



NEW 2025

Rules on Administrative Cases in the Civil Service (RACCS)

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ADMINISTRATIVE DISCIPLINE

LEGAL BASIS:

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

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

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

Characteristics:

1. Administrative Offenses do not prescribe (Floria vs. Sunga, 386 SCRA 551)
2. Flexible concept of the right to a “speedy disposition of cases” (Ombudsman vs. Jurado, G.R. No. 154155 dated August 6, 2008)
3. Administrative cases are not subject to settlement (Modified by Rule 11, 2025 RACCS)
4. The withdrawal of the complainant is not a ground for the dismissal of the case
5. The complainant is a mere witness to the commission of the Offense, hence, anybody can file an administrative complaint

Rule 3, Complaint



Section 14. *Withdrawal of the Complaint.* The withdrawal of the complaint does not result in its outright dismissal or the discharge of the person complained of from any administrative liability.

Rule 3, Complaint

Section 10. *Who May Initiate.* Administrative proceedings may be initiated motu proprio upon issuance of a show-cause order by the disciplining authority or its authorized representative or upon written complaint of any other person.

Rule 3, Complaint



Section 11. *Requisites of a Valid Complaint.* No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to by the complainant.

Rule 3, Complaint

The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant must specify the actions/omissions committed by each, unless they are deemed to have acted in conspiracy. In such cases, the complainant may be required to submit additional copies corresponding to the number of persons complained of.

Rule 3, Complaint

The complaint shall contain the following:

- a. full name and address of the complainant;
- b. full name and address of the person complained of as well as his/her position and office;
- c. a chronological narrative of the relevant and material facts which shows the acts or omissions allegedly committed;
- d. clearly legible duplicate original or certified true copies of documentary evidence and affidavits of the complainant's witnesses, if any; and
- e. certification or statement of non-forum shopping.

Rule 3, Complaint

The absence of any of the aforementioned requirements shall cause the dismissal of the complaint without prejudice to its refiling upon compliance with the same.

As a general rule, a complaint filed in violation of the prohibition against forum shopping shall be dismissed with prejudice. However, in furtherance of justice and public accountability, the CSC or the disciplining authority may, at its discretion, assume jurisdiction over the case or refer the matter to the proper agency or office as may be appropriate.

Rule 3, Complaint

Section 12. *Anonymous Complaint.* No anonymous complaint shall be entertained unless the alleged act/s or omission/s complained of is/are:

- a. of public knowledge;
- b. verifiable;
- c. shown by documentary or direct evidence sufficient to establish reasonable ground to believe that the person complained of committed the offense; or
- d. reported anonymously and investigated by an agency and is referred to the Commission or any CSC ROs. For this purpose, the agency which made the referral shall be considered a nominal complainant, and the verification of the complaint as well as submission of Certificate of Non-Forum Shopping will no longer be required.

Rule 3, Complaint

Section 13. *When and Where to File a Complaint.* An administrative complaint may be filed anytime with the Commission or any of the CSC ROs, or with any agency or department as defined under Rule 1 hereof, except when otherwise provided by law.

Rule 3, Complaint

Section 15. *Action on the Complaint.* Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The disciplining authority may create an investigating committee or designate an investigator for such purpose.

Rule 4, Preliminary Investigation



Section 21. *Preliminary Investigation; Definition.* A Preliminary Investigation is a mandatory proceeding undertaken by the disciplining authority or its authorized representative as may be allowed under existing law or rules, to determine whether a prima facie case exists to warrant the issuance of a formal charge or notice of charge.

Rule 4, Preliminary Investigation



Section 22. *How conducted.* Preliminary investigation may be conducted in any of the following manner:

- a. Requiring the person complained of to submit a counter-affidavit or comment within five (5) days from receipt of the complaint which is sufficient in form and substance.

Any documentary evidence or affidavit of witness submitted in support of the aforementioned counter-affidavit or comment should be in the original or clearly legible duplicate or certified true copies thereof.

Rule 4, Preliminary Investigation



- b. Clarificatory meeting with the parties to discuss the merits of the case; or
- c. Ex-parte evaluation of the records.

A show-cause order shall be issued when the administrative disciplinary process is initiated by the disciplining authority or its authorized representative.

Rule 3, Complaint

Failure to submit a comment, counter-affidavit, or explanation shall be considered a waiver of the right to submit the same and the preliminary investigation may be completed in the absence thereof.

The right to counsel may be exercised even during the preliminary investigation.

For cases filed before the Commission or any CSC ROs, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 146 of these Rules.

Rule 4, Preliminary Investigation

Section 25. *Decision or Resolution after Preliminary Investigation.* If a prima facie case is established after preliminary investigation, the disciplining authority may issue either a formal charge or a notice of charge pursuant to Rule 5 of these Rules.

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

Rule 5, Formal Charge or Notice of Charge



Section 26. *Issuance of Formal Charge; Contents.* After a finding of a prima facie case, the disciplining authority or its authorized representative shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain the specification of the charge/s, or statements of the acts or omissions constituting the offense. It shall also include the following mandatory requirements:

- a. Brief statement of material or relevant facts, which may be accompanied by clearly legible duplicate or certified true copies of documentary evidence, and affidavits of the witnesses, if any;

Rule 5, Formal Charge or Notice of Charge



- b. Directive to answer the charge in writing, under oath, in not less than three (3) days but not more than ten (10) days from receipt thereof;
- c. Advice for the respondent to indicate in the answer whether or not a formal investigation is demanded; and
- d. Advice that respondent may opt to be assisted by a counsel.

Requests for a copy of the documents used as bases for the issuance of the Formal Charge, but which were not previously sent, may be made by the respondent within the same period given to file an answer. The period to file an answer does not begin to run until the respondent receives a copy of the requested documents.

RULE 5, Formal Charge or Notice of Charge



Section 27. *Notice of Charge/s.* In instances where the complaint was initiated by a person other than the disciplining authority, and a prima facie case is found to exist after ex parte evaluation of the records pursuant to Section 22(c) of these Rules, the disciplining authority or its authorized representative shall issue a written notice of the charge/s against the person complained of, who will now be referred to as respondent.

The notice shall contain the specification of charge/s or narration of the acts or omissions constituting the offense against the respondent with a statement that a prima facie case exists. It shall also include the following mandatory requirements:

RULE 5, Formal Charge or Notice of Charge



- a. All the supporting documents which were used as basis for the issuance of the notice of charge/s;
- b. Directive to answer the charge in writing, under oath, in not less than three (3) days but not more than ten (10) days from receipt thereof;
- c. Notice that the respondent may opt to be assisted by a counsel; and
- d. Notice that the respondent may elect to have a formal investigation.

RULE 5, Formal Charge or Notice of Charge



The notice of charge/s must be accompanied by a copy of the complaint, together with all documents attached to the complaint, such as legible duplicate or certified true copies of documentary evidence, and affidavits of the complainant's witnesses, if any.

Requests for the lacking documents may be made by the respondent within the same period given to file an answer. The period to file an answer shall not commence to run until the respondent receives the same.

RULE 5, Formal Charge or Notice of Charge



Section 28. *Prohibited Pleadings.* The disciplining authority shall not entertain requests for clarification, bills of particulars, motions to dismiss, motions to quash, motions for reconsideration, motions for extension of time to file answer, or any similar request or motion, except for the respondent's answer and/or request for a copy of the documents referred to in Sections 26 and 27. The same shall be noted without action and attached to the records of the case.

RULE 6, Answer

Section 31. *Failure to File an Answer.* Failure or refusal of the respondent to file an answer to the formal charge or notice of charge within the prescribed period under Rule 5 of these Rules shall be considered as a waiver of the right to submit the same. The case shall then be decided based on available records.

RULE 7, Preventive Suspension

Section 32. *Preventive Suspension; Nature.* Preventive suspension is not a punishment or penalty, but a measure of precaution so that the respondent may be removed from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is being investigated.

The period within which a public officer or employee charged is placed under preventive suspension shall not be considered as part of the actual penalty of suspension imposed upon the employee found guilty.

RULE 7, Preventive Suspension

Section 33. *Who may Issue.* A preventive suspension order may be issued by the proper disciplining authority or its authorized representative, upon motion or motu proprio.

In LGUs, the local chief executive may delegate to the CODI the power to issue a preventive suspension order as part of the investigation involving sexual harassment cases against any appointive official or employee of the local government unit, unless otherwise provided by law.

RULE 7, Preventive Suspension

In sexual harassment cases, the disciplining authority may delegate its power to the CODI for the issuance of a preventive suspension order against any official or employee of the concerned office.

The delegated authority of the authorized representative to issue preventive suspension orders should be in the form of Office/Board Resolution or Order and duly signed by the disciplining authority clearly stating such delegation.

RULE 7, Preventive Suspension

Section 34. *When Issued; Grounds.* The disciplining authority or its authorized representative may issue a preventive suspension order against the respondent upon the issuance of a valid formal charge or notice of charge, or immediately thereafter, if:

- a. The charge as specified in the formal charge or notice of charge involves:
 - 1. Serious Dishonesty;
 - 2. Oppression;
 - 3. Grave Misconduct;
 - 4. Gross Neglect in the Performance of Duty;

RULE 7, Preventive Suspension



- 5. Other offenses punishable by dismissal from the service; or
 - 6. An administrative offense committed on its second or third instance and the penalty is dismissal from the service; and
- b. The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence such as, but not limited to, the following circumstances:
- 1. Respondent holds a position in the agency that could compromise the integrity and impartiality of the entire proceedings;

RULE 7, Preventive Suspension

2. The presence of the respondent in the workplace will hamper the normal course of the investigation of the case and will pressure or unduly influence the possible witnesses who will be presented against him or her;
3. The respondent either has access to and control over the evidence, or authority over the custodian of said evidence that will be presented against him or her;
4. The respondent has employees under his or her direct supervision whom he or she could influence and utilize in his or her favor;
5. The respondent may take improper advantage of his or her authority and power in a way that deprives potential witnesses of their free will; and
6. Other analogous circumstances.

RULE 7, Preventive Suspension

Thus, in order for a preventive suspension order to be valid, the following must concur: (1) the formal charge or notice of charge must specify any of the offenses in Item (a); and (2) the appropriate circumstance or justification in Item (b) must be stated and substantiated in the preventive suspension order.

RULE 7, Preventive Suspension



Section 35. *Evaluation of the Formal Charge.* When a respondent is formally charged with negligence and/or dishonesty, and the gravity of the negligent conduct and/or dishonest act is not specified such that it cannot easily be discerned if the subject offense is among the enumeration in Item (a) of Section 34, the Commission is not precluded from evaluating the allegations specified in the formal charge for purposes of determining the gravity thereof, without necessarily delving into the merits of the case.

RULE 7, Preventive Suspension

Section 36. *Alternative to Preventive Suspension.* In lieu of a preventive suspension order, the proper disciplining authority or its authorized representative may reassign the respondent to another unit of the agency after the issuance of the formal charge subject to the same periods as provided in the immediately succeeding section.

If the respondent has already been reassigned pursuant to a reassignment order prior to the issuance of the formal charge, no preventive suspension order should be issued, unless the conditions enumerated in Section 34 subsist.

RULE 7, Preventive Suspension



Section 37. *Duration of Preventive Suspension.* Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days in the case of national agencies including GOCCs with original charters and SUCs or sixty (60) days in the case of LGUs including LUCs.

RULE 7, Preventive Suspension

The respondent shall be automatically reinstated to the service when the administrative case against him or her is not finally decided by the disciplining authority or authorized representative within the period of the preventive suspension or of the reassignment in lieu thereof. If the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be included in the counting of the period of preventive suspension. Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension.

RULE 7, Preventive Suspension

Where the preventive suspension order is for a period less than the maximum period and the disciplining authority or authorized representative has not yet finished the formal investigation within the said period, the latter is precluded from imposing another preventive suspension without prejudice to the continuation of the formal investigation.

Should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

RULE 7, Preventive Suspension

If the respondent is serving a preventive suspension in another case, the duration of the second preventive suspension shall simultaneously run with the first preventive suspension without prejudice to the service of the remaining period of the second preventive suspension.

The respondent who is placed under preventive suspension pending investigation is not entitled to compensation and other benefits. However, withholding of compensation should be strictly construed to be limited only to the period of preventive suspension, while the case is pending investigation.

RULE 7, Preventive Suspension

Section 38. *Remedies from the Order of Preventive Suspension and/or Reassignment Order in lieu of preventive suspension.* The respondent may opt to file an appeal with the Commission within fifteen (15) days from receipt of the preventive suspension or reassignment order or may exercise such remedy within fifteen (15) days from receipt of the decision in the main case.

RULE 7, Preventive Suspension

Pending appeal, the order shall be executory. A motion for reconsideration from the preventive suspension order shall not be allowed. In case such motion is filed, the same shall be noted without action and attached to the records of the case and shall neither stay the execution of the said order nor stop the running of the reglementary period to appeal.

A preventive suspension order imposed by the disciplining authority or authorized representative or the CSC is executory unless a Temporary Restraining Order is issued by the Court of Appeals or the Supreme Court

RULE 7, Preventive Suspension

Section 39. *Payment of Back Wages during Preventive Suspension.* The payment of back wages during the period of suspension shall be governed by the following:

- a. A declaration by the Commission that a preventive suspension order is invalid entitles the respondent to immediate reinstatement and payment of back wages corresponding to the period of the illegal preventive suspension without awaiting the outcome of the main case.

RULE 7, Preventive Suspension

A preventive suspension is invalid if any of the following circumstances is present:

1. The order was issued by one who is not authorized by law;
2. The preventive suspension order was issued without a formal charge or notice of charge, or with a defective formal charge or notice of charge; or
3. The order was not premised on any of the conditions under Section 34.

RULE 7, Preventive Suspension



If the preventive suspension order issued in the same document containing the formal charge or notice of charge is found to be invalid based on items 1 and 2 hereof, such declaration shall result in the dismissal of the main case without prejudice to the refiling thereof, in addition to the payment of back wages and the entitlement of the respondent to other benefits withheld during the period of preventive suspension.

RULE 7, Preventive Suspension

An invalid preventive suspension order under item 1 hereof shall not lead to the dismissal of the case if issued separately from or independent of the formal charge or notice of charge.

A preventive suspension order issued based on the enumerated grounds but in excess of the prescribed period shall not result in its invalidation but shall entitle the respondent to the payment of back wages corresponding to the excess period only.

RULE 7, Preventive Suspension

b. If the preventive suspension order was assailed on the appeal in the main case, and the respondent is exonerated or reprimanded only, and the preventive suspension was declared to be invalid, the respondent shall be paid back wages for the duration of the period of preventive suspension. Otherwise, no back wages shall be paid for the duration of the preventive suspension.

Even if the respondent be eventually found innocent of the charge, the same shall not give rise to payment of back wages corresponding to the period of preventive suspension in the absence of any finding of its invalidity.

ADMINISTRATIVE DISCIPLINE



JURISDICTION

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

Delegation of the Power to Investigate

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

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

ADMINISTRATIVE DISCIPLINE



Delegation of the Power to Issue Formal Charge and Preventive Suspension

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”

(BIR vs. Leoncio A. Gan-Lim, Jr., G.R. No. 254939, 3 March 2021)

Permanency of Jurisdiction

Jurisdiction once present is not lost upon the instance of the parties but continues until the case is terminated.
(Que vs. Court of Appeals, 339 SCRA 505)

In administrative cases, jurisdiction over the person complained of remains even if he resigned from the service so long as the offense was committed during his incumbency.
(CSC Resolution No. 99-0298 dated January 1, 1999, Uy, Allan)

ADMINISTRATIVE DISCIPLINE



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

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

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

ADMINISTRATIVE DISCIPLINE



The retirement of petitioner effective January 1, 1998, did not render moot the instant case. The filing of the administrative complaint against petitioner on December 17, 1997, prior to his retirement, effectively conferred upon the NPC, the CSC, and this Court, the jurisdiction to resolve the case until its conclusion. Hence, the guilt or innocence of petitioner can be validly addressed by the Court in the instant administrative case.

(Largo vs. CA, CSC, NPC and Olandesca, G.R. No. 177244, Nov. 20, 2007)

ADMINISTRATIVE DISCIPLINE



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

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

ADMINISTRATIVE DISCIPLINE



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

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

ADMINISTRATIVE DISCIPLINE



However, the holding in Andutan is premised on the finding that Andutan was involuntarily separated from the service by virtue of a directive from the Executive Secretary. *x x x* the separation from the service is not an absolute bar to the filing of an administrative charge if the public officer voluntarily separated from the service to “prevent the imminent filing thereof”.

(BSP v. OMB, G.R. No. 201069, 16 June 2021)

ADMINISTRATIVE DISCIPLINE



Andutan cannot be applied to respondent's case. The respondent's voluntary separation from the government service, in addition to her knowledge that a complaint would most likely to be filed against her at anytime, bolsters the Ombudsman's position that the respondent attempted to forestall the filing of an administrative case against her by availing of optional retirement.

(Office of the Ombudsman v. Hermosura, G.R. No. 207606, 16 February 2022)

ADMINISTRATIVE DISCIPLINE



Effect of Death to an Administrative Case under Investigation

- Death is a far graver and more powerful judgment than anything that this Court has jurisdiction to render. Hence, when the respondent in a pending administrative case dies, the case must be rendered moot. Proceeding any further would be to violate the respondent's fundamental right to due process. Should it be a guilty verdict, any monetary penalty imposed on the dead respondent's estate only works to the detriment of their heirs. To continue with such cases would not punish the perpetrator, but only subject the grieving family to further suffering by passing on the punishment to them.

(Sharon Flores-Concepcion v. Judge Castaneda, Branch 67, Paniqui, Tarlac,
A.M. No. RTJ-15-2438, 2 September 2020)

ADMINISTRATIVE DISCIPLINE



Effect of Death to an Administrative Case under Investigation

- There is no more reason for this Court to proceed with this case.
- Respondent is dead. She could no longer evade liability. She could no longer pollute the courts with her incompetence and corrupt ways. She could no longer betray the public trust.
- Death, perhaps, was a more profound judgment than any this Court could impose.
- Despite all the constitutional powers we are endowed with as the Supreme Court of this country, we should have the humility to accept that we do not have the ability to punish a dead person. It is irrational to do so. Perhaps, only the universe can.

(Sharon Flores-Concepcion v. Judge Castaneda, Branch 67, Paniqui, Tarlac, A.M. No. RTJ-15-2438, 2 September 2020)

ADMINISTRATIVE DISCIPLINE



Effects of Death to an Administrative Case on Appeal

For humanitarian reasons, the Court ruled that respondent's mistakes should not unduly punish his heirs, especially if they had no part in or knowledge about respondent's extortion activities. Respondent's liability should be considered personal and extinguished upon his death. It should not extend beyond his death, and its effects should not be suffered by his heirs, lest it indirectly impose a harsh penalty upon innocent individuals. The Court stressed that respondents heirs already had to deal with the sudden death of a loved one. This alone was more than enough for a family to bear. Hence, to allow respondent's administrative case and the forfeiture of all of his death and survivorship benefits to subsist beyond his death would unnecessarily add to the already deep sorrow and grief of his bereaved family.

(Dr. Ramon S. Guerra, Jr., vs. The Board of Regents, West Visayas State University, G.R. No. 210512, 27 July 2022)

RULE 9, Decision

Section 60. Effect of Death of Respondent in a Pending Case. A case pending investigation or appeal is rendered moot upon the death of the respondent, hence, should be dismissed.

RULE 10, Administrative Offenses and Penalties

Section 70. *Penalty for Multiple Offenses.* If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.

RULE 10, Administrative Offenses and Penalties

Section 71. *Penalty for Multiple Counts of the Same Offense.* In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

ADMINISTRATIVE DISCIPLINE



Appellate Jurisdiction

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

Exclusive Appellate Jurisdiction

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

RULE 13, Appeal in Disciplinary Cases

Section 93. *Withdrawal of Appeal.* An appeal may be withdrawn as a matter of right before its perfection. Notwithstanding the perfection of an appeal, the appellate body may grant a motion for its withdrawal, provided that the appellant-movant presents sufficient grounds and that such withdrawal is consistent with equitable considerations. Once the motion to withdraw is granted, the assailed decision becomes final and executory, with prejudice to the refile of an appeal.

RULE 13, Appeal in Disciplinary Cases

Section 94. *Perfection of an Appeal or a Petition for Review.* To perfect an appeal or a petition for review, the appellant or petitioner shall submit a Memorandum of Appeal or a Petition for Review containing the following:

- a. the material dates showing the timeliness of the appeal;
- b. a concise statement of the facts and issues involved and the grounds relied upon;
- c. a statement or certificate of non-forum shopping;
- d. certified true copies of the assailed decision, resolution or order;

RULE 13, Appeal in Disciplinary Cases



- e. certified true copies of documents or evidence relevant to the case;
- f. proof of service of a copy of the memorandum of appeal to the disciplining authority; and
- g. proof of payment of the required fee.

If the appellant or petitioner fails to comply with any of the above requirements upon the filing of the appeal/petition for review, the Commission shall direct compliance with the foregoing within a period of ten (10) days from receipt of the Order therefor. Failure to comply with such Order shall be construed as failure to perfect an appeal/petition for review and shall cause its dismissal with prejudice to its refiling.

RULE 13, Appeal in Disciplinary Cases



If a party resorts to forum shopping on appeal, the same shall be dismissed with prejudice.

The Memorandum of Appeal or the Petition for Review, as the case may be, shall be filed with the appellate authority, copy furnished the disciplining authority.

The filing of a Notice of Appeal without an attached Memorandum of Appeal or Petition for Review shall not stop the running of the period to appeal.

RULE 13, Appeal in Disciplinary Cases

The disciplining authority shall submit its comment together with the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss within fifteen (15) days from receipt of the Order issued by the appellate body. Failure to comply with the Order to submit its comment and the records of the case will result in the submission of the case for decision based on available records.

RULE 13, Appeal in Disciplinary Cases

Section 95. *Effect of Filing.* Except for decisions imposing the penalty of dismissal from the service which requires the confirmation of the Department Head or Secretary and cases decided by the CSC ROs, an appeal filed before the Commission shall not stay the execution of the assailed decision, resolution, or order.

RULE 13, Appeal in Disciplinary Cases

Section 96. *Effect of Finding of Violation of Due Process.* The Commission shall grant the appeal of and dismiss the case against the respondent-appellant if it finds that the disciplining authority committed a violation of the respondent-appellant's right to due process at any stage of the administrative proceedings. Consequently, the Commission shall order the immediate reinstatement of the respondent-appellant with corresponding payment of back wages and other benefits.

The dismissal of the case against the respondent-appellant shall be without prejudice to its being re-filed in accordance with the applicable rules.

ADMINISTRATIVE DISCIPLINE



Backwages - In **Campol vs Balao-As**, the Sangguniang Bayan (SB) of Boliney, Abra passed a resolution in 2004 terminating Campol as SB Secretary in 2005, while his illegal termination was still pending, Campol obtained another job as an administrative aide in the Public Attorney's Office (PAO). SC ruled that Campol's PAO earning should not be deducted from the award of full backwages:

"Any income he may have obtained during the litigation of the case shall not be deducted from this amount. This is consistent with our ruling that an employee illegally dismissed has the right to live and to find employment elsewhere during the pendency of the case."

Julius B. Campol, vs. Mayor Balao-As and VM Sianen, GR No. 197634, 2016

ADMINISTRATIVE DISCIPLINE



Revisiting **Campol vs Balao-As**, the SC agreed that the award of full back wages in favor of an illegally dismissed civil service employee who was subsequently employed in another govt agency violates the constitutional prohibitions against double office-holding and double compensation in the civil service. Sec. 8, Art. IX-B of the Constitution provides that no elective or appointive public officer or employee shall receive additional, double or indirect compensation xxx.

SC ruled that petitioners who were subsequently rehired by the NPC, absorbed by PSALM or Transco, or transferred or employed by other government agencies, are not entitled to back wages. To award back wages even to those who remained employed as a direct result of the 2003 reorganization amounts to unjust enrichment and damage to the government.

On the other hand, petitioners who were neither rehired by the NPC or absorbed by PSALM or Transco pursuant to the 2003 reorganization and subsequently employed in the private sector shall be entitled to full back wages (applying *Bustamante and Equitable Banking Corporation*).

NPC Drivers and Mechanics Association (NPC DAMA) vs. The National Power Corp., GR. No. 156208, November 21, 2017

RULE 14, Payment of Back Wages and Other

Similar Benefits

Section 101. *What Are Included.* Subject to the guidelines provided hereinafter and other existing laws, rules, and regulations, the following benefits are included in the scope of back wages:

- a. Salaries from the time the official or employee was illegally dismissed or suspended until actual reinstatement;
- b. Representation and Transportation Allowance (RATA), as provided under existing rules;
- c. Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);

RULE 14, Payment of Back Wages and Other

Similar Benefits

- d. Restoration of Leave Credits;
- e. Loyalty Award;
- f. Anniversary Bonus;
- g. 13th, 14th Month Pay, and Cash Gift;
- h. Uniform/Clothing Allowance;
- i. Performance-based Bonus; and
- j. Other similar benefits given to regular employees by the agency, except laundry allowance and hazard pay.

The Party Adversely Affected Doctrine

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

ADMINISTRATIVE DISCIPLINE



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

(CSC vs Dacoycoy 306 SCRA 425)

ADMINISTRATIVE DISCIPLINE



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

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

ADMINISTRATIVE DISCIPLINE



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

Thank you



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