

ADMINISTRATIVE ORDER NO. 17
Series of 2022

**REVISED RULES OF PROCEDURE
IN ADMINISTRATIVE CASES INVOLVING EMPLOYEES
OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

RATIONALE

Pursuant to Section 47 (2), Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292 (Administrative Code of 1987), the Department of Social Welfare and Development (DSWD) has jurisdiction and power to exercise disciplinary powers, including the investigation and adjudication of matters involving disciplinary actions, over its officers and employees under its Secretary. Moreover, Section 7(3 & 4), Chapter 2, Book IV of the Administrative Code of 1987 empowers the DSWD to promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs and projects, as well as administrative issuances necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto, including procedures on administrative cases in the DSWD. Thus, further to Section 2, Rule 1 of the Civil Service Commission (CSC) Resolution No. 1701077, dated 03 July 2017, the DSWD hereby amends Administrative Order (AO) No. 013, Series of 2011, otherwise known as the Rules of Administrative Procedure of the DSWD, to be fully compliant and consistent with the 2017 Revised Rules on Administrative Cases in the Civil Service (2017 RACCS) and to uphold speedy disposition of cases.

Rule 1

APPLICABILITY AND CONSTRUCTION

Section 1. Title – These rules shall be known and cited as the “**Revised Rules of Procedure in Administrative Cases Involving Employees of the Department of Social Welfare and Development**”.

Section 2. Declaration of Policy – The DSWD adopts the policy of just, speedy, and inexpensive disposition of administrative cases, in accordance with the 1987 Philippine Constitution, and relevant Civil Service laws and regulations.

Section 3. Coverage – These rules shall cover all employees of the DSWD, regardless of nature of appointment¹, and of place of work (i.e., Central Office (CO) or

¹ Sec. 9, Rule IV, “Employment Status, Nature of Appointment and other Human Resource Actions of the 2017 Omnibus Rules on Appointments and other Human Resources Actions (2017 ORA OHRA).”

Field Offices (FOs)), except Presidential appointees and workers engaged under Contract of Service/Job Order (COS/JO).

Sexual Harassment (SH) complaints against first-level and second-level employees of the DSWD shall not be covered by these rules.

Section 4. Construction – These rules shall be liberally construed and administered to promote just, speedy, and inexpensive disposition of administrative cases, in accordance with the 2017 RACCS. Likewise, administrative investigations shall be conducted without strict recourse to technical rules of procedure and evidence applicable to judicial proceedings.

Section 5. Suppletory Application of the Other Rules – These rules shall be fully compliant and consistent with the 2017 RACCS. In case of conflict, the 2017 RACCS shall prevail over these rules.

The Rules of Court shall be applied in a suppletory manner, or by analogy, or whenever applicable according to these rules.

Section 6. Definition of Terms – Unless otherwise provided in these rules, applicable Civil Service laws and regulations, and other related DSWD issuances, terminologies shall be understood in their ordinary meaning. Meanwhile, the following terms shall be construed as follows:

- 1) **ADMINISTRATIVE CASE** – an administrative proceeding instituted against an officer or employee for an act or omission punishable under Civil Service Laws, the 1987 Revised Administrative Code, Republic Act (RA) 6713², and/or other laws pertaining to public officers and employees.
- 2) **ADMINISTRATIVE PROCEEDINGS** – actions taken regarding acts or omissions of employees that appear to be illegal, unjust, or inefficient, including but not limited to an administrative case.
- 3) **BACKWAGES** – the compensation and other benefits that should have been earned but were not collected by an officer or employee because of the illegal dismissal or suspension, in accordance with the principle that an illegally dismissed government employee who is later reinstated is entitled to all the rights and privileges that accrue by virtue of the office held.
- 4) **DISCIPLINING AUTHORITY** – for purposes of this Order, it shall refer to the Secretary, or the Regional Directors in terms of disciplinary action for first-level employees in their respective FOs;
- 5) **EMPLOYEE** – as used in these rules, this refers to a person who works for a department or an agency, and occupies a first-level or second-level position or office.
- 6) **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.
- 7) **FIRST-LEVEL POSITIONS** – positions involved in structured work in support of office operations, or those involving clerical, trades, crafts or custodial

² Code of Conduct and Ethical Standards for Public Officials and Employees.

service which involve sub-professional work in a non-supervisory and supervisory capacity.³

- 8) **FORMAL CHARGE** – the document issued, after the conduct of an preliminary investigation and finding of a prima facie case, by the disciplining authority, informing the respondent of the nature of the offense and its circumstances with which the latter is charged.
- 9) **FORMAL INVESTIGATION** – the process of formally receiving and evaluating, through a conference or hearing, the pleadings, affidavits, testimonies of witnesses, and other evidence of the parties for the resolution of the merits of an administrative case.
- 10) **FORUM SHOPPING** – the filing of several administrative actions or complaints, either simultaneously or successively, before different agencies or tribunals having concurrent jurisdiction over a case against the same party/ies, and involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues. Such cases can either be pending in, or already resolved adversely by, some other tribunal or agency.
- 11) **HEARING OFFICER** – any official duly authorized and designated by the disciplining authority to conduct the formal investigation, or those deputized to conduct the formal investigation in accordance with Rule 22, Section 113 of the 2017 RACCS.
- 12) **INVESTIGATING OFFICER/COMMITTEE** – the official or committee designated by the disciplining authority to conduct the Preliminary Investigation.
- 13) **MOTU PROPRIO** – on one's own initiative, describing any action taken by the disciplining authority without request of another person.
- 14) **OFFENSE** – an act or omission defined and penalized under Rule 10 of the 2017 RACCS, the Administrative Code of 1987, RA 6713, and other laws pertaining to public officers and employees, as applicable.
- 15) **PARTY ADVERSELY AFFECTED** – the respondent against whom a decision in an administrative case has been rendered, or the disciplining authority or prosecuting agency in an appeal from a decision reversing or modifying the original decision.
- 16) **PERSON COMPLAINED OF** – the person who is the subject of a complaint but who has not yet issued a notice of charge or formal charge by the disciplining authority.
- 17) **PRIMA FACIE CASE** -- an evidence which, even if unexplained or uncontradicted, is sufficient to sustain a judgment in favor of the issue it supports, but which may be contradicted by other evidence.
- 18) **PRELIMINARY INVESTIGATION** -- the process of formally receiving and evaluating evidence to determine if there is a prima facie case that would

³ 2017 Omnibus Rules on Appointments and other Human Resources Actions (Revised July 2018) Re: Amendments and Additional Provisions to CSC Resolution No. 1701009 (June 16, 2017).

warrant the issuance of a Formal Charge or any other appropriate actions as may be necessary.

- 19) **PROSECUTING OFFICER** – the official designated to prosecute, on behalf of the DSWD, an administrative case during the Formal Investigation.
- 20) **RESPONDENT** – the employee to whom the disciplining authority issues a notice of charge or a formal charge.
- 21) **SECOND-LEVEL POSITIONS** – positions which involve professional, technical and scientific work in a non-supervisory or supervisory capacity up to Division Chief level or its equivalent.
- 22) **SHOW CAUSE ORDER** – a written document issued by the disciplining authority requiring an employee to explain or justify, within a given period, why no disciplinary action should be taken against the latter.
- 23) **SUBSTANTIAL EVIDENCE** – the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion.
- 24) **SUBPOENA AD TESTIFICANDUM** – a written order issued to compel a person to testify.
- 25) **SUBPOENA DUCES TECUM** – a written order issued to compel the production of books, records, things or documents therein specified.
- 26) **THIRD-LEVEL POSITIONS** – positions in the Career Executive Service (CESe) such as those of Undersecretaries, Assistant Secretaries, Bureau Directors, Assistant Bureau Directors, Regional Directors, Assistant Regional Directors, Chief of Department Services, and other officers equivalent in rank, as may be identified by the Career Executive Service Board (CESB), and who are appointed by the President.⁴

Rule 2

JURISDICTION AND VENUE

Section 7. Jurisdiction of the Secretary – Unless otherwise indicated in these rules, the Secretary shall have original jurisdiction to:

- 1) Hear and decide administrative cases initiated by, or brought before, him/her against first-level and second-level employees in the CO, and second-level employees in the FOs⁵ (*See Annex A for the Classes of Positions in the Civil Service*);
- 2) Confirm the decisions of Regional Directors imposing the penalty of dismissal; and
- 3) Decide on such other requests or actions involving issues arising out of or in connection with the foregoing enumeration.

⁴ CSC MC Circular No. 7 S. 2010, Clarificatory Guidelines on the Scope of Third Level (March 29, 2010)

⁵ The Secretary's original jurisdiction these administrative proceedings and cases is concurrent with the CSC.

Section 8. Jurisdiction of the Regional Directors – The Regional Directors shall have original jurisdiction to hear and decide administrative proceedings and cases initiated by, or brought before, him/her against first-level employees within their respective offices. (See Annex A for the illustration);

Section 9. Cases Cognizable by the Ombudsman – Where the Office of the Ombudsman has taken cognizance of a complaint against an employee involving the same subject as that of an administrative case brought before the disciplining authority, the administrative case shall be dismissed without prejudice to the action of the Office of the Ombudsman on the complaint pending before it. (See Annex A for the illustration)

Section 10. Jurisdiction over Sexual Harassment Cases – The Committee on Decorum and Investigation (CODI) at the CO shall have jurisdiction over sexual harassment (SH) complaints against first-level and second-level CO employees. Meanwhile, each FO's shall establish its own CODI which shall have jurisdiction over SH complaints against their respective first-level and second-level employees. (See Annex A for the illustration)

Rule 3

COMMENCEMENT OF ADMINISTRATIVE PROCEEDINGS

Section 11. Who May Initiate – An administrative proceeding may be initiated either:

- 1) By the disciplining authority *motu proprio*; or
- 2) Upon valid complaint filed before the proper disciplining authority:
 - a) By any natural person; or
 - b) By any juridical person, through a duly authorized representative with proof of his/her authority (e.g., authorization provided in a Board Resolution or a Secretary's Certificate).

Section 12. When and Where to File – Unless otherwise provided by law, an administrative complaint may be filed, at any time, with the Legal Service in the CO or the Legal Unit in the FO concerned. Any employee or office which received an administrative complaint shall forward the same to the proper service or unit as indicated herein.

Section 13. Requisites of a Valid Complaint – A complaint against an employee must meet the following requisites:

- 1) It must be in writing, and subscribed and sworn to by the complainant.
- 2) It must be in clear, simple and concise language to inform the employee/s concerned of the nature and cause of the accusation/s against him/her/them.
- 3) It shall contain the following:
 - a) Full name and address of the complainant;
 - b) Full name/s and address/es of the person/s complained of, including his/her/their position and office and/or place of assignment;

- c) A narration of the relevant and material facts that shows the act or omission allegedly committed by the person/s complained of;
- d) Certified true copies of documentary evidence and affidavits of witnesses, if any, of the person complained of; and
- e) A certification or statement of non-forum shopping.

In cases initiated by the proper disciplining authority or an authorized representative, a show cause order is sufficient.

Section 14. Action on the Valid Complaint – Upon receipt of a valid complaint, the Legal Service Director shall order the conduct of a preliminary investigation in accordance with Rule 4 hereof.

The Lawyer of the Legal Unit shall conduct the preliminary investigation in cases under the jurisdiction of the Regional Director of the FO concerned.

Section 15. Anonymous Complaint – No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence.

Section 16. Non-Compliant Complaints – A non-compliant complaint is one that does not meet the requirements of Sections 13 and 15 above.

The Legal Service Director or the Lawyer of the Legal Unit shall assess and dismiss a non-compliant complaint within fifteen (15) working days from receipt thereof. This dismissal is understood to be without prejudice to the subsequent filing of a complaint sufficient in form and substance on the same subject matter. An Order shall be issued to this effect with a copy thereof furnished, as far as practicable, to the complainant.

Section 17. Effect; Withdrawal of Complaint – The withdrawal of an administrative complaint or the desistance of a complainant before the issuance of a Formal Charge shall not automatically result in its outright dismissal or discharge of the person complained of from any administrative liability. The complaint may still be given due course when the charges are patently meritorious and can be substantiated by evidence.

After the issuance of a Formal Charge, the disciplining authority shall have the discretion on what action to take regarding the withdrawal of a complaint or the desistance of a complainant.

Rule 4

PRELIMINARY INVESTIGATION

Section 18. Preliminary Investigation; Who Conducts – A Preliminary Investigation is a mandatory proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a Formal Charge.

Upon receipt of a valid complaint, the Legal Service Director shall designate a committee or investigator to conduct the Preliminary Investigation.

- 1) The designated investigator shall be:

- a) any lawyer from the Legal Service for cases under the original jurisdiction of the Secretary; or
 - b) a lawyer of the Legal Unit of the FO concerned or, in his/her/their unavailability, any lawyer from the Legal Service, for cases under the original jurisdiction of the appropriate Regional Director.
- 2) The committee shall be composed of three members who shall be designated as follows:
- a) A lawyer of the Legal Service as Chairperson and two members, who are all impartial, with proven integrity and probity, have no personal relationship or interest with any party to the administrative case, and have no conflict of interest in the subject administrative case or issue at hand, for cases under the original jurisdiction of the Secretary; or
 - b) A lawyer of the Legal Unit of the FO concerned as Chairperson and two members, who are all impartial, with proven integrity and probity, have no personal relationship or interest with any party to the administrative case, and have no conflict of interest in the subject administrative case or issue at hand, for cases under the original jurisdiction of the appropriate Regional Director.

Section 19. How Conducted – The Preliminary Investigation may be conducted in any of the following manner:

- 1) By requiring the submission of counter-affidavit or comment, and/or other documents from the person complained of within five (5) working days from receipt of the complaint which is sufficient in form and substance. Failure on the part of the person complained of to comply with the directive shall be deemed a waiver of the right to submit the same.
- 2) By conducting an *ex parte* evaluation of the records. For this purpose, the committee or investigator may require the complainant to submit additional evidence or the office, bureau, service or unit (OBSU) concerned to submit pertinent documents; or
- 3) By holding a clarificatory meeting with the complainant and the person complained of to discuss the merits of the case.

When the complaint is initiated by the disciplining authority, *motu proprio*, he/she or his/her duly authorized representative shall issue a Show Cause Order directing the person complained of to explain within the same period why no administrative case should be filed against the latter. The failure of the person complained of to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof, and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

The right to counsel may be exercised even during the preliminary investigation.

Section 20. Duration of the Preliminary Investigation – A Preliminary Investigation shall commence within five (5) working days upon receipt of the complaint by the disciplining authority and shall terminate within thirty (30) working days thereafter. However, the disciplining authority may extend such periods in meritorious cases.

Section 21. Preliminary Investigation Report – In the CO, the committee or investigator shall submit the Preliminary Investigation Report (PIR) categorically recommending either for the issuance of a formal charge or the dismissal of the complaint, together with the complete records of the case, to the Legal Service Director within five (5) working days from the termination of the Preliminary Investigation.

In the FOs, committee or investigator shall submit the PIR, with the recommendation and complete records of the case, directly to the Regional Director within the same period.

The PIR shall always be treated with confidentiality.

Section 22. Action on the Preliminary Investigation Report. — The Legal Service Director or the Lawyer of the Legal Unit, as the case may be, shall endorse the PIR to the appropriate disciplining authority.

If dismissal is proper, the disciplining authority shall return the approved recommendation for the Legal Service Director or the Lawyer of the Legal Unit, as the case may be, to issue an Order to such effect.

If a *prima facie* case is established after Preliminary Investigation, the disciplining authority shall issue a Formal Charge in accordance with Rule 5 hereof.

Rule 5

FORMAL CHARGE

Section 23. Issuance of a Formal Charge – After a finding of a *prima facie* case, the disciplining authority shall formally charge the person complained of, who shall then be called the Respondent. The Formal Charge shall:

- 1) Be addressed to the Respondent;
- 2) Specify the offense charged;
- 3) State the act/s or omission/s constituting such offense;
- 4) Direct the Respondent to file an Answer to the charge within ten (10) working days from the receipt thereof;
- 5) Advise the Respondent to indicate in his Answer whether or not he/she elects a Formal Investigation;
- 6) Inform the respondent of his/her right to be assisted by a counsel; and
- 7) Include copies of sworn statements and other documentary evidence relied upon in arriving at the finding of a *prima facie* case that warranted the issuance of the Formal Charge.

The Formal Charge shall be immediately and personally served on the Respondent. Copies of the Formal Charge shall also be furnished to (i) the Human Resource Management and Development Service in the CO or the Human Resource and Development Division in the FOs, as the case may be; and (ii) the Head of OBSU or Regional Director concerned, as the case may be.

Section 24. Designation of a Hearing Officer and a Prosecuting Officer – At the time the Formal Charge is issued, the proper disciplining authority shall designate the Hearing Officer and the Prosecuting Officer. The Prosecuting Officer is preferably:

- 1) A lawyer of the Legal Service, for cases under the original jurisdiction of the Secretary; or
- 2) A lawyer of the Legal Unit of the FO concerned or, in his/her/their unavailability, any lawyer from the Legal Service, for cases under the original jurisdiction of the appropriate Regional Director.

Section 25. Prohibited Pleadings – The disciplining authority shall not entertain requests for clarification, bills of particulars, motions to dismiss, motions to quash, motions for reconsideration, and motions for extension of time to file an answer. The same shall be noted without action and shall be attached to the records of the case.

Rule 6

ANSWER

Section 26. Answer – The respondent shall file an Answer before the disciplining authority within ten (10) working days from receipt of the Formal Charge. The Answer shall:

- 1) Be in writing and under oath;
- 2) Specify and contain the material facts and applicable laws, if any; and
- 3) Be accompanied by original or certified copies of documentary evidence, sworn statements covering testimonies of witnesses, and other evidence supporting respondent's defenses or claims.

Section 27. Action on Answer – The disciplining authority may either:

- 1) Dismiss the case when the Answer is satisfactory; or
- 2) Otherwise, proceed with the Formal Investigation.

Section 28. Effect of Failure to File an Answer – The Respondent's failure or refusal to file his/her Answer to the Formal Charge within the prescribed period shall be deemed a waiver of his/her right to submit the same. The case shall then proceed to Formal Investigation.

Rule 7

PREVENTIVE SUSPENSION

Section 29. Nature of Preventive Suspension – A preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the Respondent may be removed from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is being investigated.

Section 30. When and Why Issued – The proper disciplining authority, upon motion or *motu proprio*, may issue an order of preventive suspension against the Respondent upon issuance of the Formal Charge, or immediately thereafter, if:

- 1) The charge involves:
 - a) Dishonesty;
 - b) Oppression;
 - c) Grave Misconduct;
 - d) Neglect in the Performance of Duty;
 - e) Other offenses punishable by dismissal from the service; or
 - f) An administrative offense committed on its second or third instance, and the penalty is dismissal from the service; and
- 2) The respondent is in a position to exert undue influence or pressure on the witnesses and/or tamper with evidence.

In order for a preventive suspension order to be valid, any of the enumerated charges in Condition 1 should concur with Condition 2.

Section 31. Alternative to Preventive Suspension – The proper disciplining authority may re-assign the Respondent to another OBSU of the DSWD, subject to existing laws and rules.

Section 32. Duration of Preventive Suspension – Unless otherwise provided for by law, the disciplining authority may place the Respondent under preventive suspension for a maximum period of ninety (90) days. Upon the lapse of the period of preventive suspension without the case being finally decided by the disciplining authority, the Respondent concerned shall be automatically reinstated in the service. When the delay in the disposition of the case is due to the Respondent's fault, negligence or request, the period of delay shall not be included in the counting of the period of preventive suspension. **Any period of delay caused by motions filed by the Respondent shall likewise be added to the period of preventive suspension.**

If the order of preventive suspension is for a period less than the maximum period, the disciplining authority undertakes to finish the Formal Investigation within the said period and is precluded from imposing another preventive suspension thereafter.

Should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Finally, if the respondent is placed under preventive suspension in another case, the duration of the second preventive suspension shall simultaneously run with the first preventive suspension without prejudice to the service of the remaining period of the second preventive suspension.

Rule 8

FORMAL INVESTIGATION

Section 33. Formal Investigation – Formal investigation shall be conducted where the merits of the case cannot be decided judiciously without conducting such

investigation or when the respondent elects to have one, in which case, the investigation shall be held not earlier than five (5) working days nor later than ten (10) working days from receipt of the respondent's answer or upon the expiration of the period to answer. Said investigation shall be finished within thirty (30) working days from the issuance of the Formal Charge/Notice of Charge unless the period is extended by the disciplining authority or its authorized representative, or heads of agencies in meritorious cases.

Section 34. Pre-Hearing Conference – At the start of the Formal Investigation, the Hearing Officer shall hold a Pre-Hearing Conference during which the parties, by themselves or their duly authorized lawyers, shall appear, and consider and agree on any of the following:

- 1) Stipulation of facts;
- 2) Simplification of issues;
- 3) Identification and marking of evidence of the parties;
- 4) Waiver of objections to admissibility of evidence;
- 5) Limiting the number of witnesses, and their names;
- 6) Dates of subsequent hearings; and
- 7) Such other matters as may aid in the prompt and just resolution of the case.

The schedule and conduct of hearings, and the agreements of the parties entered during the Pre-Hearing Conference shall be embodied in the Pre-Hearing Order and is binding upon both parties.

In the interest of justice and with the acquiescence of the parties, the Hearing Officer may require that no witness be presented unless the Sworn Statement of that witness is submitted at least three (3) working days before the hearing wherein that witness shall testify, furnishing the other party a copy thereof.

The parties may likewise file their respective Pre-Hearing Briefs, copy furnished the adverse party, before the date of the Pre-Hearing Conference.

The conduct of a pre-hearing/ preliminary conference is mandatory. Failure by any party to attend the Pre-Hearing Conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party.

The designated Prosecuting Officer or Hearing Officer, who, without justifiable reason, fails to appear at the Pre-Hearing Conference, may be liable for Neglect of Duty.

Section 35. Appearance of Counsel – Any counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing for a party in an administrative case shall so manifest in writing his/her appearance stating the counsel's:

- 1) Full name;
- 2) Complete address, which should not be a P.O. Box, where said counsel may be served with pleadings, notices and other processes;
- 3) Professional Tax Receipt Number;

- 4) Attorney's Roll Number;
- 5) Mandatory Continuing Legal Education Compliance Certificate;
- 6) IBP Dues Receipt or Lifetime Membership Number;
- 7) In view of Section 50 hereof, the contact email address to which administrative processes and/or notices of virtual proceedings, as applicable, shall be sent; and
- 8) For a counsel working for the government, an attached Authority to Practice Profession from his/her agency head or the agency head's duly authorized representative.

Failing to comply with the foregoing, the counsel shall not be allowed to participate in any proceeding of the administrative case, and no pleading signed by him/her shall be recognized.

Section 36. Formal Hearings; Continuous Hearings; Postponements – Hearings shall be conducted on the dates set by the Hearing Officer or as agreed upon by the parties during the Pre-Hearing Conference.

The Hearing Officer shall not allow any postponement except that, for compelling reasons, each party may be granted one (1) postponement upon oral or written request.

The parties, their counsel and their witnesses shall be given written Notices of 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.

If the Respondent fails or refuses to appear, by himself/herself or counsel, without any compelling reason, the hearing shall proceed *ex parte* and the Respondent shall be deemed to have waived the right to present evidence therein.

Section 37. Preliminary Matters – At the start of each hearing, the Hearing Officer shall note the appearances of the parties and/or their counsel.

The Respondent shall be considered to waive his/her right to counsel if he/she appears at a hearing without the aid of the latter even after being informed of said right.

Before taking any testimony, the Hearing Officer shall place the witness under oath and then take his/her full name, address, civil status, age, and complete name and address of employer.

Section 38. Sworn Statements of Witnesses – A sworn statement of the witness properly identified and affirmed shall constitute direct testimony.

A sworn statement of a witness, submitted at least three (3) working days before the hearing during which he/she will testify and copy-furnished to the opposing party, shall constitute said witness' direct testimony. At the hearing, the Hearing Officer may (a) allow the presenting party to ask additional questions from the presenting party, (b) permit the opposing party to cross-examine the witness, and/or (c) ask clarificatory questions to the witness being presented.

Section 39. Presentation of Evidence – Unless the parties have agreed to have the case submitted for decision without Formal Hearings, the order of hearing shall proceed as follows:

- 1) Presentation of evidence by the Prosecution;
- 2) Presentation of evidence by the Respondent; and
- 3) Rebuttal or Sur-rebuttal, for compelling reasons.

If the Respondent admits the material facts alleged in the Formal Charge but interposes one or more affirmative defense/s, the order of presentation of evidence may be reversed.

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memoranda which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 40. Admissibility of Evidence – The Hearing Officer shall admit all formally offered pieces of evidence that are relevant and material to the case, subject to the objection/s interposed against its admission.

The Hearing Officer shall resolve objections raised during the hearing. The Hearing Officer may admit evidence provisionally, noting any objection thereto, and resolve such objection during the resolution of the case in main.

Section 41. Markings – All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the Prosecution, and by numbers (1, 2, 3, etc.) if presented by the Respondent. These shall form part of the complete records.

Section 42. Issuance of 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 at least seven (7) working days before the scheduled hearing.

Section 43. Records of Proceedings – The Hearing Officer may use the practicable and available technology or means to record all proceedings during the formal investigation. The secretariat assigned in the hearing 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.

Section 44. Filing of Pleadings – All pleadings filed by the parties shall be copy furnished to the other party with proof of service. Failure in this regard shall justify non-receipt or non-action on the pleading. Any pleadings sent by registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon.

Section 45. Submission of Position Paper or Memorandum – Upon completion of the reception of evidence, the Hearing Officer may order the parties to submit their respective position papers or memoranda within fifteen (15) working 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.

Section 46. Formal Investigation Report. -- Within fifteen (15) working days from the last hearing date or from the deadline for the submission of Memoranda, 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 be treated with confidentiality. It shall contain:

- 1) A Table of Contents of the complete records that are systematically arranged, paged, and securely bound to prevent loss;
- 2) A summary of the proceedings;
- 3) A statement of the issues;
- 4) Evidence received and material facts established;
- 5) A discussion of the issues with respect to the facts and the law; and
- 6) Conclusions and recommendations of the Hearing Officer.

Section 47. Use of Virtual Meeting Platforms for Administrative Proceedings – During declared state of calamity, community quarantines or heightened restrictions, or on occasion of unforeseen and/or fortuitous events, thereby making in-person pre-hearing conference and formal hearing impracticable and/or too risky, the use of virtual meeting platforms is adopted to ensure speedy disposition of administrative cases in the DSWD.

The Legal Service and the appropriate FO's Legal Unit shall be guided by the following in the use of virtual meeting platforms for the purpose of these rules:

- 1) The Legal Service and the FOs' Legal Units shall conduct virtual pre-hearing conference and virtual hearing using video, audio, and data transmission devices and applications which must meet the requirements set herein.
- 2) Parties or participants in the virtual pre-hearing conference or virtual hearing are required to use a computer/tablet/laptop with camera, and an internet connection-enabled environment. They must also download the required video, audio and data transmission applications in their devices.
- 3) Technology and facilities used for virtual proceedings must be of such quality as to allow the Hearing Officer and the participants to see and hear what is taking place in the virtual hearing rooms, to converse with each other, to observe the demeanor and non-verbal communications of those present in the virtual hearing, and to observe any physical or documentary evidence or exhibits presented during the proceedings.
- 4) Virtual pre-hearing conference and virtual hearings shall be scheduled by the Hearing Officer pursuant to these rules. The Hearing Officer shall act as the moderator who ensures the orderly administration of the virtual proceedings and the attendance of the parties and participants present therein.

- 5) Before the scheduled virtual pre-hearing conference or virtual hearing, the Hearing Officer shall notify the parties or their counsels through their respective email addresses.
- 6) For this purpose, the Notice of Pre-Hearing Conference or Notice of Hearing shall also indicate:
 - a) The date and time of the virtual proceedings;
 - b) The access link to join the virtual proceedings; and
 - c) A reminder that all details of the virtual proceeding, including the access link, shall be treated with strict confidentiality.
- 7) Parties or participants who have not received any access link at least twenty-four (24) hours before the scheduled virtual proceeding or who could not access the provided link shall immediately inform the Hearing Officer concerned through email, phone call, or other practicable means.
- 8) As far as practicable, virtual proceedings shall closely resemble and follow the same procedure as in-person proceedings in an administrative case. The integrity and solemnity of the proceedings shall always be enforced by the Hearing Officer, and observed by the parties and participants. Those attending the virtual pre-hearing conference and/or hearing shall wear appropriate attire and observe virtual meeting etiquette.
- 9) A party submitting documentary evidence for marking shall submit the same to the Hearing Officer at least three (3) working days before the scheduled virtual proceeding, with copies furnished to all other parties.
- 10) The parties and participants shall observe confidentiality and respect the data privacy of those present in the virtual proceeding. Unauthorized recording, publishing, or posting of the virtual proceedings shall be prohibited and dealt with in accordance with law. Meanwhile, the secretariat of the Hearing Officer may record and document the virtual proceedings in accordance with these rules. The parties may request for the transcript/s of the virtual proceedings.
- 11) As far as practicable, other procedures usually done during in-person proceedings, such as but not limited to placing a witness under oath, presenting the testimony of a witness, presenting documentary or object evidence, and making oral manifestations, shall also be done during the virtual proceedings.
- 12) When the virtual proceeding is done, the Hearing Officer shall call its adjournment and end the virtual meeting immediately.
- 13) Should there be technical problems with any party or participant, thereby making the virtual proceedings not possible in the meantime, the Hearing Officer may suspend or terminate the virtual proceedings.
- 14) At any time in the formal investigation, the parties may mutually decide to terminate the virtual proceedings. In this case, the Hearing Officer may order that the parties submit their respective Position Papers or Memoranda in accordance with Section 48 hereof.

- 15) The Legal Service and the FOs' Legal Units shall have technical training on the basic principles, technology, and operations for virtual proceedings. The Legal Service may also conduct pilot tests of the virtual proceedings to surface and address potential implementation issues.

Rule 9

DECISION

Section 48. *Decision* – Within thirty (30) working days from receipt of the Formal Investigation Report, the disciplining authority shall render a decision on the case.

Section 49. *Finality of Decisions* – A decision exonerating the respondent, or imposing a penalty less than suspension for thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary, shall be final and executory, as well as not appealable.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, or dismissal, not covered by the next succeeding paragraph, the decision shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration and no such motion has been filed.

In the FOs, if the penalty imposed is dismissal, the decision shall be executory only after the confirmation by the Secretary.

Rule 10

ADMINISTRATIVE OFFENSES AND PENALTIES

Section 50. *Classification of Offenses* – Administrative offenses with corresponding penalties are classified into grave, less grave, and light, depending on their gravity or depravity, and effects on the government service.

- 1) The following grave offenses shall be punishable by dismissal from the service:
 - a) Serious dishonesty;
 - b) Gross neglect of duty;
 - c) Grave misconduct;
 - d) Being notoriously undesirable;
 - e) Conviction of a crime involving moral turpitude;
 - f) Falsification of official document;
 - g) Immoral or vicious habits resulting in physical or mental disorder or disability;
 - h) 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 or expectation of

receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;

- i) Contracting loans of money or other property from persons with whom the office of the employee has business relations;
 - j) Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value in the course of one's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's 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;
 - k) Nepotism; and
 - l) Disloyalty to the Republic of the Philippines and to the Filipino people.
- 2) The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense:
- a) Less serious dishonesty;
 - b) Oppression;
 - c) Disgraceful and immoral conduct;
 - d) Inefficiency and incompetence in the performance of official duties;
 - e) Frequent unauthorized absences (Habitual Absenteeism);
 - f) Habitual tardiness in reporting for duty causing prejudice to the operations of the office;
 - g) Loafing from duty during regular office hours;
 - h) Refusal to perform official duty;
 - i) Gross insubordination;
 - j) Conduct prejudicial to the best interest of the service;
 - k) Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;
 - l) 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 one's office, unless expressly allowed by law;
 - m) Disclosing or misusing confidential or classified information officially known by reason of one's office, and not made available to the public, to

further one's private interests or give undue advantage to anyone, or to prejudice the public interest;

- n) 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; and
 - o) Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or (3) as part of the function of one's office.
- 3) The grave offense of Inefficiency and Incompetence in the performance of official duties may be punishable by demotion. In this case, the guilty person shall suffer diminution in salary corresponding to the next lower salary grade with the same salary step.
- 4) The following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense:
- a) Simple neglect of duty;
 - b) Simple misconduct;
 - c) Discourtesy in the course of official duties;
 - d) Violation of existing Civil Service laws and rules of serious nature;
 - e) Insubordination;
 - f) Habitual drunkenness;
 - g) Unfair discrimination in rendering public service due to party affiliation or preference;
 - h) Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of one's spouse and unmarried children under eighteen (18) years of age living in one's household;
 - i) Failure to resign from one's 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 oneself of one's 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/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and
 - j) Engaging directly or indirectly in partisan political activities by one holding non-political office.

- 5) The less grave offense of Simple Dishonesty is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense.
- 6) The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:
 - a) Simple discourtesy in the course of official duties;
 - b) Improper or unauthorized solicitation of contributions from subordinate employees and in the case of teachers or school officials from school children;
 - c) Violation of reasonable office rules and regulations;
 - d) Habitual tardiness;
 - e) Gambling prohibited by law;
 - f) Refusal to render overtime service;
 - g) Disgraceful, immoral or dishonest conduct prior to entering the service;
 - h) Borrowing money by superior officers from subordinates;
 - i) Willful failure to pay taxes due to the government, or just debts which shall be understood to apply only to:
 - i. Claims adjudicated by a court of law; or
 - ii. Claims the existence and justness of which are admitted by the debtor.
 - j) Lobbying for personal interest or gain in legislative halls and offices without authority;
 - k) 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;
 - l) Failure to act promptly on letters and request 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;
 - m) 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;
 - n) Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;
 - o) Engaging in private practice of one's profession unless authorized by the Constitution, law or regulation or the head of the office where the

employee or official is assigned, and provided that such practice will not conflict with one's official functions.

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

Section 51. Penalty of Fine – The following are the guidelines for the penalty of fine:

- 1) The disciplining authority may allow payment of fine in place of suspension if any of the following circumstances is present:
 - a) When the functions or nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, and education;
 - b) When the respondent is actually discharging frontline functions or those directly dealing with the public, and the human resource complement of the office is insufficient to perform such function;
 - c) When the respondent committed the offense without utilizing or abusing the powers of his/her position or office; or
 - d) When the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be served anymore, the fine may be sourced from the accumulated leave credits or whatever benefits due the respondent.
- 2) The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave, and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day salary fine; *Provided*, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.
- 3) The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine shall render the decision final and executory and, therefore, not subject of appeal or any other similar relief.
- 4) The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount already paid.
- 5) A fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:
 - a) Fine equivalent to one (1) month salary shall be paid within two (2) months;
 - b) Fine equivalent to two (2) months' salary shall be paid within four (4) months;
 - c) Fine equivalent to three (3) months' salary shall be paid within six (6) months
 - d) Fine equivalent to four (4) months' salary shall be paid within eight (8) months;

- e) Fine equivalent to five (5) months' salary shall be paid within ten (10) months; and
 - f) Fine equivalent to six (6) months' salary shall be paid within twelve (12) months.
- 6) The fine shall be paid to the DSWD, computed on the basis of respondent's salary at the time the decision becomes final and executory.

Section 52. *Mitigating and Aggravating Circumstances* – Except for administrative offenses punishable by dismissal or removal from the service, the following may be appreciated as either mitigating or aggravating circumstances in the determination of penalties in accordance with applicable Civil Service rules:

- 1) Physical illness;
- 2) Malice;
- 3) Time and place of offense;
- 4) Taking undue advantage of official position;
- 5) Taking undue advantage of subordinate;
- 6) Undue disclosure of confidential information;
- 7) Use of government property in the commission of the offense;
- 8) Habituality;
- 9) Offense is committed during office hours and within the premises of the DSWD office or building;
- 10) Employment of fraudulent means to commit or conceal the offense;
- 11) First offense;
- 12) Education;
- 13) Length of services; and
- 14) Other analogous circumstances.

To be considered in the imposition of the proper penalty, the mitigating circumstance/s must be invoked or pleaded by the Respondent. Nonetheless, in the interest of justice, the disciplining authority may take and consider these circumstances *motu proprio*.

Section 53. *Administrative Disabilities Inherent in Certain Penalties* – The following rules shall govern in the imposition of accessory penalties:

- 1) The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.
- 2) Terminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Service (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

- 3) The penalty of demotion shall carry with it disqualification from promotion for one (1) year.
- 4) The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.
- 5) The penalty of fine shall carry with it disqualification from promotion for the same period the respondent is fined.
- 6) The penalty of reprimand shall not carry with it any accessory penalties.
- 7) A warning or admonition shall not be considered a penalty.

Section 54. Effects of Exoneration on Certain Penalties – The following rules shall govern when the decision is for exoneration:

- 1) In case the penalty imposed is a fine, the same shall be refunded.
- 2) In case of demotion, the respondent shall be entitled to restoration of former salary grade with the same salary step and payment of salary differentials during the period the demotion was imposed.
- 3) In case the penalty imposed is suspension, the respondent shall immediately be reinstated to the former post without loss of seniority rights, and with payment of back wages and all benefits which would have accrued as if the respondent has not been illegally suspended.
- 4) In case the penalty imposed is dismissal, the respondent shall immediately be reinstated without loss of seniority right, and with payment of back wages and all benefits which would have accrued as if the respondent has not been illegally dismissed.
- 5) The respondent who is exonerated on appeal shall be entitled to the leave credits for the period the respondent has been out of the service.

The grant of back wages and other benefits may be subject to settlement and/or compromise.

Rule 11

MOTION FOR RECONSIDERATION

Section 55. Motion for Reconsideration – A party adversely affected by a decision in an administrative case may file a motion for reconsideration with the proper disciplining authority within fifteen (15) working days from the date of receipt of said decision. In case confirmation by the Secretary is necessary, the period shall run from the date of receipt of the Order of Confirmation.

A motion for extension of time to file said motion shall not be allowed.

A party may file only one motion for reconsideration. If a second motion for reconsideration is filed in violation of these rules, the finality of action shall be reckoned from the denial of the first motion for reconsideration.

Section 56. Grounds – The motion for reconsideration shall be based on any of the following:

- 1) New evidence has been discovered which materially affects the decision rendered; or
- 2) The decision is not supported by the evidence on record; or
- 3) Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 57. *Effect of Filing* – The filing of a motion for reconsideration within the reglementary period of fifteen (15) working days shall stay the execution of the decision sought to be reconsidered.

Section 58. *Action on Motion for Reconsideration* – Upon receipt of a motion for reconsideration, the proper disciplining authority may give the opposing party fifteen (15) working days to file his/her Comment. The disciplining authority shall issue the Order resolving the motion for reconsideration within fifteen (15) working days from receipt of the Comment, or from the expiration of the period to file the same.

Rule 12

APPEAL

Section 59. *When and Where to File* – Subject to Section 52, Rule 9 hereof, decisions of the disciplining authority imposing suspension exceeding thirty (30) days, a fine in an amount exceeding thirty (30) days' salary, or dismissal, may be appealed to the CSC Proper within period of fifteen (15) days from receipt thereof.

Appeal in disciplinary cases to the CSC Proper shall be governed by Rule 13 of the 2017 RACCS.

Section 60. *Effect of Appeal* – Except as otherwise specified by applicable law or rules, an appeal shall not prevent the decision from becoming executory.

Rule 13

OTHER PROVISIONS

Section 61. *Records of Administrative Proceedings* – Original records pertaining to administrative proceedings shall be under the custody of the Legal Service and the Legal Units of the Field Offices. 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 employee who shall violate the confidential nature of such records shall be subject to disciplinary action.

Section 62. *Separability* – If any portion of these rules is declared unconstitutional or invalid by a competent authority, the other provisions not otherwise affected shall remain in full force and effect.

Section 63. *Repealing Clause* – DSWD Administrative Order No. 13, Series of 2011, prescribing the Rules of Administrative Procedure in DSWD, as well as all other DSWD

administrative issuances inconsistent with these rules, are hereby repealed, modified, or amended accordingly.

Section 64. *Transitory Provision* – The provisions of the existing rules shall continue to be applied to all pending cases which were filed prior to the effectivity of these rules, provided it will not unduly prejudice substantive rights.

Section 65. *Effectivity* – These Rules shall take effect after fifteen (15) days from the date of publication in the Official Gazette or a newspaper of general circulation.

These rules shall also be published at the DSWD official website, and three (3) copies hereof shall be deposited with the University of the Philippines Law Center.



ROLANDO JOSELITO D. BAUTISTA

Secretary

Date: JUN 29 2022

Cert. True Copy:

01 JUL 2022

MYRNA H. REYES
OIC-Division Chief
Records and Archives Mgt. Division

ANNEX A: CLASSES OF POSITIONS IN THE CIVIL SERVICE

Class	Coverage/Description
3rd level	Undersecretaries, Assistant Secretaries, Bureau Directors, Assistant Bureau Directors, Regional Directors, Assistant Regional Directors, Chiefs of Department Services and other officers of equivalent rank as may be identified by the Career Executive Service Board (CESB); appointed to the service by the President of the Republic of the Philippines.
2nd level	Positions that include professional, technical and scientific positions; those involving professional, technical or scientific work in a non-supervisory or supervisory capacity, requiring at least four (4) years of college work up to Division Chief level; and executive and managerial positions in the career service other than those described in the 3 rd level class above.
1st level	Clerical, trades, crafts and custodial service positions, which involve non-professional or sub professional work in a nonsupervisory or supervisory capacity requiring less than four years of collegiate studies .

ANNEX B: JURISDICTION ON CERTAIN DISCIPLINARY ACTIONS

I. ISSUANCE OF FORMAL CHARGE IN ADMINISTRATIVE CASES

	Personnel Involved	Recommending Authority	Issuing Authority
	3 rd level personnel ¹		
Central Office	2 nd and 1 st level personnel	Legal Service Director or Legal Unit Lawyer	Secretary
Field Office	2 nd level personnel		
	1 st level personnel		Regional Director (concerned)

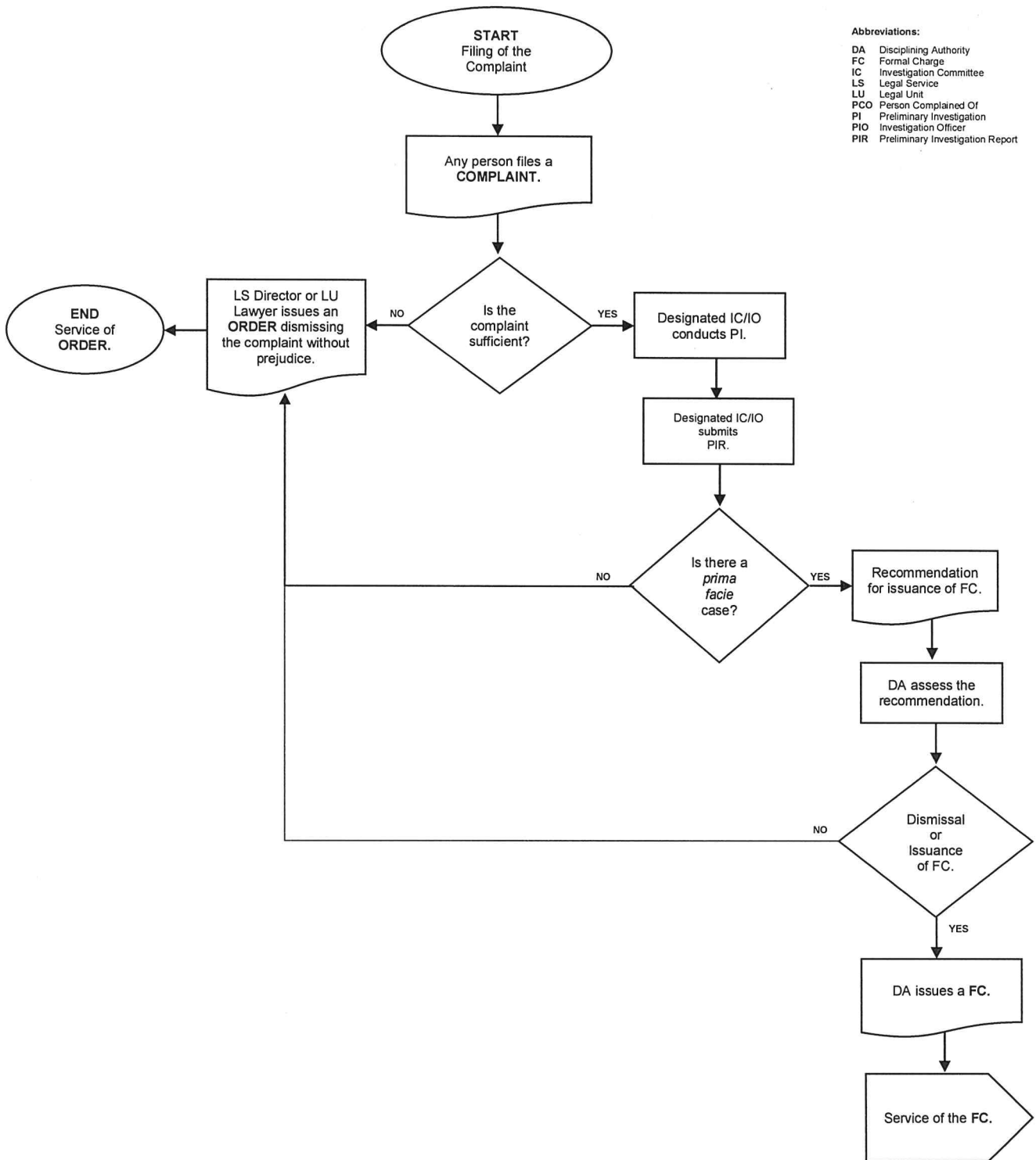
II. ISSUANCE OF DECISION IN ADMINISTRATIVE CASES

	Personnel Involved	Recommending Authority ²	Issuing Authority
Central Office	2 nd or 1 st level personnel	Designated Hearing Officer	Secretary
Field Office	2 nd level personnel		
	1 st level personnel	Designated Hearing Officer	Regional Director (concerned)

¹ Pursuant to Executive Order No. 43 S. 2017, the Presidential Anti-Corruption Commission (PACC), "to directly assist the President in investigating and/or hearing administrative cases primarily involving graft and corruption against all presidential appointees classified as Salary Grade '26' and higher.

² The Hearing Officer submits the formal investigation report together with the complete records of the case to the Disciplining Authority.

**ANNEX C PROCESS FLOW CHART – COMMENCEMENT OF ADMINISTRATIVE PROCEEDINGS TO
ISSUANCE OF FORMAL CHARGE**



- Abbreviations:**
- DA Disciplining Authority
 - FC Formal Charge
 - IC Investigation Committee
 - LS Legal Service
 - LU Legal Unit
 - PCO Person Complained Of
 - PI Preliminary Investigation
 - PIO Investigation Officer
 - PIR Preliminary Investigation Report



DRN: _____

MEMORANDUM FROM THE SECRETARY

TO : MR./MRS./MS. [FULL NAME OF PERSON COMPLAINED OF]
[Position]
[OBSUs]

SUBJECT : SHOW CAUSE ORDER

Body of this document should be able to:

- i) Inform the employee concerned of the nature and facts of the apparent administrative offense that he/she has committed or being committed. Such facts should be described with sufficient clarity to enable the employee concerned to submit an intelligent explanation without necessarily being required to refer to evidence on which such is based; and*
- ii) Direct the employee concerned to submit a written and sworn explanation under oath explaining why no further actions should be taken against him/her, within five (5) working days from receipt of the order.*

Please remove the italicized words when using this template.

You are hereby directed to submit, **within five (5) working days from receipt of this Order**, a written explanation under oath and supporting documents, and to show cause why no further disciplinary action should be taken against you pertaining to the foregoing acts/omissions.

FOR STRICT COMPLIANCE.

DISCIPLINING AUTHORITY

Date: _____



ADMINISTRATIVE CASE NO. _____

TO: **MR./MRS./MS. [FULL NAME OF THE RESPONDENT]**
[Position]
[OBSU/FO]

FORMAL CHARGE

Body

(Legal, 8.5x13, Arial font style, font size 12)

Contents:

- 1) Be addressed to the Respondent;*
- 2) Specify the offense charged;*
- 3) State the act/s or omission/s constituting such offense;*
- 4) Direct the Respondent to file an Answer to the charge within ten (10) days from the receipt thereof;*
- 5) Advise the Respondent to indicate in his Answer whether or not he/she elects a Formal Investigation;*
- 6) Inform the respondent of his/her right to be assisted by a counsel; and*
- 7) Include copies of sworn statements and other documentary evidence relied upon in arriving at the finding of a prima facie case that warranted the issuance of the Formal Charge.*

Please remove the italicized words when using this template.

IN VIEW OF THE FOREGOING, you are hereby directed to file, **within ten (10) days from receipt hereof**, your **ANSWER** under oath, together with certified true copies of your documentary evidence, the sworn statement/s of your witness/es, and other relevant or material evidence supporting your defenses or claims, and state therein whether or not you elect to have a formal investigation if your answer is deemed unsatisfactory. Further, you are reminded that you have right to be represented by a counsel during the entire proceedings.

FOR STRICT COMPLIANCE.

DISCIPLINING AUTHORITY

Date: _____

CF: **Human Resource Management and Development Service**
DSWD Central Office

-or-

Human Resource Management and Development Division
DSWD Field Office [##]



Department of Social Welfare and Development
DSWD-LS-GF-XXX | REV XX/ XX.XXX.XXXX

MEMORANDUM FROM THE SECRETARY

TO : **ATTY. [NAME OF ASSIGNED LAWYER]**
[Position]
[OBSU/FO]

SUBJECT : **DESIGNATION AS PROSECUTING OFFICER/
PRELIMINARY INVESTIGATION OFFICER**

Pursuant to Section ____ of Administrative Order No. ____, series of _____ entitled ***Revised Rules of Procedure in Administrative Cases Involving Employees of the Department of Social Welfare and Development***, you are hereby designated to be the **PROSECUTING OFFICER/PRELIMINARY INVESTIGATING OFFICER** in Administrative Case No. _____.

FOR STRICT COMPLIANCE.

DISCIPLINING AUTHORITY

Date: _____



ADMINISTRATIVE CASE

-against-

Admin. Case No. _____

MR./MRS./MS. [FULL NAME OF RESPONDENT]
[Position]
[OBSU/FO Unit]
DSWD Central Office/Field Office

**FOR: (Administrative
Offense as enumerated
under the 2017 RACCS)**

Respondent.

X- - - - - X

NOTICE OF PRE-HEARING/PRELIMINARY CONFERENCE

Pursuant to Section 36 of **CSC Resolution No. 1701077** dated **03 July 2017**, otherwise known as the **2017 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE**, you are hereby notified that this case is set for Pre-Hearing/Preliminary Conference on **[DATE]** at **[TIME]** to be held at **[PLACE]**.

During the Pre-Hearing/Preliminary Conference, the following shall be considered and may be agreed upon:

- a. Stipulation of the facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties;
- d. Waiver of objections to admissibility of evidence;
- e. Limiting the number of witnesses, and their names;
- f. Dates of subsequent hearings; and
- g. Such other matters as may aid in the prompt and just resolution of the case.

Parties must be present during the Preliminary Conference and may be assisted by a counsel. Absence of counsel shall not be ground to postpone the Pre-Hearing/Preliminary Conference.

[Date]. [Place of Execution]

HEARING OFFICER

CF: Respondent or, if any, Counsel for Respondent (Font Size 10)
Personal/Business/Law Office Address

Prosecuting Officer

Regional Director (if Respondent is an employee of a DSWD Field Office)



ADMINISTRATIVE CASE

-against-

Admin. Case No. _____

MR./MRS./MS. [FULL NAME OF RESPONDENT]
[Position]
[OBSU/FO Unit]
DSWD Central Office/Field Office

**FOR: (Administrative
Offense as enumerated
under the 2017 RACCS)**

Respondent.

X- - - - - X

ORDER

Body

(Legal, 8.5x13, Arial font style, font size 12)

Please remove the italicized words when using this template.

SO ORDERED.

[Date of Order]. [Place of Execution]

HEARING OFFICER

CF: Respondent or, if any, Counsel for Respondent (Font Size 10)
Personal/Business/Law Office Address

Prosecuting Officer

Regional Director (if Respondent is an employee of a DSWD Field Office)



ADMINISTRATIVE CASE

-against-

Admin. Case No. _____

MR./MRS./MS. [FULL NAME OF RESPONDENT]
[Position]
[OBSU/FO Unit]
DSWD Central Office/Field Office

FOR: (Administrative Offense as enumerated under the 2017 RACCS)

Respondent.

X- - - - - X

NOTICE OF HEARING

*This NOTICE OF HEARING shall be given to **the parties, their counsels**, and, if any, **their witness/es**, except for those hearings previously scheduled during the Pre-Hearing/Preliminary Conference or for those the schedule for which have been previously agreed upon by the parties.*

Please remove italicized words when using this template.

Please be notified that the **FORMAL HEARING** of the above-captioned case is set on **[DATE OF HEARING]** at **[TIME]** to be held at **[PLACE OF HEARING]** for **[PURPOSE (e.g. the presentation of the Prosecution's/Respondent's witness/es)]**.

Respondent is further advised that his/her failure or refusal to appear on the above schedule by himself/herself or counsel, without any compelling reason, shall not stop the Formal Hearing from proceeding *ex parte*, and shall be deemed a waiver of his/her right to presence his/her witness/es therein.

SO ORDERED.

[Date of Order]. [Place of Execution]

HEARING OFFICER

CF: Respondent or, if any, Counsel for Respondent (Font Size 10)
Personal/Business/Law Office Address

Prosecuting Officer

Regional Director (if Respondent is an employee of a DSWD Field Office)



ADMINISTRATIVE CASE

-against-

Admin. Case No. _____

MR./MRS./MS. [FULL NAME OF RESPONDENT]
[Position]
[OBSU/FO Unit]
DSWD Central Office/Field Office

**FOR: (Administrative
Offense as enumerated
under the 2017 RACCS)**

Respondent.

X- - - - - X

**POSITION PAPER/COMMENT TO THE POSITION PAPER/FORMAL
OFFER OF EVIDENCE/COMMENT TO FORMAL OFFER**

BODY

(Legal, 8.5x13, Arial font style, font size 12)

Please remove italicized words when using this template.

PRAYER/REQUEST

[Date of Order]. [Place of Execution]

PARTY CONCERNED OR HIS/HER COUNSEL

*If the party's counsel is signing, the following
details should be indicated below his/her signature
and name:*

- *Office Address*
- *Roll of Attorneys Number*
- *PTR Number (with place and date of issue)*
- *IBP Number (with place and date of issue)*
- *MCLE Compliance Number (with date of issue)*

CF: Opposing Party or, if any, Counsel for the Opposing Party (Font Size 10)
Personal/Business/Law Office Address



ADMINISTRATIVE CASE

-against-

Admin. Case No. _____

MR./MRS./MS. [FULL NAME OF RESPONDENT]
[Position]
[OBSU/FO Unit]
DSWD Central Office/Field Office

**FOR: (Administrative
Offense as enumerated
under the 2017 RACCS)**

Respondent.

X- - - - - X

DECISION/RESOLUTION

BODY

(Legal, 8.5x13, Arial font style, font size 12)

Please remove italicized words when using this template.

SO ORDERED.

[Place of Execution]

DISCIPLINING AUTHORITY

Date: _____

CF: Respondent or, if any, Counsel for Respondent (Font Size 10)
Personal/Business/Law Office Address

Prosecuting Officer

Regional Director (if Respondent is an employee of a DSWD Field Office)



Department of Social Welfare and Development
DSWD-LS-GF-XXX | REV XX/ XX XXX XXXX

DRN: _____

CONFIDENTIAL MEMORANDUM

TO : **MR./MRS./MS. [FULL NAME OF THE PARTY CONCERNED]**
[Position, if applicable]
[OBSU/FO, if applicable]

SUBJECT : **COMPLAINT AGAINST MR./MRS./MS. [FULL NAME OF THE PERSON COMPLAINED OF]**

Body

FOR STRICT COMPLIANCE.

DISCIPLINING AUTHORITY

Date: _____



TO : **MR./MRS./MS. [FULL NAME OF THE COMPLAINANT]**
[Position, if applicable]
[OBSU/FO, if applicable]

SUBJECT : **NOTICE OF PRELIMINARY INVESTIGATION**

Pursuant to the CONFIDENTIAL MEMORANDUM FROM THE SECRETARY dated **[DD MONTH YYYY]**, directing the Legal Service to conduct a **PRELIMINARY INVESTIGATION** on the complaint against **MR./MRS./MS. [FULL NAME OF THE PERSON COMPLAINED OF]**, and in accordance with **Rule 4 of the 2017 Rules on Administrative Cases in the Civil Service** and Section __ of the **Revised Rules of Procedure in Administrative Cases Involving Employees of the Department of Social Welfare and Development**, you are hereby notified/invited/instructed:

FOR STRICT COMPLIANCE.

[Date]. [Place of Issuance].

**PRELIMINARY INVESTIGATION OFFICER/
COMMITTEE CHAIRPERSON**



RE : COMPLAINT AGAINST
[FULL NAME OF PERSON COMPLAINED OF]
[POSITION]
[OBSU/FO]

X-----X

PRELIMINARY INVESTIGATION REPORT

BODY

(Legal, 8.5x13, Arial font style, font size 12)

Please remove italicized words when using this template.

FACTUAL ANTECEDENTS

DISCUSSION AND FINDINGS

RECOMMENDATION/S

RESPECTFULLY SUBMITTED.

[Date]. [Place of Execution]

**PRELIMINARY INVESTIGATION OFFICER/
COMMITTEE CHAIRPERSON**



ADMINISTRATIVE CASE

-against-

Admin. Case No. _____

MR./MRS./MS. [FULL NAME OF RESPONDENT]
[Position]
[OBSU/FO Unit]
DSWD Central Office/Field Office

**FOR: (Administrative
Offense as enumerated
under the 2017 RACCS)**

Respondent.

X- ----- X

FORMAL INVESTIGATION REPORT

BODY

(Legal, 8.5x13, Arial font style, font size 12)

Please remove italicized words when using this template.

FACTUAL ANTECEDENTS

DISCUSSION AND FINDINGS

RECOMMENDATION/S

RESPECTFULLY SUBMITTED.

[Date]. [Place of Execution]

HEARING OFFICER



RE : COMPLAINT AGAINST
[FULL NAME OF PERSON COMPLAINED OF]
[POSITION]
[OBSU/FO]

X-----X

ORDER

BODY

(Legal, 8.5x13, Arial font style, font size 12)

*This template may be used for ORDERS during administrative proceedings **BEFORE** the issuance of a FORMAL CHARGE or when there is no administrative case docketed yet (e.g., ORDER dismissing an Insufficient Complaint outright and without prejudice).*

Please remove italicized words when using this template.

[Date]. [Place of Execution]

DISCIPLINING AUTHORITY

Date: _____