrastructure (PNPKI) of the Department of Information, Communications and Technology**

General Requirements of FWA:

Online government transactions must be implemented in accordance with COA Circular No. 2021-006 - *Guidelines on the use of Electronic Documents , Electronic Signatures, and Digital Signatures in Government Transactions*.

Parameters in the Implementation of FWA

1. Flexiplace:

A. WORK-FROM-HOME:

May be adopted anytime,

subject to mutually agreed arrangements between the officials/employees and their supervisor;

shall apply to those whose assigned task/s can be accomplished outside the office.

A. WORK-FROM-HOME:

2. May be extended to those whose task/s cannot be accomplished at the office, satellite office, or another fixed place under the following situations:

- **emergence of a national or local outbreak of a severe infection disease and/or occurrence of natural or man-made calamities; and**
- **place of assignment is within 1 km radius from:**
  - **facilities where infected/suspected patients and public health workers and other frontline workers are regularly exposed to infectious diseases; and**
  - **calamity stricken area**

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

A. WORK-FROM-HOME:

***When can an official/employee on WFH be considered on excused absence?**

- **when an agency has not assigned any other task/s to the concerned officials and employees who were not able to produce outputs during the emergence of national or local outbreak of a severe infectious disease and/or the occurrence of natural or man-made calamities**

A. WORK-FROM-HOME:

3. Tasks assigned should be performed to the full extent possible in terms of workhours and workdays per workweek.

4. Employees under WFH arrangement are not entitled to Compensatory Overtime Credit/Overtime Pay

Parameters in the Implementation of FWA

1. Flexiplace:

B. WORK FROM SATTELITE OFFICE:

1. **Shall** apply to those whose task/s can be accomplished outside the office but may need equipment/facilities that are available in the nearest satellite office

Requires approval from their immediate supervisor or next higher officer in order that workload arrangement costs incurred by the satellite office may be properly coordinated

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

B. WORK FROM SATTELITE OFFICE:

2. May be allowed:

- **when officials or employees cannot report for work due to natural or man-made calamities except when WFH is required by the Office of the President or proper authorities;**

- **to those who are stranded due to quarantine protocols, unavailability of transportation or inaccessible road may be allowed to work at agency satellite offices.**

3. Shall still comply with the prescribed working hours of 40 hours per workweek

Parameters in the Implementation of FWA

1. Flexiplace:

C. WORK FROM ANOTHER FIXED PLACE:

1. **Shall** apply to those **whose task/s can be accomplished outside the office**, at a place conducive for productive and efficient performance of official duties and responsibilities, **other than their home, residence, or satellite office**.

   Requires approval from their immediate supervisor or next higher officer.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

C. WORK FROM ANOTHER FIXED PLACE:

2. May apply to:

- **Officials/employees whose task/s cannot be accomplished outside the office and are stranded at a place away from their home or satellite office;**

- **Provided that the agency has assigned alternative task/s subject to the performance standards and timelines for its completion in consonance with the approved OPCR/DPCR/IPCR and existing CSC rules;**

C. WORK FROM ANOTHER FIXED PLACE:

3. **May also be applied** to those who are **stranded** due to quarantine protocols, unavailability of transportation, or inaccessible road subject to existing CSC rules.

4. **Task/s assigned** to government officials or employees should be performed to the **full extent possible** in terms of workhours and workdays per workweek.
5. Agency takes full responsibility on the grant of WFAFP and verification of employees entitlement.
6. Employees under WFAFP arrangement are **not entitled to Compensatory Overtime Credit/Overtime Pay.**

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Parameters in the Implementation of FWA

2. Compressed Workweek:

May be allowed to those:

A. **whose task/s or portions thereof cannot be accomplished outside the office, particularly those on skeleton workforce observing the four (4)-day workweek, and**

B. **identified by the agency/office head necessary for the continued operation of the office in order not to prejudice public service delivery.**

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

2. Compressed Workweek:

Workweek options:

- Monday to Thursday, Tuesday to Friday,
- Monday to Tuesday, and Thursday to Friday, or
- a combination of workdays less than the prescribed five (5)-day workweek provided that public service delivery shall not be prejudiced during the whole workweek (Monday to Friday).

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Parameters in the Implementation of FWA

3. Skeleton Workforce:

Skeleton Workforce (SWF) may be adopted, only when full staffing is not possible;

Shall comply with the normal working hours of not less than eight hours a day for five days a week or a total of forty (40) hours a week exclusive of time for lunch;

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

3. Skeleton Workforce:

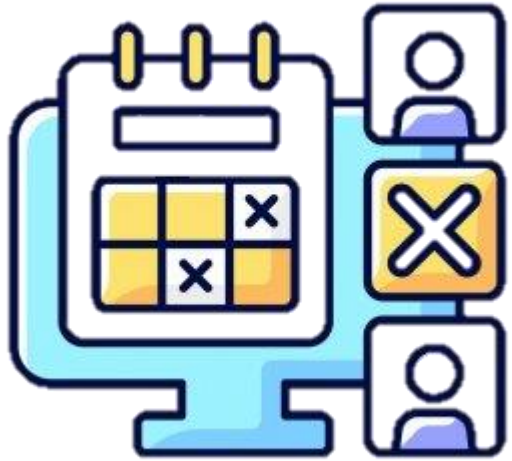
If this work arrangement is adopted in combination with other flexible work arrangements, the required working hours thereof shall be complied with.

The total number to make up the skeleton workforce shall be determined by the head of agency; and

3. Skeleton Workforce:

Those who failed to report to office onsite on their assigned working days shall be considered absent either as:

- ✓ **authorized or unauthorized vacation leave, or**
- ✓ **sick leave of absence if medical certificate is presented**



GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Parameters in the Implementation of FWA

4. Work Shifting

- Shall apply to agencies **mandated by law to operate 24-hour** continuous service delivery on a daily basis

- May also apply to those **required to observe workplace health and safety protocols** during the emergence of any infectious disease, and those agencies affected by natural or man-made calamities

4. Work Shifting

Schedule shall be made with prior consultation with government officials and employees who are senior citizens, PWDs, pregnant and nursing mothers, and those with health risks

Parameters in the Implementation of FWA

5. Flexitime:

May be adopted provided that they shall render not less than a total of forty (40) hours a week for five (5) days a week, exclusive of time for lunch

Shall start not earlier than 7:00 AM and end not later than 7:00 PM

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

5. Flexitime:

Officials/employees may choose their time to report for work (time-in) in the morning and time to leave the office (time-out) daily for the duration of the period subject to the approval of the agency/office head.

Head of departments, offices, and agencies shall, however, ensure that the public is assured of their frontline services from 8:00 AM to 5:00 PM, including lunch break.

5. Flexitime:

In the exigency of the service, working days may also be altered to include Saturdays and Sundays; Provided that employees who work on such days may choose compensatory days-off during weekdays, provided further that the Saturday and Sunday are regular workdays and not cases of overtime.

Flexitime may be adopted in case the Daylight-Saving Time is declared by the proper authorities subject to the provisions on Flexitime of these policies.

Parameters in the Implementation of FWA

6. Combination of FWA:

Agencies may adopt a combination of any of the FWA that are appropriate/applicable to the agency mandate/functions as well as the location of their workplace:

- **Skeleton Workforce and WFH;**
- **Compressed Workweek and WFH;**
- **Work Shifting and WFH;**
- **Combination of the 3 types of flexiplace; or**
- **Other combination of work arrangements.**

ANG BAWAT KAWANI

Sample Combinations of FWA

Flexible Work Arrangements	Working Hours
Skeleton Workforce and WFH	Three (3) days in the office and two (2) days WFH at eight (8) hours per day; A minimum of four (4) hours to be spent in the office/field and the remaining hours in WFH per day; provided the forty (40)-hour workweek requirement shall be complied with.
Work Shifting and WFH	Three (3) days Work Shifting in the office and two (2) days WFH at eight (8) hours per day; Agencies may adopt two (2) work shifts in a day, e.g., 7:00 AM -1:00 PM and 1:00 PM – 7:00 PM exclusive of lunch/dinner, provided that it shall be in combination with WFH work arrangement to comply with the required forty (40)-hour workweek.
Compressed Workweek and WFH	A minimum of six (6) hours to be spent in the office/field and the remaining hours in WFH for four (4) days; or Two (2) days spent in the office/ field and two (2) days in WFH at ten (10) hours per day Provided that the required forty (40)-hour workweek shall be complied with.

CIVIL SERVICE COMMISSION
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- Agencies shall formulate internal guidelines on Flexible Work Arrangements.
- Agencies shall disseminate the FWA Internal Guidelines to all its officials and employees.
- Agencies shall submit a copy of the FWA Internal Guidelines to the CSC RO concerned for records and reference purposes.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

CIVIL SERVICE COMMISSION
Republic of the Philippines

POLICY ON EMPLOYMENT IN THE GOVERNMENT SERVICE OF FILIPINO CITIZENS WITH **DUAL CITIZENSHIP**

(CSC Resolution No. 2101052 dated 07 December 2021)

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

Section 18, Article XI of the 1987 Constitution and Section 33, Chapter 9 of Executive Order No. 292, provide that:

Public officers and employees owe the State and the Constitution allegiance at all times and any public officer or employee who seeks to change his/her citizenship or acquire the status of an immigrant of another country during his/her tenure shall be dealt with by law.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Republic Act (R.A.) No. 9225 otherwise known as the *"Citizenship Retention and Re-Acquisition Act of 2003"* declared that former natural-born citizens of the Philippines who lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are deemed to have re-acquired Philippine citizenship.

Item 5(3) of R.A, No. 9225 guaranteed that to enjoy full civil and political rights and to be appointed to any public office, they shall (1) take an oath of allegiance to the Republic of the Philippines and its duly constituted authorities prior to their assumption of office; and (2) renounce the oath of allegiance to the country where they took that oath.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Items 1 and 3 of CSC MC No. 23, s. 2016 (Policy on Employment in the Government Service of Filipino Citizens with Dual Citizenships) reiterate that:

A person with dual citizenship shall not be appointed in the government unless he/she renounces his/her foreign citizenship pursuant to the provisions of R.A. No. 9225; and incumbent government employees who have dual citizenships shall be given six (6) months from the effectivity of this Resolution to renounce their foreign citizenship and take oath of allegiance to the Republic of the Philippines. Otherwise, the prior approval/validation of their appointment shall be recalled.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

CSC Memorandum Circular No. 08, s. 2017 clarified that the Policy in the Government Service of Filipino Citizens with Dual Citizenship (CSC Memorandum Circular No. 23, s. 2016) covers only natural born Filipino citizens who were naturalized in another country and later on reacquired their Filipino citizenship, as such, those who were born to Filipino parents in another state which follows the principle of jus soli are not required to renounce their citizenship.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

CSC Resolution No. 200019 dated 10 January 2020 (GUEVARA, Juliet Marie M., Re: Employment in the Service of Filipino Citizens with Dual Citizenship), the Commission reiterated that R.A. No. 9225 does not apply to dual citizens, *i.e.* those who have both Philippine citizenship as well as foreign citizenship, but did not acquire their foreign citizenship through naturalization, namely: those who become foreigners **by birth through the *jus soli* principle** ("right of soil" or citizenship by virtue of just being born in the nation's territory); **derivatively** (during minority); and **adoption** (during minority). It covers natural-born Filipinos who lost their Filipino citizenship by naturalization, meaning voluntarily or at their own volition.

The Commission **RESOLVES** to **CLARIFY** the following policy on the employment in the government service of Filipino citizens with dual citizenships:

1. The renunciation of foreign citizenship enunciated under Republic Act No. 9225 applies only to those with dual allegiance, *i.e.* dual citizen whose foreign citizenship was acquired through naturalization or at their own volition;

2. CSC Memorandum Circular No. 23, s. 2016, as clarified by CSC Memorandum Circular No. 08, s. 2017 and in compliance with the provisions of R.A. No. 9225, shall not apply to dual citizens whose foreign citizenship was acquired in the following instances:

   a. By birth through the *jus soli* principle ("right of soil" or citizenship by virtue of just being born in the nation's territory);

   b. Derivative naturalization (citizenship given to minors through the naturalization of parents); and

   c. Through adoption of Filipino minors by alien adoptive parent/s provided that the alien adoptive parents complied with the provisions of Adoption Law.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Republic of the Philippines
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Republic of the Philippines

Relevant Jurisprudence

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

BUREAU OF INTERNAL REVENUE
vs.
LEONCIO A. GAN-LIM, JR.

G.R. NO. 254939
March 3, 2021

JURISDICTION

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUE:

- Whether the delegation by then BIR commissioner Henares to a Deputy Commissioner of the authority to issue the Formal Charge with Preventive Suspension Order (FC/PSO) is void.

RULING:

SC: ON THE VALIDITY OF THE DELEGATION

The rule on the **non-delegation** of the BIR Commissioner's power to discipline BIR employees under the EO No. 292 **does not include the delegation of the power to issue formal charges and preventive suspension orders, which are merely part of the investigation process.** The Court stressed in Quimbo vs. Acting Ombudsman Gervacio, where we held:

> *"Jurisprudential law establishes a clear-cut distinction between suspension as preventive measure and suspension as penalty xxx*

RULING:

*"**Preventive suspension is merely a preventive measure, a preliminary step in an administrative investigation.** The purpose of the suspension order is to prevent the accused from using his position and the powers and prerogatives of his office to influence potential witnesses or tamper with records xxx. **If after such investigation, the charge is established and the person investigated is found guilty of acts warranting his suspension or removal, then he is suspended, removed or dismissed. This is the penalty.***

xxx

*"SEC. 24. Preventive suspension is **not a punishment or penalty for misconduct in office but is considered to be a preventive measure** – Administrative Code of 1987*

- As preventive suspension cannot be credited as service of penalty, BIR Commissioner Henares did not unduly delegate his power to Dep. Comm. Sales to discipline BIR employees.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

Sherwin T. Gatchalian
vs.
Romeo V. Urrutia

G.R. No. 223595
March 6, 2022

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUE:

Whether the local chief executive has the power to issue a formal charge and a preventive suspension order against an employee of the sangguniang panlungsod for Sexual Harassment acts.

RULING:

SC:

- The Court finds the petition meritorious. Gatchalian, as the former mayor of Valenzuela City, has the power to issue a formal charge and a preventive suspension order against Urrutia, an employee of the sangguniang panglungsod, for committing SH acts.

- Urrutia is concurrently acting as the Chairman of the Board of Directors of the City Employees Cooperative where Laron was on an OJT, and a staff of the Council Secretariat of the sangguniang panglungsod. These two (2) are separate and distinct from each other.

RULING:

SC:

Doctrine of Implication, Exception:

- The Court highlights the phrase “absent any contrary statutory provision”. The power to remove is expressly vested by law in an office or authority other than the appointing power. The general rule is that the power to appoint carries with it the power to discipline. The EXCEPTION is when the power to discipline or to remove is expressly vested in another office or authority. The EXCEPTION APPLIES TO THE CASE AT BAR.

RULING:

Section 8(b)(1)(jj) RA 8526 or the Charter of Valenzuela City:

The section specifically provides that the city mayor has the duty to ensure that the city's executive and employees faithfully discharge their duties and functions, and cause to be instituted administrative or judicial proceedings against any city official or employee who may have committed an offense in the performance of his official duties. This provision is directly lifted from Section 455 (b)(1)(x) of the LGC:

> *"Section 455. Chief Executive; Powers, Duties and Compensation.*
>
> *xxx*
>
> *(x) Ensure that all executive officials and employees of the city faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the city who may have committed an offense in the performance of his official duties;"*

-Gatchalian, as the city mayor, had the express power to discipline Urrutia, the Chairman of the Board of Directors of the City Employees Cooperative, when he committed SH, in accordance with the LGC and the Charter of Valenzuela City;

RULING:

Rules on Sexual Harassment Cases:

- The LGC generally applies to the case at bar. However, the more specific law that applies is the Rules on Sexual Harassment Cases. Section 7, Rule VI of said rule provides that a CODI must be constituted in all national / local agencies of the government, state colleges and universities, including GOCCs with original charter. In the absence of CODI, the head office or agency shall immediately cause the creation of the CODI in accordance with law and rules.

- The Rules on SH is categorical as the head of office or agency is the entity tasked to create the CODI when none is existing. Gatchalian issued EO 2012-006 creating the CODI on SH of the City Government of Valenzuela which found Urrutia liable for sexual harassment.

- The CA committed reversible error in dismissing Gatchalian's petition on the basis that the city mayor had no power to discipline Urrutia and only vice mayor has the sole jurisdiction to discipline him. There is legal basis for not reinstating Urrutia to his former position since Gatchalian, through the CODI, had jurisdiction and authority to try the SH case against Urrutia. PETITION IS GRANTED and the Decision/Resolution of the CA affirming the CSC Decision/Resolution are REVERSED.

RULING:

SC: ON THE VALIDITY OF THE DELEGATION

The rule on the **non-delegation** of the BIR Commissioner's power to discipline BIR employees under the EO No. 292 **does not include the delegation of the power to issue formal charges and preventive suspension orders, which are merely part of the investigation process.** The Court stressed in Quimbo vs. Acting Ombudsman Gervacio, where we held:

> *"Jurisprudential law establishes a clear-cut distinction between suspension as preventive measure and suspension as penalty xxx*

RULING:

*"**Preventive suspension is merely a preventive measure, a preliminary step in an administrative investigation.** The purpose of the suspension order is to prevent the accused from using his position and the powers and prerogatives of his office to influence potential witnesses or tamper with records xxx. **If after such investigation, the charge is established and the person investigated is found guilty of acts warranting his suspension or removal, then he is suspended, removed or dismissed. This is the penalty.***

xxx

*"SEC. 24. Preventive suspension is **not a punishment or penalty for misconduct in office but is considered to be a preventive measure** – Administrative Code of 1987*

- As preventive suspension cannot be credited as service of penalty, BIR Commissioner Henares did not unduly delegate his power to Dep. Comm. Sales to discipline BIR employees.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

CABOTAGE, Richard Joseph C.

Re: Disapproved Appointment
(Petition for Review)
N1720050020

APPOINTMENT

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUE:

- Whether the disapproval of Cabotage's appointment to the position of Chief of Hospital is in order.

RULING:

- In the case of ADONA, Benecio L., (CSC Decision No. 15-0634, dated August 24, 2015), the Commission applied the 1997 Revised QS Manual in evaluating appointments to COH positions. In said Decision, the Commission clarified that the CESE/CSEE eligibility as provided in the 1997 Revised QS Manual for SG 24 and SG 25 COH positions will not apply. Instead, the R.A. No. 1080 license for said positions will be required.

RULING:

- The appropriate qualification standards for the COH position provided under the 1997 Qualification Standards Manual, which was published and used in the evaluation of Cabotage's qualifications is the appropriate QS. However, the amendment in the training requirement for executive/managerial positions provided under Sections 67 and 68 of the 2017 ORAOHRA, should have been considered, to wit:

> ***"Sec. 67. Generally, the training required for the executive/managerial positions in the second level shall be 120 hours of supervisory/management learning and development xxx.***
>
> ***"Sec. 68. For executive/managerial positions in the second level with duties and responsibilities involving practice of profession xxx, the Continuing Professional Education/Development (CPE/CPD) for licensed professionals or trainings relevant to practice of profession may constitute for a maximum of 40 hours of technical training and the remaining 80 hours shall be management trainings xxx."***

RULING:

- Cabotage failed to meet the one hundred twenty hours (120) supervisory/management training, since he only has fifty-six (56) hours of supervisory training. Under the 2017 ORAOHRA, as amended, for executive/managerial position which involves practice of profession, the 120-hours is divided into forty (40) hours of technical training and eighty (80) hours of supervisory/management training. Accordingly, the Commission finds that Cabotage is not qualified for the position at the time of the issuance of his original appointment.

RULING:

- The Commission did not consider the contention of Mayor Belmonte that there was no incorrect information in the publication since they applied 1997 QS Manual. While they used the 1997 QS Manual, they failed to take into consideration that the training requirement was already amended by the 2017 ORAOHRA.

RULING:

- The Commission affirmed the findings of the CSC NCR on disapproving the original appointment of Cabotage as COH for violation of Section 25, Rule VII, 2017 ORAOHRA as amended, which states that:

> ***"Sec. 25. Any incorrect information in the publication, i.e. item number, position title or qualification standards shall be a ground for disapproval/invalidation or appointments."***

CAPARAS, Neil Ian O.

Re: Recall of Approval of Appointment;
(Lack of Authority to Issue Appointment)
N1720000221

APPOINTMENT

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUES:

- Whether Esplana is clothed with authority to issue the appointment to Caparas; and

- Whether the recall of the approval of the appointment of Caparas is in order.

HELD:

FIRST ISSUE:

- Pertinent to the first issue is Sec. 13(c), Rule IV of the 2017 ORAOHRA, which states that:

xxx

Designation shall be governed by the following rules:

xxx

c2. Designees can only be designated to positions within the level they are currently occupying. Employees holding first level positions cannot be designated to perform the duties of second level positions except in meritorious cases as determined by the CSC Regional office upon request for exemption by the agency concerned, such as organizational set-up, calamity and due to exigency of the service. This exception shall not apply to positions involving supervisory and executive managerial functions. Division Chief may be designated to perform the duties of second level executive/managerial or third level positions.

HELD:

FIRST ISSUE:

- As LCWD issued BOD Resolution No. 9, s. 2019 designating Esplana as OIC General Manager. Be it noted that the position of a General Manager of a water district is primarily confidential in nature, and as such, the appointee serves at the pleasure of the BOD (***Civil Service Commission vs. Pililia Water District, G.R. No. 190147, March 5, 2017***). In view of such nature of the General Manager position in water districts, its BOD is free to appoint whoever it chooses to repose its trust and confidence with. In the same manner, the BOD is also free to choose who to designate as its General Manager, which may be done without regard to the level of position of the chosen designee.

- **While the designation of Esplana may be in order, the Commission, however, notes that his designation as Officer-in-Charge (OIC) was couched in general terms, such that he was not specifically vested with the power to issue an appointment.** In short, said OIC, as in the case of Esplana, may not be deemed to possess the power to appoint employees for such function involves the exercise of discretion.

HELD:

FIRST ISSUE:

- Further, in the Resolution of ***Vitriolo, Julito D., Re: Query; Position Title; Nomenclature Distinction between Acting and OIC***, the Commission has explained the distinction between a designation in an acting capacity and an OIC, to quote:

xxx

> ***"It must be noted that a designation under acting capacity may be differentiated from a designation as Officer-in-Charge (OIC) in such a manner that an OIC enjoys limited powers which are confined to functions of administration and ensuring that the office continues its usual activities. The OIC may not be deemed to possess the power to appoint employees as the same involves the exercise of discretion which is beyond the power of an OIC. On the other hand, as aptly ruled by the Commission in the case of Amado S. Day, a designation in an acting capacity entails not only the exercise of the ministerial functions attached to the position but also the exercise of discretion. This is so considering that the person designated is deemed to be the incumbent of the position.***

HELD:

FIRST ISSUE:

> *'The power to appoint resides exclusively in the appointing authority and is not deemed delegated to one who is merely an Officer-in-Charge. The designation of an OIC is nothing more than a temporary and convenient arrangement intended to avert paralyzation of the day to day operations of an office in the meantime that the chief or head of office is temporarily absent. The OIC has no power to appoint unless the designation issued by the proper appointing authority includes expressly the power to issue appointment. x x x*

- In this case, there was no such express grant of power to Esplana as his designation was couched in general terms. Therefore, he does not have the authority to validly issue an appointment.

HELD:

SECOND ISSUE:

- Having found that Esplana is not duly clothed with the power to issue an appointment in view of the lack of express grant of authority to him in the designation order to issue an appointment, the appointment (original) he issued to Caparas is therefore legally infirmed.

- Nevertheless, Caparas shall be entitled to the salaries and benefits of the position of Senior Data Encoder-Controller as a *de facto* officer from the time of his assumption to office duty until this Decision becomes executory.

- Petition for Review is hereby dismissed, and Decision No. 200075 dated September 24, 2020 issued by the CSC RO V recalling the approval of Esplana's original appointment is affirmed.

GAVAN, Ritchel A.

Re: Recall of Approval of Appointment
(Petition for Review)

N1720011720

APPOINTMENT

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUE:

- Whether the recall by the CSC RO VI of the approval by the CSC FO-Iloilo City of the appointment of Gavan as Special Operations Officer III is in order.

RULING:

- For the City Government of Iloilo, the total number of HRMPSB members for the screening of the instant second level position is 7 while the majority number of such members is 4. It is noted that Section 93, Rule 9, 2017 ORAOHRA (Revised July 2018) provides that:

> *"The HRMPSB shall be represented by at least the majority of its members during the deliberation of candidates for appointment."*

RULING:

- "Majority" has been defined as that which is greater than half of the membership of the body or that which is 50% + 1 of the entire membership in accordance with the case of **La Carlota City, *et al.* vs. Atty. Rex G. Rojo (G.R. No. 181367, April 24, 2012)**, citing as basis the case of **Santiago vs. Guingona, et al. (G.R. No. 134577, November 18, 1998).**

RULING:

- In the case of Gavan, only 3 HRMPSB members, namely: Engr. Divinagracia, Sangguniang Bayan Member Peñaredondo, and Atty. Jeruta were able to deliberate/screen her application for the vacant position of Social Operations Officer III, which is short of the majority number of 4.

- Gavan argued that Atty. Hernando Galvez (City Administrator) and Josephine P. Agudo (City Government Assistant Department Head II), were able to attend and deliberate. Thus, there were 5 HRMPSB members during the screening of her application.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

RULING:

- However, based on the records, the names of Atty. Galvez and Agudo were not included as HRMPSB members of the City Government of Iloilo in Office Order No. 010, series of 2018 dated February 1, 2018.

- Section 90, Rule 9, 2017 ORAOHRA (Revised July 2018), specifically provides that:

> *"... The HRMPSB members must be duly designated and their names posted in the agency bulletin board. Any change in the composition of the HRMPSB should be reported to the CSC Regional or Field Office concerned."*

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

RULING:

- The Commission finds the recall by the CSC RO VI of the approval by the CSC FO-Iloilo City of the appointment of Gavan as Special Operations Officer III in order pursuant to Section 116 (b), Rule XI, 2017 ORAOHRA (Revised July 2018), as follows:

  > *"Notwithstanding the initial approval/validation of an appointment, the same may be recalled by the CSC RO concerned or by the Commission on any of the following grounds . . . (b) failure to pass through the agency's HRMPSB."*

- In the case of **Conrado L. De Rama vs. the Court of Appeals, et al.**, the Supreme Court held that the Commission has the sole authority to recall an appointment initially approved by it when such appointment and approval are proven to be in disregard of applicable provisions of the Civil Service Law and regulations.

RULING:

- Gavan is reverted to her former position of Community Affairs Officer II. However, Gavan shall be entitled to the payment of salaries and other benefits of the Special Operations Officer III position as a *de facto* officer from the time of her assumption to duty until the Decision becomes executory

LEE T. ARROYO
vs. THE HONORABLE COURT OF APPEALS AND ULYSSES A. BRITO

G.R. NO. 202860
APRIL 10, 2019

APPOINTMENTS
DE FACTO

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUE:

- Whether the OP decision finding Brito liable for Falsification of Official Document makes him an improper party to file a *quo warranto* petition.

HELD:

- The SC grants Arroyo's petition.

- As the decision of the OP dismissing Brito from service was rendered after the finality of the judgment of the *quo warranto* proceeding, the period within which to appeal in the CA has already lapsed. However, Arroyo **sought an exception to the doctrine of immutability** as it would render the execution of the *quo warranto* judgment unjust and inequitable.

- Rule 66(5) of the Rules of Court requires that individuals who commence a *quo warranto* proceedings must establish their eligibility to the public office or position usurped or unlawfully held by the respondent. *xxx* Thus, **lacking the requisite qualifications for the controverted public office or position, the petitioner may not raise the lack of qualification of the supposed usurper.** As this also invalidated his CESO eligibility, **Brito is also no longer qualified to become an RD of the NCIP. Hence, he is not a proper party to file a *quo warranto* petition.**

HELD:

Effects of the Court's decision to dismiss the petition for quo warranto on Arroyo

- As early as 1917, the Court in ***Lino v. Rodriguez and De Los Angeles***, recognized the concept of a de facto officer. *xxx* ***A judge de jure*** *is one who is exercising the office of a judge as a matter of right. He is an officer of a court which has been duly and legally elected or appointed. A* ***judge de facto*** *is an officer who is not fully invested with all of the powers and duties conceded to judges, but is exercising the office of judge under some color of right.*

- Simply put, a ***de facto*** **officer** exercises his or her authority under a color of an appointment or an election, while a ***de jure*** **officer** is legally appointed or elected, and possesses all qualifications to the office.

HELD:

- The Court in *Tuanda v. Sandiganbayan* required the presence of the following elements for the application of the de facto officer doctrine, viz.: *(1) there must be a de jure office; (2) there must be a color of right or general acquiescence by the public; and (3) there must be actual physical possession of the office in good faith*.

- It is apparent that there is a (1) *de jure* office resulting from the reorganization and merger of the ONCC and the OSCC to the NCIP, and (2) Brito possessed colorable title to the RD position by virtue of the CA's Decision granting his *quo warranto* petition, **while Brito (3) did not possess the RD position in good faith as he was aware of his fabricated academic degree**. **His intention notwithstanding, the public remained unaware of the defect of Brito's reinstatement as RD of the NCIP. The *de facto* doctrine should be applied.** However, Brito may not retain the salaries as a *de facto* officer. He is required to account to Arroyo all the amounts he received by virtue of his position as a de facto officer, if there are any.

The petition for certiorari is GRANTED. The Decision of the CA is MODIFIED to direct the dismissal of the petition for *quo warranto* insofar as petitioner Lee T. Arroyo is concerned.

NATIONAL TRANSMISSION CORPORATION vs. COMMISSION ON AUDIT (COA) and COA CHAIRPERSON AGUINALDO

G.R. No. 223625
November 22, 2016

CONTRACT OF SERVICE

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUES:

- Whether or not the grant of financial assistance/separation benefit to former Transco personnel engaged by virtue of Service Agreements is prohibited.

- Whether or not COA committed grave abuse of discretion when it affirmed Decision No. 2013-04 and Notice of Disallowance No. 11-003.

RULING:

- TransCo, relying on *Lopez vs MWSS*, had ruled that petitioners were entitled to severance pay notwithstanding the fact that contracts of service were not government employees and the same were not approved by CSC. TransCo argues that similar to the employees in *Lopez* case, Miranda was a regular employee entitled to separation benefits. Neither the EPIRA nor RA No. 9511 limit to permanent employees the award of separation benefits.

- TransCo emphasized that the lack of CSC approval did not negate the presence of an employer-employee relationship.

RULING:

- SC ruled that CA did not gravely abuse its discretion as TransCo, being a GOCC was created by virtue of Electric Industry Reform Act of 2001 (EPIRA) which provides:

> *"This Rule shall apply to all employees of National Government* service *xxx regardless of position, designation, or status, who are displaced or separated from service as a result of restructuring xxx, provided that the coverage for casual, or contractual employees shall be limited to those whose appointments were approved or attested by CSC."*

RULING:

TransCo relied on the pronouncement of Lopez, *viz:*

"The primary standard of determining regular employment is the reasonable connection between the particular activity performed by the employer in relation to the usual business or trade of the employer. ***The connection can be determined by considering the nature of the work performed and its relation to the scheme of the particular business or trade in its entirety****. The repeated and continuing need for the performance of the job has been sufficient evidence of the necessity if not, indispensability of the activity to the business."*

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

RULING:

- SC ruled that it is high time that pronouncements in Lopez be abandoned because it sets a precarious precedent as it fixes employer-employee relationship in the public sector in disregard of CS laws, rules and regulations.

- While the four-fold test and other standards set forth in the Labor Code may aid in ascertaining the relationship between the government and its purported employees, they cannot be overriding factors over the conditions and requirements for public employment as provided by CS laws, rules and regulations.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

RULING:

- ***A government employee must apart from applying the four-fold test comply with the rules of the CSC in determining the existence of employer-employee relationship.***

- Petition was granted, *pro hac vice* for relying on Lopez, which was abandoned in this ruling.

TIDCORP vs CSC

G.R. No. 182249
March 5, 2013

APPOINTMENTS
(Charter exempts agency from CSC Rules)

ISSUE:

- Directly at issue is the application of Section 1(c), Rule III of CSC MC No. 40, s. 1998, to appointments in TIDCORP.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

RULING:

- As there is an apparent clash between TIDCORP's charter, enacted by Congress, and the CSC rules, issued pursuant to the CSC's rule-making power, the SC held that Section 7 of TIDCORP's Charter (RA 8494) exempts it from rules involving compensation, position classification and qualification standards, including compliance with Section 1(c), Rule III of CSC MC No. 40, s. 1998.

- Section 7 of RA 8494, directs TIDCORP's Board of Directors to "endeavor to make its system conform as closely as possible with the principles [and modes provided in] Republic Act No. 6758" (Compensation and Position Classification Act of 1989).

- This reference of RA 6758 in Section 7 means that TIDCORP cannot simply disregard RA 6758 but must take its principles into account in providing for its own position classifications.

RULING:

- The phrase "as closely as possible," which qualifies TIDCORP's duty "to endeavor to conform," recognizes that the law allows TIDCORP to deviate from RA 6758, but it should still try to hew closely with its principles and modes.

- Had the intent of Congress been to require TIDCORP to fully, exactly and strictly comply with RA 6758, it would have so stated in unequivocal terms.

- Since Section 1(c), Rule III of CSC MC No. 40, s. 1998, is the only requirement that De Guzman failed to follow, his appointment actually complied with all the requisites for a valid appointment. The CSC, therefore, should have given due course to De Guzman's appointment.

PROVINCIAL GOVERNMENT OF CAMARINES NORTE vs. GONZALES

G.R. No. 185740
JULY 23, 2013

SECURITY OF TENURE

ISSUE:

- Whether the reclassification of the Provincial Administrator position from permanent to primarily confidential violated Gonzales' security of tenure.

RULING:

- Congress' reclassification of the Provincial Administrator position in RA 7160 is a valid exercise of legislative power that does not violate Gonzales' security of tenure.

- Congress has the power and prerogative to introduce substantial changes in the Provincial Administrator position and to reclassify it as a primarily confidential, non-career service position. Flowing from the legislative power to create public offices is the power to abolish and modify them to meet the demands of society.

RULING:

- The concept of security of tenure, however, labors under a variation for primarily confidential employees due to the basic concept of a "primarily confidential" position. Serving at the confidence of the appointing authority, **the primarily confidential employee's term of office expires when the appointing authority loses trust in the employee**. When this happens, the confidential employee is not "removed" or "dismissed" from office; his term merely "expires" and the loss of trust and confidence is the "just cause" provided by law that results in the termination of employment.

In the present case where the trust and confidence has been irretrievably eroded, the SC stated that no fault can be attributed to Gov. Pimentel when he exercised discretion and decided that he could no longer entrust his confidence in Gonzales.

RULING:

- Security of tenure in public office simply means that a public officer or employee shall not be suspended or dismissed except for cause, as provided by law and after due process. It cannot be expanded to grant a right to public office despite a change in the nature of the office held.

- In other words, the CSC might have been legally correct when it ruled that the petitioner violated Gonzales' right to security of tenure when she was removed without sufficient just cause from her position, but the situation had since then been changed. In fact, Gonzales was reinstated as ordered, but her services were subsequently terminated under the law prevailing at the time of the termination of her service; *i.e.*, she was then already occupying a position that was primarily confidential and had to be dismissed because she no longer enjoyed the trust and confidence of the appointing authority.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

YUSOPH, Altreki H.

Decision No. 190219
May 23, 2019

Re: Disapproved Appointment

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.

ISSUE:

- Whether the disapproval of the appointment of Yusoph as Instructor I under temporary status is in order.

RULING:

- While awaiting disposition, the Commission promulgated CSC Resolution No. 1800692 dated July 3, 2018, as circularized in CSC MC No. 14, s. 2018 prescribing the parameters in issuing temporary appointment to faculty positions in state universities and colleges. Section 9, item (b) par. 5 and 6 provides that:

"When there are no available qualified faculty in the region, place or locality, as certified by the appointing officer/authority, temporary appointments may be issued until the required Master's degree is met/complied with.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI

RULING:

- While the appointment was issued prior to the effectivity of CSC MC No. 14, s. 2018, the **Commission was inclined to retroactively apply the same and give it a curative effect in the instant case**, taking into account the importance of faculty professors who are inclined to teach in far flung areas where there are limited applicants who apply for teaching position.

The Commission finds that CSC ARMM did not err in affirming the disappoval of the temporary appointment issued prior to the promulgation of CSC MC 14, s. 2018. In view of the fact that the Commission is inclined to give CSC MC 14, s. 2018 a retroactive and curative effect, the Commission resolves to approve Yusoph's temporary appointment effective on the date of issuance but renewal shall be limited only to five (5) times reckoned from issuance of his first temporary appointment as prescribed under CSC MC 25, s. 2017;

RULING:

- Petition for Review was granted. Decision of CSC ARMM disapproving Yusoph's temporary appointment for failure to meet the education requirement of the position was **SET ASIDE**. Temporary appointment is hereby **APPROVED**.

EDIZA, Roy Prule M.

Decision No. 180322
JULY 3, 2018

EFFECTS OF DISBARMENT

ISSUE:

- Whether the disbarment of Ediza adversely affected his qualifications for the PES I position.

RULING:

- Ediza contends that although he was disbarred, his eligibility as a member of the Philippine Bar is not affected by his disbarment. Thus, the recall of the validation of his appointment is not proper.

- He invokes the ruling of the Commission in ***CSC Resolution No. 020520 dated April 11, 2002 (ANITIW, Dionesio C.)*** where the Commission ruled that a disbarred lawyer may be appointed as a City Administrator.

- Disbarment of lawyers is a proceeding that aims to purge the law profession of unworthy members of the bar. When a lawyer is disbarred, his/her name is stricken off the roll of attorneys and he is barred from exercising practice of the legal profession.

RULING:

- Section 54 of BP Blg. 881 clearly requires that only members of the Philippine Bar are eligible for appointment to certain COMELEC positions, including Provincial Election Supervisor.

- When Ediza was disbarred, he effectively lost not only his eligibility to the said position, he also lost his authority to exercise legal knowledge and the practice of law.

- His disbarment effectively removed his good standing from the Philippine Bar and thus, his eligibility to retain his permanent appointment to the PES position has also ceased to exist.

GAWING LINGKOD BAYANI ANG BAWAT KAWANI.