RULES AND REGULATIONS GOVERNING THE CONTEMPT POWER OF THE CIVIL SERVICE COMMISSION

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Pursuant to Paragraph 11, Section 12, Chapter 3, Title I(A), Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, which took effect on November 23, 1989, and CSC Resolution No. 90-788, promulgated on August 22, 1990, hereunder are the Rules and Regulations governing the exercise of contempt power of this Commission:

> SECTION 1. Direct Contempt Can be Imposed Summarily: Judgment is not Appealable. — Any person who is guilty of misbehavior in the presence of, or so near the Commission, or any of its members as to obstruct or interrupt the proceedings before the same, including disrespect towards the Commission, or any of its members, like the use of any disrespectful or insulting language, or derogatory remarks in the pleadings, memoranda and/or position papers, offensive personalities towards others, or refusal to be sworn in, or to answer, as a witness, or to subscribe an affidavit or deposition when required so to do, may be summarily adjudged in direct contempt of the Commission, publicly reprimanded or censured and/or imposed a fine not exceeding two hundred pesos.
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> Decisions of the Commission declaring any person in direct contempt shall not be appealable.
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> SECTION 2. Contumacious/Contemptuous Acts Punishable After Due Proceedings . — After a charge in writing has been filed and an opportunity given to the respondent to be heard by himself or counsel, an official or employee or person found guilty of any of the following acts or omissions may be punished for indirect contempt:
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> a. Disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission;
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> b. Any abuse of or any unlawful interference with the processes or proceedings of the Commission, or any improper conduct tending, directly or indirectly, to impede, obstruct, delay or degrade the implementation of any lawful writ, process, order, decision, resolution, ruling or command of the Commission which does not constitute direct contempt as provided for in the preceding Section; and
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> c. Deliberate failure to obey a subpoena or subpoena duces tecum duly served without valid justification therefor.
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> Nothing in this Section shall be so construed as to prevent the Commission from issuing processes or orders, or requiring the respondent to appear or be present before the Commission, or from holding him in custody pending such proceedings.

SECTION 3. Hearing . — Upon the day set for the hearing, the Commission shall proceed to investigate the charge and consider such answer or testimony as the respondent may make or offer.

SECTION 4. Punishment, if found guilty. — If the respondent is adjudged guilty of indirect contempt committed against the Commission, he may be punished by a fine of one thousand (P1 ,000.00) pesos for every act of indirect contempt. Each day of defiance of, or disobedience to, or non-enforcement of a final order, resolution, decision, ruling, injunction or processes, shall constitute an indirect contempt of the Commission. If the contempt

consists in the violation of an injunction or omission to do an act which is still within the power of the respondent to perform, the respondent shall, in addition, be made liable for all damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reaon of the misconduct, disobedience to defiance of a lawful order, and/or such other contumacious acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings including payment of interest on damages.

Damages sustained by the aggrieved party shall refer to the total amount of his or her salaries and other money benefits which shall have accrued to the latter had the final order, decision, resolution, ruling, injunction, or processes of the Commission been enforced/implemented immediately.

SECTION 5. Review of Judgment or Order . — The judgment or order of the Commission in a case of indirect contempt may be reviewed by the Supreme Court on petition for certiorari by respondent within thirty (30) days from notice or receipt of said judgment or order.

SECTION 6. Contempt Powers of CSC Regional Directors . — The Civil Service Regional Directors or any deputized Hearing Officer may apply to the Commission to declare any person within their jurisdiction in indirect contempt for any of the acts or omissions described in these Rules.

However, if the act of omission is punishable by direct contempt, the Regional Director is hereby authorized to cite the offender in direct contempt in accordance with the provisions of these Rules.

SECTION 7. Effectivity . — These Rules as embodied in this Memorandum Circular shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 22 Aug. 1990 .

(SGD.) PATRICIA A. STO. TOMAS
Chairman

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