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IMPLEMENTING GUIDELINES OF THE REVISED UNIFORM RULES ON ADMINISTRATIVE CASES

DBP CIRCULAR NO. 37, November 21, 2005

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Pursuant to Executive Committee Resolution No. 0045 dated June 29, 2005, the following Revised Uniform Rules on Administrative Cases are hereby prescribed:

Rule 1-
General Provisions

SECTION 1. Title - These Rules shall be known as the 2005 Revised Uniform Rules on Administrative Cases.

SECTION 2. Initiation of Administrative Cases -

a. Administrative proceedings may be commenced against a subordinate employee by the disciplining authority or upon sworn, written complaint of any other person.

b. Except when initiated by the disciplining authority, no complaint shall be given due course unless the same is in writing.

SECTION 3. Nature of Proceedings - The proceedings under these Rules shall be summary in nature and shall be conducted without necessarily adhering to the technical rules of procedure and evidence applicable to judicial trials.

SECTION 4. Sexual Harassment Cases - The handling and processing of sexual harassment cases shall be vested in the Committee provided under Republic Act 7877 as implemented under DBP Circular No. 21, s. 1997.

Rule II
Definition of Terms

SECTION 1. Disciplining Authority - In accordance with Section 9 (f) and Section 10 (f) of the Revised Charter of the DBP (Exec. Order No. 81, series 1986 as amended by Rep. Act. No. 8523), the disciplining authority in the Bank shall be as follows:

a. For disciplinary cases involving officers from Vice President or its equivalent, and other more senior officer positions, excluding the Chairman and Vice-Chairman, the disciplining authority shall be the Board of Directors. The Board of Directors may delegate its disciplining authority and power to the President/CEO.

b. For disciplinary cases involving officers and/or employees below Vice President or its equivalent, the disciplining authority shall be the President and Chief Executive Officer (CEO) of the Bank. The President/CEO may delegate his disciplining authority and power to the Chief Operating Officer of the Bank.

SECTION 2. Person Complained of - the person who is the subject of an adverse report and/or anonymous complaint but who is not, as yet, formally charged by the disciplining authority.

SECTION 3. Respondent - the person who is formally charged by the disciplining authority, or who has been

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furnished a copy of a complaint filed by any person other than the disciplining authority, and has been directed to answer the same.

SECTION 4. Party Adversely Affected - the respondent against whom a decision in a disciplinary case has been rendered.

SECTION 5. Forum-Shopping - the filing of the same complaint involving the same set of facts and the same parties in one or more administrative bodies having concurrent jurisdiction.

SECTION 6. Complaint - a written complaint by any person other than the disciplining authority against a bank official or employee, under oath, upon which the disciplining authority may take appropriate action (e.g., dismissal if not sufficient in form and/or substance, referral for fact-finding/preliminary investigation, etc.)

SECTION 7. Adverse Reports - Audit reports and other management reports of irregularities in the institution.

SECTION 8. Formal Charge - a written specification of a charge or charges signed by the disciplining authority. It need not be subscribed or sworn by him.

SECTION 9. Employees - regular and casual employees of the Bank. As used herein, this term shall also apply to officials of the Bank.

SECTION 10. Prima Facie Case - evidence sufficient to form a belief that an administrative offense has been committed for which the person complained of is probably guilty and should be charged.

SECTION 11. Contested Case - A case is deemed a "contested case" when the respondent, in his answer to an administrative complaint, elects a formal investigation.

SECTION 12. Parties - include the person complained of/the respondent, the private offended party (if any), and the prosecutor/Administrative Investigation Unit (AIU) of the Office of the Legal Counsel (OLC).

SECTION 13. Secretariat, Administrative Investigation Unit, Office of the Legal Counsel - It shall act as the "Clerk of Court", custodian of the records and center of communications of administrative cases.

Rule III
Action on Complaints

SECTION 1. Complaints - A complaint from a person other than the disciplining authority against a Bank official or employee shall not be given due course unless it is in writing, is subscribed and sworn to by the complainant, and satisfies the requirements provided in Section 2 of this Rule.

SECTION 2. Requisites for complaints - The complaint should be written in a clear, simple and concise language and in a systematic manner as to apprise the employee or the person complained of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

The complaint shall contain the following:

a. full name and address of the complainant;
b. full name and address of the person complained of as well as his position and office of employment;
c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed by the employee or the person complaints of;
d. certified true copies of documentary evidence and affidavits of his witnesses, if any; and
e. certification or statement of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice

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to its re-filing with proper and complete requirements.

SECTION 3. Where to file - The complaint shall be filed with the Secretariat for proper docketing which shall, in turn, refer the same to the appropriate disciplining authority as defined in Rule II of these Rules.

SECTION 4. Preliminary Investigation - Upon receipt of the sworn complaint if sufficient in form and substance, the disciplining authority shall refer the matter to the Administrative Investigation Unit or a responsible official, panel or task force for preliminary investigation and evaluation to determine whether or not a prima facie case exists.

During the investigation, the parties are given the opportunity to submit affidavits and counter-affidavits with supporting documents. The AIU Investigator or responsible official, panel or task force may interview witnesses and shall examine relevant records and documents submitted by the parties.

After conducting the preliminary investigation, the evaluating authority shall submit its findings and recommendations to the proper disciplining authority for the latter's approval or disapproval.

SECTION 5. Action of Disciplining Authority -

a. Where the disciplining authority does not find that a prima facie case exists, he shall order its dismissal. Where the disciplining authority finds that a prima facie case exists, he shall notify the respondent in writing of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and other documents submitted, and the respondent shall be allowed not less than seventy-two hours after receipt of the complaint to answer the charges.

b. Prohibited Motions -

1. No motion to dismiss or quash, and/or motion for bill of particulars shall be allowed in the cases covered by these Rules. Where grounds may exist for filing such motion/s, the same must be alleged and incorporated in the answer.

2. No dilatory motions shall be entertained.

SECTION 6. Answer - The answer must be in writing under oath, together with the supporting sworn statements and documents. The Respondent shall indicate in his answer whether or not he elects a formal investigation if his answer is not considered satisfactory.

The respondent, in his answer, shall specifically admit or deny all the charges specified in the formal charge, including the attachments. Failure of the respondent to deny or object under oath, to the documents attached thereto shall be deemed an admission of the genuineness and due execution of said documents.

a. If the answer is found to be satisfactory, the disciplining authority shall dismiss the case.

b. If the answer is not satisfactory, and the Respondent does not elect a formal investigation, the disciplining authority shall render a decision accordingly.

c. If the answer is not satisfactory, and the Respondent elects a formal investigation, the disciplining authority shall determine whether the case should be heard by a hearing officer or hearing panel and shall designate who will hear the case, and if it is hearing panel, the presiding officer and members thereof.

d. In the event that the respondent, despite due notice, fails to submit an answer within the prescribed period, the disciplining authority shall designate a Hearing Officer/Panel who shall resolve the complaint on the basis of the complainant and supporting evidence and submit its findings and recommendations to the disciplining authority

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for approval/disapproval.

Rule IV
Action on Adverse Reports and Anonymous Complaints

SECTION 1. Where to file - Adverse reports and anonymous complaints shall be filed with the Secretariat for proper docketing which, in turn, shall refer the same to the appropriate disciplining authority as defined in Rule II of these Rules.

SECTION 2. Action of Disciplining authority -

a. Where the disciplining authority finds no merit in the adverse report, he shall take no further action on the matter.

> Similarly, no anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or it is supported by documentary or direct evidence.

b. Where the disciplining authority finds the adverse report or anonymous complaint to be meritorious, he shall take appropriate measures including but not limited to, designating a responsible official, panel or task force or the Administrative Investigation Unit of the Office of the Legal Counsel to undertake fact-finding (if necessary) and to conduct the preliminary investigation and evaluation.

SECTION 3. Preliminary Investigation - After conducting the preliminary investigation, the evaluating authority shall submit its written findings and recommendations to the proper disciplining authority for the latter's approval or disapproval.

SECTION 4. Formal Charge - Where the disciplining authority finds that a prima facie case exists, he shall issue the Formal Charge which shall contain a specification of the charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath within five (5) days from receipt thereof by the respondent with the notice (i) for him to indicated in his answer whether or not he elects a formal investigation of the charge(s), and (ii) that he is entitled to be assisted by counsel of his choice.

Rule V
Formal Investigation

SECTION 1. Consolidation of Proceedings - Where the complaint involves or implicates officials and/or employees above and below Vice President level, the Board and the President/CEO, as the respective disciplining authorities, may establish a single hearing panel to hear the case, and shall jointly designate the presiding officer and members thereof.

SECTION 2. Prosecution - The Administrative Investigation Unit (AIU) or the person or panel designated by the disciplining authority shall prosecute the case. The complainant may be assisted or represented by counsel, who may be deputized for such purpose, under the direction and control of the AIU.

SECTION 3. Preliminary Conference -

a. Upon receipt of the records from the disciplining authority, the hearing officer/hearing panel shall set the case for preliminary conference for the parties to consider and agree on the admission or stipulation of facts and documents, simplification of issues, identification and marking of evidence and such other matters as may aid in the prompt and just resolution of the case. Except for good and justifiable reasons, any evidence not presented and

marked during the preliminary conference shall not be admitted in subsequent proceedings.

b. In contested cases, the preliminary conference shall include the setting of advance dates of subsequent hearings within the 90-day period from the date of the conference, the limitation of the number of witnesses to exclude those whose testimonies will be merely corroborative.

c. In contested cases, the order setting the date of preliminary conference shall require each party to file and serve on the adverse party at least three (3) days before date of conference, his verified position paper which must include a brief statement of facts supporting the party's charge or defense; a summary of admitted facts and proposed stipulation of facts; a brief statement of the issues raised by the party; a brief discussion of the applicable jurisprudence, laws and issuances; and the available trial dates of party and counsel within a 90-day period from the date of the conference.

d. Hearings and Continuances - The schedule of hearings agreed upon during the preliminary conference shall be strictly followed and no further notice of such scheduled hearings need be served on the parties thereafter. Postponements shall not be allowed except in meritorious cases substantiated under oath and in no instance shall either party be granted more than one postponement nor shall a postponement cancel more than one scheduled hearing.

SECTION 4. Minutes of Preliminary Conference - After the preliminary conference, the Hearing Panel or Hearing Officer shall issue minutes of the preliminary conference through an Order stating therein the matters taken up, the scheduled dates of hearing agreed upon, and explicitly defining and limiting the issues to be tried.

SECTION 5. Rules of Evidence - In a contested case:

a. The Hearing Panel/Officer may admit and give probative value to evidence commonly accepted by reasonably prudent men in the conduct of their affairs.

b. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, the parties shall be given the opportunity to compare the copy with the original. If the original is in the official custody of a public officer, a duly certified copy thereof may be accepted.

c. Every party shall have the right to cross-examine witnesses presented against him and to submit rebuttal evidence.

d. The Hearing Panel/Officer may take notice of judicially cognizable facts and of generally cognizable technical or scientific facts within its specialized knowledge. The parties shall be notified and afforded an opportunity to contest the facts so noticed.

e. The Hearing Panel/Officer shall have the power to ask clarificatory questions; and

f. The Rules of Evidence contained in the Rules of Court, as amended, shall apply in a suppletory manner.

SECTION 6. Subpoena - Subject to prevailing law and jurisprudence on materiality, confidentiality and relevancy in any contested case, the Hearing Panel/Officer shall have the power to require the attendance of witnesses and/or the production of books, papers, documents and other pertinent data, upon request of any party before or during the hearing upon showing of general relevance. Unless, otherwise provided by law, the Hearing Panel/Officer may, in case of disobedience, invoke the aid of the Regional Trial Court within whose jurisdiction the contested case being heard falls under. The Court may punish the contumacy or refusal as contempt.

Rule VI
Resolution of the Case

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SECTION 1. Contents and Period for Submission of Report - Within thirty (30) days after the Hearing Panel or Hearing Officer has issued an Order declaring the case submitted for resolution, a report shall be submitted to the appropriate disciplining authority. The report of the Hearing Panel or Hearing Officer shall clearly and distinctly state its factual and legal basis. This report shall be confidential and may not be disclosed or divulged to any person without the express approval of the disciplining authority.

SECTION 2. Decision - Every decision rendered by the disciplining authority in a contested case shall be in writing and shall clearly and distinctly state its factual and legal basis. The disciplining authority shall decide each case within thirty (30) days following its submission. The parties shall be notified of the decision personally or by registered mail addressed to their counsel of record, if any, or to them.

SECTION 3. Finality of Order - The decision of the disciplining authority shall become final and executory fifteen (15) days after the receipt of a copy thereof by the party adversely affected unless within that period an administrative appeal or judicial review, if proper, has been perfected. One motion for reconsideration may be filed, which shall suspend the running of the said period.

SECTION 4. Motion for Reconsideration - A motion for reconsideration may only be entertained if filed within fifteen (15) days from receipt of the Resolution by the parties. The motion shall be resolved within five (5) days from receipt thereof. No second motion for reconsideration shall be allowed. The grounds for a motion for reconsideration shall be those provided by law.

Rule VII
Penalties

SECTION 1. Classification of Offenses - Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

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

First Offense Second Offense Third Offense

1. Dishonesty Dismissal

2. Gross Neglect of Duty Dismissal

3. Grave Misconduct Dismissal

4. Being Notoriously Undesirable Dismissal

5. Conviction of a Crime Involving Moral Turpitude Dismissal

6. Falsification of Official Document Dismissal

7. Physical or Mental Incapacity or Disability
due to Immoral or Vicious Habits Dismissal

8. Engaging Directly or Indirectly in Partisan Political
Activities by One Holding Non-Political Office Dismissal

9. Receiving for Personal use of a Fee, Gift or Other Dismissal
Valuable Thing in the Course of Official Duties or
in Connection therewith when such Fee, Gift or
Other Valuable Thingis 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 Other Property Dismissal
from Persons with Whom the Office of the Employee
Has Business Relations

11. Soliciting or Accepting Directly or Indirectly, Dismissal
Any Gift, Gratuity, Favor, Entertainment, Loan
or Anything of Monetary Value which in the
Course of His Official Duties or in Connection
with Any Operation Being Regulated by, or
Any Transaction which May be Affected by the
Functions of His Office. The propriety or Impropriety
of the Foregoing shall be determined by its Value,
Kinship or Relationship between giver and receiver
and the motivation. A thing of monetary value is
one which is evidently or manifestly excessive by
its very nature

12. Nepotism Dismissal

13. Disloyalty to the Republic of the Philippines

and to the Filipino People Dismissal

14. Oppression Suspension Dismissal

6 mos. 1 day

to 1 year

15. Disgraceful and Immoral Conduct Suspension Dismissal

6 mos. 1 day

to 1 year

16. Inefficiency and Incompetence in the in the Suspension Dismissal

performance of official duties 6 mos. 1 day

to 1 year

17. Frequent Unauthorized Absences or Tardiness Suspension Dismissal

in Reporting for Duty, Loafing or Frequent Unauthorized 6 mos. 1 day

Absences from Duty During Regular Office Hours to 1 year

18. Refusal to Perform Official Duty Suspension Dismissal

6 mos. 1 day

to 1 year

19. Gross Insubordination Suspension Dismissal

6 mos. 1 day

to 1 year

20. Conduct Prejudicial to the Best Interest of the Service Suspension Dismissal

6 mos. 1 day

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to 1 year

21. Directly or Indirectly Having Financial and Material Suspension Dismissal
Interest in Any Transaction Requiring the Approval of 6 mos. 1 day
His Office. Financial and Material Interest is Defined to 1 year
as Pecuniary or Proprietary Interest by which a Person
Will Gain or Lose Something

22. Owning, Controlling, Managing or Accepting Suspension Dismissal
Employment as Officer, Employee, Consultant, 6 mos. 1 day
Counsel, Broker, Agent, Trustee, or Nominee in to 1 year
Any Private Enterprise Regulated, Supervised or
Licensed by His Office, unless Expressly Allowed by Law

23. Disclosing or Misusing Confidential or Classified Suspension Dismissal
Information Officially known to Him by Reason of His 6 mos. 1 day
Office and Not Made Available to the Public, to Further to 1 year
His Private Interests or Give Undue Advantage to Anyone,
or to Prejudice the Public Interest

24. Obtaining or Using Any Statement Filed Under Suspension Dismissal
the Code of Conduct and Ethical Standards for Public 6 mos. 1 day
Officials and Employees for Any Purpose Contrary to to 1 year
Morals or Public Policy or Any Commercial Purpose

25. Recommending Any Person to Any Position to Suspension Dismissal
Any Position in a Private Enterprise which Has a 6 mos. 1 day
Regular or Pending Official Transaction with His to 1 year
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.

B. The following are less grave offenses with the corresponding penalties:

First Offense Second Offense Third Offense

1. Simple Neglect of Duty Suspension Dismissal

1 mo. 1 day

to 6 mos.

2. Simple Misconduct Suspension Dismissal

1 mo. 1 day

to 6 mos.

3. Gross Discourtesy in the course of official duties Suspension Dismissal

1 mo. 1 day

to 6 mos.

4. Violation of existing Civil Service Law Suspension Dismissal

and rules of serious nature 1 mo. 1 day

to 6 mos.

5. Insubordination Suspension Dismissal

1 mo. 1 day

to 6 mos.

6. Habitual Drunkenness Suspension Dismissal

1 mo. 1 day

to 6 mos.

7. Unfair discrimination in rendering public service Suspension Dismissal

due to party affiliation or preference 1 mo. 1 day

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to 6 mos.

8. Failure to file sworn statement of assets,
liabilities and net worth, and disclosure of
business interest and financial connections
including those of their spouses and unmarried
children under eighteen (18) years of age living
in their households

9. Failure to resign from his position in the private Suspension Dismissal
business enterprise within thirty (30) days from 1 mo. 1 day
assumption of public office when conflict of interest to 6 mos.
arises, and/or failure to divest himself of his
shareholdings or interest in private business
enterprise within sixty (60) days from assumption
of public office when conflict of interest arises:
Provided, however, that for those who are already
in the service and conflict of interest arises,
the official or employee must either resign or
divest himself of said interest within the periods
hereinabove; provided, reckoned from the date
when the conflict of interest had arisen

The following are Light Offenses with corresponding penalties:

First Offense Second Offense Third Offense

1. Discourtesy in the Course of Official Duties Reprimand Suspension Dismissal
1-30 days

2. Improper or Unauthorized Solicitation of contributions Reprimand Suspension Dismissal
from Subordinate Employees and by Teachers or School 1-30 days

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Officials from School Children

3. Violation of Reasonable Office Rules and Regulations Reprimand Suspension Dismissal

1-30 days

4. Frequent Unauthorized Tardiness (Habitual Tardiness) Reprimand Suspension Dismissal

1-30 days

5. Gambling Prohibited by Law Reprimand Suspension Dismissal

1-30 days

6. Refusal to Render Overtime Service Reprimand Suspension Dismissal

1-30 days

7. Disgraceful, Immoral or Dishonest Conduct Reprimand Suspension Dismissal

Prior to Entering the Service 1-30 days

8. Borrowing Money by Superior Officers from Subordinates

Reprimand Suspension Dismissal

1-30 days

9. Lending Money at Usurious Rates of Interest Reprimand Suspension Dismissal

1-30 days

10. Willful Failure to Pay Just Debts or Willfull Reprimand Suspension Dismissal

Failure to Pay Taxes Due to the government 1-30 days

The term "just debts" shall apply only to:

1. Claims adjudicated by a court of law, or

2. Claims the existence and justness of

which are admitted by the debtor

11. Lobbying for Personal Interest or Gain in Reprimand Suspension Dismissal
Legislative Halls and Offices Without Authority 1-30 days

12. Promoting the Sale of Tickets in Behalf of Reprimand Suspension Dismissal
Private Enterprises that are not Intended for 1-30 days
Charitable or Public Welfare Purposes and Even
in the Latter Cases if there is no Prior Authority

13. Failure to Act Promptly on Letters and Request Reprimand Suspension Dismissal
within 15 days from receipt, except as otherwise 1-30 days
provided in the Rules Implementing the Code of
Conduct and Ethical Standards for Public Officials
and Employees.

14. Failure to Process Documents and Complete Reprimand Suspension Dismissal
Action on Documents and PapersWithin a Reasonable 1-30 days
Time from Preparation thereof, Except as Otherwise
Provided in the Rules Implementing the Code of
Conduct and Ethical Standards for Public Officials
and Employees

15. Failure to Attend to Anyone Who Wants to Reprimand Suspension Dismissal
Avail Himself of the Services of the Office, or 1-30 days
Act Promptly and Expeditiously on Public Transactions

16. Engaging in Private Practice of his Profession Reprimand Suspension Dismissal
Unless Authorized by the Constitution, Law or 1-30 days
Regulation, Provided that Such Practice Will Not
Conflict With His Official Functions

17. Pursuit of Private Business, Vocation or Reprimand Suspension Dismissal

Profession without the Permission Required 1-30 days

by Civil Service Rules and Regulations

SECTION 2. Extenuating, Mitigating, Aggravating or Alternative Circumstances - In the determination of the penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

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

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

SECTION 3. Manner of Imposition - When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

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

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

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

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

SECTION 4. Penalty for the Most Serious Offense - If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

SECTION 5. Duration and Effect of Administrative Penalties - The following rules shall govern in the imposition of administrative penalties:

a. The penalty of dismissal shall result in the permanent separation of the respondent from the service, with or with our prejudice to criminal or civil liability.

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b. The penalty of transfer shall carry with it the sanction that failure on the part of the respondent to seek transfer to another office within a period of not less than ninety (90) days, he shall be considered resigned. The penalty of transfer may be imposed with a condition that the respondent shall be barred from holding a position involving property or money responsibility.

c. The penalty of demotion shall include reduction in rank, or salary, or both.

d. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all money benefits including leave credits.

e. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory.

f. The penalty of reprimand or censure shall not carry with it any accessory penalty nor result in the Temporary Cessational Work.

SECTION 6. Administrative Disabilities/Accessories to Administrative Penalties -

a. Cancellation of eligibility
b. Forfeiture of retirement benefits
c. Disqualification for reinstatement or reemployment
d. Disqualification for promotion
e. Bar from taking any Civil Service examination

SECTION 7. Administrative Disabilities Inherent in Certain Penalties -

a. The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.

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

c. The penalty of demotion shall carry with it disqualification for promotion at the rate of two (2) months for every step or one (1) month for every range of salary by which he was demoted to be computed from the date respondent reports to the new position or station.

d. The penalty of suspension shall carry with it disqualification for promotion corresponding to the period of suspension.

e. The penalty of fine shall carry with it disqualification for promotion for a period twice the number of days he was fined.

f. The penalty of fine shall be paid to the agency imposing the same, computed on the basis of respondent's salary at the time the decision becomes final and executory.

g. The following are the Guidelines for the payment of fine:

1. Fines shall be paid within a period not exceeding one year reckoned from the date the decision/resolution becomes final and executory.

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

a. Fine equivalent to one (1) month salary shall be paid within two (2) months;

b. Fine equivalent to two (2) months salary shall be paid within four (4) months;

c. Fine equivalent to three (3) months salary shall be paid within six 6) months;

d. Fine equivalent to four (4) months salary shall be paid within eight (8) months;

e. Fine equivalent to five (5) months salary shall be paid within ten (10) months;

f. Fine equivalent to six (6) months salary shall be paid within twelve (12) months;

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

h. The penalty of reprimand shall not carry with it any of the accessory penalties.

i. A warning or admonition shall not be considered a penalty.

SECTION 8. Effect of Exoneration on Certain Penalties -

a. In case the penalty imposed is fine, the same shall be refunded.

b. In case the penalty imposed is demotion, the exonerated employee shall be restored to his former position without loss of seniority rights with payment of salary differentials.

c. In case the penalty imposed is transfer, he shall immediately be restored to his former post unless he decides otherwise. In case there is demotion in rank, salary or status, he shall be restored to his former rank, salary or status.

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

e. In case the penalty imposed is dismissal, he shall immediately be reinstated without loss of seniority rights with payment of back salaries.

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

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

SECTION 9. A checklist for determining the proper penalty shall be attached to the decision duly signed by the Hearing Officer or Panel and its members, in the following form:

CHECKLIST FOR DETERMINING THE PROPER PENALTY[*]

SECTION 10. The Hearing Officer/Panel shall further be guided by the "Manual on Definition of Administrative Offenses in the Civil Service" and the "Guidelines on Selected Offenses" in determining the appropriate offense and imposition of the penalty, the same being incorporated by reference as part of this guidelines.

Rule VIII
Appeal

SECTION 1. Appeals from decisions of the President/CEO - Where the disciplining authority is the President/CEO, and his decision is to dismiss the official or employee, the latter may appeal the decision to the Board of Directors within 15 days from receipt of a copy of decision, by filing with the Office of the President/CEO through the Secretariat, a notice of appeal and serving copies thereof upon the prevailing party and the Board of Directors. No motion for reconsideration will be entertained on the appealed cases to the Board.

SECTION 2. Perfection of an Appeal to the Civil Service Commission - To perfect an appeal, the appellant shall within fifteen (15) days from receipt of the decision file the following with the Civil Service Commission and furnish the copies thereof to the adverse party and the Bank.

a. Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;

b. Three (3) copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or ordered appealed from, and certified copies of the documents or evidence;

c. Proof of service of a copy of the appeal memorandum to the disciplining office;

d. Proof of payment of the appeal fee; and

e. A statement or certificate of non-forum shopping.

Failure to comply with any of the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall be a ground for its dismissal by the Civil Service Commission.

SECTION 3. If a motion for reconsideration is filed and denied, the movant shall have the right to perfect his appeal during the remainder of the period for appeal, reckoned from receipt of the resolution of denial, but in no case below five (5) days. If the decision is reversed on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal within which to perfect his appeal.

SECTION 4. Within fifteen (15) days from the filing of the notice of appeal, the Secretariat, Administrative Investigation Unit, Office of the Legal Counsel shall forward the records of the case, together with the notice of appeal and appeal memorandum to the Civil Service Commission.

SECTION 5. Effect of Filing - An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in the event he wins the appeal.

SECTION 6. When the Decision/Resolution Becomes Executory - The Decision/Resolution of the appropriate disciplining authority shall become executory upon the lapse of fifteen (15) days from receipt thereof by the parties or fifteen (15) days from the receipt of the denial of the motion for reconsideration.

SECTION 7. As provided by law, appeals to the Civil Service Commission are allowed only in the following cases:

a. when the penalty imposed is suspension for more than thirty (30) days;

b. when the penalty imposed is a fine in an amount exceeding thirty (30) days salary;

c. demotion in rank or salary; or

d. transfer, removal or dismissal from office.

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Rule IX
Miscellaneous Provisions

SECTION 1. Technical Rules on Administrative Investigations - Administrative investigation shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings which shall only be suppletory.

SECTION 2. As approved by the Governance Committee under Resolution No. 0010 dated June 22, 2005, a Secretariat is hereby created under the Administrative Investigation Unit, Office of the Legal Counsel composed of a Head who should be a lawyer and at least two (2) stenographers/clerks. It shall have the following duties:

1. To act as the receiving body of all complaints, adverse reports, anonymous complaints (including those forwarded by the disciplining authorities), answers, motions, appeals and all other pleadings/documents in connection with the administrative case.

2. To be the custodian of all documents and records of the proceedings.

3. To record the proceedings and provide the stenographer notes when needed.

4. To cause the service of notices to all concerned.

5. To cause the service of all processes and procedural requirements in the execution of the resolutions and decisions

SECTION 3. Repeal - This repeals Circular No. 3 dated January 19, 2004.

SECTION 4. Separability Clause - If any party of these Rules is declared unconstitutional or illegal, the other parts or provisions shall remain valid.

SECTION 5. Effectivity - These Rules shall take effect immediately.

Adopted: 21 Nov. 2005

(SGD.) EDGARDO F. GARCIA
Chief Operating Officer

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[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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