



MC No. 10, s. 2009

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES;
DEPARTMENTS; BUREAUS AND AGENCIES OF THE
NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS;
GOVERNMENT-OWNED AND CONTROLLED
CORPORATIONS WITH ORIGINAL CHARTER; AND STATE
COLLEGES AND UNIVERSITIES

SUBJECT : Amendment to Section 48, Rule III of CSC Resolution No. 99-1936 dated August 31, 1999 (Uniform Rules on Administrative Cases in the Civil Service)

CSC Resolution No. 09-0120 dated January 20, 2009, caused the amendment of Section 48, Rule III of CSC Resolution No. 99-1936 dated August 31, 1999 (Uniform Rules on Administrative Cases in the Civil Service).

The amendment reads, as follows:

“Section 48. When to Remand an Appealed Case to Agency of Origin. - If on appeal, the Commission finds that the disciplining authority violated respondent-appellant’s right to due process such as the failure to issue a formal charge, the Commission shall dismiss the appealed case and order the immediate reinstatement of the respondent with payment of back salaries and other benefits. However, the dismissal of the case shall be without prejudice on the part of the disciplining authority to re-file it in accordance with law.

“If a formal charge has been issued but the disciplining authority has violated respondent-appellant’s right to procedural due process such as the failure to produce a requested evidence, the Commission shall remand the appealed case to the agency of origin for further proceedings to be conducted within three (3) calendar months from the date of receipt of the case records, unless there is delay due to the fault, negligence or petition of the respondent, or an extension is granted by the Commission on

meritorious grounds. The period of delay shall be excluded in the computation of the prescribed period. Within fifteen (15) days from the termination of the proceedings, the disciplining authority shall render his or her decision.

“If at the end of the three (3)-month period, the disciplining authority failed to conduct further proceedings, the Commission upon motion of the respondent-appellant shall vacate and set aside the appealed decision and declare the respondent-appellant exonerated of the charge/s. If the respondent-appellant is under preventive suspension, he or she shall be immediately reinstated and shall be entitled to back salaries and other benefits.

“The Civil Service Commission Regional Office (CSCRO) or the Office for Legal Affairs of the Commission Proper shall evaluate requests for extension of the three (3)-month period and grant the same on meritorious grounds. In disposing the requests, these offices shall be guided by the principles of justice and fair play. All requests for extension shall not be for more than twenty (20) days.

“For this purpose, the CSCRO Director shall monitor the implementation of the CSC Resolution remanding the case to the agency of origin and to submit a report to the Commission Proper.”

Please be guided accordingly.



RICARDO L. SALUDO
Chairman

April 2, 2009

OLA/AGR/X39(volt 102)
S48_MC

Note: CSC Resolution No. 09-0120 dated January 20, 2009 was published in Malaya on March 18, 2009



Republic of the Philippines
Civil Service Commission

Constitution Hills, Batasang Pambansa Complex, Diliman 1126 Quezon City

100 Years of Service;
Civil Service at Its Best.

Mamamayan Muna

**Re: Amendment to Section 48, Rule III,
CSC Resolution No. 99-1936
dated August 31, 1999
(Uniform Rules on Administrative
Cases in the Civil Service)**

X-----X

RESOLUTION NO. 090120

WHEREAS, Section 12 (2), Chapter 3, Title I (A), Book V of Executive Order No. 292, otherwise known as "*The Administrative Code of 1987*," empowers the Civil Service Commission to prescribe, amend, and enforce rules and regulations which are necessary in effectively carrying out its mandate;

WHEREAS, pursuant to its rule-making power, the Commission issued CSC Resolution No. 99-1936 dated August 31, 1999, otherwise known as "*The Uniform Rules on Administrative Cases in the Civil Service (URACCS)*," which governs the conduct of disciplinary and non-disciplinary proceedings in administrative cases;

WHEREAS, CSC Resolution No. 99-1936 dated August 31, 1999 was circularized in CSC Memorandum Circular No. 19, s. 1999 dated September 14, 1999;

WHEREAS, Section 48, Rule III of CSC Resolution No. 99-1936 provides that on appeal, if the Commission Proper finds that the respondent-appellant's right to due process is violated, the appealed case is to be remanded to the proper disciplining authority for further investigation;

WHEREAS, when one speaks of violation of due process, a distinction has to be made between matters of procedure and matters of substance;

WHEREAS, the Commission deems it necessary to make a distinction as to when an appealed case may be remanded to the agency of origin for violation of due process;

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Certified True Copy:

[Signature]
SEYMOUR R. FAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office

WHEREFORE, Section 48, Rule III of CSC Resolution No. 99-1936 dated August 31, 1999, otherwise known as "*The Uniform Rules on Administrative Cases in the Civil Service (URACCS)*," shall be amended, as follows:

"Section 48. When to Remand an Appealed Case to Agency of Origin. - *If on appeal, the Commission finds that the disciplining authority violated respondent-appellant's right to due process such as the failure to issue a formal charge, the Commission shall dismiss the appealed case and order the immediate reinstatement of the respondent with payment of back salaries and other benefits. However, the dismissal of the case shall be without prejudice on the part of the disciplining authority to re-file it in accordance with law.*

"If a formal charge has been issued but the disciplining authority has violated respondent-appellant's right to procedural due process such as the failure to produce a requested evidence, the Commission shall remand the appealed case to the agency of origin for further proceedings to be conducted within three (3) calendar months from the date of receipt of the case records, unless there is delay due to the fault, negligence or petition of the respondent, or an extension is granted by the Commission on meritorious grounds. The period of delay shall be excluded in the computation of the prescribed period. Within fifteen (15) days from the termination of the proceedings, the disciplining authority shall render his or her decision.

"If at the end of the three (3)-month period, the disciplining authority failed to conduct further proceedings, the Commission upon motion of the respondent-appellant shall vacate and set aside the appealed decision and declare the respondent-appellant exonerated of the charge/s. If the respondent-appellant is under preventive suspension, he or she shall be immediately reinstated and shall be entitled to back salaries and other benefits.

"The Civil Service Commission Regional Office (CSCRO) or the Office for Legal Affairs of the Commission Proper shall evaluate requests for extension of the three (3)-month period and grant the same on meritorious grounds. In disposing the requests, these offices shall be guided by the principles of justice and fair play. All requests for extension shall not be for more than twenty (20) days.

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[Signature]
SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office

"For this purpose, the CSCRO Director shall monitor the implementation of the CSC Resolution remanding the case to the agency of origin and to submit a report to the Commission Proper."

Quezon City, 20 JAN 2009



RICARDO L. SALUDO
Chairman

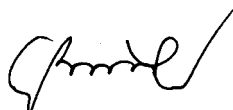
On Leave

CESAR D. BUENAFLOR
Commissioner



MARYANN Z. FERNANDEZ-MENDOZA
Commissioner

Attested by:



DOLORES B. BONIFACIO
Director IV

Commission Secretariat and Liaison Office

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Policy Reso S48

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SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office