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ADMINISTRATIVE ORDER NO. 13

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**RULES OF ADMINISTRATIVE PROCEDURE IN
THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

Pursuant to and in accordance with Book V Title I Subtitle A Chapter 6 Section 47(2) and Book IV Chapter 2 Section 7(3), (4) and (5) of the REVISED ADMINISTRATIVE CODE and the IMPLEMENTING RULES AND REGULATIONS promulgated by the Civil Service Commission implementing the provisions of Executive Order No. 292, and Republic Act No. 6713 (the CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES), and in relation to the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD (A.O. No. 14, series of 2004, as amended by M.C. No. 17, series of 2009), these RULES and procedures are hereby adopted:

A. GENERAL PROVISIONS

Sec. 1. **Title.** – These RULES shall be known as the **DSWD RULES OF ADMINISTRATIVE PROCEDURE.**

Sec. 2. **Definitions.**

Administrative Case – the formal investigation of a DSWD employee for an act or omission punishable as an offense under Civil Service Laws, the ADMINISTRATIVE CODE, and other laws pertaining to Public Officers and employees; it shall commence upon the issuance of a FORMAL CHARGE.

Administrative Procedure – actions taken regarding acts or omissions of DSWD employees that appear to be illegal, unjust, or inefficient; including but not limited to an administrative case.

Disciplining Authority – the official duly authorized to suspend, dismiss, or discipline officials and employees in the Civil Service.

Ex-Parte – taken or granted at the instance and for the benefit of one party only, and without notice to or contestation by the opposing party.

First Level Personnel – includes personnel in clerical, trades, crafts, and custodial service positions which involve non-professional or subprofessional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.

Formal Charge – the document issued by the Disciplining Authority informing the respondent of the nature of the offense with which the respondent is charged.

Formal Investigation – the process of formally receiving and evaluating the affidavits or testimonies of witnesses, and other evidences of, and the pleadings submitted by, the parties for the resolution of the merits of an administrative case.

Hearing Officer – the official designated to conduct the Formal Investigation of an administrative case.

Investigating Officer – the official designated to conduct the Preliminary Investigation.

OBSUs - offices, bureaus, services and units of the DSWD.

Offense – an act or omission defined and punished under Section 52 of CSC MC 19, s. 1999.

Prima Facie Case – such evidence that engenders a well-founded belief that an offense has been committed and that the respondent is probably guilty thereof.

Preliminary Investigation – the process of formally receiving and evaluating evidence to determine if there is a *prima facie* case that would warrant the issuance of a FORMAL CHARGE or any other appropriate actions as may be necessary

Progressive Discipline – the process defined under the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD (A.O. No. 14, series of 2004, as amended by M.C. No. 17, series of 2009).

Prosecuting Officer – the official designated to prosecute, on behalf of the DSWD, an administrative case during the Formal Investigation.

Show Cause Order – a document issued by the Disciplining Authority informing an employee of facts constituting an apparent offense committed by such employee, and directing such employee to submit a written and sworn explanation why no further actions should be taken against such employee; it is not yet part of an administrative case.

Substantial Evidence – the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion.

Sec. 3. ***Declaration of Policy.*** – The DSWD hereby adopts the policy of speedy disposition of cases in accordance with the CONSTITUTION and the RULES OF COURT.

Sec. 4. **Coverage and Construction.** – These RULES shall apply to all administrative procedures against DSWD employees, and to all administrative cases against DSWD employees except presidential appointees.

4.1 **Technical Rules.** – Administrative procedures shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

4.2 **Construction.** – These RULES shall be construed liberally in favor of employees subject of administrative procedures.

4.3 **Suppletory Rules.** – In the interest of the expeditious administration of justice, Civil Service Commission Memorandum Circular No. 19, series of 1999 (the UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE) and the RULES OF COURT shall apply in a suppletory manner or by analogy whenever applicable and convenient to these RULES. In cases of conflict, the UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE shall prevail over these RULES, and these RULES shall prevail over the RULES OF COURT.

Sec. 5. **Jurisdiction.**

5.1 **Jurisdiction of the Secretary.** – The DSWD Secretary or the Secretary's duly designated representative shall have original jurisdiction over administrative procedures against all DSWD employees except first level personnel of the Regional/Field Offices, and over administrative cases against all DSWD employees except first level personnel of the Regional/Field Offices and presidential appointees.

Complaints involving presidential appointees shall, in accordance with the provisions below and when warranted, be referred for appropriate action to the proper office.

5.2 **Jurisdiction of Regional/Field Office Directors.** – Directors of Regional/Field Offices shall have original jurisdiction over administrative procedures and cases against first level personnel of their respective Regional/Field Offices.

5.3 **Cases taken Cognizance of by the Ombudsman.** – Where the Office of the Ombudsman has taken cognizance of a complaint against a DSWD employee involving the same subject as that of an administrative procedure, the administrative procedure shall be dismissed without prejudice to the action of the Office of the Ombudsman on the complaint pending before it.

B. INITIATION OF ADMINISTRATIVE PROCEDURE

Sec. 6. ***Administrative Procedures, How Initiated.*** – Administrative procedures may be commenced either:

- [a] By the Secretary or head of any office, bureau, service or Field/Regional Office, which shall be deemed initiated by the Disciplining Authority, or
- [b] Upon a sworn written Complaint of any other person.

B.1 AGENCY-INITIATED ADMINISTRATIVE PROCEDURE

Sec. 7. ***Cases Initiated by the Disciplining Authority.*** – The DSWD may, on its own or on complaint by any person or organization, investigate any act or omission of any DSWD employee when such act or omission appears to be illegal, unjust, or inefficient.

Sec. 8. ***Incident Report.*** – Any DSWD employee with knowledge of facts that appear to show that another DSWD employee has committed an offense shall submit an INCIDENT REPORT on the same to the Disciplining Authority. An INCIDENT REPORT may be in any form as long as it is in writing and clearly indicates the name of its author, the employee subject of the report, and the acts and omissions subjects of the same. A DSWD employee who receives an INCIDENT REPORT shall forward the same to the Disciplining Authority.

Upon receipt of an INCIDENT REPORT, the Disciplining Authority shall:

- [a] Dismiss the matter if, after assessment/evaluation, it is apparent that no offense has been committed, issuing a MEMORANDUM to such effect;
- [b] Order a Fact-Finding Investigation;
- [c] Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or
- [d] Issue a SHOW CAUSE ORDER against the employee concerned.

8.2 ***Fact-Finding Investigation.*** – When necessary, the Disciplining Authority may constitute a Fact-Finding Committee to verify statements in, and gather facts that would shed light on the substance of, the INCIDENT REPORT. The Fact-Finding Committee shall, within thirty (30) calendar days from its constitution, submit to the Disciplining Authority its FACT-

FINDING REPORT, which shall include its findings, conclusions and recommendations.

Upon receipt of the FACT-FINDING REPORT, the Disciplining Authority shall:

- [a] Dismiss the matter if it is apparent that no offense has been committed, issuing a MEMORANDUM to such effect;
- [b] Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or
- [c] Issue a SHOW CAUSE ORDER directed at the employee concerned.

The Fact-Finding Investigation and actions relating thereto are management functions. RECORDS thereof shall not automatically form part of the RECORDS of an administrative case unless specifically introduced into evidence therein.

8.3 Show Cause Order. – The SHOW CAUSE ORDER shall:

- i.* Inform the employee concerned of the facts constituting the apparent offense committed by such employee, describing such facts with sufficient clarity as to enable such employee to submit an intelligent explanation, but without necessarily referring to the evidence on which it is based; and
- ii.* Direct such employee to submit within ten (10) working days a written and sworn EXPLANATION under oath explaining why no further actions should be taken against such employee.

Except for highly compelling reasons, the Disciplining Authority shall not entertain requests for clarification or other similar requests.

Upon receipt of such EXPLANATION, the Disciplining Authority shall:

- [a] If the EXPLANATION is sufficient, dismiss the matter, issuing a MEMORANDUM to such effect, furnishing the employee concerned a copy thereof;
- [b] Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or

- [c] If there is a *prima facie* case that such employee has committed an offense, issue a FORMAL CHARGE against the employee concerned in accordance with the provisions below.

The SHOW CAUSE ORDER and actions relating thereto are management functions. RECORDS thereof shall not automatically form part of the RECORDS of an administrative case unless specifically introduced into evidence therein.

B.2 COMPLAINT-INITIATED ADMINISTRATIVE PROCEDURE

Sec. 9. **Cases Initiated by Complaint.** – The DSWD may take cognizance of COMPLAINTS filed by other persons that allege any act or omission of a DSWD employee that constitutes an offense.

9.1 **Where to File.** – A DSWD employee who receives a COMPLAINT shall forward the same to the Disciplining Authority.

9.2 **Requirements for a Complaint.** – A COMPLAINT must meet the following requirements:

[a] It shall be in writing and subscribed and sworn to by the complainant.

[b] It shall be written in clear, simple and concise language to apprise the employee concerned of the nature and cause of the accusation against such employee.

[c] It shall contain the following:

i. Full name and address of the complainant;

ii. Full name and address of the respondent as well as his position and office of employment;

iii. A narration of the relevant and material facts that shows the act or omission allegedly committed by the employee;

iv. A certification or statement of non-forum shopping;

v. Certified copies of documentary evidence and affidavits of witnesses, if any.

9.3 **Insufficient Complaints.** – An INSUFFICIENT COMPLAINT is one that either does not meet the requirements stated above, is anonymous or unsigned, or does not clearly identify the person complained of. The Disciplining Authority shall dismiss outright an INSUFFICIENT COMPLAINT, issuing a MEMORANDUM to such effect, furnishing the complainant a copy thereof,

if possible. Such dismissal shall not prejudice the subsequent filing of a COMPLAINT sufficient in form and substance on the same matter.

Provided, that if the INSUFFICIENT COMPLAINT provides a sufficiently detailed description, or is supported by documentary or direct evidence that prove a major element, of the act or omission complained of, which act or omission patently constitutes an offense, the INSUFFICIENT COMPLAINT shall be treated as an INCIDENT REPORT.

9.4 **Action on Complaint.** – The Disciplining Authority shall:

- [a] Dismiss the COMPLAINT if it is apparent that no offense has been committed, issuing a MEMORANDUM to such effect, furnishing the complainant a copy thereof;
- [b] Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or
- [c] Order a Preliminary Investigation.

9.5 **Preliminary Investigation.** – An Investigating Officer shall conduct the Preliminary Investigation. For cases under the original jurisdiction of the Secretary, the Investigating Officer shall be a lawyer of the Legal Service. For cases under the original jurisdiction of a Field/Regional Director, the Investigating Officer shall be the Assistant Field/Regional Directors. In case of unavailability of such persons, the Disciplining Authority shall designate an alternate Investigating Officer.

The Investigating Officer may allow the complainant to submit additional evidence.

The Investigating Officer shall direct the person complained of to submit within three (3) working days a COUNTER-AFFIDAVIT/COMMENT under oath. Failure to comply shall be deemed a waiver of the right to submit the same.

The Investigating Officer may also require other pertinent documents from other OBSUs.

The Investigating Officer may hold a conference to propound clarificatory questions to the complainant and/or the person complained of.

The Investigating Officer shall complete the Preliminary Investigation and submit a PRELIMINARY INVESTIGATION REPORT to the Disciplining Authority within thirty (30) calendar days from the designation of the Investigating Officer.

9.6 **Action on Preliminary Investigation Report.** – Upon receipt of the PRELIMINARY INVESTIGATION REPORT, the Disciplining Authority shall:

- [a] If the COMPLAINT may be treated as a grievance or request for assistance, refer the matter to the Grievance Committee or appropriate OBSU for appropriate action;
- [b] If there is no *prima facie* case that a DSWD employee has committed an offense, dismiss the matter, issuing a MEMORANDUM to such effect, furnishing the complainant and the person complained of copies thereof;
- [c] Apply the GUIDELINES ON THE ADOPTION OF PROGRESSIVE DISCIPLINING IN THE DSWD if the apparent offense and personnel involved are those that may be covered thereby; or
- [d] If there is a *prima facie* case that a DSWD employee has committed an offense, either –
 - i. If the employee concerned is a presidential appointee, refer the matter to the appropriate office, or
 - ii. Issue a FORMAL CHARGE against the employee concerned in accordance with the provision below thereon; or

Sec. 10. **Effect of Withdrawal of Complaint.** – The withdrawal of a COMPLAINT or the desistance of a complainant before the issuance of a FORMAL CHARGE shall not automatically result in the dismissal of the matter. The COMPLAINT may still be given due course when the charges are obviously meritorious and can be substantiated by evidence.

After the issuance of a FORMAL CHARGE, the Hearing Officer shall have the discretion on what action to take regarding the withdrawal of a COMPLAINT or desistance of a complainant.

C. ADMINISTRATIVE CASES

Sec. 11. **Formal Charge.** – If there is a *prima facie* case that a DSWD employee has committed an offense, the Disciplining Authority shall issue a FORMAL CHARGE that shall:

- i. Be addressed to the respondent,
- ii. Specify the offense with which the respondent is charged,
- iii. State the acts or omissions constituting such offense,
- iv. Direct the respondent to file an ANSWER thereto within ten (10) working days from receipt thereof,

- v. Advise the respondent to indicate in his ANSWER whether or not the respondent elects a Formal Investigation,
- vi. Inform the respondent of his right to be assisted by counsel, and
- vii. Include copies of SWORN STATEMENTS and other documentary evidence relied upon in arriving at the finding that there is a *prima facie case* that warranted the issuance of a FORMAL CHARGE.

The FORMAL CHARGE shall be immediately served on respondent, with the respondent's immediate superior furnished a copy thereof.

11.2 **Hearing Officer and Prosecuting Officer.** – The Director of the Legal Service shall be the Hearing Officer for cases under the original jurisdiction of the Secretary. Regional/Field Office Director shall be the Hearing Officer for cases under their original jurisdiction.

At the time the FORMAL CHARGE is issued, the Disciplining Authority shall also designate a Prosecuting Officer. For cases under the original jurisdiction of the Secretary, the Prosecuting Officer shall be a lawyer of the Legal Service. For cases under the original jurisdiction of a Field/Regional Director, the Prosecuting Officer shall be the Assistant Field/Regional Directors.

In case of unavailability of any of the above persons, the Disciplining Authority shall designate an alternate Investigating Officer and/or Prosecuting Officer.

Sec. 12. **Answer.** – The respondent shall file an ANSWER within ten (10) working days from receipt of the FORMAL CHARGE. The ANSWER shall:

- i. Be under oath,
- ii. Contain material facts and applicable laws,
- iii. Be accompanied by affidavits and other evidence supporting respondent's claims and defenses, and
- iv. State whether or not the respondent elects a Formal Investigation.

12.2 Failure to comply shall be deemed a waiver of the respondent's right to file an ANSWER and the Formal Investigation shall proceed accordingly.

Sec. 13. **Action on Answer.** – If the ANSWER is sufficient, the Disciplining Officer, upon recommendation of the Hearing Officer, shall issue an ORDER dismissing the

FORMAL CHARGE within five (5) working days from receipt of the recommendation.

C.1 PRE-HEARING CONFERENCE

Sec. 14. ***Pre-Hearing Conference.*** – At the start of the Formal Investigation, the Hearing Officer shall hold a Pre-Hearing Conference in which the parties and their counsel shall consider and agree on the following:

- [a] Dates of subsequent hearings;
- [b] Simplification of issues;
- [c] Admissions and stipulations of fact;
- [d] Limiting the number of witnesses, identification of the witnesses and the nature of their testimonies;
- [e] Identification and marking of evidence;
- [f] Waiver of objections to admissibility of evidence; and
- [g] Such other matters as may aid in the prompt and just resolution of the case, including but not necessarily limited to the following:
 - i. Submitting the case for resolution based solely on the matters agreed upon during the Pre-Hearing Conference;
 - ii. Submitting the case for resolution based on POSITION PAPERS to be filed, and supporting documents to be attached thereto;
 - iii. Adoption of summary procedures; and
 - iv. Holding continuous and/or extended hearings.

Hearings shall be conducted in accordance with the terms and conditions agreed upon during the Pre-Hearing Conference.

The Hearing Officer may, with acquiescence of the parties, require that no witness be presented unless the SWORN STATEMENT of that witness is submitted at least three (3) working days before the hearing in which that witness shall testify, furnishing the other party a copy thereof.

As much as possible, the Hearing Officer shall limit the number of hearing dates, and direct the parties to present as many witnesses as could be accommodated on each hearing.

C.2 FORMAL HEARINGS

Sec. 15. **Appearance of Counsel.** – Any counsel appearing for a party in an administrative case shall so manifest in writing, stating counsel's name and exact address at which counsel may be served with pleadings, notices and other processes. Should counsel fail to comply, such counsel shall not be allowed to participate during the proceedings of the administrative case and no pleading signed by such counsel shall be recognized.

A respondent who appears during a hearing of which he was previously notified without the aid of counsel and without any compelling reason for the absence of such counsel shall be deemed to have waived such right to counsel.

Sec. 16. **Preliminary Matters.** – At the start of each hearing, the Hearing Officer shall note the appearances of the parties and their counsel.

16.1 **Records of Proceedings.** – The Hearing Officer shall use the best technology and means available to record all proceedings during hearings. A competent stenographer shall make written transcripts of such recordings. The parties and their counsel shall, at their expense, have access to such transcripts or, in case such transcripts are unavailable, to the recordings. Such transcripts and recordings, as well as the notes made by the Hearing Officer, shall form part of the RECORDS of the case.

16.2 **Sworn Statements of Witnesses.** – If the SWORN STATEMENT of a witness is submitted at least three (3) working days before the hearing in which such witness shall testify, with the opposing party furnished a copy thereof, the SWORN STATEMENT shall constitute the testimony under direct examination of such witness, subject to limited additional questions from the presenting party, cross-examination by the opposing party, and clarificatory questions from the Hearing Officer.

16.3 **Subpoena.** – The Hearing Officer may issue a SUBPOENA AD TESTIFICANDUM to compel the attendance of a witness and/or a SUBPOENA DUCES TECUM to compel the production of documents or things. A party desiring the issuance of a SUBPOENA shall make the request therefor at least three (3) working days before the scheduled hearing.

16.4 **Immunity.** – No person subpoenaed to testify as a witness shall be excused from attending and testifying and/or from producing documents, records, books or pertinent materials, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to prosecution; Provided, that no person shall be prosecuted for or on account of any matter, concerning which

that person is compelled to testify and produce evidence, after having claimed the privilege against self-incrimination.

Sec. 17. **Reception of Evidence.** – Unless the parties have agreed to have the case submitted for decision without Formal Hearings, Formal Hearings shall proceed thus:

- [a] Evidence for the prosecution shall be received.
- [b] Evidence for the respondent shall be received.
- [c] If the respondent admits the material facts alleged in the FORMAL CHARGE but interposes some positive defense, the order of presentation of evidence may be reversed.
- [d] Presentation of rebuttal evidence shall only be allowed for compelling reasons.

Sec. 18. **Continuous Hearings; Postponements.** – The Hearing Officer shall conduct hearings on the dates agreed upon during the Pre-Hearing Conference, and shall not allow any postponement except for compelling reasons.

18.1 The parties, their counsel and their witnesses shall be given written NOTICE of a hearing at least five (5) working days before such hearing, except for those hearings previously scheduled during the Pre-Hearing Conference or the schedule for which the parties have previously agreed on. The NOTICE shall specify the time, date and place of said hearing.

18.2 If the respondent fails or refuses to appear during a scheduled hearing, without any compelling reason for such absence, the hearing shall proceed *ex-parte* and the respondent shall be deemed to have waived the right to be present therein.

Sec. 19. **Admissibility of Evidence.** – The Hearing Officer shall accept all evidence deemed material and relevant to the case. The Hearing Officer shall resolve objections raised during a hearing. In case of doubt, the Hearing Officer shall admit evidence provisionally, noting any objection thereto, and shall resolve such objection during the resolution of the case in main.

Sec. 20. **Submission of Memoranda/Draft Decisions.** – Upon completion of the reception of evidence, the Hearing Officer may require the parties to submit their respective MEMORANDA and/or draft DECISIONS within fifteen (15) calendar days, after which the case shall be submitted for resolution. Failure to submit the same within the given period shall be considered a waiver thereof.

Sec. 21. **Formal Investigation Report.** – Within fifteen (15) calendar days from the last hearing date or from the deadline for the submission of MEMORANDA and/or



draft DECISIONS, as the case may be, the Hearing Officer shall submit to the Disciplining Authority a FORMAL INVESTIGATION REPORT together with the complete RECORDS of the case. The FORMAL INVESTIGATION REPORT shall contain:

- i. A summary of the proceedings,
- ii. A statement of the issues,
- iii. Evidence received and material facts established,
- iv. A discussion of the issues with respect to the facts and the law, and
- v. Conclusions and recommendations of the Hearing Officer.

C.3 DECISION

Sec. 22. **Decision.** – Within thirty (30) calendar days from receipt of the FORMAL INVESTIGATION REPORT, the Disciplining Authority shall render a DECISION on the case. The DECISION shall contain

- i. The material facts on which it is based, and the evidence on record relied on to establish such material facts,
- ii. Laws, rules and issuances relied on, if any,
- iii. The disposition of the administrative case, and
- iv. Where the respondent is found guilty of an offense, the particular designation of that offense and the specific penalty imposed.

Sec. 23. **Finality of Decisions.** – A DECISION exonerating the respondent, or imposing a penalty less than suspension for thirty (30) calendar days or a fine in an amount not exceeding thirty (30) days' salary, shall be final and executory.

Otherwise, a DECISION shall become final after the expiration of the period for filing a MOTION FOR RECONSIDERATION or an APPEAL and no such MOTION FOR RECONSIDERATION or APPEAL was duly filed. A DECISION shall become executory after the expiration of the period for filing a MOTION FOR RECONSIDERATION and no such MOTION FOR RECONSIDERATION was duly filed.

Provided, that a Regional/Field Office Director shall immediately transmit to the Secretary for review and confirmation an issued DECISION that imposes the penalty of dismissal or removal from office. The Secretary shall issue the appropriate ORDER on such DECISIONS within thirty (30) calendar days from receipt thereof. The periods for filing a MOTION FOR RECONSIDERATION or an APPEAL shall be reckoned from receipt of this ORDER from the Secretary.

Sec. 24. **Motion for Reconsideration.** – For a DECISION that is not yet final, a party adversely affected thereby may file a MOTION FOR RECONSIDERATION thereof within fifteen (15) calendar days from receipt of the DECISION or of the ORDER of the Secretary confirming such DECISION where such confirmation is necessary. A party may file only one MOTION FOR RECONSIDERATION.

24.1 **Effect of Motion for Reconsideration.** – A MOTION FOR RECONSIDERATION shall stay the execution of the DECISION.

24.2 **Action on Motion for Reconsideration.** – Upon receipt of a MOTION FOR RECONSIDERATION, the Disciplining Authority shall give the opposing party fifteen (15) calendar days to file a COMMENT thereon. The Disciplining Authority shall issue the ORDER resolving the MOTION FOR RECONSIDERATION within fifteen (15) calendar days from receipt of the COMMENT or expiration of the period to file the same.

C.4 APPEAL

Sec. 25. **When to File.** – For a DECISION that is not yet final, a party adversely affected thereby may file an APPEAL therefrom within fifteen (15) calendar days from receipt of the ORDER denying such party's MOTION FOR RECONSIDERATION. No APPEAL shall be entertained if no MOTION FOR RECONSIDERATION of the DECISION being appealed was previously filed.

25.1 **Where to File.** – A DECISION rendered by a Regional/Field Office Director may be appealed to the Secretary. A DECISION rendered by the Secretary may be appealed to the Civil Service Commission.

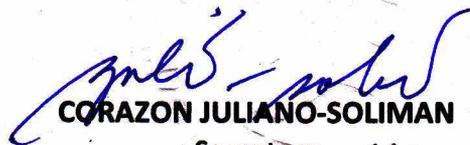
25.2 **Effect of Appeal.** – An APPEAL shall not stop the DECISION from being executory. If the penalty is suspension or removal and the respondent eventually wins the APPEAL, the respondent shall be considered as having been under preventive suspension during the pendency of the APPEAL.

D. OTHER PROVISIONS

Sec. 26. **Records of Administrative Procedures.** – Original RECORDS pertaining to administrative procedures shall be under the custody of the Legal Service. Such RECORDS shall be treated as confidential. No person may access, inspect or copy the same unless such person is involved therein, or unless such person has a legal right which cannot be protected or vindicated without accessing, inspecting or copying such RECORDS. Any DSWD employee who shall violate the confidential nature of such RECORDS shall be subject to disciplinary action.

Sec. 27. **Repeal.** – All previous issuances contrary to or inconsistent with these Rules are hereby repealed, modified or amended accordingly.

- Sec. 28. **Separability.** – If any provision of these RULES is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.
- Sec. 29. **Transition.** – Where practicable, these RULES shall apply to all administrative procedures pending at the time these RULES take effect; *Provided*, that any provision herein shall not apply to if such would result in prejudice to the respondent therein.
- Sec. 30. **Effectivity.** – These RULES shall take effect fifteen (15) days after publication in a newspaper of general circulation and filing with the University of the Philippines Law Center.


CORAZON JULIANO-SOLIMAN
Secretary 