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CHAPTER IX

APPOINTMENTS; OFFICE ATTENDANCE; POWER
TO DISCIPLINE; CAUSES FOR DISCIPLINARY
ACTION; MODES OF SEPARATION

A. APPOINTMENTS AND OTHER PERSONNEL ACTIONS

- MERIT SELECTION AND PROMOTION PLAN FOR THE LOWER COURTS (MSPP-LC)

Pursuant to Sec. 32, Book V of Adm. Code of 1987 (Executive Order No. 292) and Civil Service Commission (CSC) Memorandum Circular No.3, s. 2001, Merit Selection and Promotion Plan for the Lower Courts (MSPP-LC) was established for the guidance of all concerned.

1.1. Objectives

The MSPP-LC aims to

1.1.1 Establish a system that is characterized by strict observance of the merit, fitness and equality principles in the selection of employees for appointment to positions in the career service; and

1.1.2 Create equal opportunities to all qualified men and women for employment and career advancement in the lower courts.

1.2 Scope

The MSPP-LC shall cover career positions in the first and second level or its equivalent in the lower courts other than the Court of Appeals, Sandiganbayan and Court of Tax Appeals, namely, Regional Trial Courts, Shari' a District Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari' a Circuit Courts.

1.3 Definition of Terms

As used in Administrative Circular No. 50-2001 (MSPP-LC), the following terms shall mean as follows:

Career Service -- positions in the civil service characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

Comparatively at Par -- predetermined reasonable difference or gap between point scores of candidates for appointment established by the Selection and Promotion Board for the Lower Courts (SPB-LC).

Deep Selection -- the process of selecting a candidate for appointment who is not next-in-rank but possesses superior qualifications and competence.

Discrimination -- a situation wherein a qualified applicant is not included in the selection line-up on account of

gender, civil status, pregnancy, disability, religion, ethnicity or political affiliation.

First Level Positions -- those which involve non-professional or sub-professional work in a non-supervisory or supervisory capacity requiring less than four (4) years of college studies, such as clerical, trades and crafts, and custodial service positions.

Job Requirements -- requisites not limited to the qualification standards of the position, but may include skills, competencies, potentials, physical and psycho-social attributes, necessary for the successful performance of the duties required of the position.

Education and Training -- include educational background, successful completion of training courses accredited by the CSC, scholarships, training grants, and other human resource development programs which must be relevant to the duties of the position to be filled.

Experience and Outstanding Accomplishments include occupational history, relevant work experience acquired either from the government or private sector, and accomplishments worthy of special commendation.

Psycho-Social Attributes -- the characteristics or traits of a person which involve both psychological and social aspects. Psychological attribute includes the way a person perceives things, ideas, beliefs and understanding and how a person acts and relates these things to others and in social situations.

Potential -- the capacity and ability of a candidate to assume the duties of the position to be filled and those of higher or more responsible positions.

Next-in-Rank Position -- a position which by reason of the hierarchical arrangement of positions in the agency or in the government is determined to be in the nearest degree of relationship to a higher position as contained in the agency's System of Ranking Positions (SRP).

Personnel Actions -- any action denoting the movement or progress of personnel in the civil service such as original appointment, promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment and demotion.

Promotion -- the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law and usually accompanied by an increase in salary.

Qualification Standards -- a statement of the minimum qualifications for a position which shall include education, experience, training, civil service eligibility, and physical characteristics and personality traits required in the performance of the job.

Qualified Next-in-Rank -- an employee appointed on a permanent status to a position next-in-rank to the vacancy as reflected in the SRP approved by the head of agency and who meets the requirements for appointment to the next higher position.

Second Level Positions -- those which involve professional, technical and scientific work in a non-supervisory or supervisory capacity up to Division Chief level or its equivalent.

Selection -- the systematic method of determining the merit and fitness of a person on the basis of qualifications and ability to perform the duties and responsibilities of the position.

Open Positions -- positions that do not have any next-in-rank positions or residual positions of each level which may be filled up by lateral/vertical entry.

Selection Line-up -- a listing of qualified and competent applicants for consideration to a vacancy which includes,

but not limited to, the comparative information of their education, experience, training, civil service eligibility, performance rating (if applicable), relevant work accomplishments, physical characteristics, psycho-social attributes, personality traits and potential.

Superior Qualifications -- any outstanding relevant work accomplishments, educational attainment and training appropriate for the position to be filled which shall include demonstration of exceptional job mastery and potentials in major areas of responsibility.

System of Ranking Positions -- the hierarchical arrangement of positions from highest to lowest which shall be a guide in determining which position is next-in-rank, taking into consideration the following:

- organizational structure;
- salary grade allocation;
- classification and functional relationship of positions; and
- geographical location.

1.4 Basic Policies

1.4.1 Selection of appointees in the lower courts shall be open to all qualified men and women according to the principle of merit, fitness and equality.

There shall be equal employment opportunities for men and women at all levels of positions in the lower courts, provided that they meet the minimum requirements of the position to be filled.

There shall be no discrimination in the selection of employees on account of gender, civil status, disability, religion, ethnicity, or political affiliation.

1.4.2 The MSPP-LC shall cover positions in the first and second levels and shall also include original appointments and other related personnel actions.

1.4.3 When a position covered by the MSPP-LC becomes vacant, applicants selected for appointment thereto who are competent, qualified, and possess the appropriate civil service eligibility shall be considered for permanent appointment.

1.4.4 Vacant positions marked for filling up shall be published in accordance with Rep. Act No. 7041 (Publication Law). The published vacant positions shall also be posted in at least three (3) conspicuous places in the court where such vacancies exist for at least ten (10) calendar days. Other appropriate modes of publications shall be considered.

1.4.5 The members of the SPB-LC shall undergo orientation and workshop on the selection/promotion process and CSC policies on appointments.

1.4.6 The Chief Justice shall, as far as practicable, ensure equal opportunity for men and women to be represented in the SPB-LC.

1.4.7 All qualified next-in-rank employees shall be automatically considered candidates for promotion to the next higher position.

1.4.8 The appointing authority may appoint an applicant who is not next-in-rank but who possesses superior qualifications and competence, and has undergone the selection process.

1.4.9 The SPB-LC shall maintain fairness and impartiality in the assessment of candidates for appointments.

Towards this end, the SPB-LC may initiate innovative schemes in determining the best and most qualified candidate.

The following appointments shall no longer be screened by the SPB-LC:

1.4.9.1 Substitute appointments due to their short duration and emergency nature. However, should the position be filled up by regular appointment, candidates for the position should be screened and passed upon by the SPB-LC;

1.4.9.2 Appointment to personal and primarily confidential positions; and

1.4.9.3 Renewal of temporary appointment issued to incumbent personnel.

1.4.10 Recommendations for appointment to vacancies in the branch of a court shall be made by the Presiding Judge or the Acting Presiding Judge thereof and submitted to the Executive Judge for transmittal to the Office of Administrative Services, Office of the Court Administrator (OAS-OCA) for consideration or deliberation by the SPB-LC.

For vacancies in the Office of the Clerk of Court, recommendations shall be made by the Executive Judge.

The Presiding Judge/Acting Presiding Judge or the Executive Judge, as the case may be, shall forward to the OAS-OCA all other applications submitted to his office, for inclusion in the deliberations of the SPB-LC.

The recommendee of the Judge shall be given priority only if said applicant-recommendee possesses superior qualifications than, or is at least equally qualified as, the other applicants.

1.4.11 The SPB-LC shall evaluate the qualifications of the recommendees/applicants. Through a resolution, it shall recommend to the Court either the approval or denial of applications, taking into consideration the qualification requirements of the position to be filled up.

1.4.12 No relatives of incumbent employees within the third civil degree of consanguinity or affinity shall be appointed in the same branch/office except when the appointment involves the promotion of an incumbent employee of the same branch/office, or a change of status of appointment, or a renewal of temporary appointment.

1.4.13 In the absence of qualified applicants or qualified next-in-rank employees, a recommendee who fails to meet the appropriate eligibility, training, and experience requirements of the position may be appointed under temporary status provided that the appointee submits a) a CSC certification as to the non-availability of eligibles within the area, and if there are any, a waiver executed by the eligibles that they are not interested to be appointed, stating also their reasons for waiving their right to be considered for appointment; and b) an affidavit of the appointee that he/she is willing to accept an appointment under temporary status.

1.4.14 The comparative competence and qualifications of candidates for appointment shall be determined on the basis on the following basis

1.4.14.1 Performance

For appointment by promotion, the performance rating of the appointee for the last rating period prior to the affectivity date of the appointment should be at least very satisfactory.

For appointment by transfer, the performance rating for the last rating period immediately preceding the transfer from the former office or agency should be at least very satisfactory.

1.4.14.2 Eligibility

This is granted to a person who passes a civil service/board/bar examination or to one who obtains high scholastic

grades/honors upon graduation from college, usually evidenced by a certificate of eligibility issued by the CSC and the entry of the eligible's name in the CSC register of eligibles.

1.4.14.3 Education and Training

These include educational background, successful completion of training courses conducted by institutions accredited by the CSC, scholarships, and grants which are relevant to the duties of the position to be filled.

1.4.14.4 Experience and Outstanding Accomplishments

These include occupational history, relevant work experiences acquired either from the government or private sector, and accomplishments worthy of special commendation.

1.4.14.5 Psycho-Social Attributes and Personality Traits

These refer to the characteristics or traits of a person which involve both psychological and social aspects. Psychological traits include the manner an applicant perceives things, ideas and beliefs and understanding and how he/she acts and relates these things to others and in social situations.

1.4.14.6 Potentials

These refer to the capacity and ability of a candidate to assume not only the duties of the position to be filled up but also higher or more responsible positions.

A greater percentage weight shall be allocated to performance.

1.4.15 No employee may be promoted to a position which is more than two (2) salary grades higher than the employee's present position except in very meritorious cases, such as when the vacant position is (a) next-in-rank as identified in the SRP approved by the Chief Justice, or (b) the lone or entrance position indicated in the staffing pattern.

1.4.16 An employee who is on local or foreign scholarship, training grant, or maternity leave, may be considered for promotion. For this purpose, the performance rating to be considered shall be that obtained immediately prior to the scholarship or training grant or maternity leave. If promoted, the effectivity date of the promotional appointment shall be on the assumption to duty of the appointee.

1.4.17 Promotion within six (6) months prior to compulsory retirement shall not be allowed except as otherwise provided by law.

1.4.18 The day following the receipt of a notice of the appointment issued, the Judge or the Clerk of Court shall cause the posting of said notice of appointment at three conspicuous places within the Court's premise, for a period of at least fifteen (15) calendar days.

1.5 Procedure

1.5.1 Request for Authority to Fill Vacant Positions

Prior to the publication of the vacant positions to be filled up, the Office of Administrative Services, Office of the Court Administrator (OAS-OCA) shall request authorization from the Chief Justice, through the Court Administrator, to fill up the said positions. The request must be supported by a recommendation and/or justification of the Judge concerned and shall specify the positions to be filled up and the court or office where such positions belong.

1.5.2 Publication of Vacant Positions

The OAS-OCA shall cause the publication of the vacant positions to be filled up in the CSC Bulletin of Vacant Positions or through other modes of publication. Likewise, the OAS-OCA shall require the recommending Judge or the Clerk of Court concerned to post notices of the vacancies to be filled up in three (3) conspicuous places in the court's premises for at least ten (10) calendar days.

Vacant positions which are not filled up within six (6) months shall be re-published.

The following positions are exempt from the requirements of publication and posting of notices:

- 1.5.2.1. Primarily confidential positions;
- 1.5.2.2. Policy determining positions;
- 1.5.2.3. Highly technical positions;
- 1.5.2.4. Other non-career positions; and
- 1.5.2.5. Positions to be filled up by existing regular employees in case of reorganization.

1.5.3 Listing of All Candidates for the Position

The OAS-OCA shall prepare a list of candidates aspiring for the vacant position, either within or outside the branch/office, including qualified next-in-rank employees.

1.5.4 Preliminary Evaluation of Qualifications

The OAS-OCA shall conduct preliminary evaluation of the qualifications of all candidates named in the list. Those initially found qualified shall be included in a selection line-up which shall also reflect the candidates' comparative competence and qualifications based on the following factors:

- 1.5.4.1. performance;
- 1.5.4.2. education and training;
- 1.5.4.3. experience and outstanding accomplishments;
- 1.5.4.4. psycho-social attributes and personality traits; and
- 1.5.4.5. potential.

1.5.5 Notification of Outcome of Preliminary Evaluation

The OAS-OCA shall notify all applicants of the outcome of the preliminary evaluation.

1.5.6 Submission of Line-up to the SPB-LC

The OAS-OCA shall immediately submit the selection line-up to the SPB-LC for its deliberation.

1.5.7 Assessment of Competence and Qualifications of Candidates

The SPB-LC shall make a systematic assessment of the competence and qualifications of candidates for appointment. It shall evaluate and deliberate en banc the qualifications of those listed in the selection line-up.

1.5.8 Submission of Resolution Containing the List of Candidates to the Court

The resolution containing the list of candidates recommended for appointment, from which the appointee will be chosen, shall be in the prescribed format, to be signed by all those who participated therein, and to be submitted to the Office of the Chief Justice within five (5) days from its approval by the SPB-LC.

The list of recommended candidates should reflect the comparative competence and qualifications of the top five (5) ranking candidates.

1.5.9 Assessment and Selection by the Chief Justice and the Chairmen of the Divisions

The Chief Justice with the concurrence of the Chairmen of the Divisions, pursuant to A.M. No. 99-12-08-SC, shall assess the merits of the SPB-LC's recommendation for appointment and in the exercise of their sound discretion, appoint the candidate who is deemed most qualified for appointment to the vacant position.

1.5.10 Transmittal of Resolution/Approval of Appointment

The resolution containing the approved appointment of the selected candidate, signed by the Chief Justice with the concurrence of the Chairmen of the Divisions pursuant to A.M. No. 99-12-08-SC, shall be transmitted to the OAS-OCA for the processing and preparation of the commission evidencing the appointment.

1.5.11 Posting of a Notice Announcing the Appointment

After the appointment has been made by the Chief Justice with the concurrence of the Chairmen of the Divisions pursuant to A.M. No. 99-12-08-SC, the OAS-OCA shall immediately request the Judge or the Clerk of Court concerned to post a notice announcing the appointment in three (3) conspicuous places within the court's premises for at least fifteen (15) days. The date of posting should be indicated in the notice.

1.6 Grievance (Protest)

1.6.1 Grounds of Protest

A qualified next-in-rank employee may file a protest against the appointment issued for the following reasons:

1.6.1.1 Non-compliance with the selection process;

1.6.1.2 Discrimination on account of gender, civil status, disability, pregnancy, religion, ethnicity or political affiliation;

1.6.1.3 Disqualification of the appointee to a career position for reason of lack of confidence of the recommending authority; and

1.6.1.4 Other violations of the provisions of the MSP-LC.

1.6.2 Forms and Contents of Protest

The protest shall be written in clear, simple and concise language and in a systematic manner. The aggrieved party shall be called the "Protestant" and the proposed appointee the "Protestee."

The protest shall contain the following:

1.6.2.1. The position contested, including its item number in the Plantilla;

1.6.2.2 The full name, office, position and salary per annum of both the protestant and the protestee;

1.6.2.3 The specifications of the protest; and

1.6.2.4 The comparative data qualifications pertaining to both the protestant and the protestee by showing their education, training, experience, outstanding accomplishments, civil service eligibility and latest performance rating.

1.6.3 When to File Protest

The protest may be filed within fifteen (15) days from notice of the appointment by the protestant.

Failure to file a protest within the prescribed period shall be deemed a waiver of one's right, and no protest shall thereafter be entertained.

1.6.4 Procedure in Filing Protest

The aggrieved party shall, within the prescribed period, file his protest in triplicate copies, together with all

relevant documents, directly with the OAS-OCA which, in turn, shall immediately forward the same to the SPB-LC.

1.6.4.1. The SPB-LC shall, within three (3) days from receipt of the protest, require the recommending Judge or the Presiding/Executive Judge where the contested position exists, to comment thereon within five (5) days.

1.6.4.2 The protest relevant documents at hand and the comment thereon of the Judge concerned shall be forwarded by the SPB-LC, together with his own recommendation and findings on the matter, to the Chief Justice and the Chairmen of the Divisions for resolution.

In case of failure on the part of the Judge concerned to file a comment within the prescribed period, the protest shall be submitted to the Chief Justice and the Chairmen of the Divisions for resolution on the basis of available documents/records at hand.

1.6.4.3 The decision of the Chief Justice and the Chairmen of the Divisions on the protest is final and executory.

1.7 Composition of the SPB-LC

1.7.1. There shall be a Selection and Promotion Board for Lower Courts (SPB-LC) for first and second level positions in the lower courts, other than the Court of Appeals, Sandiganbayan and Court of Tax Appeals, with the following composition as reorganized under Adm. Circular No. 42-2001-A dated December 3, 2001, to wit:

Chairperson - The Court Administrator

1st Vice-Chairperson - The Most Senior Deputy Court Administrator

2nd Vice-Chairperson - Senior Deputy Court Administrator

3rd Vice-Chairperson - Deputy Court Administrator

Members - (1) Representative from the Office of the Chief Justice

- (2) Assistant Court Administrator in charge of matters concerning the Office of Administrative Services

- (3) The Head of the Office of Administrative Services of the Office of the Court Administrator

- (4) Two (2) Representatives of the Philippine Association of Court Employees, one (1) from the 1st level positions and one (1) from the 2nd level positions, who shall serve only as such representative for a period of two (2) years. The representatives shall participate only in the screening of candidates for vacancies in the level which they represent.

Secretary-Recorder - To be designated by the Chairman

Asst. Secretary- Recorder - To be designated by the Chairman

1.7.2. The SPB-LC shall assiduously study and screen applications for the positions in the lower courts, and thereafter, make recommendations thereon to the court for approval.

Specifically, the SPB-LC shall act on the following:

1.7.2.1. When an applicant who is not yet in the service is recommended to a vacant position and there are qualified applicants thereto who are already in the service;

1.7.2.2. When more than one (1) applicant for the same position are recommended by the Presiding Judge;

1.7.2.3. When the applicant recommended by the Acting Presiding Judge in his designated court is different from the recommendee of the permanent judge therein who is detailed to another court;

1.7.2.4. When the applicant recommended by the Acting Presiding Judge or by the regular Presiding Judge detailed in another court is different from the recommendee of the Executive Judge;

1.7.2.5. When the recommendee of a judge is objected to by a co-employee of the nominee belonging to the same court; and

1.7.2.6. Such other matters as may be referred to the SPB-LC for resolution.

1.8 Functions and Responsibilities

1.8.1 Selection and Promotion Board, Lower Courts (SPB-LC).

The SPB-LC for first and second level positions shall have the following functions and responsibilities:1.8.1.1. Adopt a formal screening procedure and formulate criteria for the evaluation of candidates for appointment, taking into consideration the following:

- Reasonable and valid standards and methods of evaluating the competence and qualifications of all applicants competing for a particular position; and

- Criteria for evaluation of qualifications of applicants for appointment which must suit the job requirements of the position.

1.8.1.2. Disseminate screening procedure and criteria for selection to all lower court officials and employees and interested applicants. Any modification of the procedure and criteria for selection shall likewise be properly disseminated.

1.8.1.3. Prepare a systematic assessment of the competence and qualifications of candidates for appointment. Maintain fairness and impartiality in the assessment of candidates.

1.8.1.4. Evaluate and deliberate en banc the qualifications of those listed in the selection line-up.

1.8.1.5. Submit, by resolution, the list of candidates recommended for appointment from which the appointing authority shall choose the applicant to be appointed.

1.8.1.6. Maintain records of all deliberations which must be made accessible to interested parties upon written request and for inspection and audit by the CSC; and

1.8.1.7. Orient the officials and employees in the lower courts pertaining to the policies relative to personnel actions.

1.8.2. Office of Administrative Services, Office of the Court Administrator (OAS-OCA)

The OAS-OCA shall have the following functions and responsibilities:

1.8.2.1. Disseminate copies of the MSPP-LC to all Judges after approval thereof by the Civil Service Commission;

1.8.2.2. Develop a SRP for approval by the Chief Justice, copy furnished the CSC and its Field Office concerned, for reference purposes;

1.8.2.3. Develop and maintain an updated qualification database of employees to include education, training, experience, skills, competencies and other similar information; and

1.8.2.4. Develop a program to fast-track the career movement of employees with superior qualifications.

1.8.3 Employees

The employees shall be responsible for updating their Personal Data Sheet annually, if deemed necessary, and submit supporting documents to the OAS-OCA.

1.9 Effectivity

The Merit Selection Plan for the Lower Courts herein established and the subsequent amendments thereto shall take effect immediately after approval by the Civil Service Commission.

* The MSPP-LC was approved by the Civil Service Commission on September 24, 2000.

- ISSUANCE OF APPOINTMENTS

2.1. For appointments in the collegiate courts, copies of the resolution shall be furnished the Presiding Justice/Judge and the Court Administrator. For appointments for the lower courts, only the Court Administrator shall be furnished with such copies. The Presiding Justice/Judge or the Court Administrator, as the case may be, shall thereupon issue to the appointee the corresponding Commission evidencing the appointment.

2.2. The appointee upon receipt of the Commission may then take his oath of office and duties of his position. The Commission is only the evidence of the appointment and the delivery thereof may be entrusted to the Presiding Justice/Judge or Court Administrator as a merely ministerial function.

2.3. For purpose of the Civil Service Law, the Commission shall serve as the appointment paper of the appointee and copy thereof shall be forwarded to the CSC together with all other supporting papers.

2.4. No recommendee shall assume the duties of the position to which he is recommended for appointment before the issuance of his appointment except in meritorious cases and with the prior approval of the Chief Justice.

- KINDS OF APPOINTMENTS

3.1. Original

It refers to the initial entry to the career and non-career service. However, for those in the career service, the first six (6) months of service following a permanent appointment shall be probationary in nature and the appointee shall undergo a thorough character investigation. The appointee may be dropped from the service for unsatisfactory conduct or want of capacity anytime before the expiration of the six months probation period, upon submission of the appointee's first semester performance evaluation by the Head of Office. The appointment automatically becomes permanent if no notice of termination or unsatisfactory conduct is given by the appointing authority to the appointee before the expiration of his/her six-month probationary period.

3.2. Promotion

It refers to the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another within the same department or agency.

For appointment by promotion, the performance ratings of the appointee for the last two rating periods prior to the effectivity date of appointment which should be at least Very Satisfactory, shall be included in his 201 file.[1]

3.3. Transfer

It refers to the movement of an employee from one position to another which is of equivalent rank, level or salary, without a break in the service. This requires the issuance of an appointment. The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency. Any movement, however, from the non-career service to the career service shall not be considered a transfer.

3.3.1. An employee who seeks transfer to another office shall first secure permission to transfer from the head of his/her agency stating the effectivity date of his/ her transfer. If the request to transfer is not granted by the head of his/her agency, it shall be deemed approved after the lapse of thirty (30) days from the date of notice to the agency head. The effectivity of the transfer shall be the day following his/her last day of service in his/her former office.

3.3.2. If, for whatever reason, the employee fails to transfer on the specified date, he/she shall be considered resigned and his/her employment in his/her former office shall be at the discretion of its head.

3.4. Reemployment

It refers to the reappointment of a person who has been previously appointed to a position in the career or non-career service and who has been separated therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation, non-disciplinary action/s, such as dropping from the rolls or termination of services due to an expired appointment. Reemployment presupposes a gap in the service. No prior authority shall be required for the reemployment of a person who has been previously retired and has not reached the compulsory retirement age of 65.

3.5. Reappointment

It refers to the re-issuance of an appointment during reorganization, devolution, salary standardization or similar events. Reappointment presupposes no gap in the service.

3.6. Reinstatement

It refers to the issuance of an appointment to a person who has been previously appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom; or to one who has been exonerated from an administrative charge and the decision exonerating him/her specifies restoration of his/her services to his/her position. It is understood that one who had been exonerated or who has been illegally terminated is deemed not to have left the service.

3.7. Renewal

It refers to the subsequent appointment issued upon the expiration of a previous appointment of a contractual/casual employee; or of a temporary appointment, if a qualified eligible is not available, as certified by the Civil Service Commission (CSC) Regional Director or Field Officer. Renewal presupposes no gap in the service.

In the Lower Courts, the temporary appointments of personnel are automatically renewed, however, such temporary appointment may be terminated anytime upon the recommendation of the Executive/Presiding Judge concerned, based on valid and reasonable grounds.[2]

3.8. Change of Status

It refers to the appointment issued to an employee with a temporary appointment when he/she acquires the appropriate eligibility or when he/she becomes fully qualified to the position to which he/she was appointed.

3.9. Demotion

It refers to the movement of an employee from one position to another with a reduction in duties, responsibilities, status or rank, which may or may not involve a reduction in salary and is not disciplinary in nature. Appointment as a result of voluntary demotion shall be at the hiring rate for the class of the position.[3] A written consent shall be secured from the demoted employee if the demotion involves a reduction in salary and is not disciplinary in nature.

- STATUS OF APPOINTMENTS

4.1. Permanent

It is issued to a person who meets all the minimum qualification requirements for the position to which he/she is being appointed, including appropriate eligibility, where necessary, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof.

4.2. Temporary

It is issued to a person who fails to meet either the eligibility, education, experience, or training requirements for the position to which he/she is being appointed.

4.2.1. When the immediate filling up of a vacancy becomes necessary and an applicant with an appropriate civil service eligibility [4] is not available, a person without the appropriate civil service eligibility but who possesses the other required qualifications may be granted a temporary appointment. In cases where there are eligibles certified by the CSC, waivers must be secured from the certified eligibles before a temporary appointment can be issued.

4.2.2 Temporary appointments shall not exceed 12 months, reckoned from the date of issue of the appointment. The appointee, however, may be replaced sooner by a qualified eligible.

4.3. Substitute

It is issued when the regular incumbent of a position is temporarily unable to perform the duties of his/her position, such as when he/she is on an approved leave of absence, on leave of absence without pay, on a scholarship grant, on a secondment, or under suspension. Said appointment shall be effective until the return of the incumbent. A substitute appointment is issued only if the leave of absence of the incumbent is at least three (3) months.

4.4. Coterminous

It is issued to a person whose entrance and continuity in the service is based on the trust and confidence of the appointing authority; or co-existent with the incumbent; or limited by the duration of a project; or subject to the availability of funds for the purpose. Coterminous appointments may be:

4.4.1. Coterminous with a project -- when the appointment is co-existent with the duration of a particular project for which the employment was made, or subject to the availability of funds for the purpose;

4.4.2. Coterminous with the appointing authority -- when the appointment is co-existent with the tenure of the appointing authority or at his/her pleasure;

4.4.3. Coterminous with the incumbent -- when the appointment is co-existent with the appointee, in that after the resignation, separation or termination of the services of the incumbent, the position shall be deemed automatically abolished;

4.4.4. Coterminous with a specific period -- when the appointment is for a specific period and upon expiration thereof, the position is deemed abolished.

4.5. Contractual

It is issued to a person who shall undertake a specific work or job for a limited period, which period shall be indicated in the appointment for purposes of crediting his/ her services. This requires the issuance of an

appointment to be submitted to the CSC for approval.

4.6. Casual

It is issued only for essential and necessary services where the services of regular employees are not enough to meet the demands of the office. This requires the issuance of an appointment (CSC prescribed form for casuals) to be submitted to the CSC.

- GUIDELINES IN THE DETAIL AND REASSIGNMENT OF PERSONNEL OF THE LOWER COURTS[5]

5.1. Detail shall refer to any personnel movement:

5.1.1. from a branch of one court within one administrative area to a branch of the same or another level of court within another administrative area but within the same judicial region;

5.1.2. from a branch of one level of court in a judicial region to a branch of the same or another level of court in another judicial region; or

5.1.3. from one level of court in a judicial region to the Office of the Court Administrator or vice-versa.

5.2. Reassignment shall refer to any personnel movement:

5.2.1. from a branch of one level of court to another branch of the same or another level of court within the same administrative area;

5.2.2. from a branch of one level of court to the Office of the Clerk of Court within the same administrative area; or

5.2.3. from one organizational unit to another in the Office of the Court Administrator.

5.3. In accordance with the provisions of Adm. Order No.6, series of 1975, Executive Judges shall continue to have authority to reassign temporarily "the personnel of one branch (sala) to another branch (sala) or to the Office of the Clerk of Court, in case of vacancy in the position of Presiding Judge of a branch (sala), or when the interest of the service requires," within his administrative area subject to the requirement prescribed therein.

5.4. A detail or reassignment shall be allowed only for meritorious reasons or when the exigencies and the interest of the service require the same. No request for detail or reassignment for purely personal reasons shall be granted.

5.5. The detail or reassignment of court personnel shall be allowed only for a period of three (3) months, except for a reassignment due to a vacancy in the position of the Presiding Judge of a branch falling under par. 3.3. hereof which reassignment can continue until the said vacancy has been filled up. Any request for the extension of the detail or reassignment for another period of three (3) months may be granted only for meritorious reasons. In addition, the request for the extension of the detail or reassignment should be sent or submitted at least fifteen (15) working days before the expiration of the original/previous detail or reassignment period.

5.6. A request for detail or reassignment shall include the specific reasons for the detail or reassignment sought. The request should also have the recommendation of (a) the Presiding Judge of the branch of the court where the employee seeks to be detailed or reassigned; and (b) the Presiding Judge of the branch of the court to which the employee requesting the detail or reassignment belongs.

B. OFFICE ATTENDANCE

- GENERAL POLICIES

1.1. All officials and employees are required to render eight (8) hours of work a day, for five (5) days a week.

1.1.1. For Supreme Court[6] as well as Lower Court officials and employees in the National Capital Judicial Region,[7] working hours shall be from 8:00 a.m. to 12:00 noon and from 12:30 to 4:30 p.m., Monday to Friday, without prejudice to the approved flexi-time[8] of certain personnel.

1.1.2. Lower court officials and employees outside the National Capital Judicial Region must observe the following working hours, likewise, without prejudice to the approved flexi-time of certain personnel:

1.1.2.1. Monday to Friday -- 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.

1.1.2.2. Saturday -- A skeletal force shall be on duty from 8:00 a.m. to 1:00 p.m. on rotation basis to assist Judges of the Regional Trial Courts (RTC), Shari'ah District Courts, Metropolitan Trial Courts (MeTC), Municipal Trial Courts in Cities (MTCCs), Municipal Trial Courts (MTCs), Municipal Circuit Trial Courts (MCTC) and Shari'ah Circuit Courts as assigned by their respective Executive Judges, primarily to act on petitions for bail and other urgent matters.

With respect to the Metropolitan Trial Courts and Municipal Trial Courts in Cities consisting of multiple salas, the assignment of judges for similar Saturday duty shall be made by the Executive Judges of said first level courts.

Judges of single sala first level courts shall all be on duty on Saturdays as above provided.

On Saturday afternoons, Sundays and non-working holidays, any Judge may act on bailable offenses conformably with Sec. 17, Rule 114 of the Rules of Court, as amended.

All Regional Trial Court Executive Judges, whether in single or multiple salas, shall remain on duty on Saturday mornings.

Court offices (e.g. Office of the Clerk) and units which deal directly with the public, such as receiving, process-serving and cashier's units, shall maintain a skeletal force on Saturdays from 8:00 a.m. to noon, and from 12:30 p.m. to 4:30 p.m. Those assigned to work on Saturdays shall be notified of their assignment at least three days in advance. An employee so assigned shall have a full day-off the following week, on a day to be specified by the Justice/Judge concerned.

1.2. Attendance Records[9]

1.2.1. Registry book -- Each Court shall provide itself with a registry book with which to indicate the time in coming to and leaving the office of its personnel.

1.2.2. Daily Time Record (CS Form 48) -- In addition, each personnel must be required to accomplish CS Form 48. The time appearing in Form 48 should tally with the time recorded in the registry book.

Clerks of Court are not required to keep daily time records of their attendance. In lieu thereof, the said officials are required to submit a certification of service within the period under pain of having their salaries withheld.[10]

1.2.3. The Clerks of Court are held responsible for the custody and reliability of the time recorded in the registry book. These daily time records (Form 48) must be duly certified by the Judge or the Clerk of Court before they are sent to the proper authorities.

1.2.4. All time records of the various municipal court personnel must be accomplished in duplicate, one to be sent

to the Clerk of Court of the CFI (now the RTC) who exercises supervisory authority over them. The other copy must be sent directly to the Administrative Division of the Supreme Court (now the Office of the Court Administrator) within five (5) days after the end of the month, together with a duly certified monthly report of absences and undertimes of employees for that particular month accomplished by the Clerk of Court.

1.2.5. Withholding of salary warrants - Salary warrants of the City/Municipal Judges/Clerks of Court/Branch Clerks of Court will be withheld for late submission of the report and the daily time records of each employee. The same disciplinary action will be meted out on those who will submit on a piecemeal basis, the monthly report and the time records of personnel under their supervision.

1.3. Employees who come in after 10:00 a.m. are considered on half-day leave.[11]

- POLICY ON ABSENTEEISM AND TARDINESS[12]

2.1. Habitual absenteeism

2.1.1. 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 credits under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

2.1.2. In case of claims of ill health, heads of department of agencies 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 their application should be disapproved outright; and

2.1.3. In the discretion of the head of any department, agency or office, any government physician may be authorized to do a spot check on employees who are supposed to be on sick leave. Those found violating the leave laws, rules or regulations shall be dealt with accordingly by filing appropriate administrative cases against them.

2.2. Habitual Tardiness

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 two (2) months in a semester or at least two (2) consecutive months during the year.

2.3. Sanctions

The following sanctions shall be imposed for violation of the above guidelines:

2.3.1. for the first violation, the employee, after due proceedings, shall be meted the penalty of 6 months and 1 day to 1 year suspension without pay; and

2.3.2. for the second violation, and after due proceedings, he shall be dismissed from service.

2.4. Reports on punctuality and attendance of all employees should be submitted to the Personnel Office or Administrative Officer of every department or agency not later than two (2) weeks after the end of every semester (June and December).

2.5. Absenteeism and tardiness, even if such do not qualify as "habitual" or "frequent" under Civil Service Commission Memo. Circular No. 04, Series of 1991, shall be dealt with severely, and any falsification of daily time records to cover up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct.[13]

C. POWER TO DISCIPLINE

The power to discipline Clerks of Court, Assistant Clerks of Court, Branch and Deputy Clerks of Court is vested in the Supreme Court without prejudice to the power of Executive Judges/Presiding Judges to discipline these officials and other officials and subordinate employees.

A judge presiding over a branch of a Court is, in legal contemplation, the head thereof. To say that he is not, would make a judge presiding over one of several branches or salas of a Court of First Instance (now Regional Trial Court), a mere figurehead, without effective control over the employees working under him and without authority to discipline them. This, of course, would be an intolerable situation. On the other hand, to say that instead of the respondent Judge the Clerk of Court should be deemed to be the head of the office is too clearly untenable to merit any serious answer.[14]

D. CAUSES FOR DISCIPLINARY ACTION

- USURPATION OF JUDICIAL POWER BY THE CLERK OF COURT

1.1. Approval of Bail

The approval of the bail of an accused person and the authority to order release is purely a judicial function. The Clerk of Court, unlike a judicial authority, has no power to order either the commitment or the release on bail of persons charged with penal offenses. In releasing the accused from custody, therefore, the respondent Clerk of Court unduly usurped the judicial prerogative of the Presiding Judge.[15]

1.2. Signing the Name of the Judge

Sec. 5, Rule 136 of the Rules of Court provides that "in the absence of the Judges, the clerk may perform all the duties of the judge in receiving petitions, inventories, reports and the issuance of all orders and notices that follow as a matter of course under the Rules, and may also, when directed by the Judge, receive the accounts of executors, administrators, guardians, trustees, and receivers, and all evidence relating to them, or to the settlement of the estates of deceased persons, or to guardianships, trusteeships, or receiverships, and forthwith transmit such reports, accounts, and evidence to the Judge, together with his findings and include the same in his report." The Clerk of Court is not empowered to sign orders in the name of the Judge.

As a lawyer, a Branch Clerk of Court ought to know that under no circumstances is the act of signing the name of the Judge permissible. The Clerk could probably release an order with the statement that it is "upon orders of the Judge" or "by authority of the Judge," but can not under any circumstance make it appear that the Judge signed the order when, in fact, did not.

The theory of agency, i.e., the Branch Clerk of Court acting as agent of the Judge, is devoid of merit. The judicial power vested in a Judge and its exercise is strictly personal and can never be the subject of agency. That would not only be contrary to law, but also subversive of public order and public policy. Nor could the Branch Clerk's void act in signing the name of the Judge be validly ratified by the latter. The Judge is bereft of any power to authorize the Clerk of Court to sign the Judge's name in the latter's official capacity in a matter pending adjudication before the Court.

The issuance of the order granting probation is strictly judicial and is exclusively vested in the Judge and cannot be delegated.[16]

However, the signing of minute resolutions by Clerks of Court of the Supreme Court is not a usurpation of judicial function. "For a prompt dispatch of actions of the Court, minute resolutions are promulgated by the Court

through the Clerk of Court, who takes charge of sending copies thereof to the parties concerned by quoting verbatim the resolution issued in a particular case. It is the Clerk of Court's duty to inform the parties of the action taken on their cases by quoting the resolution adopted by the Court. The Clerk of Court merely transmits the Court's action. x x x Minute resolutions need not be signed by the members of the Court who take part in the deliberation of a case nor do they require the certification of the Chief Justice. For to require members of the Court to sign all resolutions issued would not only unduly delay the issuance of its resolutions but a great amount of their time would be spent on functions more properly performed by the Clerk of Court and which time could be more profitably used in the analysis of cases and the formulation of decisions and orders of important nature and character.[17]

- MISREPRESENTATION

Misrepresentations in the personal data sheets which influence one's promotion in the judicial service constitute betrayal of public trust which requires the penalty of dismissal.[18]

- NEGLIGENCE

The failure of a Clerk of Court to serve summons upon a party and inaction on the Court's orders for more than two years constitute gross negligence. The stern reprimand imposed upon the Clerk of Court by the Judge for such gross negligence and inexcusable failure in the performance of duties as such Clerk of Court was considered too light a penalty for the respondent. A Clerk of Court should be the model for co-employees to act speedily and with dispatch on their assigned tasks to avoid the clogging of cases in Court and thereby assist in the administration of justice without undue delay. A fine equivalent to three months' salary was imposed by the Supreme Court for such negligence. [19]

It is the duty of the Clerk of Court to receive and file the necessary papers of a case in their corresponding files. It is gross negligence to receive and file pleadings in the records of the case by relying upon a letter of submittal or covering letter without bothering to examine whether or not the pleading or document submitted corresponds to the enclosure mentioned in the letter.[20]

A Clerk of Court who is lax in the supervision of Court personnel is subject to disciplinary action and may be fined in an amount equal to one month's salary.[21]

Clerks of Court must be assiduous in performing their official duties and in supervising and managing Court dockets and records. Their repeated negligence in the performance of these functions will be dealt with severely.[22]

- MALVERSATION

A Clerk of Court found short of money accountabilities may be dismissed from the service. The act committed constitutes malversation of public funds penalized by Article 217 of the Rev. Penal Code.[23]

- UNDUE INTERFERENCE

A Deputy Clerk of Court was ordered dismissed from the service for exerting undue influence in the disposition of, and act of interference on, cases pending before the Court. Such act in so interfering in the cases pending before the Court is inimical to the service.[24]

- FAILURE TO MAKE PROPER ENTRIES

Clerks of Court and Court personnel concerned in the lower Courts must make the proper entries, without skipping any page, in the general docket books for civil and criminal cases, judgment and entries book and execution book as contemplated in Secs. 8, 9 and 10, Rule 125 of the Rules of Court, to the end that "by reference to a single page the history of the case may be seen" and so that the actual number of pending cases in the monthly reports as submitted to the Supreme Court tallies with the actual physical count of cases in their respective salas. [25]

- ABSENCE WITHOUT LEAVE

A Clerk of Court's long unexplained absence without official leave is indicative of indifference to official duties. It is tantamount to abandonment of position to the detriment of the service. Such long unexplained absence may warrant summary dismissal from the service..[26]

E. CAUSES FOR DISCIPLINARY ACTION UNDER SPECIAL LAWS

- THE CIVIL SERVICE LAW

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.

1.1. Classification of Offenses

1.1.1 The following are grave offenses with their corresponding penalties:

1.1.1.1. Dishonesty

1st Offense -- Dismissal

1.1.1.2. Gross Neglect of Duty

1st Offense -- Dismissal

1.1.1.3. Grave Misconduct

1st Offense -- Dismissal

1.1.1.4. Being Notoriously Undesirable

1st Offense -- Dismissal

1.1.1.5. Conviction of a crime involving moral turpitude

1st Offense -- Dismissal

1.1.1.6. Falsification of official document

1st Offense -- Dismissal

1.1.1.7. Physical or mental incapacity or disability due to immoral or vicious habits.

1st Offense -- Dismissal

1.1.1.8. Engaging directly or indirectly in partisan political activities by one holding non-political office.

1st Offense -- Dismissal

1.1.1.9. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope of expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under

the anti-graft laws.

1st Offense -- Dismissal

1.1.1.10. Contracting loans of money or other property from persons with whom the office of the employee has business relations.

1st Offense -- Dismissal

1.1.1.11. Soliciting or accepting directly or 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 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.

1st Offense -- Dismissal

1.1.1.12. Nepotism

1st Offense -- Dismissal

1.1.1.13. Disloyalty to the Republic of the Philippines and to the Filipino people

1st Offense -- Dismissal

1.1.1.14. Oppression

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.15. Disgraceful and immoral conduct

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.16. Inefficiency and incompetence in the performance of official duties.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.17. Frequent unauthorized absences, or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.18. Refusal to perform official duty

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.19. Gross insubordination

1st Offense - Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.20. Conduct prejudicial to the best interest of the service.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.21. Directly or indirectly having financial and material interest in any 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.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.22. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.23. Disclosing or misusing confidential or classified information 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.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.24. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.25. Recommending any person to any position in a private enterprise 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

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.2 The following are less grave offenses with the corresponding penalties:

1.1.2.1. Simple Neglect of Duty

1st Offense -- Suspension (1 mo. 1 day to 6 mos.)

2nd Offense -- Dismissal

1.1.2.2. Simple Misconduct

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.1.3. Gross Discourtesy in the course of official duties

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.2.4. Violation of existing Civil Service Law and rules of serious nature

1st Offense -- Suspension (1 mo. 1 day to 6 mos.)

2nd Offense -- Dismissal

1.1.2.5. Insubordination

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.2.6. Habitual Drunkenness

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.2.7. Unfair discrimination in rendering public service due to party affiliation or preference.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.2.8. Failure to file sworn statements 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.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.2.9. Failure to resign from his position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest 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.

1st Offense -- Suspension (6 mos. 1 day to 1 year)

2nd Offense -- Dismissal

1.1.3 The following are light offenses with corresponding penalties:

1.1.3.1. Discourtesy in the course of official duties

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.3. Violation of reasonable office rules and regulations

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.4. Frequent unauthorized tardiness (Habitual Tardiness)

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.5. Gambling prohibited by law

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.6. Refusal to render overtime service

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.7. Disgraceful, immoral or dishonest conduct prior to entering the service

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.8. Borrowing money by superior officers from subordinates

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.9. Lending money at usurious rates of interest.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.10. Willful failure to pay just debts or willful failure to pay taxes due to the government

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

The term "just debts" shall apply to:

1. Claims adjudicated by a court of law; or

2. Claims the existence and justness of which are admitted by the debtor.

1.1.3.11. Lobbying for personal interest or gain in legislative halls and offices without authority.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.12. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.13. Failure to act promptly on letters and requests 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

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.14. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.15. Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.16. Engaging in private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his official functions.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

1.1.3.17. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations.

1st Offense -- Reprimand

2nd Offense -- Suspension 1-30 days

3rd Offense -- Dismissal

- ANTI-GRAFT AND CORRUPT PRACTICES ACT (REP. ACT NO. 3019, AS AMENDED)[27]

2.1. Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

2.2. Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law.

2.3. Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Sec. thirteen of this Act.

2.4. Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination.

2.5. Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. x x x

2.6. Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

2.7. Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

2.8. Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in

connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.

2.9. Directly or indirectly becoming interested, for personal gain, or having material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.

Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transactions or acts by the board, panel or group to which they belong.

2.10. Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

2.11. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.

The person giving the gift, present, share, percentage or benefit; or offering, or giving to the public officer the employment; or urging the divulging or untimely release of the confidential information shall, together with the offending public officer, be punished under this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the Government.

- CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REP. ACT NO. 6713)[28]

3.1. Directly or indirectly having financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as a pecuniary or proprietary interest by which a person will gain or lose something;

3.2. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law;

3.3. Engaging in the private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict or tend to conflict with his official function;

3.4. Recommending any person to any position in a private enterprise 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 functions of his office;

3.5. Disclosing or misusing confidential or classified information officially known to him by reason of his office and not made available to the public, to further his private interest or give undue advantage to anyone, or to prejudice the public interest;

3.6. Soliciting or accepting, directly or 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 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.

- 3.7. Obtaining or using any statement filed under the Code 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;
- 3.8. Unfair discrimination in rendering public service due to party affiliation or preference;
- 3.9. Disloyalty to the Republic of the Philippines and to the Filipino people;
- 3.10. Failure to act promptly on letters and requests within fifteen (15) days from receipt, except as otherwise provided in these Rules;
- 3.11. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in these Rules;
- 3.12. Failure to attend to anyone who wants to avail himself of the services of the office, or to act promptly and expeditiously on public personal transactions;
- 3.13. Failure to file sworn statements of assets, liabilities and net worth and disclosure of business interests and financial connections; and
- 3.14. Failure to resign from his position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself of his shareholdings or interests 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 a conflict of interest arises, the official or employee must either resign or divest himself of said interests within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen.

- DISCIPLINE OF JUDGES OF REGULAR AND SPECIAL COURTS AND JUSTICES OF THE COURT OF APPEALS AND THE SANDIGANBAYAN[29]

4.1. How Instituted

Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted *motu proprio* by the Supreme Court or upon a verified complaint, supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations, or upon an anonymous complaint, supported by public records of indubitable integrity. The complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Court, or the Code of Judicial Conduct.

4.2. Action on the Complaint

If the complaint is sufficient in form and substance, a copy thereof shall be served upon the respondent, who shall be required to comment within ten (10) days from the date of service. Otherwise, the same shall be dismissed.

4.3. By whom complaint investigated

Upon the filing of the respondent's comment, or upon the expiration of the time for filing the same and unless other pleadings or documents are required, the Court shall refer the matter to the Office of the Court Administrator for evaluation, report and recommendation or assign the case for investigation, report and recommendation to a retired member of the Supreme Court, if the respondent is a Justice of the Court of Appeals and the Sandiganbayan, or to a Justice of the Court of Appeals, if the respondent is a Judge of a Regional Trial Court or of a special court of equivalent rank, or to a Judge of the Regional Trial Court if the respondent is a Judge of an inferior court.

4.4. Hearing

The investigating Justice or Judge shall set a day for the hearing and send notice thereof to both parties. At such hearing, the parties may present oral and documentary evidence. If, after due notice, the respondent fails to appear, the investigation shall proceed ex-parte.

The Investigating Justice or Judge shall terminate the investigation within ninety (90) days from the date of its commencement or within such extension as the Supreme Court may grant.

4.5. Report

Within thirty (30) days from the termination of the investigation, the investigating Justice or Judge shall submit to the Supreme Court a report containing findings of fact and recommendation. The report shall be accompanied by the record containing the evidence and the pleadings filed by the parties. The report shall be confidential and shall be for the exclusive use of the Court.

4.6. Action

The Court shall take such action on the report as the facts and the law may warrant.

4.7. Classification of Charges

Administrative charges are classified as serious, less serious, or light.

4.8. Serious Charges

These include:

- 4.8.1. Bribery, direct or indirect;
- 4.8.2. Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (Rep. Act No. 3019);
- 4.8.3. Gross misconduct constituting violations of the Code of Judicial Conduct;
- 4.8.4. Knowingly rendering an unjust judgment or order as determined by a competent court in an appropriate proceeding;
- 4.8.5. Conviction of a crime involving moral turpitude;
- 4.8.6. Willful failure to pay a just debt;
- 4.8.7. Borrowing money or property from lawyers and litigants in a case pending before the court;
- 4.8.8. Immorality;
- 4.8.9. Gross ignorance of the law or procedure;
- 4.8.10. Partisan political activities; and
- 4.8.11. Alcoholism and/or vicious habits.

4.9. Less Serious Charges

These include:

- 4.9.1. Undue delay in rendering a decision or order, or in transmitting the records of a case;
- 4.9.2. Frequent and unjustified absences without leave or habitual tardiness;
- 4.9.3. Unauthorized practice of law;
- 4.9.4. Violation of Supreme Court rules, directives, and circulars;
- 4.9.5. Receiving additional or double compensation unless specifically authorized by law;
- 4.9.6. Untruthful statements in the certificate of service; and
- 4.9.7. Simple Misconduct.

4.10. Light Charges

These include:

- 4.10.1. Vulgar and unbecoming conduct;
- 4.10.2. Gambling in public;
- 4.10.3. Fraternizing with lawyers and litigants with pending case/cases in his court; and
- 4.10.4. Undue delay in the submission of monthly reports.

4.11. Sanctions

4.11.1. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

4.11.1.1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

4.11.1.2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or

4.11.1.3. a) A fine of more than P20,000.00 but not exceeding P40,000.00.

b) If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

- A fine of more than P10,000.00 but not exceeding P20,000.00.

c) If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:

- A fine of not less than P1,000.00 but not exceeding P10,000.00 and/or

- Censure;

- Reprimand; and

- Admonition with warning.

4.12. Confidentiality of Proceedings

Proceedings against Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan shall be private and confidential, but a copy of the decision or resolution of the Court shall be attached to the record of the respondent in the Office of the Court Administrator.

- IMPLEMENTING GUIDELINES IN THE EVALUATION OF ADMINISTRATIVE COMPLAINTS AGAINST JUSTICES OF THE COURT OF APPEALS AND THE SANDIGANBAYAN AND JUDGES OF THE COURT OF TAX APPEALS AND THE 1ST AND 2ND LEVEL COURTS PURSUANT TO RULE 140 OF THE RULES OF COURT[30]

5.1. Administrative complaints, whether verified, unsigned or anonymous or initiated by the Supreme Court, shall be filed with the Docket and Clearance Division, Legal Office, Office of the Court Administrator (OCA) which shall determine whether or not the complaint is sufficient in form and substance.

5.1.1. All complaints shall initially be assigned a UDK number.

5.1.2. If the complaint is sufficient in form and substance, it shall be re-docketed and assigned an OCA IPI

number and thereafter referred to the Administrative Matters and Research Division, Legal Office, which shall, within three (3) days from receipt thereof, require the respondent to comment on the complaint.

5.2. Upon the filing by the respondent of the comment or the expiration of the period for doing so, the Administrative Matters and Research Division shall forward the records of the case as follows:

5.2.1. If the respondent is a Judge of a regular or special court, the records shall be forwarded to the Deputy Court Administrator (DCA) assigned to the region concerned, who shall either evaluate the case or refer the same to the Legal Office for the said purpose. In either case, the DCA concerned shall, within sixty (60) days from receipt of the records, submit his report and recommendation to the Court Administrator, who after review, shall submit the same to the Supreme Court for final determination.

In case the records of the case are referred by the DCA to the Legal Office, the agenda report shall be submitted to the DCA concerned for review or evaluation within thirty (30) days from the latter's receipt of the records of the case. The former shall, within thirty (30) days thereafter, submit his evaluation, report, and recommendation in the form of an agenda report to the Court Administrator for review and approval before the same is submitted to the Supreme Court.

5.2.1.1. If the complaint against a Judge cannot be evaluated on the basis of the pleadings submitted by the parties, the DCA concerned, with the approval of the Court Administrator, shall submit a report to the Supreme Court so that the complaint can be referred to a Justice of the Court of Appeals, if the respondent is a Judge of a Regional Trial Court, or to the Executive Judge of the court concerned, if the respondent is a judge of other regular or special courts, for investigation, report, and recommendation. Among other things, the investigating Justice or Judge shall do the following:

- (a) Conduct hearings and receive evidence, testimonial and/or documentary, pursuant to Rule 140, Sec. 4, as amended;
- (b) Verify from court records the veracity of the statements/allegations made or authenticity of the documents presented by the parties; and/or
- (c) Obtain documents that may be found in their respective areas of supervision which are necessary for the proper evaluation of the case.

5.2.1.2. The Justice of the Court of Appeals or the Executive Judge to whom the case is thus referred shall submit his report and recommendation to the Court Administrator, together with the documents received and/or transcript of stenographic notes taken on the testimonies of witnesses, within thirty (30) days from the termination of the investigation. After reviewing the report, the Court Administrator shall, within ten (10) days from his receipt thereof, submit the case to the Supreme Court for final determination.

5.2.2. If the respondent is a Justice of the Court of Appeals or the Sandiganbayan, the record of the case shall be forwarded to the Office of the Court Administrator which shall evaluate the complaint and submit its report and recommendation to the Supreme Court within sixty (60) days from receipt thereof.

5.2.2.1. In case the complaint cannot be resolved on the basis of the pleadings filed, the Court Administrator shall submit his report and recommendation to the Supreme Court so that the case can be referred to a retired justice of the Supreme Court for investigation, report and recommendation.

5.2.2.2. The retired justice of the Supreme Court to whom the case is thus referred shall, within thirty (30) days after the termination of his investigation, submit his report and recommendation to the Court Administrator who, within ten (10) days from the receipt of the report and after a review thereof, shall submit the case to the Supreme Court for final determination.

5.3. All agenda reports submitted to the Supreme Court shall bear an OCA IPI number. No complaint shall be docketed as a regular administrative complaint unless directed by the Supreme Court or the complaint is referred by the Supreme Court for formal investigation, report and recommendation or the report recommends the imposition of a penalty on respondent.

5.4. All other matters pertaining to administrative complaints referred by the Supreme Court to the OCA for comment and/ or evaluation, investigation, report and recommendation shall be assigned to the DCA having supervision over the region concerned who shall submit a memorandum report to the Court Administrator.

F. SEPERATION FROM SERVICE

- CONSTITUTIONAL GUARANTEE

No officer or employee of the civil service shall be removed or suspended except for cause as provided by law.[31]

- MODES OF SEPARATION

2.1. Voluntary separation

2.1.1. Resignation

It is voluntary written notice of an employee informing the appointing authority that he is relinquishing his position and stating the date when such resignation shall take effect. There should be an acceptance of resignation in writing by the agency head or appointing authority which shall indicate the date of effectivity of the resignation.

An officer or employee under investigation may be allowed to resign pending decision of his case without prejudice to the continuation of the proceedings until terminated. (Sec. 1 Rule XII, CSC Memo. Circular No. 40, s. 1998) (Rev. Omnibus Rules on Appointments and other Personnel Actions)

Requirements:

2.1.1.1. For Lower Court employees, their letters of resignation must be coursed through the Executive/Presiding Judges, who shall properly indorse the same to the Chief Justice through the Court Administrator for acceptance.

The letter of resignation must state the effectivity date which, as a matter of courtesy, shall be at least fifteen (15) days prior to said date.

The resigning official/employee must submit clearances as to money/property accountabilities and administrative/criminal case/so

The resigning employee must submit a Statement of Assets and Liabilities.

For court stenographers, an additional clearance must be submitted with a statement that they have no pending transcript of stenographic notes.

2.1.1.2. The issuance of a SC clearance is necessary in order for the resigning employee to avail himself/ herself of the separation and other benefits, if any.

2.1.2. Optional retirement

A government officer or employee has the option to retire if he so desires provided he meets all the requirements

prescribed by the retirement laws.[32]

2.1.3. Filing of Certificate of Candidacy

Every person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and every officer or employee in government-owned or controlled corporations shall ipso facto cease in his office or position on the date he filed his certificate of candidacy.[33]

2.1.4. Abandonment of office

A public office may be waived or may become vacant by abandonment if the abandonment is total, and is made under such circumstances as to clearly indicate absolute relinquishment.[34]

Acceptance of a new position constitutes abandonment of old position,[35] so with refusal to go back to office or position.[36]

2.2. Involuntary separation

2.2.1. Compulsory retirement

Retirement of a government officer or employee is automatic and compulsory upon reaching the age limit of (65 years).[37]

2.2.2. Separation for disciplinary reasons

An officer or employee may be removed or dismissed from office for causes provided by law.[38]

2.2.3. Abolition of office or position

The abolition of an office within the competence of a legislative body if done in good faith suffers from no infirmity. A valid abolition of office is neither removal nor separation of the incumbents. After the abolition, there is in law no occupant.[39]

2.2.4. Reduction in force

Whenever it becomes necessary because of lack of work or funds or due to a change in the scope or nature of an agency's program, or as a result of reorganization, to reduce the staff of any department or agency, those in the same group or class of positions in one or more agencies within the particular department or agency wherein the reduction is to be effected shall be reasonably compared in terms of relative fitness, efficiency and length of service and those found to be the least qualified shall be laid off.[40]

2.2.5. Death or Disability of Employee

Upon the death or total disability of an officer or employee, his separation from the service becomes a matter of course.[41]

2.2.6. Expiration of Appointment or Employment

Officers or employees appointed for a definite period of time whose appointments are attested "Temporary" for a specified length of time are considered separated from the service upon the expiration of their respective appointments. The term of office of officers or employees whose appointments are co-terminous with the nature or term of office of the official to whom they are assigned, e.g., private secretaries, confidential assistants, and technical assistants, shall cease upon cessation in office of such official to whom said employees are assigned.

2.2.7. Termination of Employment

2.2.8. Dropping from the rolls

Dropping from the rolls of officials and employees based on the grounds hereunder mentioned shall be referred to the Chief Justice and Chairmen of the Divisions for appropriate action or resolution.[42]

2.2.8.1. Absence without an officially approved leave (A WOL)

An employee who is continuously absent without an approved leave of absence for at least 30 calendar days shall be recommended dropped from the rolls and his salary withheld.

2.2.8.2. Unsatisfactory or Poor Performance

An official or employee who is given two consecutive unsatisfactory or poor performance ratings may be dropped from the rolls after due notice. Notice shall mean that the official/ employee is informed in writing of his unsatisfactory or poor performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance will warrant his separation from the service. Such notice shall be given not later than 30 days from the end of the semester and shall contain sufficient information, to enable the employee to prepare an explanation.

2.2.9. Physical and mental unfitness

An officer or employee who is continuously absent from work for more than one (1) year by reason of illness may be considered physically unfit and consequently recommended for dropping from the rolls.

2.2.9.1. An officer or employee who is intermittently absent by reason of illness for at least 260 working days during a 24-month period may also be declared physically unfit to perform his duties.

2.2.9.2. An officer or employee who behaves abnormally for an extended period and who manifests continuing mental disorder and incapacity to work, as reported by his co-workers or immediate supervisor and confirmed by the head of office, may likewise be dropped from the rolls.

In all cases of separation from the service, all officials and employees in the Judiciary are required to surrender their identification cards.

G. GUIDELINES FOR THE WEARING OF UNIFORMS

The prescription of dress code for all government officials and employees conforms with the provisions of Rep. Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees). Its intent goes beyond maintaining modesty and proper decorum in the civil service. The wearing of the appropriate office attire leaves as well an impression on the public on whether or not government officials and employees perform and discharge their duties with the highest degree of, inter alia, excellence, professionalism and skill.

Being at the line with direct citizen's exposure in the administration and dispensation of justice and being housed in temples of justice, lower court officials and employees must always set the example not just of modesty and proper decorum in their day-to-day transactions with the public but also of utmost professionalism. For this reason and pursuant to Adm. Circulars Nos. 10-99 and 10-99A, series of 1999, requiring all employees of the Judiciary to wear the prescribed office uniforms on designated days of the week, the following guidelines are set for strict compliance by all lower court officials and employees.

- GRANT OF CLOTHING ALLOWANCE

All employees who have been in the service for at least six (6) consecutive months shall be entitled to the clothing allowance; provided that said employees shall still render service for another six (6) months from the day the said allowance is received.[43]

Once a new employee becomes entitled to the uniform allowance for a particular year and the same is given in kind, the Court shall pay the corresponding amount thereof. However, said employees shall be entitled to only one set of the uniforms issued for the said year.

- SCHEDULE

The wearing of the new office uniforms shall be in accordance with the schedule provided for by the Uniform Committee. On days when the wearing of uniforms is not enforced, the appropriate office attire shall be worn.

Appropriate office attire as herein mentioned refers to the requirements prescribed by Civil Service Commission Memo. Circular No. 19, s. 2000 (Rev. Dress Code prescribed for All Government Officials and Employees in the Workplace), the pertinent provisions of which read, as follows:

"3. Appropriate Attire. On those days when there is no prescribed office uniform for the day, employees shall be dressed in appropriate business attire.

"The wearing of "maong" pants, although generally prohibited, may be considered as appropriate attire when paired with a collared polo/shirt (for male employees), or any appropriate blouse or shirt (for female employees).

"4. Prohibited Attire.[44] The following attire shall be prohibited for all government employees when performing official functions inside the workplace:

4.1 Gauzy, transparent or net-like shirt or blouse;

4.2 Sando, strapless or spaghetti-strap blouse (unless worn as an undershirt), tank-tops, blouse with over plunging necklines;

4.3 Micro-mini skirt, walking shorts, cycling shorts, leggings, tights, jogging pants;

4.4 Rubber sandals, rubber slippers, "bakya"

"5. Other Prohibitions. The following shall also be prohibited during office hours and within office premises:

5.1 Ostentatious display of jewelry, except for special occasions and during official celebrations;

5.2 Wearing of heavy or theatrical make-up.

"6. Exemptions That May Be Allowed. In the implementation of this Dress Code, certain exemptions may be allowed, on the following grounds:

6.1. When the nature of work of the official or employee demands that he/she wears clothing other than those prescribed above;

6.2. When religious affiliation or creed or any legitimate practice by the employee in relation thereto, required him/her to wear a particular clothing;

6.3. Physical disabilities, and other legitimate health reasons;

6.4. Pregnant female employees are allowed to wear maternity dress during the period of their pregnancy;

6.5. Employees who lost a loved one can wear mourning clothes during the period of mourning;

6.6. Other circumstances analogous to the foregoing."

- SKIRT LENGTH

Female officials and employees shall see to it that their skirts are knee-length. Definitely, mini and micro-mini skirts are restricted.

- APPROPRIATE FOOTWEAR

Appropriate footwear (CSC Memo. Circular No. 19, s. 2000) shall mean closed formal shoes. The wearing of rubber sandals, rubber slippers, and "bakya" are certainly prohibited, especially when walking within office premises, courthouses or Halls of Justice. Step-ins and mules are allowed on Fridays and whenever the wearing of office uniforms is suspended.

- NON-WEARING OF OFFICE UNIFORMS

Except for very special and meritorious reasons, all officials and employees who have been granted the uniform allowance or issued uniforms shall wear them in accordance with the schedule provided for by the Committee. In single-sala courts, officials and employees who will seek exemption from the wearing of the prescribed uniform shall get the permission from the Presiding Judge of their respective courts. The written exemption shall indicate the period during which they are so exempted.

In multiple-sala courts, the Executive Judge shall constitute a Uniform Committee of three (3) members, with the Clerk of Court as Chairperson, which shall act on all requests for exemption from the wearing of the prescribed uniforms.

Reports on the personnel granted exemption shall be submitted to the Uniform Committee, Office of the Chief Justice, Supreme Court.

- WEARING OF IDENTIFICATION CARDS

The wearing of the office I.D. at all times forms part of the official uniform of the court.

- AS TO JUDGES

Being the official representatives of the entire Judiciary and the most visible symbol of Lady Justice as well as being the overall managers in their respective areas of jurisdiction, judges are not required to wear the office uniform. However, they may do so should they wish to.

- OFFICIALS AND EMPLOYEES WHO HAVE RETIRED, RESIGNED OR WHO HAVE LEFT THE JUDICIARY

8.1. Officials and/or employees granted the uniform allowance and issued the corresponding uniforms but were separated from the service either due to retirement, resignation or termination from the service before the completion of the required number of months shall be required to refund such amount that the Financial Management, OCA, may determine to be in excess of the allowable amount due them for the year.

8.2. Compulsory retirees for a particular year shall not be issued uniforms anymore within the said year.

- TRANSFEREES WITHIN THE JUDICIARY

Officials or employees granted the uniform allowance in kind but who have transferred to other offices within the Judiciary, i.e. from the lower courts to the Supreme Court or vice versa, shall no longer be issued another set of uniforms. They shall wear the uniforms already issued to them in the office to which they have transferred. No refund of the amount received in this case shall be necessary. However, they can wear the uniforms of their new office but payment for such uniforms shall be at their own expense.

- TRANSFEREES TO OTHER GOVERNMENT OFFICES

Officials or employees granted the uniform allowance in kind and whose measurements have already been taken by the uniform dressmakers/tailors but who have transferred to other government agencies or who have resigned (1) before the end of the calendar year; and (2) prior to the delivery of the uniforms shall receive the said uniforms made/tailored for them. In addition, they shall be required to refund such amount that the Financial Management Office, OCA, may determine to be in excess of the allowable amount due them for the year.

- NON-INCLUSION OF PERSONNEL ENTITLED TO UNIFORMS

Those who are entitled to the uniform allowance but were not included in the master list of employees should coordinate with the Office of Administrative Service, OCA.

- ADMINISTRATIVE DISCIPLINARY ACTION FOR NON-COMPLIANCE WITH THE GUIDELINES

Item C of Sec. 22, Rule XIV (Discipline) of the "Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987) and other Pertinent Civil Service Laws" provide to wit:

"The following are light offenses with their corresponding penalties:

xxx x

(c) Violation of reasonable office rules and regulations (This includes violation of CSC Memo. Circular No. 19, s. 2000 [Rev. Dress Code])."

Thus, subject to the requirements of due process, the following penalties shall be strictly imposed in administrative disciplinary proceedings for non-compliance with the Guidelines:

1st Offense -- Reprimand

2nd Offense -- Suspension for one (1) day to thirty (30) days

3rd Offense -- Suspension for two (2) months

4th Offense -- Dismissal from the service

- MONITORING OF COMPLIANCE WITH THE GUIDELINES

All Presiding Judges, Clerks of Court and Branch Clerks of Courts are hereby directed to implement the provisions of these Guidelines and to closely monitor compliance therewith. The Clerk of Court or the Branch Clerk of Court, as the case may be, shall submit a monthly report of any violation to the Uniform Committee, Office of the Chief Justice, Supreme Court, for appropriate action.

[1] Civil Service Commission Memorandum Circular No. 38, September 10, 1993.

[2] OCA Resolution No. 43-92, August 13, 1992.

[3] Joint Resolution No. 1 of Congress, s. 1994.

[4] CSC Omnibus Rules Implementing Book V of Exec. Order No. 292, s. 1992.

[5] Circular No. 18-97, April 8, 1997.

[6] SC Memo. Order (MO), November 19, 1973.

[7] SC Memo. Order, July 1, 1999.

[8] CSC Memo. Circular No. 14, April 21, 1989 allows officials and employees in the government service to

adopt flexible working hours provided that:

- a) The flexible working hours shall not start earlier than 7:00 o'clock in the morning and end later than 7:00 o'clock in the evening, x x x
- b) The flexible working hours adopted by the official or employee shall thereafter be his regular working hours which cannot be occasionally or periodically changed at his convenience.

[9] Memo. Circular No. 4, June 15, 1973.

[10] Ruling of the Commissioner of Civil Service, 1st Indorsement, November 7, 1970, re: proper interpretation of Civil Service Rule XV, Sec. 4.

[11] Rule XVI, Section 28, CSC Memo. Circular No. 41, December 24, 1998.

[12] CSC Memo. Circular No. 04, s. 1991.

[13] Adm. Circular No. 2-99, January 15, 1999.

[14] Garcia vs. Teehankee, 27 SCRA 1142 (1969).

[15] Arcilla v. Sabido, 88 SCRA 53 (1979)

[16] Gonzales-Austria et Al. vs. Abaya, Adm. Matter No. R-705-RTJ; Abaya v. Austria, Adm. Matter No. R-698-P; Abaya v. Gonzales-Austria, Adm. Case No. 2209, 176 SCRA 634 (1989).

[17] Borromeo v. Court of Appeals, et al., 186 SCRA 1 (1990).

[18] Benaogan v. Lacson, 88 SCRA 46 (1979).

[19] Paa v. Remigo, 88 SCRA 593 (1979).

[20] Clorox Company v. Director of Patents, 20 SCRA (1967).

[21] Pasco v. Perfecto, et al., 78 SCRA 223 (1979).

[22] Court Administrator v. Galang, OIC, etc., Adm. Matter No. R-459-P, 144 SCRA 102 (1986).

[23] Estenzo v. Defano, 93 SCRA 218 (1979).

[24] Zari v. Flores, 94 SCRA 317 (1979).

[25] Court Administrator v. Galang, supra at 22.

[26] A.M. No. 87-7-6 Shari'a. Re Absence without Official Leave (AWOL) of Munib Z. Magelan, December 17, 1987. en banc, (Min. Res.)

[27] Rep. Act No. 3019. Sec. 3.

[28] Implementing Rules of Rep. Act No. 6713, Rule X, Sec. 1 (a-n).

[29] A.M. No. 01-8-10-SC, September 11, 2001, (Amendment to Rule 140 of the Rules of Court re: Discipline of Justices and Judges).

[30] A.M. No. 01-11-03 SC, January 22, 2002.

[31] 1987 Constitution, Art. IXB, Sec. 2(3).

[32] Com. Act No. 186, as amended; see also Marasigan vs. Cruz, 150 SCRA 1 (1987).

[33] Rep. Act No. 6388, Sec. 23.

[34] Summers vs. Ozaeta, 81 Phil. 745 (1948); Cunado vs. Gamus, 8 SCRA 77 (1963).

[35] Zanduetta vs. De la Costa, 66 Phil. 615 (1938); Summers vs. Ozaeta, supra.

[36] Floresca vs. Queulio, 82 Phil. 128 (1948).

[37] Com. Act No. 186, Sec. 12(e), as amended.

[38] See Aquino vs. General Manager of GSIS, 22 SCRA 415 (1968); also Constitution of the Philippines (1987), supra.

[39] De la Llana vs. Alba, 112 SCRA 294 (1982); see also BSC 9th Indorsement, 3 March 1956; Arao vs. Luspo, 20 Phil. 722-726 (1911).

[40] Exec. Order No. 292, "The Administrative Code of 1987," as amended, Book V, Subtitle A, Chapter I, Sec. 29.

[41] See Com. Act No. 186, as amended, Sec. 11(b) and (c).

[42] A.M. No. 99-12-08-SC, February 15, 2000.

[43] Government Accounting and Auditing Manual (Vol. 1), s., 1992, Book III, Title 5, Chapter 5, Article 5, Sec. 305.

[44] In addition to the above, wearing of "capri" pants and pedal pushers are likewise prohibited.

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