DISCIPLINARY RULES AND PROCEDURES OF THE PHILIPPINE POSTAL CORPORATION

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"Approving the Disciplinary Rules and Procedures of the Philippine Postal Corporation, A Copy of which is Hereto Attached and Made an Integral Part Hereof as Annex "A".

"RESOLVED, as it is hereby resolved that the Disciplinary Rules and Procedures of the Philippine Postal Corporation, a copy of which is hereto attached and made an integral part hereof as Annex "A", be approved."

This is to further certify that, to date, said Board Resolution has not yet been modified, amended or repealed.

Adopted: 4 Nov. 1994

(SGD.) EFREN G. SANTOS
Corporate Secretary

Annex "A"

Disciplinary Rules and Procedures of the Philippine Postal Corporation

Rule I
Title and Coverage

SEC. 1. These rules shall be known as Disciplinary Rules and Procedures of the Philippine Postal Corporation.

SEC. 2. These rules and procedures shall cover all civil service employees of the Philippine Postal Corporation below the ranks of Assistant Postmaster General.

Rule II
Discipline

SEC. 1. Discipline: General Provision

(a) No officer or employee of the Corporation shall be suspended or dismissed except for cause as provided for by law and after due process.

(b) Except when initiated by the Postmaster General, no complaint against the subordinate official or employees shall be given due course unless the same is in writing and subscribed and sworn to by the complainant.

(c) Form of complaint - The complaint shall be drawn in clear, simple and concise language and in a methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense (CSC MC No. 11, Sec. 4)

(d) Contents of complaint - The complaint shall contain (a) the full name and address of the complainant; (b) the full name and address of the respondent as well as his position and office of employment; (c) a specification of the charges; and (d) a brief statement of relevant and material facts, accompanied by certified true copies of the documentary evidence, if any (CSC MC No. 11, Sec. 5)

(e) Effect of withdrawal - The withdrawal of the charges by the complainant does not ipso facto discharge the respondent from any administrative liability. (CSC MC No. 11, Sec. 8)

(f) Anonymous complaint - No action shall be taken on an anonymous complaint unless there is obvious truth or merit to the allegations thereof. No official or employee of the corporation shall be required to answer or comment on an anonymous complaint. (CSC Res. No. 94-0521, Sec. 5)

SECTION 2. Disciplinary Jurisdiction - (a) The Board of Directors shall decide upon appeal the decision of the Postmaster General removing officials and employees from the service. (R.A. 7354, Sec. 21 (d)). The decision of the Board of Directors is appealable to the Civil Service Commission.

(b) The Postmaster General or his authorized representative shall have jurisdiction to investigate and decide matters involving disciplinary action against officials and employees of the Corporation. (R.A. 7354, Sec. 21 (d)).

(c) Except as herein provided, the Chief, Inspection Service or his authorized representative shall conduct fact-finding investigation of cases arising in the Corporation and shall make the necessary report and recommendation to the Postmaster General within the period specified in Sec. 7, Rule III of these rules (P.D. 807, Sec. 37 (c)).

Rule III
Procedure

A. Fact-Finding and Preliminary Investigation

SEC. 1. Action of the Complaint - upon receipt of a complaint which is sufficient in form and substance, the Chief, Inspection Service or any of the authorized representative of the Postmaster General, shall evaluate the same and determine whether a preliminary or fact-finding investigation is needed or if the evidence submitted by the complainant warrants the immediate issuance of a formal charge, especially in cases where light offenses were alleged to have been committed. (CSC Res. No. 94-0521).

When a complaint is directed against an official with a salary grade of twenty-six (26) and above, but below the rank of Assistant Postmaster General, the Postmaster General shall order the investigation to be conducted by a) Chief Legal Service, b) Chief, Inspection Service , or c) a committee of three (3) to be created by the Postmaster General whose members shall have the same salary grade or higher than the above respondent.

SEC. 2. Fact-finding Investigation - Fact-finding investigation shall involve merely the ex-parte examination of records and documents submitted by the complainant, as well as documents readily available from other government offices.

If the existence of a prima facie case has been established, a formal charge shall be immediately issued to the respondent.

SEC. 3. Preliminary Investigation. Preliminary investigation is an inquiry or proceeding whereby the complainant and the respondent are given the opportunity to submit therein affidavits and counter-affidavits, as well as those of their witnesses. Failure of the respondent to submit his counter-affidavit shall be construed as a waiver thereof.

During the inquiry or proceedings, the parties and their witnesses shall be asked to affirm their signatures on said documents and the truthfulness of the statements contained therein. Under no circumstances shall cross-examination of the witnesses be allowed but the hearing officer may propound clarificatory questions (CSC Res. No.94-0521).

SEC. 4. Failure to Affirm Signature and the Contents of Affidavit - Failure of any of the parties or witnesses to

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affirm the signatures on his affidavit and the contents thereof during the preliminary investigation shall render such affidavit without evidentiary value. (CSC Res. No. 94-0521)

SEC. 5. Issuance of Subpoena - The investigator may issue subpoena duces tecum and/or subpoena ad testificandum for the production of documents or materials needed in the determination of the existence of a prima facie case. (E.O. 292, Sec. 48, Chapter 6, Title I-Book V)

SEC. 6. Record of Proceedings - during the preliminary investigation, the hearing officer shall record in his own handwriting his clarificatory questions to the parties and their witnesses and the answers given thereto or may avail the services of official stenographer to record the proceedings. Such record and other notes made by the hearing officer or the stenographer shall form part of the records of the case.

SEC. 7. Duration of the Investigation - A fact-finding or preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Investigator and shall be terminated within (30) days thereafter except on complicated cases where a longer period is necessary to complete the investigation.

In such cases, the investigator shall submit a progress report from time to time.

SEC. 8. Investigation Report - Within five (5) days from the termination of the fact-finding or preliminary investigation, the investigator shall submit his Report of Investigation and the complete records of the proceedings to the Legal Service of the Corporation.

In the event that no sufficient evidence was submitted or no prima facie case is found after the conduct of the preliminary investigation, the complaint shall be dismissed without prejudice to the filing of a motion for reconsideration. An appeal may also be filed with the Civil Service Commission in case where decision dismissing the complaint was rendered by the Postmaster General.

B. Formal Investigation

SEC. 9. Formal Charge - When the Postmaster General finds the existence of a prima facie case, the respondent shall be formally charged. He shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless he had already received the same during the preliminary investigation. The respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit his answer under oath, together with the affidavits of his witnesses and other evidences, and a statement indicating whether or not he elects a formal investigation. He shall also be informed of his right to the assistance of a counsel of his choice. If the respondent already submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

SEC. 10. Conduct of Formal Investigation - A formal investigation shall be held after the respondent has filed his answer or after the period of filing an answer has expired. It shall be completed within thirty (30) days from the date of the service of the formal charge, unless the period is extended by the Postmaster General in meritorious cases.

Although the respondent did not elect a formal investigation, one shall nevertheless be conducted if upon evaluation of the complaint, the answer, and the documents in support thereof, the merits of the case can not be judiciously decided without a formal investigation.

The investigation shall be conducted only for the purpose of ascertaining the truth and without necessarily adhering to technical rules applicable in judicial proceedings. It shall be conducted by the Legal Service.

When the administrative case is against an official with a salary grade of twenty-six (26) and above, but below the rank of Assistant Postmaster General, the Postmaster General shall order the investigation to be conducted by the

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a) Chief, Legal Service, or b) a committee of three (3) to be created by the Postmaster General whose members shall have the same salary grade or higher than the respondent.

SEC. 11. Failure to File an Answer - If respondent fails or refuses to file his answer, he shall be considered to have waived his right to file an answer to the charges and formal investigation may commence ex-parte. (CSC Res. No. 94-0521)

SEC. 12. Pre-hearing Conference. - At the commencement of the formal investigation, the Hearing Officer, in the exercise of his discretion, may direct the parties to appear for a pre-hearing conference to consider and agree on any of the following:

(a) Dates of subsequent hearings;
(b) Simplification of issues;
(c) Stipulation of facts;
(d) Limiting the number of witnesses and their names;
(e) Identification and marking of evidence of the parties;
(f) Waiver of objections to admissibility of evidence; and
(g) Possibility of amicable settlement in accordance with Section 10, Chapter III, Book VII of the Administrative Code of 1987 (EO 292) and
(h) Such other matters as may aid in the prompt and just resolution of the case.

SEC. 13. Minutes of Pre-Hearing Conference - After the pre-hearing conference, the hearing officer shall prepare the minutes which shall contain a summary of the agreements of the parties, including the facts stipulated.

The parties may agree to submit the case for resolution based on the result of the pre-hearing conference without any need for further hearings. (CSC Res. No.94-0521)

SEC. 14. Request for Subpoena - If a party desires the attendance of a witness or the production of documents, he shall make a request for the issuance of the necessary subpoena or subpoena duces tecum, at least three (3) days before the scheduled hearing.

SEC. 15. Continuous Hearing Until Terminated; Postponement - Hearings shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference. Postponement shall not be allowed except in meritorious cases, provided, that a party shall not be granted more than two (2) postponements.

The parties, their counsel and witnesses, if any, shall be given a notice at least five (5) days before the scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearing previously set shall be strictly followed without further notice.

If the respondent fails or refuses to appear during the scheduled hearings, the investigation shall proceed ex-parte and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings. (CSC Res. No.94-0521)

SEC. 16. Preliminary Matters - At the start of the hearing, the hearing officer shall note the appearance of the parties and shall proceed with the reception of evidence for the prosecution.

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

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

The investigation shall be conducted with solemnity and the hearing officer shall comport himself with the

impartiality and dignity befitting his position as a trier of facts in a case involving the integrity or efficiency of a public office. (CSC MC No.1, Sec. 7.)

SEC. 17. Appearance of Counsel - Any counsel appearing before any hearing conducted by the hearing officer shall manifest orally or in writing his appearance for a party, stating his name and exact address at which he may be served with copies of decisions and other communications. Any pleading signed by him without complying with the above stated requirements shall not be recognized. Neither shall he be allowed to prosecute or defend a case. (CSC Res. No. 94-0521).

SEC. 18. Order of Hearing - Unless the investigator direct otherwise, the order of hearing shall be as follows:

(a) The prosecution shall produce its evidence subject to the pre-hearing agreement.
(b) The respondent shall then offer evidence in support of his defense subject to the pre-hearing agreement.
(c) Cross-examination by either party, when proper and allowed by the hearing officer or investigator.
(d) Following cross-examination, there may be redirect and recross examination.
(e) When the presentation of evidence has been conducted, the parties may be given time to submit their respective memoranda which in no case shall be beyond five (5) days after the termination of the investigation.

SEC. 19. Objections - All objections raised during the hearing shall be resolved by the hearing officer.

The investigator shall accept all evidence deemed material and relevant to the case. In case of doubt, he should allow the admission of evidence subject to the objection interposed against its admission. (Ibid)

SEC. 20. Markings - all documentary evidence or exhibits shall be properly marked letters (A, B, C, etc.) if presented by the complainant and by the numbers (1, 2, 3 etc.) if presented by the respondent. These shall form part of the complete records of the case and shall be systematically and chronologically bound.

SEC. 21. Testimonies and Records of Proceedings - The sworn affidavits or statements of the parties or their witnesses shall constitute their direct testimonies. The use of depositions whenever practicable and convenient shall be preferred. During the cross-examination, the testimony of each witness shall be recorded by the hearing officer in his own handwriting taking only the important or significant statements or the services of a stenographer may be availed of. The records/notes of the hearing officer or of the stenographer shall form part of the official records of the case. The proceedings may also be tape recorded by the parties.

SEC. 22. Submission of Memorandum - Parties may submit their respective memoranda within five (5) days from termination of the hearing. Failure to submit the same within the given period shall be considered a waiver thereof. (CSC Res. No. 94-0521)

SEC. 23. Parties Required to Submit Draft Decision - Unless otherwise provided by special laws, the parties shall be required to submit in addition to the memorandum, position paper, or last pleading required by them, a draft of the decision they seek stating clearly and distinctly the facts and the law upon which it is based. Following the termination of the hearing, the officer charged with resolving the case may, after considering and appreciating the applicable laws, rules and regulations and the evidence submitted, adopt in whole or in part, either of the parties' draft decisions, or reject both. This requirement shall likewise be applied to motion or application for Orders other than the final judgment (E.O. No. 26, 10-7-1992)

SEC. 24. Report of Investigation - Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation as well as the recommendations, shall be submitted to the Postmaster General, through the Service Manager, Legal Service, by the hearing officer. The complete records of the case shall be attached to the Report of Investigation.

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SEC. 25. Decision After Formal Investigation - The Postmaster General or his duly authorized representative shall render a decision in writing within thirty (30) days from the termination of the investigation or receipt of the Report of Investigation, together with the complete records of the case.

SEC. 26. Contents of Decision. The decision shall contain the charge, the name of the respondent and his office, a brief statement of the material and relevant facts, findings, offense committed, and penalty imposed.

SEC. 27. Decisions are Executory - Decisions of the Postmaster General or his duly authorized representative shall be immediately executory unless a motion for reconsideration is seasonably filed. If the decision is brought to the Supreme Court on Certiorari, the same shall still be executory unless a restraining order or preliminary injunction is issued by the high court.

SEC. 28. Grounds for Motion for Reconsideration. The motion for reconsideration shall be based only on any of the following grounds:

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

Only one motion for reconsideration shall be entertained. (CSC Res. No. 94-0521)

The motion for reconsideration is deemed filed in case the same is sent by registered mail on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped received by the concerned office.

C. Appeals

SEC. 29. Appeal to the Board - (a) An appeal may be taken from the order or decision of the Postmaster General to the Board by the respondent, by filing a notice of appeal within (15) days from receipt of the resolution, order or decision appealed from, and serving a copy thereof to the Postmaster General. Only decisions of the Postmaster General, removing an official or employee from the service is appealable to the Board.

SEC. 30. Grounds - The respondent may appeal to the Board from an order or decision of the Postmaster General removing him from the Service, on any of the following grounds:

a) That there is grave abuse of discretion on the part of the Postmaster General.
b) That the order or decision is obtained through fraud or coercion, or graft and corruption; or
c) That errors in the finding of facts or conclusions of laws were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.

SEC. 31. Where to File - The appeal shall be filed with the Secretariat of the Board in ten (10) legibly written copies.

SEC. 32. Caption - in all cases appealed to the Board, the party appealing shall be called "appellant" and the adverse party the "appellee" and the case shall be given a docket number.

SEC. 33. Requisites for the Appeal - the notice of appeal shall be filed within the reglementary period as provided for in Section 29 of this rule. The notice of appeal shall state the date of the decision appealed from, when respondent received the order or decision appealed from, and the proof of service to the adverse party.

SEC. 34. Perfection of Appeal; No Extension of Period. Compliance with the foregoing requisites in the preceding section perfects the appeal. No motion or extension of the period within which to perfect an appeal shall be entertained.

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SEC. 35. Appeal Memorandum - Upon perfection of an appeal, the Board shall issue a verified appeal memorandum within ten (10) days from receipt of such order, furnishing a copy thereof to the appellee, who may reply thereto, if he so desires, within the same period of time. With the filing of the appeal memoranda or the lapse of the period within which to file them, the appeal shall be deemed submitted for resolution. If the notice of appeal already contains a discussion of the grounds relied upon for excepting from the decision, appeal memorandum shall no longer be required but the same shall be verified or under oath, in which case, the appeal shall be deemed submitted for resolution.

SEC. 36. Records of the Case - The records of the case shall contain among others, the minutes of the hearing conducted, all original pleadings filed, notices or orders or decision of the Postmaster General and proofs of service thereof which shall be numbered on every page thereof. The complete records of the case on appeal shall be immediately forwarded to the Board thru the Secretariat by the Legal Service in ten (10) copies.

SEC. 37. Withdrawal of Appeal - An appeal may be withdrawn at any time prior to the promulgation of the resolution, order or decision. Upon approval of the withdrawal of an appeal, the case shall stand as if no appeal has been taken.

SEC. 38. Period to Decide Case - The Board shall render its decision on the case before it within thirty (30) days after submission.

SEC. 39. One Motion for Reconsideration - Only one timely motion for reconsideration of the resolution, order or decision of the Board shall be entertained, which shall be filed within fifteen (15) days from receipt by appellant of the decision of the Board.

The grounds for motion for reconsideration shall be based on the same grounds as stated in Sec. 28 of these Rules.

SEC. 40. Appeal of Order or Decision of the Board - The order or decision of the Board of Directors is appealable to the Civil Service Commission within fifteen (15) days from receipt by the party adversely affected by the order or decision.

SEC. 41. Decision Executory Pending Appeal - An appeal shall not stop the decision of the Postmaster General from being executory and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in case he wins the appeal. (P.D. 807, Sec. 37 (d))

Rule IV

SEC. 1. Preventive Suspension - The Postmaster General may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves dishonesty, oppression, or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of the charges which would warrant his removal from the service. (P.D. 807, Sec. 41)

SEC. 2. Lifting of Preventive Suspension Pending Administrative Investigation - When the administrative case against the officer or employee under preventive suspension is not finally decided by the Postmaster General or his duly authorized representative within the period of ninety (90) days after the date of suspension of the respondent, the latter shall be automatically be reinstated in the service: Provided, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be counted in computing the period of suspension herein provided. (E.O. 292).

Rule V

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Offenses and Penalties

SEC. 1. Administrative Offenses and their Corresponding Classification and Penalties - Administrative Offenses with its corresponding penalties are hereby classified into Grave, Less Grave, and Light Offenses, depending on the gravity of its nature and effects of said acts on the Corporation. (E.O 292, Sec. 46, Chapter 6, Title I-Book V and R.A. 6713)

A. Grave Offenses: 1st Offense: 2nd Offense: 3rd Offense

1. *Dishonesty : Dismissal

2. *Gross Neglect of Duty : Dismissal

3. *Grave Misconduct : Dismissal

4. *Being Notoriously undesirable : Dismissal

5. *Conviction of a crime : Dismissal
involving moral turpitude

6. *Falsification of official document : Dismissal

7. *Physical or mental incapacity : Dismissal
or disability due to vicious habits

8. *Engaging directly or indirectly in : Dismissal
partisan political activities by one
holding non-political office

9. * Receiving for personal use of a : Dismissal
gift or other valuable thing in the
course of official duties or in
connection therewith when such gift

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or other valuable thing is given by
any person in the hope or expectation
of receiving a favor or better
treatment than that accorded to other
persons, or committing acts
punishable under the anti-graft laws.

10. *Contracting loans of money or : Dismissal
other property from persons with
whom the office of the employee has
business relations

11. *Soliciting or accepting directly or : Dismissal
indirectly any gift, gratuity, favor,
entertainment, loan or anything of
monetary value which in the course of
his official duties or in connection
with any transaction which may be
affected by the functions of his office.
The propriety or impropriety of the
foregoing shall be determined by its
value, kinship, or relationship
between giver and receiver and the
motivation. A thing of monetary value
is one which is evidently of manifestly
excessive by its very nature

12. **Disloyalty to the Republic of the : Dismissal
Philippines and to the Filipino people.

13. *Oppression : Suspension, 6 mos. : Dismissal

1 day to 1 year

14. *Disgraceful and immoral conduct : Suspension, 6 mos. : Dismissal

1 day to 1 year

15. *Inefficiency and incompetence in : Suspension 6 mos. : Dismissal

the performance of official duties 1 day to 1 year

16. *Frequent unauthorized absences : Suspension, 6 mos. : Dismissal

or tardiness in reporting for duty, 1 day to 1 year

loafing or frequent unauthorized

absences from duty during office

hours.

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

Any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least (2) months in a semester or at least two (2) consecutive months during the year. In case of claim of ill-health, heads of department of the Corporation are encouraged to verify the validity of such claim and, if not satisfied with the reason given, should disapprove the application for sick leave. On the other hand, cases of employees who absent themselves from work before approval of the application should be disapproved outright.

In the discretion of the head of any department of the Corporation, any government physician may be authorized to do a spot check on employees who are supposed to be on sick leave.

17. *Refusal to perform : Suspension, 6 mos. : Dismissal

official duty 1 day to 1 year

18. *Gross insurbordination : Suspension, 6 mos. : Dismissal

1 day to 1 year

19. *Conduct grossly prejudicial to : Suspension 6 mos. : Dismissal

the best interest of the service 1 day to 1 year

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20. **Directly or indirectly having a : Suspension, 6 mos. : Dismissal
financial and material interest in any 1 day to 1 year
transaction requiring the approval of
his office. Financial and material
interest is defined as pecuniary or
proprietary interest by which a person
will gain or lose something.

21. **Owning, controlling, managing : Suspension, 6 mos. : Dismissal
or accepting employment as officer, 1 day to 1 year
employee, consultant, counsel, broker,
agent, trustee, or nominee in any
private enterprise regulated,
supervised or licensed by his office,
unless expressly allowed by law.

22. **Engaging in the private practice : Suspension 6 mos. : Dismissal
of his profession unless authorized by 1 day to 1 year
the Constitution, law or regulation,
provided that such practice will not
conflict with his official function.

23. **Disclosing or mis-using : Suspension 6 mos. : Dismissal
confidential classified information 1 day to 1 year
officially known to him by reason of his
office and not made available to the
public, to further his private interests
or give undue advantage to anyone, or
to prejudice the public interest.

24. **Obtaining or using any : Suspension 6 mos. : Dismissal

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statement filed under the Code of 1 day to 1 year

Conduct and Ethical Standards for

Public Officials and Employees for any

purpose contrary to morals or public

policy or any commercial purpose other

than by news and communications

media for dissemination to the

general public.

25. Sexual Harassment (Grave : Dismissal

Misconduct/Conduct Prejudicial to

the Best Interest of the Service)

Definition of sexual harassment. Sexual harassment is one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of sexual nature, made directly, indirectly and impliedly when:

(1) such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group; or

(2) submission to such conduct is made either implicitly or explicitly a condition of employment or any opportunity for training or grant of scholarship, or

(3) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee; or

(4) such conduct has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

For this purpose, employment-related sexual harassment means sexual harassment by a member or employee of the agency which occurs:

(1) in the working environment, or

(2) anywhere else as a result of employment responsibilities or employment relationship.

It includes but is not limited to sexual harassment: a) at the office, b) outside the office, c) at office-related functions, d) in the work assignments outside the office, e) at work-related conferences or training sessions, f) during work-related travel, g) over the telephone. (CSC MC No. 19 S.of 1994).

The head of agency is responsible for:

(1) Informing officials and employees on Sexual Harassment including their rights and responsibilities and the existence of procedures available under this Rules;

(2) Investigating every formal written complaint of sexual harassment and imposing strict disciplinary measures

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when a complaint of employment related sexual harassment is found to have been substantiated, regardless of the position and status of the offender;

(3) Doing all in its power to provide advice, support and assistance to employees of the agency and applicants who are subjected to sexual harassment, whether one or both parties involved are employed within the same agency;

(4) Appointing advisors, and provides the training and resources for them to fulfill their responsibilities under this Rules;

(5) Designating an officer of the agency who will be responsible for the investigation and hearing of complaints on sexual harassment;

(6) Strictly maintaining confidentiality in all stages of the proceedings to protect the interests of the complainant, the person complained against and any other person who may report cases of sexual harassment;

(7) Maintaining records as required by this Rules.
CSC MC No. 19 s. of 1994

B. Less Grave Offenses 1st Offense 2nd Offense 3rd Offense

1. *Simple neglect of duty : Suspension 1 mo. :Dismissal

1 day to 6 mos.

2. *Simple misconduct : Suspension 1 mo. :Dismissal

1 day to 6 mos.

3. Sexual Harassment : Suspension 1 mo. : Dismissal

(Simple Misconduct) 1 day to 6 mos.

4. *Gross discourtesy in the : Suspension 1 mo. : Dismissal

course of official duties 1 day to 6 mos.

5. *Gross violation of existing Civil : Suspension 1 mo. : Dismissal

Service Law and rules and Regulations 1 day to 6 mos.

6. *Insubordination : Suspension 1 mo. : Dismissal

1 day to 6 mos.

7. *Habitual drunkenness : Suspension 1 mo. : Dismissal
1 day to 6 mos.

8. Nepotism as defined in : Suspension 1 mo. : Dismissal
Sec. 49 of P.D. 807 1 day to 6 mos.

9. **Recommending any person to : Suspension 1 mo. : Dismissal
any position in a private enterprise 1 day to 6 mos.
which has a regular or pending official
transaction with his office, unless such recommendation or referral is
mandated by (1) law, or (2)
international agreements, commitment
and obligation, or as part of the
function of his office.

10. **Unfair discrimination in : Suspension 1 mo. : Dismissal
rendering public service due to 1 day to 6 mos.
party affiliation or preference

11. **Failure to file sworn statements : Suspension 1 mo. : Dismissal
of assets, liabilities and net worth, 1 day to 6 mos.
and disclosure of business interest
and financial connections including
those of their spouses and unmarried
children under eighteen (18) years of
age living in their household.

12. **Failure to resign from his : Suspension 1 mo. : Dismissal
position in the private business 1 day to 6 mos.
enterprise within thirty (30) days from
assumption of public office when

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conflict of interest arises, and or
failure to divest himself of his share
holdings or interest in private business
enterprise within sixty (60) days from
such assumption of public office when
conflict of interest arises; Provided,
however, that for those who are
already in the service and conflict of
interest arises, the official or
employee must either resign or divest
himself of said interest within the
periods herein-above provided,
reckoned from the date when the
conflict of interest had arisen.

LIGHT OFFENSES: 1st Offense : 2nd Offense : 3rd Offense

1. *Neglect of duty : Reprimand : Suspension 1-30 days : Dismissal

2. *Discourtesy in the course : Reprimand : Suspension 1-30 days : Dismissal
of official duties

3. *Improper or unauthorized : Reprimand : Suspension 1-30 days : Dismissal
solicitation of contributions from
subordinate employees and by
teachers or school officials from
school children

4. *Violation of reasonable : Reprimand : Suspension 1-30 days : Dismissal
office rules and regulations

5. *Gambling prohibited by law : Reprimand : Suspension 1-30 days : Dismissal

6. *Refusal to render overtime service : Reprimand : Suspension 1-30 days : Dismissal

7. *Disgraceful, immoral, or dishonest : Reprimand : Suspension 1-30 days : Dismissal
conduct prior to entering the service

8. *Borrowing money by superior : Reprimand : Suspension 1-30 days : Dismissal
officers from subordinates

9. *Lending money at unconscionable : Reprimand : Suspension 1-30 days :Dismissal
rates of interest

10. *Willful failure to pay just debts : Reprimand : Suspension 1-30 days : Dismissal
or willful failure to pay taxes due to
the government.

11. *Pursuit of private business : Reprimand : Suspension 1-30 days : Dismissal
vocation or profession without the
permission required by Civil Service
rules and regulations

12. *Lobbying for personal interest or : Reprimand : Suspension 1-30 days : Dismissal
gain in legislative halls and offices
without authority

13. *Promoting the sale of tickets in : Reprimand : Suspension 1-30 days : Dismissal
behalf of private enterprise that are
not intended for charitable or public
welfare purposes and even in the
latter cases if there is no authority.

14. **Failure to act promptly on : Reprimand : Suspension 1-30 days : Dismissal
letters and request within fifteen (15)
days from receipt, except as otherwise
provided in the rules implementing the
Code of Conduct and Ethical Standards
for Public Officials and Employees.

15. **Failure to process documents : Reprimand : Suspension 1-30 days : Dismissal
and complete action on document and
papers within a reasonable time from
preparation thereof, except as
otherwise provided in the rules
implementing R.A. No.6713.

16. **Failure to attend to anyone who : Reprimand : Suspension 1-30 days : Dismissal
wants to avail himself of the services
of the office, or act promptly and
expeditiously on public transactions.

LEGEND:

* Offenses under P.D. 807

** Offenses under R.A. 6713

SEC. 2. Penalties - The Postmaster General or his duly authorized representative may impose the penalty of removal from the service, transfer, demotion in rank, suspension for not more than one year without pay, fine in an amount not exceeding six (6) month's salary, or reprimand. (P.D. 807, Sec. 36 (d)).

SEC. 3. Penalty Imposable - Only one penalty shall be imposed for each case. "Each case" means one administrative case which may involve one or more charges or counts. If the respondent is found guilty of two or more charges or counts, the penalty imposed should be that corresponding to the most serious charge or count and the rest may be considered as aggravating circumstances. The second or third offense committed need not be the same offense previously committed but any offense of the same classification (CSC MC No.30).

SEC. 4. Mitigating and Aggravating Circumstances - (a) In the determination of penalties to be imposed, mitigating and aggravating circumstances may be considered. The following are considered mitigating circumstances:

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1. Physical illness
2. Good faith
3. Length of Service
4. Analogous circumstances

(b) The following are considered aggravating circumstances

1. Taking advantage of official position
2. Taking undue advantage of subordinate
3. Undue disclosure of confidential information
4. Use of government property in the commission of the offense.
5. Habituality
6. Offense is committed during office hours and within the premises of the working office and building
7. Employment of fraudulent means to commit or conceal the offense.
8. Analogous circumstances. (CSC MC No.8)

SEC. 5. Plea of Mitigating or Aggravating Circumstances - In the appreciation of any mitigating circumstances in favor of the respondent in an administrative case and/or any aggravating circumstances against him, the same must be invoked or pleaded by the proper party concerned, otherwise, said circumstances shall not be considered in the determination of the proper penalty to be imposed against the respondent concerned. (CSC MC No.30)

SEC. 6. Effect of Administrative Penalties - The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of leave credits, and retirement benefits, and the disqualification for reemployment in the government service. (CSC MC No.8)

SEC. 7. Graduation of Penalties - (a) If the officer or employee is adjudged guilty of one offense, the determination of the exact penalty will depend upon the number of mitigating and aggravating circumstances present, namely:

(1) The minimum of the penalty shall be imposed where only 1 mitigating and no aggravating circumstances are present.

(2) The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.

(3) The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

(b) And where aggravating and mitigating circumstances are present, the following rule shall be observed.

(a) (1) Shall be applied where there are more mitigating circumstances present.
(b) (2) Shall be applied when the circumstances equally offset each other.
(c) (3) Shall be applied when there are more aggravating circumstances.

The penalty of forced resignation shall carry with it that of forfeiture of leave credits, and retirement benefits, and the disqualification for employment in the government service for a period of one year. However, where the resignation contains conditions or disqualification regarding reemployment in a class of positions, the respondent shall be disqualified for reemployment in such positions. (CSC MC No.8)

SEC. 8. Duration and Effect of Administrative Penalties. -

(1) The duration and effect of administrative penalties are as follows:

a. The penalty of dismissal results in the separation of the respondent from the service, with or without prejudice

to criminal or civil liability.

b. The penalty of forced resignation may or may not contain a condition with respect to the enjoyment of benefits or reinstatement or reemployment.

c. The penalty of transfer shall not involve demotion in rank or salary but it may be imposed with a condition that the respondent be transferred to a position not involving property or money responsibility or to other station or assignment in the same office or may be required to seek transfer to another office within a period of not less than 90 days, otherwise he shall be considered resigned in accordance with the preceding paragraph.

d. The penalty of demotion may carry reduction in rank or salary or both.

e. The penalty of suspension consists in the temporary separation or cessation of work of the respondent to be imposed for a period not exceeding one (1) year.

f. The penalty of fine shall be in an amount not exceeding 6 months salary of respondent at the time of the filing of the complaint.

(2) The administrative disabilities accessory to administrative penalties are:

a. Cancellation of eligibility
b. Forfeiture of leave credits
c. Forfeiture of retirement benefits
d. Disqualification for reinstatement or reemployment
e. Disqualification for promotion

(3) And the administrative disabilities in certain penalties are:

a. The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification for reemployment in the government service.

b. The penalty of forced resignation shall carry with it that of forfeiture of leave credits and retirement benefits, and the disqualification for employment in the government service for a period of one year. However, where the resignation contains conditions or disqualification regarding reemployment in a class of positions, the respondent shall be disqualified for reemployment in such positions.

c. The penalty of transfer shall carry with it that of disqualification for promotion for a period of six (6) months from the date respondent reports to the new position or station.

d. The penalty of demotion shall carry with it that of disqualification for promotion at the rate of two (2) months for every step or rate of salary by which he was reduced or demoted to be computed from the date respondent reports to the new position or station (CSC MC no.32, Sec. 5, S. 1963)

e. The penalty of suspension shall carry with it that of disqualification for promotion as follows: the period of disqualification to be counted from the date the decision in the administrative case becomes final.

SEC. 9. Disqualification for Promotion - The rules on disqualification from promotion for officers or employees found guilty in an administrative case are as follows:

(1) If the penalty imposed is fine, the period of disqualification shall be as follows, which shall commence from the finality of the decision.

AMOUNT OF FINE PERIOD OF DISQUALIFICATION

Ten (10) days or less One (1) month

Eleven (11) days to twenty (20) days Two (2) months

Twenty-one (21) days to less than one (1) month Three (3) months

One (1) month to less than two (2) months Four (4) months

Two (2) months to less than three (3) months Five (5) months

Three (3) months to less than four (4) months Six (6) months

Four (4) months to less than five (5) months Seven (7) months

Five (5) months to not exceeding six (6) months Eight (8) months

(2) If the penalty is suspension, the period of disqualification shall be as follows, which shall commence from the finality of the decision

Period of Suspension Period of Disqualification

Less than one (1) month Two (2) months

One (1) month to less than two (2) months Four (4) months

Two (2) months to less than three (3) months Five (5) months

Three (3) months to less than four (4) months Six (6) months

Four (4) months to less than (5) five months Seven (7) months

Five (5) months to less than six (6) months Eight (8) months

Six (6) months to less than seven (7) months Nine (9) months

Seven (7) months to less than eight (8) months Ten (10) months

Eight (8) months to less than nine (9) months Eleven (11) months

Nine (9) months or over One (1) year

(3) A mere reprimand, or reprimand with warning, which shall be made in writing, shall not carry any period of disqualification for promotion

(4) If the penalty imposed is that of transfer from one position to another or from one station to another without demotion in rank or salary or without change of responsibility, he shall be disqualified from promotion for two months from the date he reports to the new position or station.

(5) If the penalty imposed is transfer from one position to another or from one station to another with demotion in rank and/or salary, he shall be disqualified from promotion at the rate of two (2) months for every step or rate of salary by which he was reduced or demoted, also reckoned from the date he reports to the new position or station.

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(6) The above-stated periods of disqualification shall be applied to similar or analogous penalties that may be imposed in administrative case.

Rule VI
Civil Service Rules and Regulations

SEC. 1. Civil Service Issuance - All rules and regulations issued by the Civil Service Commission in disciplinary case not inconsistent with the provisions of R.A. 7354 shall be part of these rules and procedures.

Rule VII
Miscellaneous Provisions

SEC. 1. Title of the Case - the person filing the complaint shall be called the complainant while the official or employee against whom the complaint is filed shall be called the respondent.

SEC. 2. Computation of Time - In computing the period of time prescribed by these rules, the first day shall be excluded and the last day included unless it be a Saturday, a Sunday or a legal holiday, in which case the period shall run until the end of the next day which is neither a Saturday, a Sunday or a legal holiday.

SEC. 3. Non-Implementation of Decision or Ruling - Any responsible officer of the Corporation who willfully and deliberately refuses or fails to implement or execute the final resolution or decision of the Board of Directors, the Postmaster General or his duly authorized representative to the prejudice of the party affected or the public in general shall be made liable for the payment of the salaries and other money benefits corresponding to the period of delay in the implementation of said decision, order or ruling.

The Corporation may further employ or pursue such other civil, criminal and/or administrative sanctions as provided for under existing laws.

SEC. 4. Period for Deciding Cases or Incidents and Sanctions.

(a) Unless a different period is fixed by law, all contested cases or incidents shall be decided within thirty (30) days from the date of submission for resolution pursuant to Sec. 14, Chapter I, Book VII of the Administrative Code of 1987. (E.O. No. 26, 10-7-1992)

(b) Where the officer's action is only recommendatory to his immediate superior or head of office, he shall submit his recommendation within twenty (20) days from the date of submission of the case or incident for resolution. The approving officer shall have ten (10) days from submission of the recommendation to decide the case or incident. (Ibid)

(c) A case or incident is deemed submitted for resolution upon expiration of the period for filing the memorandum, position paper, or last pleading of the parties.

(d) Every officer charged with the resolution of the case or incident shall submit to his immediate superior, head of office or officer exercising administrative supervision over him, within ten (10) days following the end of every month, a sworn statement of disposition of case declaring that all cases or incidents submitted to him for resolution have been decided within the prescribed period. (Ibid)

(e) Only one motion for reconsideration shall be allowed, which shall be decided within fifteen (15) days from date of submission for resolution. No other pleading shall be allowed other than the motion for reconsideration and opposition thereto. (Ibid)

(f) The salary of any officer who fails to submit the statement of disposition of cases within the prescribed period shall be, or cause to be, withheld by the head of office or immediate supervisor until the said officer complies with

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above-mentioned paragraph. This is without prejudice to the imposition of other appropriate penalties as may be provided for by law, rules, and regulations. (Ibid)

SEC. 5. Application for Hold Departure Order. As matter of policy, the Corporation shall coordinate with the regular Prosecutor's Office and/or the Ombudsman to request immediately for the issuance of a Hold Departure Order from the Bureau of Immigration and Deportation and the Department of Foreign Affairs against erring postal employees and persons criminally charged before their respective offices.

SEC. 6. All Existing Rules and Regulations, Circulars and Memoranda Inconsistent Herewith Are Hereby Repealed or Amended Accordingly.

Rule VIII
Effectivity

SEC. 1 Effectivity - These rules shall take effect fifteen (15) days after its publication in the PHILPOST JOURNAL which is the official publication of the Philippine Postal Corporation.

Adopted: 06 October 1994

(SGD.) RENAN V. SANTOS

(SGD.) EDUARDO P. PILAPIL

Chairman

Postmaster General

Ex-Officio Vice Chairman

(SGD.) PASCUAL C. KLIATCHKO

(SGD.) JORGE M. MARIANO III

Member

Member

(SGD.) ROBERTO LL AMOR

(SGD.) FRANCISCO R. FLORO

Member

Member

(SGD.) RONALDO S. TUAZON

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Attested by:

(SGD.) EFREN G. SANTOS

Corporate Secretary

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