



**2017 Code of Conduct and
Rules on Administrative and
Disciplinary Cases of the
Officials and Employees
of Eastern Visayas
State University**

**(EVSU-2017 CCRADCOE)
MANUAL**

Approved per Board Resolution
No. 29, s. 2018 on March 21, 2018
by the EVSU Board of Regents.



**2017 Code of Conduct, and Rules on Administrative and
and Disciplinary Cases of the Officials and Employees of
Eastern Visayas State University (EVSU-2017 CCRADCOE) Manual**

ISBN: 978-621-8102-00-2

(Approved per BOR Reso. No. 29, 2018)

Preface

This 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University (EVSU-2017 CCRADCOE) Manual is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient implementation of the policies mandated Section 3(2) of Article IX-B of the 1987 Philippine Constitution, Item No. 2, Section 7, Book V of Executive Order (E.O) No. 292, Republic Act No. 6713 and its IRR, MC No. 38, s. 1993 dated September 10, 1993, CSC Resolution No. 1701077 promulgated on July 3, 2017, Section 7(i) of R.A. No. 9311, Section 5 of R.A. No. 8292 and its IRR, Section 393, Article 94 of the 2017 Revised University Code and such rules and regulations or circulars issued by the Civil Service Commission, Commission on Higher Education, Department of Budget and Management, Commission on Audit and related laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, and such government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The 2017 EVSU-2017 CCRADCOE Manual is organized according to the relevance and similarity of the provisions, and is comprised of 8 Chapters, 37 Rules and 149 Sections. These parts were organized according to the nature and purposes of the provisions with the end view of facilitating the understanding and interpretation by the students, officials and employees of the University.

This 2017 EVSU-2017 CCRADCOE Manual undoubtedly embodies the noble resolve of the EVSU Board of Regents in making its officials, faculty members and non-teaching personnel as role models and exemplar public employees in continually achieving highest integrity, honesty, decency, accountability, transparency and genuine compassion in government services. Along with the mandates and four-fold functions, vision, mission, objectives and goals of the University, all officials, faculty members and non-teaching personnel must adhere to the code of conduct and standards of public officials and employees as their potent contributions in producing world class students, graduates, professionals, and leaders in various fields of specializations.

Indeed, this 2017 EVSU-2017 CCRADCOE Manual guarantees that the rights and privileges of the officials, faculty members and non-teaching personnel are respected and protected at all times in the same vein that any consequence/s of their individual or collective act/s will be dealt with accordingly within the spirit and intents of constitutionally and statutorily guaranteed due process and equal protection of law.

BY THE AUTHORITY OF THE EVSU BOARD OF REGENTS:

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chairperson, EVSU Board of Regents
Chairperson, EVSU- Administrative Council

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner and Officer-in-Charge
Commission on Higher Education
Chairperson and Presiding Officer
EVSU Board of Regents



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Resolution No. 29
Series of 2018

**RESOLUTION APPROVING/ADOPTING THE 2017 CODE OF CONDUCT, AND
RULES ON ADMINISTRATIVE AND DISCIPLINARY CASES OF THE OFFICIALS
AND EMPLOYEES OF EASTERN VISAYAS STATE UNIVERSITY MANUAL OR
EVSU-2017 CCRADCOE MANUAL (COPY HERETO ATTACHED AS INTEGRAL
PART HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL, SUBJECT TO
APPLICABLE LAWS, RULES AND REGULATIONS**

Adopted this 21st day of March 2018 pursuant to Board Resolution No. 29, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

J. PROSPERO E. DE VERA III, D.P.A.
CHED Commissioner
Chair, EVSU Board of Regents

FRANCIS JOSEPH G. ESCUDERO
Chair, Committee on Education
Senate of the Philippines
Member

Represented by:

FRANCES ANN BASILIO PETILLA

EDGARDO M. ESPERANCILLA, CESO II
Regional Director, DOST-Region VIII
Member

ROGELIO D. BASAS
President, Federation of EVSU Faculty
Association, Inc.
Member

RAUL S. SOLIVA
President, Federation of Alumni Associations
of EVSU, Inc.
Member

DANIEL A. ARIASO SR., CESO II
Private Sector Representative
Member

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chair, EVSU Board of Regents

ANN K. HOFER
Chair, Committee on Higher & Technical Education
House of Representatives
Member

Represented by:

FLORENCIO "BEM" GABRIEL NOEL

BONIFACIO G. UY, CESO IV
Regional Director, NEDA-Region VIII
Member

MICHAEL L. MUZONES
President, Federation of Supreme Student
Governments of EVSU
Member

PACIENTE A. CORDERO, JR., D.Sc.
Private Sector Representative
Member

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Board/University Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on Finance

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report

FROM: Board Committee on Finance

=====

The Board Committee on Finance, to which the **2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual or EVSU-2017 CCRADCOE Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **EVSU-2017 CCRADCOE Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 CCRADCOE Manual**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

BONIFACIO G. UY, CESO IV

*Regional Director, NEDA-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.
*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

EDGARDO M. ESPERANCILLA, CESO II
*Regional Director, DOST-Region VIII
Member, EVSU Board of Regents
Member, Board Committee*

ROGELIO D. BASAS

President, Federation of EVSU Faculty
Association, Inc.

Member, Board Committee

MICHAEL L. MUZONES

President, Federation of Student
Governments of EVSU

Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III

Board/University Secretary

Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on Academic and Administration

FOR: THE HONORABLE CHAIR AND MEMBERS

EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.

University President III

SUBJECT: Committee Report

FROM: Board Committee on Academic and Administration

=====

The Board Committee on Academic and Administration, to which the **2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual or EVSU-2017 CCRADCOE Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **EVSU-2017 CCRADCOE Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 CCRADCOE Manual**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

EDGARDO M. ESPERANCILLA, CESO II

*Regional Director, DOST-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.

*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

BONIFACIO G. UY, CESO IV

*Regional Director, NEDA-Region VIII
Member, EVSU-Board of Regents
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President, Federation of Student
Governments of EVSU

Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III

Board/University Secretary

Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

**Board Committee on Draft Writing and Review of Policies and Rules
(PWRPR)**
**(formerly Board Committee on Review of Policies, Fees, Incentives
and Assistance for Students and Employees)**

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report No. 7, s. 2018

**FROM: Board Committee on Draft Writing and Review of Policies and
Rules (formerly Board Committee on Review of Policies, Fees,
Incentives and Assistance for Students & Employees)**

=====

The Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees), to which the **2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual or EVSU-2017 CCRADCOE Manual** (copy hereto attached as integral part hereof) has been referred to for drafting, study, review and evaluation, hereby submit its report and recommendations, to wit:

1. The draft **EVSU-2017 CCRADCOE Manual** has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

1.1. Stakeholders' Consultations and Committee Meetings:

Dates	Time	Campuses	Number of Participants
May 18, 2017	9:00AM-12:30PM	EVSU Tanauan Campus	26
May 24, 2017	9:00AM-3:00PM	EVSU Ormoc Campus	53
May 27, 2017	9:00AM-3:00PM	EVSU Main campus	90
June 8, 2017	8:20AM-12:20PM	EVSU Tanauan Campus	70
June 9, 2017	9:00AM-12:30PM	EVSU Carigara Campus	72
June 13, 2017	8:00AM-12:00NN	EVSU Main Campus	35
June 24, 2017	9:30AM-5:30PM	EVSU Main Campus	140
June 28, 2017	8:00AM-10:00AM	EVSU Burauen Campus	26
	11:00AM-2:00PM	EVSU Carigara Campus	39
	3:00PM-6:00PM	EVSU Ormoc Campus	86

August 23, 2017	3:00PM-5:00PM	EVSU Main Campus	74
September 6, 2017	8:00AM-10:00AM	EVSU Main Campus	78
November 2, 2017	8:00AM-12:00NN	EVSU Main Campus	46
	11:00AM-1:00PM	EVSU Burauen Campus	47
	3:30PM-5:30PM	EVSU Carigara Campus	49
November 3, 2017	8:00AM-5:00PM	EVSU Ormoc Campus	76
November 4, 2017	8:30AM-4:00PM	EVSU Main Campus	67

1.2. Sectoral Focus Group Discussions (FGD) and Committee Meetings:

Sector/s	Dates	Time	Venue	Number of Participants
Student	August 22, 2017	9:00AM-12:00NN	Executive House, EVSU Main Campus	88
Vice Presidents, College Deans, Campus Directors	August 22, 2017	1:30PM-4:00PM	Executive House, EVSU Main Campus	68
Academic Department Heads, Non-Teaching Personnel	September 6, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	70
Alumni and Industry	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	30
Students and Parents	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	49
	September 6, 2017	8:00AM-12:00NN	Graduate School, Function Room, EVSU Main Campus	35

The participants in the foregoing activities were selected by their respective officials or associations' officers, as the case may be.

2. The draft of the **EVSU-2017 CCRADCOE Manual** was submitted to the Civil Service Commission (CSC) Regional Office No. VIII for evaluation;
3. The draft of the **EVSU-2017 CCRADCOE Manual** was published in the EVSU website for wide dissemination to and solicitation of inputs, comments and refinements to thereof;
4. The Committee presented the foregoing draft Manual to the EVSU BOR during its 73rd Regular (Fourth Quarter) Board Meeting, held on December 8, 2017 at Granda Manor, Juan Luna cor. Gomez St., Tacloban City, with the following manifestations:
 - 4.1. The draft Manual was endorsed by the EVSU-Administrative Council, and EVSU-Academic Council on November 22, 2017; and

- 4.2. Following the process done by the EVSU BOR to the 2017 Revised University Code¹, 2017 Program on Awards and Incentives for Service Excellence (PRAISE) System of the University Manual² and 2017 Peoples' Freedom of Information of the University Manual³, the Committee strongly recommended to give the Regents, officials, faculty members, non-teaching personnel, students and stakeholders to submit their individual or collective comments, inputs to suggestions to the draft Manual and the same be submitted to the Office of the University President and/or University/Board Secretary and to the Committee for consolidation on or before December 31, 2017;
5. In view of the manifestations in item 4 above, the EVSU BOR passed Resolution No. 174, s. 2017 and duly executed by the University President per Memorandum Order No. 12-02, s. 2017 issued on December 11, 2017⁴;
6. Due to a series of tropical storms namely, Urduja, Vinta and Agaton, had struck Eastern Visayas Region from December 18, 2017-January 2, 2018 which limited or prevented the Regents, officials, faculty members, non-teaching personnel and stakeholders from preparing and submitting their individual or collective comments, inputs or suggestions on or before December 31, 2017, the Committee passed Resolution No. 01, s. 2018 on January 4, 2018⁵;
7. The Committee did not receive any opposition to the final draft of the **EVSU-2017 CCRADCOE Manual**, whether in whole or in part/s; and
8. The comments and inputs provided by the CSC Regional Office No. VIII and submitted individually or collectively by the Board Committee Members, the Regents, officials, faculty members, non-teaching personnel, students and stakeholders were carefully studied, enhanced and integrated to the final and clean copy of the Manual subject to their applicability, except those comments or inputs which the Committee found them irrelevant and inconsistent with the purposes and intents of the Manual as well as existing laws, rules and regulations.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 CCRADCOE Manual**.

¹ Approved per Board Resolution No. 115, s. 2017 on April 19, 2017 during the 2017 Second Special Board Meeting held at the 5th Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

² Approved per Board Resolution No. 116, s. 2017 on April 19, 2017.

³ Approved per Board Resolution No. 118, s. 2017 on April 19, 2017.

⁴ "Request for Inputs, Comments, Suggestions and Recommendations to the 2017 Revised University Students' Handbook and Nine (9) Services Manuals."

⁵ "Resolution Most Respectfully and Strongly Recommending to the EVSU Board of Regents for the Extension of Submission of Comments, Inputs or Suggestions by the Regents, Faculty Members, Non-Teaching Personnel and Stakeholders to the Ten (10) Service Manuals as Provided Herein from December 31, 2017 to January 15, 2018, and For Other Purposes."

Adopted this 3rd day of February 2018 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

DANIEL A. ARIASO SR., MEcon., CESO II

*Member, EVSU Board of Regents
(Private Sector Representative)
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.

*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

ROGELIO D. BASAS

*President, Federation of EVSU Faculty
Association, Inc.
Member, Board Committee*

MICHAEL L. MUZONES

*President, Federation of Student Governments of EVSU
Member, Board Committee*

Certified Correct:

ANALYN C. ESPAÑO, M.A.

*Associate Professor III
Board/University Secretary
Committee Secretary*



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ADMINISTRATIVE COUNCIL

Resolution No. _____
Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE 2017 CODE OF CONDUCT, AND RULES ON ADMINISTRATIVE AND
DISCIPLINARY CASES OF THE OFFICIALS AND EMPLOYEES OF EASTERN
VISAYAS STATE UNIVERSITY MANUAL OR EVSU-2017 CCRADCOE
MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF),
EFFECTIVE IMMEDIATELY UPON APPROVAL, SUBJECT TO APPLICABLE
LAWS, RULES AND REGULATIONS**

After presentation and thorough discussion by the Members, the EVSU-Administrative Council, on motion of _____ duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of the 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual or EVSU-2017 CCRADCOE Manual (*copy hereto attached as integral part hereof*), effective immediately upon approval subject to applicable laws, rules and regulations.

Adopted this 22nd day of November 2017 during the Council Meeting of the EVSU-Administrative Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

ATTESTED/APPROVED:

DOMINADOR O. AGUIRRE, JR., DM
University President III
Chair & Presiding Officer, EVSU-Administrative Council

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Board/University Secretary
Secretary, Administrative Council



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ACADEMIC COUNCIL

Resolution No. _____

Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE 2017 CODE OF CONDUCT, AND RULES ON ADMINISTRATIVE AND
DISCIPLINARY CASES OF THE OFFICIALS AND EMPLOYEES OF EASTERN
VISAYAS STATE UNIVERSITY MANUAL OR EVSU-2017 CCRADCOE
MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART HEREOF),
EFFECTIVE IMMEDIATELY UPON APPROVAL, SUBJECT TO APPLICABLE
LAWS, RULES AND REGULATIONS**

After presentation and thorough discussion by the Members, the EVSU-Academic Council, on motion of _____ duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of the 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual or EVSU-2017 CCRADCOE Manual (*copy hereto attached as integral part hereof*), effective immediately upon approval subject to applicable laws, rules and regulations.

Adopted this 22nd day of November 2017 during the Council Meeting of the EVSU-Academic Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

ATTESTED/APPROVED:

DOMINADOR O. AGUIRRE, JR., D.M.

University President III

Chair & Presiding Officer, EVSU-Academic Council

Certified Correct:

GREGORIA C. DE LA CRUZ, MAIS

University Registrar III

Secretary, Academic Council

Brief History of the University

The Eastern Visayas State University had its humble beginnings in 1907, as a part of the Provincial school. It became a separate educational entity in 1915 and was renamed as the Leyte Trade School funded by the Provincial government. In 1953, after thirty-eight years, it was renamed as the National Provincial Trade School by virtue of R.A. 406 funded jointly by the National and Provincial Government to cover a wider curricular area. In 1961, the Congress of the Philippines passed Republic Act 1516 converting it into the Leyte Regional Arts and Trades and authorizing it to become a training institution, for vocational and industrial education in Eastern Visayas. Finally, Republic Act 4572 enacted by the congress of the Philippines which took effect in the school year 1965-1966 further converting the school into a chartered college. It was renamed the Leyte Institute of Technology, an institute of higher learning committed to the service of a larger academic area of responsibility.

For SY 1999-2000, LIT has its satellite campus, the Ormoc satellite Campus. In 1999, pursuant to the provisions of RA 7722, 8292 and 8745 and Board Resolutions No. 59, Series of 1999, two CHED Supervised institutions (CSIs) in Leyte, namely the Leyte College of Arts and Trades and the Burauen Polytechnic College were integrated to LIT. The LIT Dulag Campus started in SY 2000-2001. The Carigara School of Fisheries was integrated to LIT, the second phase of CSIs institution to SUCs.

In 2002-2003, LIT had continued accomplishing its significant role and responsibility to the people in the region. The introduction of new programs, technological and business, the realignment of courses, and high-passing percentage of the engineering and other professional programs established a great challenge and gigantic responsibility to the institution.

Finally, in 2004, Republic Act 9311 converted the Leyte Institute of Technology, into Eastern Visayas State University, a challenge to serve Eastern Visayas, through academic excellence and technological development.

Vision, Mission, Philosophy of the University

VISION

Leading State University in Technological and Professional Education

MISSION

Develop a Strong Technologically and Professionally Competent Productive
Human Resource Imbued with Positive Values Needed to Propel
Sustainable Development

PHILOSOPHY

EVSU addresses its academic endeavors towards the development of the socio economic condition of region VIII by emphasizing the development of human resources and necessary input to production and growth. It plays a major role in providing the human resources for industrial agri-business enterprises as well as for the small, medium, and large-scale industries, which are the components for regional development

The University Hymn

Lyrics: BELINDA C. LORA
Music: BIATO C. AMBE, JR.

There's a dawn of a new day breaking
There's a ray of light reaching
Every corner of the land
It's radiance keeps on spreading
Bringing hope and strength and life

There's a flame that keeps on burning
Touching the mind, the heart and the soul
Sending Knowledge truth, love, and wisdom
abundant blessings from GOD above

Refrain:

Beloved Eastern Visayas State University
Your blessed flame shall forever burn in our hearts
We give you outmost commitment and dedication
You shall shine with pride throughout the nation

Coda:

Shine with gladsome light
Oh alma mater dear
Lead our steps to path of excellence
Success, fulfillment and glory awaits.

The EVSU March

You're the shining glory of love,
You're the light that comes from above,
You're the precious gift I have,
I will treasure you in my heart.

You're an utmost shelter of mind,
You're the greatest pride of mankind,
You have the golden fruits to reap,
You're the sweetest hope of land.

Oh dear Alma Mater,
Eastern Visayas State University,
Your name is ringing in my heart,
There is love and joy from the start,
The abundance of your foundation,
Is a great help of our nation,
For in you is the fountain of wisdom
And your light is our shining freedom.

You're the precious gift from heaven,
You're the sweetest hope of land.

The ASEAN Hymn

ASEAN, Oh ASEAN
Our voices rise as one
From land to land
From sea to sea
Reach out for everyone

ASEAN, Oh ASEAN
Let's link our arms and stand
Behold the sun has risen to
The level of our eyes

Behold the sun has risen to
The level of our eyes

Acknowledgement

The Eastern Visayas State University (EVSU), through its Board of Regents and the University President, wishes to extend its deepest appreciation and thanks to all persons, who in one way or another, helped craft, review, evaluate and polish this noble 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University (EVSU-2017 CCRADCOE) Manual.

Special thanks to the Civil Service Commission, Regional Office No. VIII under the leadership of Hon. Victoria F. Esber, Director IV, Civil Service Commission, Regional Office No. VIII, and her staff, for painstakingly reviewing or evaluating, and immediate submission of inputs which were integrated to and surely made this EVSU-2017 CCRADCOE Manual compliant to the applicable laws, rules and regulations.

The EVSU Family is also grateful to the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., for drafting this 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University (EVSU-2017 CCRADCOE) Manual and for steering the Stakeholders' Consultation and Sectoral Focus Group Discussion (FGD); the Board Committee on Finance Chaired by Director Bonifacio G. Uy, and Board Committee on Academic and Administration Chaired by Director Edgardo M. Esperancilla for their immediate review and providing inputs which further strengthened this Manual.

It is but proper also to convey our sincerest thanks to all Vice Presidents, Campus Directors, College Deans, Heads, Chiefs, Chairpersons and Coordinators as well as Faculty Members, Non-Teaching Personnel, Students, Alumni, and Industry and Community Partners for their active participation during the Stakeholders' Consultation and Sectoral Focus Group Discussion, indeed, their inputs had contributed in shaping this Manual to be responsive and embodying the ideals and aspirations of the EVSU Family.

May the God Almighty Bless you all!

EVSU Family

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Chapter I PRELIMINARY PROVISIONS

Rule 1

Short Title, Legal Bases of Promulgation and Coverage

Section 1. **Short Title.** – This shall be known as the 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual, hereinafter referred to, as the 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of EVSU Manual, or EVSU 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees Manual, or 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of the University Manual, or EVSU-2017 CCRADCOE Manual, or 2017 University CCRADCOE Manual, or Rules or Manual, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This EVSU-2017 CCRADCOE Manual is promulgated pursuant to the powers and functions of the Board of Regents of the Eastern Visayas State University or EVSU Board of Regents as provided under Section 3(2) of Article IX-B of the 1987 Philippine Constitution¹, Item No. 2, Section 7, Book V of Executive Order (E.O) No. 292², Republic Act No. 6713³ and its IRR, MC No. 38, s. 1993 dated September 10, 1993⁴, CSC Resolution No. 1701077 promulgated on July 3, 2017⁵, Section 7(i)⁶ of R.A. No. 9311⁷, Section 5⁸ of R.A. No. 8292⁹ and its IRR¹⁰, Section 393, Article 94 of the 2017 Revised University Code¹¹, and other pertinent laws, rules and regulations promulgated by competent authority/ies.

¹ "No officer or employee of the civil service shall be removed or suspended except for cause as provided by law."

² "1987 Administrative Code of the Philippines."

³ "An Act Establishing a Code of Conduct and Ethnical Standards for Public Officials and employees, To Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Example Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations thereof and for Other Purposes."

⁴ "Omnibus Guidelines on Appointments and Other Personnel Action."

⁵ "2017 Rules on Administrative Cases in the Civil Services (2017 RACCS)."

⁶ "SEC. 7. *Powers and Duties of the Board of Regents.* – The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws:

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(i) xxxxxxxxxxx; and to remove them for cause in accordance with the requirements of due process of law;"

⁷ "An Act Converting the Leyte Institute of Technology (LIT) in the Province of Leyte into a State University to be Known as the Eastern Visayas State University and Appropriating Funds Therefor."

⁸ "Section 4. Powers and duties of Governing Boards. – The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines."

Xxxxxxxxxx

xxxxxxxxxxx; and to remove them for cause in accordance with the requirements of due process of law;"

⁹ "An Providing for the Uniform Composition and Powers of the Governing Boards, the manner of Appointment and Term Office of the President of Chartered State Universities and Colleges, and for Other Purposes", otherwise known as the "Higher Education Modernization Act of 1997."

¹⁰ CHED Memorandum Order No. 03, s. 2001 entitled, Implementing Rules and Regulations of Republic Act No. 8292.

¹¹ Approved per Board Resolution No. 115, s. 2017 on April 19, 2017.

Further, this EVSU-2017 CCRADCOE Manual shall be considered or recognized as a consequence of the elevation of then Leyte Institute of Technology (LIT) into a State University and henceforth, the nature of LIT has completely changed when it became EVSU pursuant to R.A. No. 9311. LIT did not just changed its name. The law created a university which, in effect, a new entity that is the EVSU¹².

Section 3. **Coverage and Uniform Implementation.** – This EVSU-2017 CCRADCOE Manual shall cover all Officials comprised of the Board of Regents and Officers of the academic and administrative branches or offices or units, Faculty Members or Academic and Instructional Staff and Non-teaching Personnel, and shall be implemented uniformly in the Eastern Visayas State University (EVSU) comprised of its Main Campus located in Tacloban City and its Integrated/External Campuses located in the City of Ormoc and Municipalities of Burauen, Carigara and Tanauan, and a Community Satellite Campus in the Municipality of Dulag, all in the Province of Leyte.

Rule 2

Construction and Interpretation and Suppletory Application of Relevant Laws, Rules and Regulations Promulgated by Competent Authorities

Section 4. **Construction and Interpretation of the EVSU-2017 CCRADCOE.** – All doubts in the implementation of any of the provisions of this EVSU-2017 CCRADCOE Manual shall be interpreted and resolved in favor of the University.

Provided, further, That in matters affecting the welfare of a teaching and non-teaching Official or employee/personnel, all doubts in the implementation and interpretation of pertinent provisions of this EVSU-2017 CCRADCOE Manual shall be resolved in favor of the Officials, faculty member or academic/instructional staff or non-teaching employee/personnel, as the case may be, subject to applicable laws, rules and regulations.

Section 5. **Suppletory Application of Laws, Rules and Regulations.** – Notwithstanding as explicitly adopted or provided under this EVSU-2017 CCRADCOE Manual, all laws, rules and regulations promulgated by competent authorities such as, but not limited to, the President of the Republic of the Philippines, Congress of the Philippines, CSC, CHED, DBM, COA, jurisprudence laid down by the Supreme Court of the Philippines, and such government agencies concerned, shall apply suppletorily and serve as governing guidelines to this EVSU-2017 CCRADCOE Manual, in so far as expressly determined and duly adopted by the EVSU Board of Regents.

Rule 3

Definition of Terms

Section 6. **Definition of Terms.** – Notwithstanding as may be provided in relevant laws, rules and regulations, the following terms are hereby defined as used

¹² PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

in this EVSU-2017 CCRADCOE Manual:

6.1. *Academic Freedom* – the academic freedom shall be viewed or construed on the following manner:

6.1.1. For the University – as adverted to in the Constitution and in R.A. No. 8292 and R.A. No. 9311, and applying various jurisprudence, accords the right of the University to decide for itself its aims and objectives and how best to attain them. Certainly, the wide sphere of autonomy given to universities in the exercise of academic freedom extends to the right to confer academic honors. Thus, exercise of academic freedom grants the University the exclusive discretion to determine to whom among its graduates it shall confer academic recognition, based on its established standards.¹³

In addition, academic freedom encompasses freedom of the institution or the University to determine for itself, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study¹⁴.

Moreover, it includes, among others, the right of the University to decide for itself, its aims and objectives, and how best to attain them - free from outside coercion or interference save possibly when the overriding public welfare calls for some restraint. It has a wide sphere of autonomy certainly extending to the choice of students,¹⁵ to set academic standards to determine under what circumstances failing grades suffice for the expulsion of students,¹⁶ the power of a University to revoke a degree or honor it has conferred to a student after it was found out that the student's graduation was obtained through fraud,¹⁷ and to decide for itself the terms and conditions for hiring its teacher¹⁸.

6.1.2. For the Faculty and Instructional Staff – Each faculty member of the University shall enjoy academic freedom which relates to or involves or encompasses a "right by the accredited educator, as a teacher and as investigator, to interpret his findings and to communicate his conclusions without being subject to any

¹³ **Morales v. The Board of Regents of the University of the Philippines**, G.R. No. 161172, December 13, 2004 citing *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, G.R. No. L-40779, 28 November 1975, 68 SCRA 277, 284.

¹⁴ **Benguet State University v. Commission on Audit**, G.R. No. 169637, June 8, 2007 citing *Vide: Camacho v. Coresis*, G.R. No. 134372, August 22, 2002, 387 SCRA 628, 637.

¹⁵ **University of San Agustin, Inc., et al. v. Court of Appeals**, G.R. No. 100588, March 7, 1994 citing **Garcia v. The Faculty Admission Committee, et al.** supra; *Tangonan v. Pano, et al.*, supra.

¹⁶ *Non, et al. v. Mabini Colleges, Inc.*, G.R. No. 89317, May 20, 1990, citing *Villar v. Technological Institute of the Philippines*, G.R. No. 69198, April 17, 1985, 135 SCRA 706.

¹⁷ **University of the Philippines v. Court of Appeals**, August 31, 1999, citing *The University of the Philippines V. Court of Appeals*, February 9, 1993, and *The University of the Philippines v. Hon. Ruben Ayson*, August 17, 1989.

¹⁸ **Mercado, et al. v. AMA Computer College-Paranaque City, Inc.**, G.R. No. 183572, April 13, 2010.

interference, molestation or penalty because these conclusions are unacceptable to some constituted authority within or beyond the institution¹⁹.”

Academic freedom of faculty members refers to the freedom of teachers from control of thought or utterance of his academic research, findings or conclusions, and has nothing to do with the discretion of teachers to pass or fail any or all her students according to his discretion²⁰.

Academic freedom is the right of the faculty member or teacher to teach the subject of his/her specialization according to his/her best lights; to hold in other subjects, such ideas he/she believes sincerely to be right; and to express his/her opinions on public questions in a manner that shall not interfere with his/her duties and functions as member of the faculty or jeopardize his/her loyalty and accountability to the University that employs him/her.

It also includes the right of the faculty or teacher or researcher to investigate and discuss the problems of his/her science and to express his/her conclusions, whether through publication or in the instruction of students, without interference from political or administrative officials of the University, unless his/her methods are found by competent authorities of his/her own profession, after due process, to be incompetent and contrary to professional ethics and generally accepted practices.

- 6.2. *Academic Officers* – refer to the University President, Vice President for Academic Affairs, Deans of Colleges, Principal, Department Head, Director, and their Heads or Chairpersons or Coordinators of various academic departments or units.
- 6.3. *Academic Service* - refers to instruction, research, extension, production or non-teaching functions for those with administrative designations such as Principal, Department Head, Director, Chairman, Dean, Vice President, University President and other designations.
- 6.4. *Academic Staff* - shall be composed of the regular and non-regular members of the faculty and academic non-teaching staff, to wit:
 - 6.4.1. The regular members of the faculty shall be categorized as follows:
 - 6.4.1.1. University Professors
 - 6.4.1.2. Professors

¹⁹ **Camacho v. Coresis**, G.R. No. 134372, August 22, 2002.

²⁰ **St. Juse Catholic School v. Salgarino**, G.R. No. 164376, July 31, 2006 citing Garcia v. The Faculty Admission Committee, Loyola School of Theology, G.R. No. L-40779, November 28, 1975, 68 SCRA 277, 285.

- 6.4.1.3. Associate Professors
- 6.4.1.4. Assistant Professors
- 6.4.1.5. Instructors
- 6.4.2. The non-regular members of the faculty, who shall serve in accordance with the terms and conditions of their appointments, shall include the following categories;
 - 6.4.2.1. Professor Emeritus
 - 6.4.2.2. Visiting Faculty
 - 6.4.2.3. Exchange Faculty
 - 6.4.2.4. Lecturer
- 6.4.3. Others whose designation shall be determined at the time of their appointment.
- 6.4.4. The members of the academic non-teaching staff shall include the following categories:
 - 6.4.4.1. Research Personnel such as faculty researchers, research aides, research assistants, research associates, research fellow and related personnel.
 - 6.4.4.2. Faculty Extensionists
 - 6.4.4.3. Production/Income Generating Projects (IGP) or Auxiliary Services Workers
 - 6.4.4.4. Guidance Counselors
 - 6.4.4.5. Librarians
 - 6.4.4.6. Registrars
- 6.4.5. Technical specialists, such as training specialists, information technology specialists, legal education officers, and related technical positions.
- 6.4.6. Other academic non-teaching employees.
- 6.5. *Agreements* – refer to contracts, memorandum of agreement (MOA), memorandum of understanding (MoU) and such legal instruments stipulating, among others, the object and purposes, terms and conditions of executing the same.
- 6.6. *Appointing Authority* – shall refer to the University President, as authorized by the Board of Regents of the University, to appoint or issue appointments.
- 6.7. *Appointment* – refers to the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office. It is essentially an executive

in nature²¹.

- 6.8. *Auxiliary Services* – refers to all kinds of services pertaining to economic or profit generating activities done and/or rendered by the University other than academic such as, hospital, garments and tailoring, cafeteria, janitorial, printing press, bookstore, training centers, review centers, and the like.
- 6.9. *Back wages* – refers to the compensation and other benefits that should have been earned but were not collected because of the illegal dismissal/separation or suspension following the principle that an illegally dismissed University employee who is later reinstated is entitled to all the rights and privileges that accrue by virtue of the office held.
- 6.10. *Board* – refers to the Board of Regents of Eastern Visayas State University which is the highest policy-making body of the University.
- 6.11. *Board Committee* – refers to the Committees created by the EVSU Board of Regents pursuant to Section 34, Article 8 of the 2017 Revised University Code approved by the EVSU Board of Regents pursuant to Board Resolution No. 115, s. 2017 and/or as provided under the Internal Rules of Procedure of the EVSU BOR approved per Board Resolution No. 25, s. 2018.
- 6.12. *Burden of Proof* – refers to the obligation imposed upon a party who alleges the existence of a fact or thing necessary in the prosecution or defense of an action to establish it by proof. Under the Rules, it is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law. It means the burden of establishing a case, whether by a preponderance of the evidence, or beyond a reasonable doubt, or by substantial evidence²².
- 6.13. *Burden of Evidence* – connotes the burden of going forward with the evidence or that logical necessity which rests on a party at any particular time during the trial to create a prima facie case in his favor, or to overthrow one when created against him²³.
- 6.14. *Campuses* – refers to the Main Campus of the University located in Tacloban City, integrated Campuses in the City of Ormoc and Municipalities of Burauen, Carigara, and Tanauan, and a Satellite Community Campus in the Municipality of Dulag, all in the Province of Leyte.
- 6.15. *Career Service* – positions in the civil service characterized by (1)

²¹ *Tapispisan v. Court of Appeals*, G.R. No. 157950, June 8, 2005.

²² *Philippine Law Simple*. Copyright 1999-2011, abogadomo.com, <http://www.abogadomo.com/law-professor/law-professor-archives/burden-of-proof-vs-burden-of-evidence>.

²³ *Philippine Law Simple*. Copyright 1999-2011, abogadomo.com, <http://www.abogadomo.com/law-professor/law-professor-archives/burden-of-proof-vs-burden-of-evidence>.

entrance based on merit and fitness to be determined as far as practicable by competitive examination or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and, (3) security of tenure.

- 6.16. *Closed Career Position* – any faculty position of the University.
- 6.17. *COA* – refers to the Commission on Audit created under Article IX-D of the 1987 Philippine Constitution.
- 6.18. *Code* –refers to the 2017 Revised Code of the Eastern Visayas State University or 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and subsequent issuances thereof approved by the EVSU Board of Regents.
- 6.19. *Congress of the Philippines* – refers to the legislative branch of the Republic of the Philippines created under Article X of the 1987 Philippine Constitution.
- 6.20. *CSC or Commission* – refers to Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution.
- 6.21. *DBM* – refers to Department of Budget and Management created pursuant to Executive Order No. 25 dated April 25, 1936, as amended.
- 6.22. *Designation* – is an imposition by law of additional duties of an incumbent official. It is essentially a legislative in nature. It may also be loosely defined as an appointment because it, likewise, involves the naming of a particular person to a specified public office. That is the common understanding of the term. However, where the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named²⁴.
- 6.23. *Development Intervention* – refers to appropriate learning activities which may include coaching, mentoring, cross posting program, job rotation, temporary assignment, secondment, team building, knowledge sharing and learning session, shadowing, counseling, etc.
- 6.24. *Disciplining Authority* – refers to the EVSU Board of Regents or the Executive Officials of the University in so far as authorized by the Board.
- 6.25. *Duly Recognized Campus Faculty Association* – is a faculty association established and recognized by the University where each Campus shall have only one (1) organization comprised of the regular faculty members and instructional staff of the University Campus.

²⁴ **Tapispisan v. Court of Appeals**, G.R. No. 157950, June 8, 2005, citing *Sevilla v. Court of Appeals*, G.R. No. 88498, 9 June 1992, 209 SCRA 637.

- 6.26. *Duly Recognized Campus Student Council or Government* – is a student council established and recognized by the University where each Campus shall have only one (1) organization comprised of *bona fide* students from tertiary level programs of the University Campus.
- 6.27. *Duly Recognized Federation of Faculty Associations* – is the federation of the duly recognized faculty associations in the different Campuses of the University which has been extended recognition by the EVSU Board of Regents to be its legitimate and lawful faculty association as manifested by its Constitution and By-Laws being ratified by 2/3 of its members.
- 6.28. *Employee* – when used with reference to a person in the public service, includes any person in the service of the University Campuses such as, but not limited to, Executive Officials, Academic and Administrative Officers, Faculty Members or Academic Staff, Academic Non-teaching Staff, Administrative Staff, or Non-teaching Personnel.
- 6.29. *EVSU* – refers to the Eastern Visayas State University.
- 6.30. *EVSU BOR* – refers to the Board of Regents of Eastern Visayas State University.
- 6.31. *Executive Officials* – refers to the University President, Vice Presidents and Campuses Directors whose primary duties and functions to ensure proper, effective and efficient execution of policies and directions laid down by the Board and such competent authorities.
- 6.32. *Ex-Parte* – refers to the act or manner of conducting a proceeding where only one party is present without representation from or other parties.
- 6.33. *Faculty* – regular plantilla-based set of employees of the University appointed to a faculty rank who are directly engaged in instruction, research, extension and production services.
- 6.34. *Faculty Association/Union* – faculty association/union organized in accordance with the requirements of the Securities and Exchange Commission, Civil Service Commission, DOLE and other regulating bodies.
- 6.35. *Faculty Rank* - the classification of faculty into University Professor, Professor, Associate Professor, Assistant Professor, and Instructor, which is further classified into sub-ranks pursuant to applicable laws and regulations.
- 6.36. *Fixer* – refers to any individual whether or not officially involved in the operation of the University who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transaction for pecuniary gain or other advantage or consideration.
- 6.37. *Forum Shopping* – refers to the filing of several administrative actions

or complaints either simultaneously or successively before agencies or tribunals having concurrent jurisdiction over a case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues. Such case can either be pending in, or already resolved adversely by, some other tribunal or agency.

- 6.38. *Governing Board* - refers to the highest policy making body of the University. As a chartered state University, it refers to the Board of Regents (BOR).
- 6.39. *Hard to Fill Positions* - refers to faculty positions in the University in which the pool of graduates are scarce or few or rare and that these professions are offered higher salaries in the private sector or the entry salary in other government agencies is higher than in the University such as, but not limited to, Engineers, Architects, Interior Designers, Marine Engineers or Ship Captains, Artists, Chef, Nutritionist, Dieticians, Chemists, Certified Public Accounts (CPAs), and such professions as the President may determine duly approved by the Board and CSC.
- 6.40. *Head of the University* - refers to the President of the University or University President.
- 6.41. *Head of the Campus* - refers to the Campus Director who is authorized to manage the administrative operations of the Campus. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University²⁵.
- 6.42. *Head of the College* - refers to the Dean who is authorized to manage the administrative operations of the College. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University.
- 6.43. *Head of the Department, Unit or Section* - refers to the Director or head, chairperson or coordinator, as the case may be.
- 6.44. *Hearing Officer* - refers to any University official or officer, preferably Executive Official or Head of a College, or a duly constituted Committee on Administrative and Disciplinary Investigation (CADI), or Committee on Decorum and Investigation (CODI) or Committee of Peers (CP) or such committee, as the University President and/or EVSU Board of Regents may determine.
- 6.45. *Hold-over Capacity (Principle)* - refers to the preservation of continuity in the transaction of official business and prevents a hiatus in government or in any office of the University pending the assumption of

²⁵ Section 3(b), Article I of CHED Memorandum Order No. 20, s. 2011.

a successor into office²⁶.

- 6.46. *Human Resource (HR)* – refers to the people, including their qualifications, competencies, talents and potentials. HR as a function pertains to the management development and utilization of the people towards the excellent and ethical achievement of vision of the organization.
- 6.47. *Human Resource (HR) Action* – refers to any action denoting the movement or progress of officials and employees in the University which shall include appointment, promotion, transfer, reappointment, reinstatement, reemployment, reclassification, detail, designation, reassignment, secondment, demotion and separation from the service.
- 6.48. *Insider* - refers to an employee of the University who is interested in joining the faculty or a member of the faculty who is aspiring for promotion.
- 6.49. *Instruction Services* – refers to a function of the University and faculty members which include among others, the pedagogy and academic activities necessary for the delivery of educational services and degree programs, or educational services to the students, professionals and other clients which are vital in the realization of the mandates, vision, mission, goals and objectives of the University.
- 6.50. *Instructional Staff* – refers to faculty members who are employed on temporary basis and who are not Part-time faculty members of the University.
- 6.51. *IRR* – refers to Implementing Rules and Regulations of any law or statute enacted by the Congress of the Philippines or issued by the President of the Philippines and such competent authority/ies.
- 6.52. *K to 12 Programs* – refers to Senior High School (SHS) programs authorized under R.A. No. 10533.
- 6.53. *MC* – refers to Memorandum Circular by a government agency through its competent official/s issued within its authority and duty conferred by the Constitution and applicable laws, rules and regulations.
- 6.54. *Motu Proprio* – refers to an action taken by the EVSU Board of Regents and/or University President or disciplining authority on its own initiative.
- 6.55. *Official* – refer to a Regent, Executive Official (University President, Vice President, and Campus Directors), Head of a College or College Dean,

²⁶ **Adap, et al. v. Commission on Elections**, G.R. No. 161984, February 21, 2007, citing *Nueno, et al. v. Angeles, et al.*, G.R. No. L-89, February 1, 1946, the Supreme Court ruled:

“The application of the hold-over principle preserves continuity in the transaction of official business and prevents a hiatus in government pending the assumption of a successor into office. As held in *Topacio Nueno v. Angeles*, cases of extreme necessity justify the application of the hold-over principle.”

Director or Head or Chief of a Department or Center, Chairperson or Coordinator of Unit or Section, and Chairperson, Vice Chairperson, Member and Secretary of a Committee created under this Rules and in various Services' Manuals and applicable laws, rules and regulations as well as Committee constituted by the EVSU Board of Regents and/or by the University President in accordance with existing University policies.

- 6.56. *Party Adversely Affected* – refers to the respondent against whom a decision in an administrative case has been rendered or to the EVSU Board of Regents and/or University President or disciplining authority or prosecuting agency in an appeal from a decision reversing or modifying the original decision.
- 6.57. *PES* - refers to the Performance Evaluation System for the Officials, faculty and non-teaching personnel's positions/ranks. It shall be an organized, methodical and standardized system of evaluating the individual performance of the Officials, faculty members or non-teaching personnel for organizational effectiveness.
- 6.58. *Person Complained Of* – refers to the person who is the subject of a complaint by who is not yet issued a notice of charge or formal charge by the EVSU Board of Regents and University President or disciplining authority.
- 6.59. *Personnel Action* - an action denoting the movement or progress of personnel in the University or civil service.
- 6.60. *Prima facie Case* – refers to that amount of evidence which would be sufficient to counter-balance the general presumption of innocence, and warrant a conviction, if not encountered and controlled by evidence tending to contradict it, and render it improbable, or to prove other facts inconsistent with it, and the establishment of a prima facie case does not take away the presumption of innocence which may in the opinion of the jury be such as to rebut and control it.²⁷
- 6.61. *Prima facie Evidence* – refers to evidence good and sufficient on its face. Such evidence as, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and which if not rebutted or contradicted, will remain sufficient. Evidence which, 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.²⁸
- 6.62. *Probationary Employee* – refers to an employee who is required to undergo a thorough character investigation and assessment of capability to perform the duties of the position enumerated un the Position Description Form (PDF) during the probationary period which is

²⁷ **Fe J. Bautista, et al. v. Hon. Malcolm G. Sarmiento**, G.R. No. L-45137 September 23, 1985.

²⁸ **Robert P. Wa-Acon v. People of the Philippines**, G.R. No. 164575, December 6, 2006.

generally six (6) months or depending on the duration of the probationary period as required by the position or by law.

- 6.63. *Production Services* – is a function of the University and faculty members which covers the implementation of generating resources such as, but not limited to, instructional materials development and commercialization of technologies and other intellectual properties to augment the income and sustain sound financial condition of the University.
- 6.64. *Promotion* - the advancement to a higher faculty rank or sub-rank. It is usually accompanied by an increase in salary.
- 6.65. *Protest* – refers to an action filed by a qualified next-in-rank official or employee questioning the issuance of an appointment in favor on the basis of lack of qualification of the appointee.
- 6.66. *Psychological Intervention* – refers to psychological counseling; psychotherapy; psychosocial support; life coaching; psychological debriefing; group processes; and all other psychological interventions that involved the application of psychosocial principle and methods to improve the psychological functioning of individuals; families; groups; and organizations.
- 6.67. *Qualified Next-In-Rank* – refers to an employee appointed on a permanent basis to a position previously determined to be a next-in-rank to the vacancy and who meets the requirements for appointment thereof as previously determined by the EVSU Board of Regents and/or University President and approved by the Commission.
- 6.68. *RACCS (2017 RACCS)* – refers to the 2017 Revised Rules on Administrative Cases in the Civil Service approved per CSC Resolution No. 1701077 promulgated on dated July 3, 2017.
- 6.69. *Rank* - refers to academic rank or sub-rank assigned to a member of the faculty after evaluation in accordance with the common criteria and point allocation as may be prescribed from time to time by a duly authorized agency.
- 6.70. *R.A. or RA* – refers to Republic Act duly enacted by the Congress of the Philippines and approved by the President of the Philippines or lapse into law as provided under the 1987 Philippine Constitution.
- 6.71. *Regent* – refers to the Chairperson or Vice Chairperson or any Member of the Board.
- 6.72. *Research Services* – refers to a function of the University and faculty members directed to the development, transfer, utilization and commercialization and protection of new knowledge, technologies, methods, procedures, intellectual properties and scholarly works

necessary for continuing improvement in the capacity of the University in the realization of its legal mandates, vision, mission, goals and objectives.

- 6.73. *Resignation* – implies an expression of the incumbent in some form, express or implied, of the intention to surrender, renounce, and relinquish the office and the acceptance by competent and lawful authority. To constitute a complete and operative resignation from public office, there must be: (a) an intention to relinquish a part of the term; (b) an act of relinquishment; and (c) an acceptance by the proper authority. In our jurisdiction, acceptance is necessary for resignation of a public officer to be operative and effective. Without acceptance, resignation is nothing and the officer remains in office. Resignation to be effective must be accepted by competent authority, either in terms or by something tantamount to an acceptance, such as the appointment of the successor. A public officer cannot abandon his office before his resignation is accepted, otherwise the officer is subject to the penal provisions of Article 238 of the Revised Penal Code. The final or conclusive act of a resignation's acceptance is the notice of acceptance. The incumbent official would not be in a position to determine the acceptance of his resignation unless he had been duly notified therefor.²⁹
- 6.74. *Respondent* – refers to the person who is issued a notice of charge or formal charge by the EVSU Board of Regents and/or University President or the disciplining authority.
- 6.75. *Security of Tenure* – simply means that a public officer or employee shall not be suspended or dismissed except for cause, as provided by law and after due process³⁰.

Further, well-entrenched is the rule on security of tenure that such an appointment is issued and the moment the appointee assumes a position in the civil service under a completed appointment, he acquires a legal, not merely equitable right (to the position), which is protected not only by statute, but also by the Constitution [Article IX-B, Section 2, paragraph (3)] and cannot be taken away from him either by revocation of the appointment, or by removal, except for cause, and with previous notice and hearing.³¹

- 6.76. *Selection* - The process of thoroughly screening qualified applicants for certain positions to determine the most qualified among them or to rank

²⁹ **Light Rail Transit Authority v. Aurora A. Salvaña**, G.R. No. 192074, June 10, 2014 citing *Republic v. Singun*, 572 Phil. 140 (2008); *Gamboa v. Court of Appeals*, 194 Phil. 624 (1981) [Per J. Guerrero, First Division]; *Reyes v. Atienza*, 507 Phil. 653 (2005) [Per J. Tinga, Second Division]; Martin and Martin, ADMINISTRATIVE LAW, LAW ON PUBLIC OFFICERS AND ELECTION LAW 200 (1987); Re: *Administrative Case for Falsification of Official Documents and Dishonesty against Randy S. Villanueva*, 556 Phil. 512 (2007) [Per Curiam, En Banc].

³⁰ **The Provincial Government of Camarines Norte v. Beatriz O. Gonzales**, G.R. No. 185740, July 23, 2013.

³¹ **Civil Service Commission v. Gregorio Magnaye, Jr.**, G.R. No. 183337, April 23, 2010 citing *Aquino v. Civil Service Commission*, G. R. No. 92403, April 22, 1992, 208 SCRA 240, 247.

them based on their qualifications and professional potentials.

- 6.77. *Sexual Harassment* – refers to an act, or a series of acts, involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by the University official or employee in a work-related, training or education related to environment of the person complained of.
- 6.78. *Show-Cause Order* – refers to the written document requiring a person to explain, or justify before the EVSU Board of Regents and/or University President, Board Committee or its duly authorized representative within a given period why no disciplinary action shall be taken against him/her.
- 6.79. *Tenure* – represents the term during which the incumbent actually holds office. The tenure may be shorter (or, in case of holdover, longer) than the term for reasons within or beyond the power of the incumbent³².
- 6.80. *Term of Office* – refers to the time during which the officer may claim to hold the office as of right, and fixes the interval after which the several incumbents shall succeed one another. The term of office is not affected by the holdover. The term is fixed by statute and it does not change simply because the office may have become vacant, nor because the incumbent holds over in office beyond the end of the term due to the fact that a successor has not been elected and has failed to qualify³³.
- 6.81. *University* – refers to Eastern Visayas State University or EVSU.
- 6.82. *Vacancy* – a condition or situation “when there is no person lawfully authorized to assume and exercise at present the duties of the office”³⁴.

Provided, that the meaning of the terms in the 2017 Revised University Code, relevant rules and regulations promulgated by the CSC and EVSU Board of Regents, and jurisprudence are hereby deemed integrated to and shall be applied accordingly in this Code and Rules/Manual.

Chapter II

CODE OF CONDUCT OF THE OFFICIALS AND EMPLOYEES OR PERSONNEL OF THE UNIVERSITY

Rule 4

Accountability and Norms of Conduct

³² *Valle Verde Country Club, Inc. v. Africa*, G.R. No. 151969, September 4, 2009.

³³ *Valle Verde Country Club, Inc. v. Africa*, G.R. No. 151969, September 4, 2009 citing *Topacio Nueno v. Angeles*, 76 Phil. 12, 21-22 (1946); *Alba v. Evangelista*, 100 Phil. 683, 694 (1957); *Paredes v. Abad*, 155 Phil. 494 (1974); *Aparri v. Court of Appeals*, No. L-30057, January 31, 1984, 127 SCRA 231., and *Gaminde v. Commission on Audit*, G.R. No. 140335, December 13, 2000, 347 SCRA 655.

³⁴ In *Gamboa v. Augiree, et al.*, G.R. No. 134213, July 20, 1999, citing, *Stocking v. State*, 7 Ind. 326 cited in Mechem. A Treatise on the Law on Public Offices and Officers, p. 61 cited in *Menzon v. Petilla*, 197 SCRA 251, the Supreme Court ruled that:

“A *sensu contrario*, there is a vacancy when there is no person lawfully authorized to assume and exercise at present the duties of the office.”

Section 7. **Accountability of the Officials and Employees of the University.** – Public Office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and just, and lead modest lives.³⁵ These constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working standards by all in the public service³⁶. Public office therefore is given utmost regard, and the highest standards of service are expected from it³⁷.

Further, the University shall adhere to the policies laid down under Republic Act No. 9485³⁸ and its IRR³⁹ and subsequent issuances thereof. Relatedly, all Offices, Centers, Units and Sections of the University Campuses shall strictly observe the “no noon break” policy and ensure that frontline services must at all times be complemented with adequate staff by adopting mechanisms such as rotation system among office personnel, sliding flexi-time, reliever system especially in peak times of the transaction, or providing skeletal personnel during lunch and snack time⁴⁰.

Section 8. **Norms of Conduct of the Executive Officials, Officers or Managers of Administrative Offices, Faculty Members, and Non-Teaching Personnel of the University.** – Pursuant to Section 4 of R.A. No. 6713⁴¹ and its IRR, every Regent, Executive Official, Officer or Director/Head/Manager of Administrative Offices, Faculty Member and Non-Teaching Personnel of the University, shall observe the following as standards of personal conduct in the discharge and execution of official duties:

- 8.1. *Commitment to public interest.* – University officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in University funds and revenues.
- 8.2. *Professionalism.* – University officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

³⁵ Section 1, Article XI of the 1987 Philippine Constitution.

³⁶ **GSIS v. Mayordom**, G.R. No. 191218, May 31, 2011.

³⁷ **Paleppec v. Davis**, G.R. No. 171048, July 31, 2007 citing *Bernardo v. Court of Appeals*, G.R. No. 124261, 27 May 2004, 429 SCRA 285, 298-299.

³⁸ “An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption, and Providing Penalties Thereof” or the Anti-Red Tape Act of 2007.”

³⁹ Implementing Rules and Regulations of Republic Act No. 9485.

⁴⁰ Section 3, Rule VI of CSC MC No. 12, s. 2008.

⁴¹ “An Act Establishing a Code of Conduct and Ethnical Standards for Public Officials and employees, To Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Example Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations thereof and for Other Purposes.”

- 8.3. *Justness and sincerity.* – University officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.
- 8.4. *Political neutrality.* – University officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.
- 8.5. *Responsiveness to the public.* – University officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, University officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed and rural and urban areas.
- 8.6. *Nationalism and patriotism.* – University officials and employees shall at all times be loyal to the Republic and to the Filipino people, promote the use of locally-produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.
- 8.7. *Commitment to democracy.* – University officials and employees shall commit themselves to the democratic way of life and values, maintain the principles of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.
- 8.8. *Simple living.* – University officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

Section 9. ***Duties of Conduct of the Executive Officials, Officers or Directors/Heads/Managers of Administrative Offices, Faculty Members, and Non-Teaching Personnel of the University.*** – In the performance of their duties, all Regents, Executive Officials, Officers or Directors/Heads/Managers of

Administrative Offices, Faculty Members and Non-Teaching Personnel of the University hereinafter referred to as employees of the University, *for brevity*, are under obligation to:

- 9.1. *Act promptly on letters and requests.* – All University officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.
- 9.2. *Submit annual performance reports.* – All University officials and other responsible officers and offices of the University shall, within forty-five (45) working days from the end of the year, render a performance report of the University or office. Such report shall be open and available to the public within regular office hours.
- 9.3. *Process documents and papers expeditiously.* – All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence duly authorized signatories, the official next-in-rank or officer-in-charge shall sign for and in their behalf.
- 9.4. *Act immediately on the public's personal transactions.* – All University officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.
- 9.5. *Make documents accessible to the public.* – All public documents must be made accessible to and readily available for inspection by the public within reasonable working hours.

Section 10. ***Professional Code of Ethics and Academic Duty and Integrity of Faculty Members, and Prohibitions Against Plagiarism.*** – In addition to the ethical standards and accountability provided under the 2017 Revised University Code and in R.A. No. 6713 and its IRR, the following strictly be observed:

- 10.1. *Professional code of Ethics.* – Faculty members, whether full-time or part-time basis, of the University in the practice of their respective noble profession, shall strictly adhere to, observe and practice set of ethical and moral principles, standard, and values as prescribed under existing laws, rules and regulations.
- 10.2. *Academic Freedom, Duty and Integrity.* – Academic freedom is not absolute⁴² neither for the University, faculty members or students. It is

⁴² In ***Alcuaz v. Philippine School of Business Administration***, G.R. No.76353 September 29,1989, the Supreme Court held:

“In conclusion, We wish to reiterate that while We value the right of students to complete their education in the school or university of their choice, and while We fully respect their right to resort to rallies and demonstrations for the redress of their grievances and as a part of their freedom of speech and their right to assemble, still such rallies, demonstrations, and assemblies must always

the duty⁴³ of the University, faculty members and students to discharge their respective rights in accordance with existing laws, rules and regulations.

Academic integrity⁴⁴ imposes upon the entire academic community to strictly conform to the essential values of integrity, honesty, originality, decency, hard work, respect and great responsibility. Students must aim for continuing improvement and aggressively achieve the highest standards of academic excellence and norms acceptable by the society.

- 10.3. *Prohibition Against Plagiarism.* – To fully observe academic integrity in the University, faculty members and Academic officers and staff are prohibited from committing any form of plagiarism as defined in relevant jurisprudence such as, but not limited to, ***“In the Matter of the Charges of Plagiarism, etc., Against Associate Justice Mariano C. Del Castillo”***⁴⁵ which shall be punishable as provided

be conducted peacefully, and without resort to intimidation, coercion, or violence. Academic freedom in all its forms, demands the full display of discipline. To hold otherwise would be to subvert freedom into degenerate license.”

⁴³ In ***Cudia v. The Superintendent of the Philippine Military Academy***, G.R. No. 211362, February 24, 2015 citing *Isabelo, Jr. v. Perpetual Help College of Rizal, Inc.*, supra note 67, at 595-596, *University of the Phils. Board of Regents v. Court of Appeals*, supra note 115, at 306-308 (Citations omitted), *De La Salle University, Inc. v. Court of Appeals*, supra note 116, at 362, citing *Ateneo de Manila University v. Capulong*, supra note 110, at 664, *Ateneo de Manila University v. Capulong*, supra note 110, at 664, and CONSTITUTION (1987), Art. XIV Sec. 5 (3), the High Court ruled:

“Indeed, “academic freedom has never been meant to be an unabridged license. It is a privilege that assumes a correlative duty to exercise it responsibly. An equally telling precept is a long recognized mandate, so well expressed in Article 19 of the Civil Code, that every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

x x x

While it is true that the students are entitled to the right to pursue their education, the USC as an educational institution is also entitled to pursue its academic freedom and in the process has the concomitant right to see to it that this freedom is not jeopardized.

It must be borne in mind that schools are established, not merely to develop the intellect and skills of the studentry, but to inculcate lofty values, ideals and attitudes; nay, the development, or flowering if you will, of the total man. Essentially, education must ultimately be religious, i.e., one which inculcates duty and reverence. Under the rubric of “right to education,” students have a concomitant duty to learn under the rules laid down by the school. Every citizen has a right to select a profession or, course of study, subject to fair, reasonable, and equitable admission and academic requirements.¹³² The PMA is not different. As the primary training and educational institution of the AFP, it certainly has the right to invoke academic freedom in the enforcement of its internal rules and regulations, which are the Honor Code and the Honor System in particular.”

⁴⁴ ***University of the Philippines Board of Regents v. Hon. Court of Appeals***, G.R. No. 134625, August 31, 1999, the Supreme Court declared:

“The pursuit of academic excellence is the university’s concern. It should be empowered, as an act of self-defense, to take measures to protect itself from serious threats to its integrity.”

⁴⁵ ***In the Matter of the Charges of Plagiarism, etc., Against Associate Justice Mariano C. Del Castillo***, A.M. No. 10-7-17-SC, February 8, 2011 citing Black’s Law Dictionary (8th Edition, 2004), <http://www.admu.edu.ph/index.php?p=120&type=2&sec=25&aid=9149>, Webster’s Third New International Dictionary, p. 2374, the Supreme Court sustained:

“Plagiarism, a term not defined by statute, has a popular or common definition. To plagiarize, says Webster, is to steal and pass off as one’s own the ideas or words of another. Stealing implies malicious taking. Blacks Law Dictionary, the world’s leading English law dictionary quoted by the Court in its decision, defines plagiarism as the deliberate and knowing presentation of another person’s original ideas or creative expressions as one’s own. The presentation of another person’s ideas as one’s own must be deliberate or premeditated taking with ill intent.

There is no commonly-used dictionary in the world that embraces in the meaning of plagiarism

herein.

Section 11. **Role of the Officials and Employees Towards the State.** – The University is a partner of the State for the development of the youth and for molding them into good citizens. Faculty members, therefore, have an important role in shaping their future, thus, should strive to perform their obligations to the state pertaining to this aspect, to wit:

- 11.1. Each University Official or Employee is a trustee of the cultural and educational heritage of the nation and is under obligation to transmit to learners/students such heritage as well as to elevate national morality, promote national pride, cultivate love of country, instill allegiance to the Constitution and respect for all duly constituted authorities, and promote obedience to the laws of the State.
- 11.2. Every University Official or Employee shall actively help carry out the declared policies of the state, and shall take an oath to this effect.
- 11.3. The interest of the State, the Filipino people as much as that of his/her own, every Official or Employee shall be physically, mentally and morally fit.
- 11.4. Every University Official or Employee shall possess and actualize full commitment and devotion to duty.
- 11.5. University Official or Employee shall not engage in the promotion of any political, religious, or other partisan interest, and shall not directly or indirectly solicit, require, collect, or receive any money, service, other valuable material from any person or entity for such purpose.
- 11.6. University Official or Employee shall vote and shall exercise all other constitutional rights and responsibilities.
- 11.7. University Official or Employee shall not use his/her position or official authority or influence to coerce any other person to follow any political action.
- 11.8. Every faculty member shall enjoy academic freedom and shall have the privilege of sharing the product of his researches and investigations, provided that, if the results are inimical to the declared

errors in attribution by mere accident or in good faith.

Certain educational institutions of course assume different norms in its application. For instance, the Loyola Schools Code of Academic Integrity ordains that plagiarism is identified not through intent but through the act itself. The objective act of falsely attributing to one's self what is not ones work, whether intentional or out of neglect, is sufficient to conclude that plagiarism has occurred. Students who plead ignorance or appeal to lack of malice are not excused.

Original scholarship is highly valued in the academe and rightly so. A college thesis, for instance, should contain dissertations embodying results of original research, substantiating a specific view. This must be so since the writing is intended to earn for the student an academic degree, honor, or distinction. He earns no credit nor deserves it who takes the research of others, copies their dissertations, and proclaims these as his own. There should be no question that a cheat deserves neither reward nor sympathy."

policies of the State and the University, they shall be drawn to the proper authorities for appropriate action.

Section 12. **The Official, Employee, and the Community.** – The faculty member has an obligation towards the community which is expressed in the Section provided hereinafter:

- 12.1. A faculty member is a facilitator of learning and of the development of the youth; he/she shall therefore, render the best services by providing an environment conducive to such learning and growth.
- 12.2. Every University Official or Employee shall provide leadership and initiative to actively participate in community movements for initiative to actively participate in community movements for moral, social, educational, economic and civic betterment.
- 12.3. Every University Official or Employee shall merit reasonable social recognition for which he shall behave with honor and dignity at all times and refrain from activities such as gambling, smoking, drunkenness and other excesses, and illicit relations.
- 12.4. Every University Official or Employee shall help the University keep the people in the community, and shall therefore, study and understand local customs and traditions in order to have a sympathetic attitude, therefore, refrain from disparaging the community.
- 12.5. Every University Official or Employee is an intellectual leader in the community especially in the barangay, and shall welcome the opportunity to provide such leadership when needed, to extend counseling services, as appropriate, and to actively be involved in matters affecting the welfare of the people.
- 12.6. University Official or Employee possesses freedom to attend church and worship, as appropriate, but shall not use his or her position and influence to proselyte others.
- 12.7. Every University Official or Employee shall maintain harmonious and pleasant personal and official relations with other professionals, with government officials, and with the people, individually or collectively.

Section 13. **The Teaching Profession.** – In addition to the ethical standards and accountability provided under this Code/Manual and in R.A. No. 7163 and its IRR, every faculty member shall actively help insure that teaching is the noblest profession, and shall manifest genuine enthusiasm and pride in teaching as a noble calling, to wit:

- 13.1. Every faculty member shall uphold the highest possible standards of quality education, shall make the best preparation for the career of teaching, and shall be at his/her best at all times in the practice of such profession.

- 13.2. Every faculty member shall pursue such other studies that will improve his/her efficiency, enhance the prestige of his/her profession, and strengthen his/her competence, virtues, and productivity in order to be nationally and internationally competitive.
- 13.3. Every faculty member shall use the teaching profession in a manner that makes it dignified means for earning a decent living.
- 13.4. Faculty member shall help, provided there is authority, to seek support for the University, but shall not make improper misrepresentation through personal advertisements and other questionable means.
- 13.5. Faculty members shall, at all times, be imbued with the spirit of professional loyalty, mutual confidence, and faith in one another, self-sacrifice for the common good and full cooperation with colleagues.
- 13.6. A faculty member is not entitled to claim for work that is not his/her own, and shall give due credit for the work of others which he or she may use.
- 13.7. Before leaving his/her position, a faculty member shall organize and leave to his/her successor such records and other data as are necessary to carry on the work.
- 13.8. A faculty member shall hold inviolate all confidential information concerning associates and the University, and shall not divulge to anyone documents which have not yet been officially released, or remove records from the files without official permission.
- 13.9. It shall be the responsibility for every faculty member to seek corrective measure for what may appear to be unprofessional and unethical conduct of any associate. This may be done only if there is incontrovertible evidence for such conduct.
- 13.10. A faculty member may submit to proper authorities any justifiable criticisms against an associate preferably in writing, without violating any right of the individual concerned.
- 13.11. A faculty member may apply for a vacant position for which he/she is qualified, provided that he/she respects the system of selection on the basis of merit and competence, provided further, that all qualified candidates are given the opportunity to be considered.

Section 14. **The Official, Employee and the University.** – The faculty member has an obligation towards the University which is expressed in the sections provided hereinafter:

- 14.1. University Official or Employee shall make it his/her duty to make an honest effort to understand and support the legitimate policies of the University and the administration.

- 14.2. As a matter of professionalism and integrity, a Official or Employee shall not make any false accusation or charges against superiors, especially under anonymity. However, if there are valid charges, he/she should present such under oath to competent authority.
- 14.3. University Official or Employee shall transact all official business through channels except when special conditions warrant a different procedure, such as when reforms are advocated but are opposed by the immediate superior, in which case the faculty member shall appeal directly to the appropriate higher authority.
- 14.4. University Official or Employee, individually or as a part of a group, has a right to seek redress against injustice and discrimination and to the extent possible, shall rise his/her grievances within democratic processes. In doing so, he/she shall avoid jeopardizing the interest and the welfare of learners/students whose rights to learn must be respected.
- 14.5. University Official or Employee has a right to invoke the principle that appointments, promotions, and transfer of Official or Employee are made only on the basis of merit in the interest of the service.
- 14.6. A University Official or Employee who accepts a position assumes a contractual obligation to live up to his/her contract, assuming full knowledge of the employment terms and conditions.
- 14.7. University officials shall at all times show professional courtesy, helpfulness and sympathy towards Official or Employee or Personnel, such practices being standards of effective institutional supervision, dignified administration, responsible leadership and enlighten direction.
- 14.8. University officials, faculty members and other personnel shall consider it their cooperative responsibility to formulate policies or introduce important changes in the system at all levels.
- 14.9. University officials shall encourage and attend to the professional growth of all faculty member under them such as recommending them for promotion, giving them due recognition for meritorious performance, and allowing them to participate in conference and training programs subject to availability of funds and usual accounting and auditing laws, rules and regulations.

Section 15. **The Faculty Member and the Students.** – A faculty member or teacher shall recognize that the interest and welfare of students are his/her first and foremost concern, and shall handle each learner justly and impartially with the following conditions:

- 15.1. A faculty member has a right and duty to determine the academic marks and the promotion of learners in the subject they handle. Such determination shall be in accordance with generally accepted

procedures of evaluation and measurement. In case of any complaint, the faculty member concerned shall immediately take appropriate action, observing the process.

- 15.2. Under no circumstances shall a Faculty member be prejudiced nor discriminatory against any student.
- 15.3. A faculty member shall not accept favors or gifts from students, their parents or others in their behalf in exchange of requested concessions, especially if underserved.
- 15.4. A faculty member shall not accept, directly or indirectly, any remuneration from tutorials other than what is authorized for such service.
- 15.5. A faculty member shall evaluate learners work based on merit and quality of academic performance.
- 15.6. A faculty member shall not inflict corporal punishment on offending students nor make deductions from their scholastic ratings as a punishment for acts which are clearly not manifestations of poor scholarship.
- 15.7. A faculty member shall insure that conditions contributive to the development of students are adequate and shall extend needed assistance in preventing or solving student's problems and difficulties.

Section 16. **The Official, Faculty Member and the Parents.** – A Official or Faculty Member shall establish and maintain cordial relations with parents, and shall conduct himself/herself to merit their confidence and respect. A faculty member shall hear parent's complaints with sympathy and understanding, and shall discourage unfair criticism.

Section 17. **The Official, Employee, and Business.** – A Official or Employee has a right to engage, directly or indirectly, in legitimate income generation, *provided*, that it does not adversely affect his/her work subject to service manuals and/or applicable laws, rules and regulations in so far as duly authorized by the Board upon the recommendation by the University President.

- 17.1. A faculty member shall maintain a good reputation with respect to financial matters such as in the settlement of his or her just debts, loans and other financial affairs.
- 17.2. Except existing as may be provided under applicable rules and regulations, no faculty member shall act, directly or indirectly, as agent of, or be financially interested in, any commercial venture which furnish textbooks and other University commodities in the purchase and disposal of which he or she can exercise official influence, except only when his or her assignment is inherently related to such purchase and disposal.

Section 18. **Official, and Employee as a Model.** – An Official or Employee shall live with dignity in all places at all times with the following guidelines:

- 18.1. University Official or Employee shall place premium upon self-respect and self-discipline as the principle of personal behavior in all relationships with others and in all situations.
- 18.2. University Official or Employee shall maintain at all times a dignified personality which could serve as model worthy of emulation by students, peers, and others.
- 18.3. University Official or Employee shall always recognize the Almighty God or Being as guide of his or her own destiny and of the destinies of men and nations.

Rule 5

Membership to the EVSU Board of Regents as a Public Office

Section 19. **Membership to the EVSU Board of Regents as a Public Office.** – As enunciated in *Serana*⁴⁶ and *Javier*⁴⁷ doctrines, Membership in the EVSU Board of Regents is a public office and therefore, Regents are public officers during their incumbency.

Rule 6

Prohibited Acts and Transactions

⁴⁶ *Serana v. Sandiganbayan*, G.R. No. 162059, January 22, 2008 citing, G.R. No. 125296, July 20, 2006, 495 SCRA 452, 458-459, G.R. No. L-30057, January 31, 1984, 127 SCRA 231, 237-238, 430 Phil. 658 (2002), *Laurel v. Desierto*, citing F.R. Mechem, A Treatise on the Law of Public Offices and Officers, Sec. 1., G.R. No. 158187, February 11, 2005, 451 SCRA 187, Presidential Decree No. 1606, Sec. 4(A)(1)(g), *University of the Philippines v. Court of Industrial Relations*, 107 Phil. 848 (1960), the Supreme Court held:

“Petitioner UP student regent is a public officer.

X X X

In *Aparri v. Court of Appeals*, the Court held that:

“A public office is the right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public ([*Mechem Public Offices and Officers*,] Sec. 1).

x x x.

In *Laurel v. Desierto*, the Court adopted the definition of Mechem of a public office:

“The individual so invested is a public officer.

X X X

Petitioner claims that she is not a public officer with Salary Grade 27; she is, in fact, a regular tuition fee-paying student. This is likewise bereft of merit. It is not only the salary grade that determines the jurisdiction of the Sandiganbayan. x x x.

X X X

Moreover, it is well established that compensation is not an essential element of public office. At most, it is merely incidental to the public office.”

⁴⁷ *Javier v. Sandiganbayan*, G.R. Nos. 147026-27, September 11, 2009, the Supreme Court enunciated as follows:

“A perusal of the above powers and functions leads us to conclude that they partake of the nature of public functions. A public office is the right, authority and duty, created and conferred by law, by which, for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public.” (*Italics supplied*).

Section 20. **Prohibited Acts and Transactions of University Officials or Officers, Faculty Members (Regular and Part-time), Non-Teaching Personnel or Employees of the University.** – In addition to the acts and omissions of public officials and employees prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any University officials or officers, faculty members (regular or part-time), non-teaching personnel or employees:

- 20.1. *Financial and Material Interest.* – University officials or officers, faculty members, non-teaching personnel or employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.
- 20.2. *Outside Employment and Other Activities Related Thereto.* – University officials or officers, faculty members, non-teaching personnel or employees shall not engage in the private practice of their profession unless authorized by competent authorities, *provided*, that such practice will not conflict or tend to conflict with official functions.
- 20.3. *Disclosure and/or Misuse of Confidential Information.* – Subject to the Freedom of Information (FOI) Manual of the University and such applicable laws, rules and regulations, University officials or officers, faculty members, non-teaching personnel or employees shall not, except in the interest of the greater public, use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public.
- 20.4. *Promoting or Furthering Private Interest or Giving Undue Advantage.* – To further their private interest, or give undue advantage to anyone.
- 20.5. *Prejudicial to Public Interest.* – To prejudice the University and public interest.
- 20.6. *Solicitation or Acceptance of Gifts and Others.* – University officials and employees shall not solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by or any transaction which may be affected by the functions of their office.

Provided, however, that this shall apply to the conduct of solicitations that are undertaken with the approval of the University President to augment the financial sources for the conduct of events and activities duly sanctioned by the University officials.

- 20.7. *Deals with Any Students.* – No academic and administrative officials and employees shall enter into deals with any student of the University involving money, property, or other valuable consideration which might influence the scholastic standing of the student.

- 20.8. *Selling of Goods and Services.* – Faculty members are strictly prohibited from selling goods, books and services directly to students.

Provided, however, That the instructional materials developed by faculty members and employees which are authorized under the Production Services or IGP Manuals duly approved by the EVSU Board of Regents are exempted from this prohibition. *Provided,* that faculty members who are authors of instructional materials, duly approved by the Instructional Materials Evaluation Committee created by the University President, shall be entitled to at least sixty percent (60%) of the net income and be entitled to royalties subject to the appropriate Auxiliary Services/IGP Manual of the University and existing laws, rules and regulations duly approved by the EVSU-Board of Regents upon the recommendation by the University President.

Section 21. ***Application of the Prohibited Acts Prescribed in Other Policies Approved by the EVSU Board of Regents and in Existing Laws, Rules and Regulations.*** – All prohibited acts prescribed in other policies approved by the EVSU Board of Regents in existing laws, rules and regulations shall be applied in this Manual.

Chapter III

DISCIPLINE AND DISCIPLINARY CASES

Rule 7

General Policies

Section 22. ***General Policies.*** – In the exercise of its academic freedom and institutional autonomy, pertinent provisions of R.A. No. 8292 and R.A. No. 9311, and relevant laws and jurisprudence, the University hereby adopts the following policies for be strictly compliance of all concerned:

- 22.1. *Adoption, Application and Liberal Interpretation of CSC Resolution No. 1701077 promulgated on July 3, 2017⁴⁸, Jurisprudence and Applicable Laws and Relevant and Subsequent Issuances Thereof.* – The pertinent provisions of CSC Resolution No. 1701077 promulgated on July 3, 2017, jurisprudence and applicable laws and related and subsequent issuances thereof are hereby adopted as provided herein which shall be liberally construed, applied and interpreted to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases⁴⁹.
- 22.2. *Compliance of Administrative Exhaustion.* – University Officials or employees shall comply administrative exhaustion in seeking for resolution of their complaint/s or issues as elucidated in ***Republic of***

⁴⁸ 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

⁴⁹ Section 3, Rule 1 of CSC Resolution No. Resolution No.1701077 promulgated on June 3, 2017.

the Philippines v. Lacap⁵⁰, the Supreme Court unequivocally held:

“The general rule is that before a party may seek the intervention of the court, he should first avail of all the means afforded him by administrative processes. The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation.

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.”

Further, in ***COA v. CA***⁵¹, the Supreme ruled:

“The failure to fulfill the requirements of Rule 65 disallows the CA from taking due course of the Petition; otherwise appeals and motions for reconsideration would be rendered meaningless, as stated time and again by this Court:

If resort to a remedy within the administrative machinery can still be made by giving the administrative officer concerned every opportunity to decide on a matter that comes within his or her jurisdiction, then such remedy should be exhausted first before the court's judicial power can be sought. The premature invocation of the intervention of the court is fatal to one's cause of action. The doctrine of exhaustion of administrative remedies is based on practical and legal reasons. The availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has

⁵⁰ ***Republic of the Philippines, Represented by the Department of Public Works and Highways, Commission on Audit and the National Treasurer v. Carlito Lacap***, G.R. No. 158253, March 2, 2007 citing *ACWS, Ltd. v. Dumlao*, 440 Phil. 787, 801-802 (2002); *Zabat v. Court of Appeals*, 393 Phil. 195, 206 (2000); *Paloma v. Mora*, G.R. No. 157783, September 23, 2005, 470 SCRA 711, 725; and *Fabia v. Court of Appeals*, 437 Phil. 389, 403 (2002).

⁵¹ ***The Special Audit Team, Commission on Audit v. Court of Appeals and Government Service Insurance System***, G.R. No. 174788, April 11, 2013 citing *William Golangco Construction Corporation, v. Ray Burton Development Corporation*, G.R. NO. 163582, 9 August 2010, 627 SCRA 74, 82-83; *Dimaruco v. People*, G.R. NO. 183975, 20 September 2010, 630 SCRA 659, 668-669; *Domdom v. Third and Fifth Divisions of Sandiganbayan*, G.R. Nos. 182382-83, 24 February 2010, 613 SCRA 528; *Ongsuco v. Malones*, G.R. NO. 182065, 27 October 2009, 604 SCRA 499, 511-512, *Fua, Jr. v. Commission on Audit*, G.R. NO. 175803, 4 December 2009, 607 SCRA 347; *Addition Hills Mandaluyong Civic & Social Organization Inc. v. Megaworld Properties and Holdings Inc.*, G.R. NO. 175039, 18 April 2012, 670 SCRA 83, 89; and *Atty. Sanchez v. Judge Vestil*, 358 Phil. 477, 481 (1998).

been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case. x x x.

Moreover, courts have accorded respect for the specialized ability of other agencies of government to deal with the issues within their respective specializations prior to any court intervention. The Court has reasoned thus:

We have consistently declared that the doctrine of exhaustion of administrative remedies is a cornerstone of our judicial system. The thrust of the rule is that courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence. The rationale for this doctrine is obvious. It entails lesser expenses and provides for the speedier resolution of controversies. Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed.

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Once again, the Court must remind the parties to judicial disputes to adhere to the standards for litigation as set by procedural rules. These rules exist primarily for the benefit of litigants, in order to afford them both speedy and appropriate relief from a body duly authorized by law to dispense the remedy. If a litigant prematurely invokes the jurisdiction of a court, then the potential result might be a deafening silence. Although we recognize that justice delayed is justice denied, we must also bear in mind that justice in haste is justice defiled.”

- 22.3. *Requirements of Administrative Due Process.* – No Official or employee of the University shall be removed or suspended except for cause as provided under this Manual or 2017 Revised University Code, CSC Resolution No. CSC Resolution No. 1701077 promulgated on July 3, 2017⁵², and such applicable laws, jurisprudence and after due process of law. As enunciated in **Fontanilla v. COA**⁵³, the Supreme Court instructively declared:

“Time and again, we have ruled that the essence of due process is the *opportunity to be heard*. In administrative proceedings, one is heard when he is accorded a *fair and reasonable opportunity* to explain his case or is given the

⁵² 2017 Rules on Administrative Cases in the Civil Service (RACCS).

⁵³ **Raphael C. Fontanilla v. The Commission Proper, Commission on Audit**, G.R. No. 209714, June 21, 2016 citing *Basaga v. Spouses Acosta*, G.R. No. 194061, April 20, 2015 citing *Vivo v. Pagcor*, G.R. No. 187854, November 12, 2013, 709 SCRA 276, 281; *Air Manila, Inc. v. Hon. Balatbat, et al.*, 148 Phil. 502 (1971); *Garcia v. Executive Secretary*, 116 Phil. 344 (1962); and *Ang Tibay v. Court of Industrial Relations*, 69 Phil. 635, 642-644 (1940).

chance to have the ruling complained of reconsidered.

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We stress that administrative due process also requires the following: 1) A finding or decision by a competent tribunal that is supported by **substantial evidence**, either presented at the hearing or at least contained in the records of disclosed to the parties affected: 2) The tribunal must act on its own independent consideration of the law and facts of the controversy and **not simply accept the view of a subordinate in arriving at a decision**; and 3) The tribunal should in all controversial questions, render its decision **in such a manner that the parties to the proceedings can know the various issues involved** and the reason for the decision rendered.”

In **Montoya v. Varilla**⁵⁴, the Supreme Court instructively held:

“Though procedural rules in administrative proceedings are less stringent and often applied more liberally, administrative proceedings are not exempt from basic and fundamental procedural principles, such as the right to due process in investigations and hearings. The right to substantive and procedural due process is applicable to administrative proceedings.

Well-settled is the rule that the essence of due process is simply an opportunity to be heard or, as applied to administrative proceedings, an opportunity to explain ones side or an opportunity to seek a reconsideration of the action or ruling complained of. Unarguably, this rule, as it is stated, strips down administrative due process to its most fundamental nature and sufficiently justifies freeing administrative proceedings from the rigidity of procedural requirements. In particular, however, due process in administrative proceedings has also been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondents legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in ones favor, and to defend ones rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a

⁵⁴ **P02 Ruel C. Montoya v. Police Director Reynaldo P. Varilla**, G.R. No. 180146, December 18, 2008 citing *Civil Service Commission v. Lucas*, 361 Phil. 486, 491 (1999); *Westmont Pharmaceuticals, Inc. v. Samaniego*, G.R. Nos. 146653-54, 20 February 2006, 482 SCRA 611, 619; and *Fabella v. Court of Appeals*, 346 Phil. 940, 952-953 (1997).

finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.”

Relatedly, in **Ray Peter O. Vivo v. PAGCRO**⁵⁵, the Supreme Court enunciated:

“The essence of due process is to be heard, and, as applied in to administrative proceedings, this means a fair a reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.”

Further, in **LTO v. Gutierrez**⁵⁶, the Supreme Court declared:

“The sense of procedural due process is embodied in the basic requirements of notice and a real opportunity to be heard. In administrative proceedings, xxxxxxxx, procedural due process simply means the opportunity to explain one’s side or the opportunity to seek a reconsideration of the action or ruling complained of. To be heard does not mean only verbal arguments in court; one may also be heard thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process. This was extensively discussed in **Vivo v. Philippine Amusement and Gaming Corporation**, as follows:

“The observance of fairness in the conduct of any investigation is at the very heart of procedural due process. The essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process cannot be fully equated with due process in its strict judicial sense, for in the former a formal trial-type hearing is not always necessary, and technical rules of procedure are not strictly applied. *Ledesma v. Court of appeals* [(565 Phil. 731, 740 [2007])] elaborates on the well-established meaning of due process in administrative proceedings in this wise:

x x x Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is

⁵⁵ **Ray Peter O. Vivo v. PAGCOR**, G.R. No. 187854, November 12, 2013.

⁵⁶ **Disciplinary Board, Land Transportation v. Mercedita E. Gutierrez**, G.R. No. 224395, July 3, 2017, citing *Ebdane, Jr. v. Apurillo*, G.R. No. 204172, December 9, 2015 777 SCRA 324, 332, citing *Department of Agrarian Reform v. Samson*, 577 Phil. 370, 380 (2008); and *Vivo v. Philippine Amusement and Gaming Corporation*, 721 Phil. 34 (2013).

satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due of process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of."

- 22.4. *Responsibility on the Burden of Proof.* – The complainant has the burden of proof of proving by substantial evidence the allegations in his complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on a mere suspicion and speculation likewise cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his allegations, the administrative complaint must be dismissed for lack of merit⁵⁷.

In a "**Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City** and **Unsworn Complaint of Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**"⁵⁸, the Supreme Court clearly held:

"In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. It must be stressed that the burden of substantiating the charges in an administrative proceeding falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on."

- 22.5. *Requirement of Substantial Evidence.* – As pronounced by the Supreme

⁵⁷ **Dr. Castor C. de Jesus v. Rafael D. Guerero III, et al.**, G.R. No. 171491, September 4, 2009 citing *Manalabe v. Cabie*, A.M. No. P-05-1984, July 6, 2007, SCRA 582, 589; *Adajar v. Develos*, A.M. No. P-05-2056, November 18, 2005, 475 SCRA 361, 376-377; *Ong v. Rosete*, A.M. No. MTJ-04-1538, October 22, 2004, SCRA 150, 160; and *Datuin, Jr. v. Soriano*, A.M. No. TRJ-01-1640, October 15, 2002, 391 SCRA 1, 5.

⁵⁸ **In Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**, A.M. No. 17-03-03-CA and **Unsworn Complaint of Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**, IPI No. 17-258-CA-J, July 11, 2017 citing *Complaint of Imelda D. Ramil against Stenographer Evelyn Antonio*, 552 Phil. 92, 100 (2007); *Dayag v. Judge Gonzales*, 526 Phil. 48, 57 (2006); and *Alfonso v. Ignacio*, 487 Phil. 1,7 (2004).

Court in **Ombudsman v. Torres**⁵⁹, the requirement of administrative culpability of any Official or employee of the University shall be as follows:

“To sustain a finding of administrative culpability only substantial evidence is required, not overwhelming or preponderant, and very much less than proof beyond reasonable doubt as required in criminal cases. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”

In **Civil Service Commission v. Herminigildo L. Andal**, the Supreme Court held:

“Substantial evidence, which is the quantum of proof required in this administrative case, the amount of relevant evidence that a reasonable mind might accept as adequate to justify a conclusion. This standard is satisfied in the present case so long as there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if the evidence may not be overwhelming or even preponderant.”⁶⁰

- 22.6. *Resignation Not a Way Out to Evade Administrative Liability.* – Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.⁶¹

However, an Official/officer or employee under investigation may be allowed to resign pending decision of his case without prejudice to the continuation of the proceedings until finally terminated.⁶²

- 22.7. *Effects of Desistance by the Complainant.* – The settled rule is that the filing of an affidavit of desistance by complainant for lack of interest does not *ipso facto* result in the termination of an administrative case against the respondent⁶³. In **Pastor C. Pinlac v. Oscar T. Llamas**⁶⁴, the Supreme Court ruled:

⁵⁹ **Office of the Ombudsman v. Marian D. Torres and Maricar D. Torres**, G.R. No. 168309, January 29, 2008 citing *Apolinario v. Flores*, G.R. No. 152780, January 22, 2007, 512 SCRA 113, 119; *Resngit-Marquez v. Judge Llamas, Jr.*, 434 Phil. 184, 203 (2002), *Mariano v. Roxas*, 434 Phil. 742, 749 (2002), and *Liquid v. Camano, Jr.*, 435 Phil. 695, 706 (2002).

⁶⁰ **Civil Service Commission v. Herminigildo L. Andal**, A.M. No. SB-12-19-P (Formerly OCA IPI No. 10-26-SB-P), November 18, 2014 citing *Jallorina v. Taneo-Regner*, A.M. No. P-11-2948, 23 April 2012, 670 SCRA 301.

⁶¹ **Esther S. Pagano v. Juan Nazarro, Jr., et al.**, G.R. No. 149072, September 21, 2007 citing *Baquerfo v. Sanchez*, A.M. No. P-05-1974, 6 April 2005, 455 SCRA 13, 19-20.

⁶² **Light Rail Transit Authority V. Aurora A. Salvaña**, G.R. No. 192074, June 10, 2014.

⁶³ **Leonila S. Raymundo v. Enrique M. Calaguas**, A.M. No. P-01-1496, 28 January 2005, 449 SCRA 437, citing *Teodoro v. Carpio*, A.M. No. MTJ-O2-1416, 27 February 2004, 424 SCRA 56.

⁶⁴ **Pastor C. Pinlac v. Oscar T. Llamas**, A.M. No. P-10-2781 (Formerly OCA IPI No. 02-1419-P), November 24, 2010.

“We reiterate the settled rule that administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, accept and condone what it otherwise detestable.”

However, well-established is the rule in administrative proceedings that the burden of proof rests on the complainant, who must be able to support and prove by substantial evidence his accusations against respondent⁶⁵.

- 22.8. *Hearsay*. – Evidence is hearsay when its probative force depends in whole or in part on the competency and credibility of some persons other than the witness by whom it is sought to produce. However, while the testimony of a witness regarding a statement made by another person given for the purpose of establishing the truth of the fact asserted in a statement is clearly hearsay evidence, it is otherwise if the purpose of placing the statement on record is merely to establish the fact that the statement, or the tenor of such statement, was made. Regardless of the truth or falsity of a statement, when what is relevant is the fact that such statement has been made, the hearsay rule does not apply and the statement may be shown. As a matter of fact, evidence as to making of the statement is not secondary but primary, for the statement itself may constitute a fact in issue or is circumstantially relevant as to the existence of such a fact. This is known as the doctrine of independently relevant statements.⁶⁶
- 22.9. *Limitations on the Application of Technical Rules Obtaining to Cases in Ordinary Court of Law, and Formal and Trial-Type Hearing is Not Necessary*. – The administrative cases and proceedings against any Official or employee of the University shall not be bound by the strict technical rules obtaining cases in ordinary court of law⁶⁷. In **Augusto Samalio v. Court of Appeals**⁶⁸, the Supreme Court clearly pronounced:

“Further, administrative bodies are not bound by the technical niceties of law and procedure and the rules obtaining in courts of law. Administrative tribunals exercising quasi-judicial powers are unfettered by the rigidity of certain procedural requirements, subject to the observance of fundamental and essential requirements of due process in justiciable cases presented before them. In administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.”

⁶⁵ **Antonino Monticalbo v. Judge Crescente F. Mraya, Jr.**, A.M. No. RTJ-09-2197, 13 April 2011, 648 SCRA 573, citing *Office of the Court of Administrator v. Lopez*, A.M. No. P-10-2788, January 18, 2011.

⁶⁶ **Jose Espineli v. People of the Philippines**, G.R. No. 179535, June 9, 2014, citing *Republic v. Heirs of Felipe Alejaga, Sr.*, Phil. 656, 672 (2002).

⁶⁷ CSC Decision No. 150715 dated September 22, 2015.

⁶⁸ **Augusto Samalio v. Court of Appeals, et al.**, G.R. No. 140079, March 31, 2005.

In ***Lastimoso v. Asayo***⁶⁹, the Supreme Court held:

“It is a settled jurisprudence that in administrative proceedings, technical rules of procedure and evidence are not strictly applied. In *Land Bank of the Philippines v. Celada*, the Court stressed thus:

After all, technical rules of procedure are not ends in themselves but are primarily devised to help in the proper and expedient dispensation of justice. In appropriate cases, therefore, the rules may be construed liberally in order to meet and advance the cause of substantial justice.”

Further, in ***Imperial v. GSIS***⁷⁰, the Supreme Court declared:

“Procedural due process is the constitutional standard demanding that notice and an opportunity to be heard be given before judgment is rendered. As long as a party is given the opportunity to defend his interests in due course, he would have no reason to complain; the essence of due process is in the opportunity to be heard. A formal or trial-type hearing is not always necessary.”

Section 23. ***Original and Concurrent Jurisdictions.*** – The following rules shall strictly be observed:

23.1. *EVSU Board of Regents’ Original and Concurrent Jurisdiction with the CSC.* - The EVSU Board of Regents or University President in so far as authorized by the Board shall have original concurrent jurisdiction with the CSC over the Officials and employees of the University. Its decisions shall be final in case the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (30) days salary subject to Section(A)(5) of the 2017 RACCS and/or Section ____ hereof. In case the decision rendered by the EVSU Board of Regents and/or University President is appealable to the Commission, the same may be initially appealed to the EVSU Board of Regents and finally to the Commission and pending appeal, the same shall be executory except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation by the EVSU Board of Regents⁷¹.

23.2. *Concurrent Jurisdiction of CSC with the EVSU Board of Regents.* – The

⁶⁹ ***Deputy Director General Roberto Lastimoso v. P/Senior Inspector Jose J. Asayo***, G.R. NO. 154243, December 4, 2007 citing G.R. No. 164876, January 23, 2006, 479 SCRA 495; and *Casimiro v. Tandog*, G.R. No. 146137, June 08, 2005, 459 SCRA 624, 631; *Samalio v. Court of Appeals*, supra note 1, at 471.

⁷⁰ ***Monico K. Imperial, Jr. V. Government Service Insurance System***, G.R. No. 191224, October 4, 2011 citing *Catmon Sales International Corporation v. Yngson, Jr.*, G.R. No. 179761, January 15, 2010, 610 SCRA 236, 244; and *Cuenca v. Atas*, G.R. No. 146214, October 5, 2007, 535 SCRA 48, 72.

⁷¹ Section 9, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

CSC shall have concurrent jurisdiction⁷² with the EVSU Board of Regents over the disciplinary action/s against any official or employees of the University⁷³.

23.3. *Jurisdiction of the Civil Service Commission.* – The Civil Service Commission shall hear and decide administrative cases or matters instituted by or brought before it, directly or on appeal, including contested appointments, and review decisions and actions of its offices and other government agencies⁷⁴.

23.4. *Referral of Case or Matter to the Proper Office.* – When an administrative case or matter is filed before the CSC Commission Proper or at the CSC Regional Office No. VIII, but jurisdiction over such case or matter properly belongs to the CSC Commission Proper, the same shall be forwarded by the office concerned to the CSC Regional Office No. VIII or to the CSC Commission Proper as the case may be. The CSC Commission Proper or the CSC Regional Office No. VIII may also refer a case or matter to the University as it may deem necessary⁷⁵.

⁷² **Alberto Pat-og, Sr. v. Civil Service Commission**, G.R. No. 198755, June 5, 2013, citing *Puse v. Santos-Puse*, supra note 10, at 513, the Supreme Court ruled:

“Concurrent jurisdiction is that which is possessed over the same parties or subject matter at the same time by two or more separate tribunals. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is excluded unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter.”

⁷³ **CSC v. Court of Appeals**, G.R. No. 176162, October 9, 2012 citing **G.R. No. 179452**, June 11, 2009, 589 SCRA 88, **G.R. No. 168766**, May 22, 2008, 554 SCRA 160, and *Civil Service Commission v. Alfonso*, supra note 31.

“CSC has concurrent original jurisdiction with the Board of Regents over administrative cases

It is the Court’s position that the Uniform Rules did not supplant the law which provided the CSC with original jurisdiction. While the Uniform Rules may have so provided, the Court invites attention to the cases of *Civil Service Commission v. Alfonso* and *Civil Service Commission v. Sojor*, to be further discussed in the course of this decision, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in *Alfonso* and *Sojor*, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules.

Xxxxx

We are not unmindful of certain special laws that allow the creation of disciplinary committees and governing bodies in different branches, subdivisions, agencies and instrumentalities of the government to hear and decide administrative complaints against their respective officers and employees. Be that as it may, we cannot interpret the creation of such bodies nor the passage of laws such as – R.A. Nos. 8292 and 4670 allowing for the creation of such disciplinary bodies – as having divested the CSC of its inherent power to supervise and discipline government employees, including those in the academe. To hold otherwise would not only negate the very purpose for which the CSC was established, i.e. to instill professionalism, integrity, and accountability in our civil service, but would also impliedly amend the Constitution itself.

Based on all of the foregoing, the inescapable conclusion is that the CSC may take cognizance of an administrative case filed directly with it against an official or employee of a chartered state college or university. This is regardless of whether the complainant is a private citizen or a member of the civil service and such original jurisdiction is shared with the Board of Regents of the school.

⁷⁴ Section 5, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁷⁵ Section 6, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

23.5. *Cases Cognizable by the CSC Commission Proper*⁷⁶. – The Civil Service Commission shall take cognizance of the following cases:

23.5.1. *Disciplinary:*

1. Decisions of the CSC Regional Office No. VIII brought before it on petition for review;
2. Complaints brought against CSC officials and employees both in the Central Office (CO) and CSC ROs.

For this purpose, the CSC Regional Office No. VIII shall conduct the investigation and submit report and recommendation to the CSC Commission Proper in cases involving their own appointed officials and employees. Complaints against CO officials and employees shall be brought before the CSC Commission Proper through the Office for Legal Affairs (OLA) unless the Commission directs otherwise;

3. Complaints against officials who are not presidential appointees or elective officials;
4. Decisions of the EVSU Board of Regents and/or University President imposing penalties exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary brought before it on appeal;
5. Decisions of the EVSU Board of Regents and/or University President imposing penalties exceeding thirty (30) days suspension or equivalent to (30) days salary violating due process;
6. Requests for transfer of venue of hearing on cases being heard by the CSC Regional Office No. VIII;
7. Appeals or petitions for review from orders of preventive suspension; and
8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

23.5.2. *Non-Disciplinary:*

1. Decisions of the EVSU Board of Regents and/or University President on human resource actions;
2. Decisions by CSC Regional Office No. VIII;
3. Requests for favorable recommendation on petition for the

⁷⁶ Section 6, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

removal of administrative penalties or disabilities;

4. Requests for extension of service excluding presidential appointees;
5. Appeals from reassignment of public health workers and public social workers; and
6. Such other analogous actions or petitions arising out of or in relation with the foregoing enumerations.

23.6. *Cases Cognizable by the CSC Regional Office No. VIII*⁷⁷. – Except as otherwise directed by the CSC Commission Proper, the CSC Regional Office No. VIII shall take cognizance of the following cases:

23.6.1. *Disciplinary:*

1. Cases initiated by, or brought before, the CSC Regional Office No. VIII provided that the alleged acts or omissions were committed within its jurisdiction, including fraudulent acquisition of civil service eligibility (violation of Republic Act No. 9416⁷⁸) and its related offenses; and
2. Petitions to place respondent under preventive suspension in connection with cases pending before the CSC Regional Office No. VIII.

23.6.2. *Non-Disciplinary:*

1. Disapproval/Recall of Approval/Invalidation of appointments brought before it on appeal;
2. Decisions of EVSU Board of Regents and/or University President relative to protests and other human resource actions as well as other non-disciplinary actions brought before it on appeal; and
3. Requests for corrections of personal information in the records of the Commission.

Rule 8 Complaint

Section 24. **Complaint.** – The following shall be observed:

24.1. *Who May Initiate*⁷⁹. – Administrative proceedings may be initiated by

⁷⁷ Section 8, Rule 2 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁷⁸ "An Act Declaring as Unlawful Any Form of Cheating in Civil Service Examinations, Unauthorized Use and Possession of Civil Service Commission (CSC) Examination-Related Materials, and Granting the CSC Exclusive Jurisdiction Over These Cases Including Those Committee by Private Individuals."

⁷⁹ Section 10, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

the EVSU Board of Regents or by the Executive Officials of the University upon authority by the EVSU Board of Regents hereinafter referred to as the disciplining authority *motu proprio* or upon complaint of any other person.

24.2. *Requisites of a Valid Complaint*⁸⁰. – The following rules shall strictly be enforced:

24.2.1. *Feature of Complain as to Form Complaint*. – No complaint against an official or employee shall be given due course unless the same is in writing, subscribed and sworn to⁸¹ by the complainant. In cases initiated by the proper disciplining authority or his/her authorized representative, a show cause order is sufficient.

24.2.2. *Features of a Complaint as to Substance or Contents*. – The complaint shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment. Should there be more than one person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

1. Full name/s and address/es of the complaint/s;
2. Full name and address of the person/s complained of as well as his/her/their position/s and office/s;
3. A narration of the relevant and material facts which shows the acts or omissions or violations allegedly committed;
4. Certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
5. Certification or statement of non-forum shopping.

24.2.3. *Dismissal of the Complaint Due to the Absence of the*

⁸⁰ Section 11, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸¹ In **Letter of Rafael Dimaano Requesting Investigation of the Alleged Illegal Activities Purportedly Perpetrated by Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**, A.M. No. 17-03-03-CA and **Unsworn Complaint of Rosa Abdulharan Against Associate Justice Jane Aurora C. Lantion of the Court of Appeals, Cagayan De Oro City**, IPI No. 17-258-CA-J, July 11, 2017 citing *Sinsuat v. Judge Hildalgo*, 583 Phil. 38, 47 (2008); *Valmonte v. Alcala*, 581 Phil. 505, 512 (2008); and *Pajuyo v. Court of Appeals*, 474 Phil. 557, 577 (2004). The Supreme Court held:

“The verification of a pleading is made through an affidavit or sworn statement confirming that the affiant has read the pleading whose allegations are true and correct of the affiant’s personal knowledge or based on authentic records. The rationale behind the rule is to secure an assurance that what are alleged in the pleading are true and correct and not the product of the imagination or a matter of speculation, and that the pleading is filed in good faith.”

Requirements. – The absence of any of the aforementioned requirements may case the dismissal of the complaint without prejudice to its refilling upon compliance with the same.

Section 25. **Anonymous.** – 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 evidence⁸².

Provided, that the absence of the signature for reason/s of inadvertence or honest mistake of the complainant shall not render the complaint anonymous. In this case, the authenticity of the complainant shall be ascertained at the proper stage of the investigation.

Section 26. **When and Where to File a Complaint.** – Except when otherwise provided by law, an administrative complaint may be filed at anytime with the CSC or Office of the University President and/or EVSU Board of Regents except as may be provided by law⁸³.

Section 27. **Complaints on Sexual Harassment Cases**⁸⁴. – In sexual harassment cases, the complaints shall be filed with the Committee on Decorum and Investigation (CODI) which shall be created by the University President subject to the approval or ratification by the EVSU Board of Regents; *provided,* that sexual harassment complaints against any Regent shall be filed with the Committee on Peers (CP) subject to the pertinent laws, rules and regulations.

- 27.1. In a work-related environment, a CODI shall be composed of at least one (1) representative each from the management, the accredited union, if any, the second level employees, and the first level employees, duly selected by the unit concerned.
- 27.2. In an educational or training institution, the Committee shall be composed of at least one (1) representative from the administration, teaching and non-teaching staff and students or trainees, as the case may be, duly selected by the level concerned.
- 27.3. When the complaint or the person complained of is a member of the Committee, he/she shall be disqualified from being a member thereof or the complaint may be filed directly with the Civil Service Commission.
- 27.4. The University may formulate its own rules governing the term of office of its members which should not be more two years, and other matters pertaining to the functions of the Committee not otherwise provided in these Rules. For this purpose, pertinent provisions of the 2017 Revised University Code and/or Anti-Sexual Harassment of the University Manual and/such relevant policies duly approved by the EVSU Board of

⁸² Section 12, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸³ Section 13, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸⁴ Section 14, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Regents shall be observed.

Failure of the University President to create a CODI he/she shall be charged with Neglect of Duty.

Section 28. **Jurisdiction of the CSC over Sexual Harassment Cases**⁸⁵. – In case a complaint for sexual harassment is filed with the Commission, the same shall be remanded to the University. However, the Commission may take cognizance of the case under any of the following circumstances:

- 28.1. The University has no CODI;
- 28.2. The University President and/or EVSU Board of Regents is the subject of the complaint;
- 28.3. The subject of the complaint is a CODI member; or
- 28.4. There is unreasonable delay in complying with the periods provided in the Rules of the 2017 RACCs and/or in the rules hereof for the investigation and adjudication of a sexual harassment complaint.

For this purpose, there is unreasonable delay when any of the periods set in the rules of the 2017 RACCs and/or in the rules hereof lapsed for a period of more than thirty (30) days without justifiable reason.

Section 29. **Withdrawal of the Complaint**. – The withdrawal of the complaint by the complainant/s does not result in its outright dismissal nor discharge the person complained of from any administrative liability⁸⁶.

Section 30. **Action on the Complaint**⁸⁷. – Upon receipt of a complaint which is sufficient in form and substance, the EVSU Board of Regents and/or University President shall conduct a preliminary investigation to determine the existence of a *pima facie* case. The EVSU Board of Regents and/or University President may create an investigating committee or designate an investigator for such purpose.

In sexual harassment cases, the CODI shall perform the following functions:

1. Receive complaints of sexual harassment;
2. Investigate sexual harassment complaints including preliminary investigation in accordance with the prescribed procedure;
3. Submit a report of its findings with the corresponding recommendation to the EVSU Board of Regents through the University President for decision; and

⁸⁵ Section 15, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸⁶ Section 16, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸⁷ Section 17, Rule 3 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

4. Lead in the conduct of discussions about sexual harassment within the University to increase understanding and prevent incidents of sexual harassment.

Localized CODI established in the University Campuses shall have the same functions as stated above and shall submit the report of investigation with its recommendation directly to the EVSU Board of Regents through the University President.

The EVSU Board of Regents shall, upon the recommendation by the University President, adopt mechanisms to provide assistance to the alleged victim of sexual harassment which may include counseling, referral to an agency offering professional help, and advice on options available before the filing of the complaint.

Rule 9 **Preliminary Investigation**

Section 31. **Preliminary Investigation, Definition.** – A Preliminary Investigation or PI, for brevity, is a proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a formal charge/notice of charge⁸⁸.

Section 32. **How Conducted**⁸⁹. – Preliminary investigation may be conducted in any of the following manner:

- 32.1. Requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance;
- 32.2. Ex-parte valuation of the records; or
- 32.3. Clarificatory meeting with the parties to discuss the merits of the case.

When the complaint is initiated by the EVSU Board of Regents and/or University President, in so far as authorized by the Board, it or its 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 said person. The failure 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.

For cases filed before the Commission or at the CSC Regional Office No. VIII, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 113 of the 2017 RACCS.

Section 33. **Duration of the Investigation.** – A preliminary investigation

⁸⁸ Section 18, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁸⁹ Section 19, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

shall commence within a non-extendible period of five (5) days from receipt of the complaint by the University President and/or EVSU Board of Regents and shall be determined within twenty (20) days thereafter. However, the University President and/or EVSU Board of Regents may extend such periods in meritorious cases⁹⁰.

Section 34. **Investigation Report**⁹¹. – Within five (5) days from the termination of the preliminary investigation, the investigating officer/body shall submit the Investigation Report with recommendation and the complete records of the case to the EVSU Board of Regents through the University President.

The Investigation Report shall be treated with confidentiality.

Section 35. **Decision or Resolution After Preliminary Investigation**⁹². – If a *prima facie* case is established after preliminary investigation, the EVSU Board of Regents and/or University President may issue either a formal charge or a notice of charge/s pursuant to Rule 5 of the 2017 RACCS and/or Rule ____ hereof.

In the absence of *prima facie* case, the complaint/s shall be dismissed.

Rule 10 Formal Charge/Notice of Charge

Section 36. **Formal Charge**⁹³; **Contents**. – After a finding of a *prima facie* case, the University President and EVSU Board of Regents shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, directive to answer the charge/s in writing, under oath in not less three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel⁹⁴.

Section 37. **Notice of Charge**⁹⁵. – In instances where the complaint was initiated by a person other than the University President and/or EVSU Board of Regents, the University President and/or EVSU Board of Regents may issue a written notice of the charge against the person complained of who will now be called respondent, to which shall be attached copies of the complaint, sworn statement and

⁹⁰ Section 20, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹¹ Section 21, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹² Section 22, Rule 4 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹³ **Teresita L. Salva v. Flaviana M. Valle**, G.R. No. 193773, April 2, 2013, citing *Garcia V. Molina*, G.R. Nos. 157383 & 174137, August 10, 2010, 627 SCRA 540, the Supreme Court instructively declared:

"A formal charge issued prior to the imposition of administrative sanctions must conform to the requirements set forth in Section 16, Rule II of the Uniform Rules on Administrative Cases in the Civil Services (URACCS), xxxxxxxx.

XXXXXXXXXX

In *Garcia v. Molina*, we declared the formal charges issued by petitioner Government Service Insurance System President without prior conduct of a preliminary investigation as null and void."

⁹⁴ Section 23, Rule 5 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹⁵ Section 24, Rule 5 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

other documents submitted. The notice shall contain the charge against the respondent with a statement that a *prima facie* case exists. It shall also include a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, and a notice that he/she/they may opt to be assisted by a counsel of his/her/their choice and may elect to have a formal investigation.

If the respondent receives a notice of charge with incomplete attachments, the respondent may request for the lacking documents within ten (10) days from receipt of the formal/notice of charge and the period to answer will not run until the same is received by the respondent.

Section 38. **Prohibited Pleadings.** – The University President and/or EVSU Board of Regents shall not entertain requests for clarification, bills of particulars, motions to dismiss or motions to quash or motions for reconsideration and motion for extension of time to file answer. The same shall be noted without action and attached to the records of the case⁹⁶.

Rule 11 **Answer**

Section 39. **Requisites and Contents.** – The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including original or certified copies of documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of one's case⁹⁷.

When the EVSU Board of Regents and/or University President determines that the answer is satisfactory, the case shall be dismissed, Otherwise, the investigation shall proceed.

Section 40. **Failure to File an Answer.** – If the respondent fails or refuses to file an answer to the formal charge or notice of charge within the period, he/she/they shall be considered to have waived his/her/ right to submit the same and the case may be decided based on the available records⁹⁸.

Rule 12 **Preventive Suspension**

Section 41. **Preventive Suspension; Nature.** – 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 his/her/their alleged misfeasance/malfeasance/nonfeasance while the same is being investigated⁹⁹.

Section 42. **When Issued; Grounds**¹⁰⁰. – The EVSU Board of Regents and/or

⁹⁶ Section 25, Rule 5 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹⁷ Section 26, Rule 6 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹⁸ Section 27, Rule 6 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

⁹⁹ Section 28, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁰ Section 29, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

University President in so far expressly authorized by the Board, upon motion or *motu proprio*, may issue an order of preventive suspension upon issuance of the formal charge or notice of charge, or immediately thereafter, if:

- 42.1. The charge involves:
 - 42.1.1. Dishonesty;
 - 42.1.2. Oppression;
 - 42.1.3. Grave Misconduct;
 - 42.1.4. Neglect in the Performance of Duty;
 - 42.1.5. Other offenses punishable by dismissal from the service; or
 - 42.1.6. An administrative offense committee on its second or third instance and the penalty is dismissal from the service; and
- 42.2. 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 conditions in sub-Sections 42.1 and 42.2 must be present.

Section 43. **Alternative to Preventive Suspension.** – The EVSU Board of Regents and/or University President may reassign respondent to another unit of the University subject to the same periods as provided in the immediately succeeding section¹⁰¹.

Section 44. **Duration of Preventive Suspension**¹⁰². – Unless otherwise provided by law, the EVSU Board of Regents and/or University President may place the respondent under preventive suspension for a maximum period of ninety (90) days. When the administrative case against a respondent under preventive suspension is not finally decided by the EVSU Board of Regents and/or University President within the period of preventive suspension, the respondent shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, 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 be added to the period of preventive suspension. *Provided*, that where the order of preventive suspension is for a period less than the maximum period, the EVSU Board of Regents and/or University President undertakes to finish the formal investigation within the period and is precluded from imposing another preventive suspension. *Provided, further*, that 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.

¹⁰¹ Section 30, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰² Section 31, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Provided, finally, that 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.

Section 45. **Remedies from the Order of Preventive Suspension**¹⁰³. – The respondent may file an appeal to the CSC Commission Proper within fifteen (15) days from receipt of the preventive suspension. Pending appeal, the order shall be executory. A motion for reconsideration from the order of preventive suspension shall not be allowed. In case such motion is filed, the same shall be noted without action and attached to the records of the case and shall not stay the execution of the said order nor shall have the effect of stopping the running of the reglementary period to appeal.

If the preventive suspension is imposed by the Civil Service Commission, the same is executory unless a Temporary Restraining Order is issued by the Court of Appeals or the Supreme Court.

Section 46. **Payment of Back Salaries During Preventive Suspension**¹⁰⁴. – The payment of back wages during the period of suspension shall be governed by the following:

- 46.1. A declaration by the CSC Commission Proper that an order of preventive suspension is void on its face entitles the respondent to immediate reinstatement and payment of back salaries corresponding to the period of the unlawful preventive suspension without awaiting the outcome of the main case.

The phrase “void on its face” in relation to a preventive suspension order, imports any of the following circumstances:

1. The order was issued by one who is not authorized by law;
2. The order was not premised on any of the conditions under Section 29 of the 2017 RACCS and/or Section 42 hereof;
3. The order of preventive suspension was issued without a formal charge or notice of charges or with defective formal charge/notice of charge; or
4. While lawful in the sense that it is based on the enumerated grounds, the duration of the imposed preventive suspension has exceeded the prescribed periods, in which case the payment of back salaries shall correspond to the excess period only.

- 46.2. A declaration of invalidity of a preventive suspension order not based on any of the reasons enumerated in the immediately preceding

¹⁰³ Section 32, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁴ Section 33, Rule 7 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Section 33(a) of the 2017 RACCS and/or sub-Section 46.1 hereof, shall result in the reinstatement of the respondent. The payment of back salaries shall, however, await the final outcome of the principal case. If the decision rendered in the principal case is for exoneration or when penalty imposed is reprimand, the respondent shall be paid such back salaries. Otherwise, no back salaries shall be awarded.

The term "exoneration" contemplates a finding of not guilty for the offense/s charged. Downgrading of the charge to a lesser offense shall not be construed as "exoneration" within the contemplation of these Rules.

Even if the respondents be eventually found innocent of the charge against them, the same shall not give rise to payment of back salaries corresponding to the period of preventive suspension in the absence of any finding of its illegality.

Rule 13

Formal Investigation

Section 47. **Conduct of Formal Investigation; When Held**¹⁰⁵. – A 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) days nor later than ten (10) 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) days from the issuance of the Formal Charge/Notice of Charge unless the period is extended by the EVSU Board of Regents upon the recommendation by the University President, or the Commission in meritorious cases.

For this purpose, the Commission may entrust the formal investigation to lawyers of other agencies pursuant to Section 113 of the 2017 RACCS.

Section 48. **Submission of Position Paper/Memorandum**. – At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and consider the case submitted for resolution without any need for further hearings¹⁰⁶.

Section 49. **Pre-Hearing Conference**¹⁰⁷. – At the commencement of the formal investigation, the hearing officer and/or the Committee on Administrative and Disciplinary Investigation (CADI) constituted by the EVSU Board of Regents and/or University President shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

49.1. Stipulation of facts;

¹⁰⁵ Section 34, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁶ Section 35, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁷ Section 36, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 49.2. Simplification of issues;
- 49.3. Identification and marking of evidence of the parties;
- 49.4. Waiver of objections to admissibility of evidence;
- 49.5. Limiting the number of witnesses, and their names;
- 49.6. Dates of subsequent hearings; and
- 49.7. Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and is binding on both parties unless in the interest of justice, the hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University may allow a deviation from the same. The parties may 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 conference is mandatory. The failure of 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 hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University who fails to appear, without justifiable reason, at the pre-hearing conference may be liable for Neglect of Duty.

Section 50. **Continuous Hearing Until Terminated; Postponement**¹⁰⁸. – Hearings shall be conducted on the hearing dates set by the Hearing Officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University or as agreed upon during the pre-hearing conference.

Each party may be granted one (1) postponement upon oral or written request.

If respondent fails or refuses to appear or is not represented by counsel during a particular hearing despite due notice, the investigation shall proceed and the respondents shall be deemed to have waived the right to present evidence.

Section 51. **Preliminary Matters**¹⁰⁹. – At the start of the hearing, the hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University shall note the appearances of the parties.

If, after being apprised of the right to counsel, respondents appear without the aid of a counsel, they shall be deemed to have waived the right thereto.

Before taking the testimony of a witness, the hearing officer of Committee on Administrative and Disciplinary Investigation (CADI) of the University shall place him/her under oath and then take the name, address, civil status, age, and complete

¹⁰⁸ Section 37, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁰⁹ Section 38, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

name and address of employment.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

The use of Judicial Affidavit may also be adopted in place of the direct testimonies of witnesses. The adoption of the Judicial Affidavit Rule¹¹⁰ is without prejudice to clarificatory questions that may be asked during the hearing.

Section 52. **Appearance of Counsel**¹¹¹. – Any counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall manifest orally or in writing, stating his/her full name and complete address, which should not be a P.O. box address, where he/she can be served with notices and other pleadings, Professional Tax Receipt (PTR) number attorney's roll number, Mandatory continuing Legal Education (MCLE) compliance certificate and IBP dues receipt number. A lawyer/counsel who works for the government is required to present an Authority to Practice Profession from the agency head or the agency head's authorized representative.

A private prosecutor may be allowed to appear provided that the public prosecutor shall have direct control and supervision over the private prosecutor at all times.

Section 53. **Order of Hearing**¹¹². – Unless the hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University directs otherwise, the order of hearing may be as follows:

53.1. The prosecution shall present its evidence;

53.2. The respondent shall present evidence in support of his/her defense; and

53.3. There may be rebuttal or sur-rebuttal.

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 memorandum 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 54. **Objections**¹¹³. – All objections raised during the hearing shall be resolved by the hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University. However, objections that cannot be ruled upon by the hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) shall be noted with the information that the same shall be included in the

¹¹⁰ A.M No. 12-8-8-SC promulgated on September 4, 2012 entitled, "Judicial Affidavit Rule."

¹¹¹ Section 39, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹² Section 40, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹³ Section 41, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) of the University shall admit all evidence formally offered subject to the objection/s interposed against its admission.

Section 55. **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.) of presented by the respondent. These shall form part of the complete records of the case¹¹⁴.

Section 56. **Issuance of Subpoena**¹¹⁵. – The hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) may issue subpoena *ad testificandum* to compel the attendance of witnesses and subpoena *duces tecum* for the production of documents or things.

If a party desires the attendance of a witness and/or the production of documents, he/she shall make a request for the issuance of the necessary subpoena *ad testificandum* and/or subpoena *duces tecum*, at least seven (7) days before the scheduled hearing.

Section 57. **Record of Proceedings.** – Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording¹¹⁶.

Section 58. **Filing of Pleadings.** – All pleadings filed by the parties shall be copy furnished the other party with proof of service. Failure in this regard shall justify the 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 thereon¹¹⁷.

Section 59. **Effects of the Pendency of an Administrative Case**¹¹⁸. – Except as otherwise provided by law, pendency of an administrative or criminal case shall not disqualify respondent from promotion and other human resource actions or from claiming maternity/paternity benefits and/or such other leave privileges and incentives provided under this 2017 Revised University Code, policies approved by the EVSU Board of Regents, and in applicable laws, rules and regulations.

For this purpose, a pending administrative case shall be construed as such when the EVSU Board of Regents and/or University President has issued a formal charge or a notice of charge to the respondent.

The release of the retirement benefits of a person with pending case shall be

¹¹⁴ Section 42, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁵ Section 43, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁶ Section 44, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁷ Section 45, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹¹⁸ Section 46, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017

governed by Republic Act No. 10154 otherwise known as "An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees" and its implementing rules¹¹⁹.

Section 60. **Formal Investigation Report**¹²⁰. – Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the materials facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the hearing officer or Committee on Administrative and Disciplinary Investigation (CADI) to the EVSU Board of Regents through the University President. The complete records of the case shall be attached to the report of investigation which shall be treated with confidentiality.

The complete records with Table of Contents shall be systematically and chronologically arranged, paged and securely bound to prevent loss.

Rule 14 **Decision**¹²¹

Section 61. **When Case is Decided**. – The EVSU Board of Regents shall, upon the recommendation by the University President, decide the case within thirty (30) days from receipt of the Formal Investigation Report¹²².

Section 62. **Finality of Decisions**¹²³. – A decision rendered by the EVSU Board of Regents or CSC Regional Office No. VIII whereby a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall be final, not appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the decision shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pending has been filed.

Rule 15 **Administrative Offenses and Penalties**

¹¹⁹ CSC Resolution No. 1302242 promulgated on October 1, 2013 Re: Amendments to the Implementing Rules and Regulations of Republic Act No. 10541, otherwise known as "An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees."

¹²⁰ Section 47, Rule 8 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²¹ **Teresita L. Salva v. Flaviana M. Valle**, G.R. No. 193773, April 2, 2013, citing *Engr. Rubio, Jr. v. Hon Paras*, 495 Phil 629, 643 (2005), the Supreme Court instructively sustained:

"It is well-settled that a decision rendered without due process is void *ab initio* and may be attacked at anytime directly or collaterally by means of a separate action, or resisting such decision in any action or proceeding where it is invoked."

¹²² Section 48, Rule 9 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹²³ Section 49, Rule 9 of CSC Resolution No. 1701077 promulgated on July 3, 2017

Section 63. **Classification of Offenses**¹²⁴. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

63.1. *Grave Offense.* – The following grave offenses shall be punishable by dismissal from the service¹²⁵:

- 63.1.1. Serious Dishonesty;
- 63.1.2. Gross Neglect of Duty;
- 63.1.3. Grave Misconduct;
- 63.1.4. Being Notoriously Undesirable;
- 63.1.5. Conviction of a Crime Involving Moral Turpitude;
- 63.1.6. Falsification of Official Document;
- 63.1.7. Physical or mental incapacity or disability due to immoral or vicious habits;
- 63.1.8. 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 favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
- 63.1.9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
- 63.1.10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her/their 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.
- 63.1.11. Nepotism; and
- 63.1.12. Disloyalty to the Republic of the Philippines and to the Filipino people.

63.2. *Other Grave Offenses.* – The following grave offenses shall be

¹²⁴ Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²⁵ Item A of Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

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 offense¹²⁶:

- 63.2.1. Less Serious Dishonesty;
- 63.2.2. Oppression;
- 63.2.3. Disgraceful and Immoral Conduct;
- 63.2.4. Inefficiency and Incompetence in the Performance of official duties;
- 63.2.5. Frequent Unauthorized Absences (Habitual Absenteeism);
- 63.2.6. Habitual Tardiness in reporting for duty causing prejudice to the operations of the office;
- 63.2.7. Loafing from Duty During Regular Office Hours;
- 63.2.8. Refusal to Perform Official Duty;
- 63.2.9. Gross Insubordination;
- 63.2.10. Conduct prejudicial to the best interest of the service;
- 63.2.11. 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.
- 63.2.12. 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.
- 63.2.13. Disclosing or misusing confidential or classified information officially known to one's office and not made available to the public, to further one's private interests or give undue advantage to anyone, or prejudice the public interest.
- 63.2.14. Obtaining or using any statement filed under the Code of Conduct and Ethnical 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;

¹²⁶ Item B of Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

63.2.15. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her/their office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or (3) as part of the functions of one's office; and

63.2.16. Plagiarism.

63.3. *The grave offense of Inefficiency and Incompetence in the Performance of Official Duties.* – The grave offense of Inefficiency and Incompetence in the performance of official duties is punishable by Demotion. In this case, the guilty person shall suffer diminution in salary corresponding to the next lower salary grade or rank¹²⁷.

Provided, that designated faculty members guilty of inefficiency and incompetence shall immediately be replaced or substituted and be disqualified for designation in any of the designated position/s for the period of five (5) continuous years subject to the provisions of the 2017 Revised University Code.

63.4. *Less Grave Offenses.* – 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 offense¹²⁸:

63.4.1. Simple Neglect of Duty;

63.4.2. Simple Misconduct;

63.4.3. Discourtesy in the Course of Official Duties;

63.4.4. Violation of existing Civil Service Law and rules of serious nature;

63.4.5. Insubordination;

63.4.6. Habitual Drunkenness;

63.4.7. Unfair discrimination in rendering public service due to a party affiliation or preference;

63.4.8. Failure to file sworn statements of assets, liabilities and net worth (SALN), and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in one's households;

63.4.9. Failure to resign from one's position in the private business

¹²⁷ Item C of Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹²⁸ Item D of Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017

enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her 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 faculty member 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

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

63.5. *Less Grave Offense of Simple Dishonest and Failure to Attend Meetings and Functions Duly Authorized by the EVSU Board of Regents or its Board Committee/s and/or University President and Immediate Supervisors.* – Less Grave Offense of Simple Dishonest 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 third offense¹²⁹.

Further, the failure of an official or faculty member or academic staff or academic teaching staff or employee to attend meetings or functions duly authorized by the EVSU Board of Regents or its Board Committee/s and/or University President or immediate supervisors, without prior notice and justifiable grounds, shall be considered grave offense and be penalized as prescribed above. *Provided,* that this shall not preclude for the imposition of penalties subject to the circumstances and merits of the case.

63.6. *Light Offenses.* – The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days from the second offense; and dismissal from the service for the third offense¹³⁰:

63.6.1. Simple Discourtesy in the Course of Official Duties;

63.6.2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or University Officials from students or school children;

63.6.3. Violation of Reasonable Office Rules and Regulations;

63.6.4. Habitual Tardiness;

63.6.5. Gambling Prohibited by Law;

¹²⁹ Item E of Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹³⁰ Item F of Section 50, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017

- 63.6.6. Refusal to Render Overtime Service;
- 63.6.7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the service;
- 63.6.8. Borrowing money by superior officers from subordinates and borrowing money by the faculty member from his/her student/s;
- 63.6.9. Willful failure to pay just debts or willful failure to pay taxes due to the government. Provided, that term "just debts" shall apply only to:
 - 1. Claims adjudicated by a court of law; or
 - 2. Claims the existence of justness of which are admitted by the debtor;
- 63.6.10. Lobbying for personal interest or gain in legislative halls and offices without authority;
- 63.6.11. 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 from the University President and/or EVSU Board of Regents;
- 63.6.12. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethnical Standards for Public Officials and Employees;
- 63.6.13. 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 Ethnical Standards for Public Officials and Employees;
- 63.6.14. 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;
- 63.6.15. Engaging in private practice of one's profession unless authorized by the Constitution, law or regulation and/or EVSU Board of Regents upon the recommendation by the University President, *provided*, that such practice will not conflict with one's official functions; and
- 63.6.16. Pursuit of private business, vocation or profession without the permission required by the Civil Service rules and regulations.

Section 64. **Other Specific Offenses**¹³¹. – The following acts also constitute administrative offenses:

64.1. *The Offense of Sexual Harassment:*

64.1.1. Grave Offenses punishable by dismissible from the service shall include but are not limited to:

- a. Unwanted touching of private parts of the body (inner thighs, genitalia, buttocks and breast);
- b. Sexual assault;
- c. Malicious touching;
- d. Requesting for sexual favor in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
- e. Other analogous cases.

64.1.2. Less Grave Offenses shall include, but are not limited to:

- a. Unwanted touching or brushing against a victim's body;
- b. Pinching not falling under grave offenses;
- c. Derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person;
- d. Verbal abuse with sexual overtones; and
- e. Other analogous cases.

64.1.3. Light Offenses shall include, but are not limited to:

- a. Surreptitiously looking at a person's private part or worn undergarments;
- b. Making sexist statements and uttering smutty jokes or sending these through text, electronic mail including but not limited to social media platform, causing embarrassment or offenses and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;

¹³¹ Section 51, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- c. Malicious leering or ogling;
 - d. Display of sexually offensive pictures, materials or graffiti;
 - e. Unwelcome inquiries or comments about a person's sex life;
 - f. Unwelcome sexual flirtation, advances, propositions;
 - g. Making offensive hand or body gestures at an employee;
 - h. Persistent unwanted attention with sexual overtones;
 - i. Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
 - j. Other analogous cases.
- 64.1.4. For the purpose of this Manual and/or in the 2017 RACCS, the administrative offense of sexual harassment is further described in the following circumstances:
- a. Work-related sexual harassment is committed under the following circumstances:
 - 1. Submission to or rejection of the act or series of acts is used as a basis for any employment decision (including, but not limited to, matters related to hiring, promotion, raise in salary, job security, benefits and any other human resource action) affecting the applicant/employee; or
 - 2. The act or series of acts have the purpose or effect of interfering with the complainant's work performance, or creating an intimidating, hostile or offensive work environment; or
 - 3. The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or word of the person complained of.
 - b. Education or training-related sexual harassment is committed against one who is under the actual or constructive care, custody or supervision of the offender, or against one whose education, training, apprenticeship, internship or tutorship is directly or constructively entrusted to or is provided by, the offender, when:

1. Submission to or rejection of the act or series of acts as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance, or the giving of any benefit, privilege or consideration; or
 2. The act or series of acts have the purpose or effect of interfering with the performance, creating an intimidating, hostile or offensive academic environment of the complainant;
 3. The act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.
- c. The offense may also take place in the following instances:
1. In the premises of the workplace or office of the University;
 2. In any place where the parties were found as a result of work or education or training responsibilities or relations;
 3. At work or education or training-related social functions;
 4. While on official business outside the office or University or during work or University or training-related travel;
 5. At official conferences, fora, symposia or training sessions; or
 6. By telephone, cellular phone, fax machine or electronic mail.
- 64.1.5. *Persons Liable for Sexual Harassment.* – Any University official, faculty member or academic staff or academic non-teaching staff or employee, regardless of sex, is liable for sexual harassment when he/she:
- a. Directly participates in the execution of any act of sexual harassment as defined hereof;
 - b. Induces or direct another or others to committee sexual harassment as defined hereof;

- c. Cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; or
 - d. Cooperates in the commission of sexual harassment by another through previous or simultaneous acts.
- 64.2. Violations of Republic Act No. 9485 or Anti-Red Tape Act of 2007.

64.2.1. Grave Offense:

Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage shall be penalized by Dismissal and perpetual disqualification from public service.

64.2.2. Light Offenses:

- a. Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- b. Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirements within the prescribed period;
- c. Failure to attend to clients who are within the premises of the office or University prior to the end of official working hours and during lunch break;
- d. Failure to render frontline services within the prescribed period on any application and/or request without due cause;
- e. Imposition of additional irrelevant requirements other than those listed in the first notice;
- f. The foregoing light offenses shall be penalized as follows:
 - First Offense- Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;
 - Second Offense- Three months suspension without pay;
 - Third Offense- Dismissal and perpetual disqualification from public service.

Section 65. **Penalty of Fine.** – The following are the guidelines for the penalty

of fine¹³²:

- 65.1. *Payment of Fine in Place of Suspension.* – The EVSU Board of Regents upon the recommendation by the University President may allow payment of fine in place of suspension if any of the following circumstances are present:
 - 65.1.1. When the functions/nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, education; or
 - 65.1.2. 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;
 - 65.1.3. When the respondent committed the offense without utilizing or abusing the powers of his/her position or office; or
 - 65.1.4. When the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be swerved anymore, the fine may be sourced from the accumulated leave credits or whatever benefits due the respondent.
- 65.2. *Applicable of Payment of Penalty of Fine in Lieu of Suspension to Grave, Less Grave and Light Offenses.* – 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 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 circumstances, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.
- 65.3. *Limitations.* – 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 is final and executory and therefore, not subject of appeal or any other similar relief.
- 65.4. *Reversion to Original Penalty.* – 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.
- 65.5. *Schedule of Payment of Fine by Installment.* – Fine may be paid in equal monthly installments subject to the following schedule of

¹³² Section 52, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017

payment prescribed below:

- 65.5.1. Fine equivalent to one (1) month salary shall be paid within two (2) months;
 - 65.5.2. Fine equivalent to two (2) months' salary shall be paid within four (4) months;
 - 65.5.3. Fine equivalent to three (3) months' salary shall be paid within six (6) months;
 - 65.5.4. Fine equivalent to four (4) months' salary shall be paid within eight (8) months;
 - 65.5.5. Fine equivalent to five (5) months' salary shall be paid within ten (10) months; and
 - 65.5.6. Fine equivalent to six (6) months' salary shall be paid within twelve (12) months.
- 65.6. *Authority of the Cashier to Collect the Fines.* – The fine shall be paid to the University Cashier, computed on the basis of respondents' salary at the time the decision becomes final and executory.
- 65.7. *Recording and Uses of the Fines.* – The fines so collected shall be recorded as trust fund under and shall be used for the Provident Fund of the University.

Section 66. **Mitigating and Aggravating Circumstances**¹³³. – Except for offenses punishable by dismissal from the service, the following may be appreciated as either mitigating and/or aggravating circumstances in the determination of the penalties to be imposed:

- 66.1. Physical illness;
- 66.2. Malice;
- 66.3. Time and place of offense;
- 66.4. Taking undue advantage of official position;
- 66.5. Taking undue advantage of subordinate;
- 66.6. Undue disclosure of confidential information;
- 66.7. Use of government property in the commission of the offense;
- 66.8. Habituality;
- 66.9. Offense is committed during office hours and within the premises of the office or building;

¹³³ Section 51, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 66.10. Employment of fraudulent means to commit or conceal the offense;
- 66.11. First Offense;
- 66.12. Education;
- 66.13. Length of service; or
- 66.14. Other analogues circumstances.

In the appreciation thereof, the same must be involved or pleaded by the respondent, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The EVSU Board of Regents, upon the recommendation by the University President, however, in the interest of substantial justice may take consider these circumstances *motu proprio*.

Section 67. **Manner of Imposition of Penalty**¹³⁴. – When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- 67.1. *Minimum Penalty*. – The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present;
- 67.2. *Medium Penalty*. – The medium penalty shall be imposed where no mitigating and aggravating circumstances are present.
- 67.3. *Maximum Penalty*. – The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

Where aggravating and mitigating circumstances are present, sub-Section 66.1 above shall be applied where there are more mitigating circumstances present; sub-Section 66.2 above shall be applied when the circumstances equally offset each other; and sub-Section 66.3 above shall be when there are more aggravating circumstances.

The following divisible penalties shall have their medium range of penalty, to wit:

- a. Penalty of suspension ranging from one (1) month and one (1) day to six (6) months shall have three (3) months as its medium penalty; and
- b. Penalty of suspension ranging from six (6) months and one (1) day to one (1) year shall have nine (9) months as its medium penalty.

Section 68. **Penalty of for Multiple Offenses**¹³⁵. – If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.

¹³⁴ Section 54, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹³⁵ Section 55, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

Section 69. **Duration and Effect of Administrative Penalties.** – The following rules shall govern the imposition of administrative penalties:

- 69.1. The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability.
- 69.2. The penalty of demotion shall result in diminution of salary correspondent to the next lower grade with the same salary step.
- 69.3. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one (1) day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits.

- 69.4. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes executory. Fines shall be paid within a period not exceeding one (1) year reckoned also from the date when decision becomes final and executory.
- 69.5. The penalty of reprimand is an official rebuke against a person's behavior which does not carry any accessory penalty or result in the temporary cessation of work. In the event the penalty of reprimand was imposed on appeal as a result of modification of the penalty of suspension or dismissal from service, the respondent shall be entitled to the payment of back wages and other benefits which would have accrued during the period of suspension or dismissal.

Section 70. **Administrative Liabilities Inherent in Certain Penalties**¹³⁶. – The following rules shall govern in the imposition of accessory penalties:

- 70.1. 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.

Terminal leave benefit and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Services (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

- 70.2. The penalty of demotion shall carry with it disqualification from

¹³⁶ Section 56, Rule 10 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

promotion for one (1) year.

In addition, the penalty of demotion shall disqualification the respondent for designation to any position/s for the period of five (5) continuous years.

- 70.3. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.
- 70.4. The penalty of fine shall carry with it disqualification from promotion for the same period the respondent is fined.
- 70.5. The penalty of reprimand shall not carry with it any accessory penalties.
- 70.6. A warning or admonition shall not be considered a penalty.

Section 71. **Effects of Exoneration on Certain Penalties.** – The following rules shall govern when the decision is for exoneration:

- 71.1. In case the penalty imposed is a fine, the same shall be refunded.
- 71.2. In case of demotion, the respondent shall be entitled to restoration to former salary grade with the same salary step and payment of salary differentials during the period the demotion was imposed.
- 71.3. In case the penalty imposed is suspension, the respondent shall immediately be reinstated to 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.
- 71.4. In case the penalty imposed is dismissal, the respondent shall immediately be reinstated without loss of seniority rights or benefits under NBC 461 with payment of back wages and all benefits which would have accrued as if he/she has not been illegally dismissed.
- 71.5. The respondent who is exonerated on appeal shall be entitled to the leave credits for the period the respondent had been out of the service.

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

Rule 16

Elements, Definitions and Determination of Offenses

Section 72. **General Policy.** – The application of elements and/or definitions provided under this Rules shall be subject to, among others, merits of the case, evidences, substantial and procedural processes and such considerations as may be provided under existing laws, rules and regulations as well jurisprudence.

Section 73. **Elements, Definitions or Determination of Offenses.** – Notwithstanding as may be provided under applicable laws, rules and regulations as

well as jurisprudence, the elements or definitions of administrative offenses shall be as follows:

- 73.1. *Absence Without Leave (AWOL)* – means that the employee is leaving or abandoning his post without justifiable reason and without notifying his employer.¹³⁷ As provided under CSC Resolution No. 070631 promulgated on April 10, 2007 and circularized per MC No. 13, s. 2007 dated July 25, 2007¹³⁸, clearly declared and sustained: “In order to curb such practice, to promote efficiency and effective personnel administration in government and to obviate any prejudice to the service, the Civil Service Commission, pursuant to CSC Resolution No. 07-0631 dated April 10, 2007, hereby amends the abovementioned rule to read as follows:

“Sec. 63. *Effect of Absences without approved leave.*
– An official or employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. However, when it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty working (30) days 3x in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.”

In *Palecpec v. Davis*,¹³⁹ the Supreme Court clearly ruled:

“Absence without leave for a prolonged period of time constitutes conduct prejudicial to the best interest of public service and justifies the dismissal of an employee and the forfeiture of benefits with prejudice to re-employment in the government since it is an established fact that frequent unauthorized absences cause inefficiency in the public services.”

- 73.2. *Being Notoriously Undesirable* – in determining whether an employee is notoriously undesirable, the CSC prescribes a two-fold test: (1) whether it is common knowledge or generally known as universally believed to be true or manifest to the world that the employee committed the acts imputed against him; and (2) whether he had contracted the habit for any of the enumerated misdemeanors. An employee who cannot get along with his co-employees and superiors

¹³⁷ *Hon. Remedios L. Petilla v. Court of Appeals, et al.*, G.R. No. 150792, March 3, 2004 citing *City Government of Makati v. Civil Service Commission*, G.R. No. 131392, 6 February 2002, 376 SCRA 248.

¹³⁸ “Amendment to Section 63, Rule XVI of the Omnibus Rules on Leave, CSC Memorandum Circular Nos. 41 and 14, Series of 1998 and 1999, Respectively.”

¹³⁹ *Rudy A. Palecpec, Jr. v. Hon. Corazon C. Davis, G.R. No. 171048*, July 31, 2007 citing *Caa v. Gebusion*, 385 Phil. 773, 786 (2000); *Masadao, Jr. v. Glorioso*, 345 Phil. 861, 864 (1997).

can upset and strain the working environment and is therefore detrimental to institution.¹⁴⁰

- 73.3. *Conduct Prejudicial to the Best Interest of the Service* – refers to acts or omissions that violate the norm of public accountability and diminish or tend to diminish the people's faith xxxxxxxxx.¹⁴¹
- 73.4. *Conduct Unbecoming of Public Official or Employee* – means that conduct of public official or employee has a great tendency to destroy public respect.¹⁴²
- 73.5. *Crime Involving Moral Turpitude* – refers to everything which is done contrary to justice, modesty, or good morals; an act of baseness, vileness or depravity in the private and social duties which a man owes his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals. Not every criminal act, however, involves moral turpitude.¹⁴³
- 73.6. *Discourtesy in the Course of Official Duties* – refers to rude and hostile behavior exhibited by an official or employee affecting public service. It also includes acts of, among others, fighting between officials or employees during office hours reflecting adversely on the good image of the University, shouting at one another in the workplace and during office hours, and high-strung and belligerent behavior.¹⁴⁴
- 73.7. *Disgraceful and Immoral Conduct* – is an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society and conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.¹⁴⁵
- 73.8. *Dishonesty* – refers to the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty¹⁴⁶. It also "refers to disposition to lie, cheat, deceive or defraud. It implies untrustworthiness, lack of integrity, lack of honesty, probity or

¹⁴⁰ **Ma. Rosario R. Escaño v. Adrian P. Manaois**, A.M. No. 16-02-01-CTA, November 15, 2016 citing *San Luis v. Court of Appeals*, G.R. No. 80160, June 26, 1989, 174 SCRA 258, 270-271; and *Heavylift Manila, Inc. v. Court of Appeals*, G.R. No. 154410, October 20, 2005, 473 SCRA 541, 549.

¹⁴¹ **A.M. No. 2011-05-SC**, September 6, 2011, RE: "Deceitful Conduct of Ignacio S. del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA" citing *Toledo v. Perez*, A.M. Nos. P-03-1677 and P-07-2317, July 15, 2009, 593 SCRA 5, 11, citing *Ito v. De Vera*,

¹⁴² **Carlisle Borough v. Adams**, Pa., 12 Cumb. 53 and Administrative Order No. 37 dated September 30, 1987.

¹⁴³ **Cecilia Pagaduan v. Civil Service Commission**, G.R. No. 206379, November 19, 2014 citing *PAL v. NLRC*, G.R. No. 123294, October 20, 2010, 634 SCRA 18, 41-42; and *RE: Decision dated May 20, 2008 in G.R. No. 161455 under Rule 139-B of the Rules of Court v. Pactolin*, A.C. No. 7940, April 4, 2012, 670 SCRA 366, 371; and

¹⁴⁴ **Maria Raquel R. Bajar v. Victoriano P. Baterisna**, A.M. No. P-06-2151, August 28, 2006 citing *Cervantes v. Cardeo*, supra; *Aquino v. Israel*, 426 SCRA 266, March 25, 2004; *Quiroz v. Orfila*, 272 SCRA 324, May 7, 1997.

¹⁴⁵ **Evelina C. Banaag v. Olivia C. Espeleta**, A.M. No. P-11-3011 (Formerly OCA IPI No. 09-3143-P), December 16, 2011 citing Section 46(b)(5), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987; and Section 1 of CSC Resolution No. 100912 dated May 17, 2010 (Revised Rules on the Administrative Offense of Disgraceful and Immoral Conduct).

¹⁴⁶ **Michaelina Ramos Balasbas v. Patricia B. Monayao**, G.R. No. 190524, February 17, 2014.

integrity in principle on the part of the individual who failed to exercise fairness and straightforwardness in his or her dealings".¹⁴⁷

Dishonesty is defined as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion." Thus, dishonesty, like bad faith, is not simply bad judgment or negligence. Dishonesty is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.¹⁴⁸

The Supreme Court also defined dishonesty as the (d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.¹⁴⁹ Under CSC Resolution No. 06-0538¹⁵⁰ and as enunciated in **Committee on Security and Safety v. Reynaldo V. Dianco, et al.**¹⁵¹:

73.8.1. *Serious Dishonesty* – the presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the offense of serious dishonesty:

- a. The dishonest act caused serious damage and grave prejudice to the government.
- b. The respondent gravely abused his authority in order to commit the dishonest act.
- c. Where the respondent is an accountable officer, the dishonest act directly involves property; accountable forms or money for which he is directly accountable; and respondent shows intent to commit material gain, graft and corruption.

¹⁴⁷ **A.M. No. 2011-05-SC**, September 6, 2011, RE: "Deceitful Conduct of Ignacio S. del Rosario, Cash Clerk III, Records and Miscellaneous Matter Section, Checks Disbursement Division, FMO-OCA" citing *Bulalat v. Adil*, A.M. No. SCC-05-10-P, October 19, 2007, 537 SCRA 44, 48.

¹⁴⁸ **Office of the Court Administrator v. Maria Celia A. Flores**, A.M. No. P-07-2366 (Formerly OCA-I.P.I. No. 07-2519-P), April 16, 2009 citing *Civil Service Commission v. Perocho, Jr.*, A.M. No. P-05-1985, 26 July 2007, 528 SCRA 171, 179 citing *Wooden v. Civil Service Commission*, G.R. No. 152884, 30 September 2005, 471 SCRA 512, 526.

¹⁴⁹ **Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division**, A.M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005, citing *Office of the Court Administrator v. Ibay*, 393 SCRA 212 (2002).

¹⁵⁰ Rules on Administrative Offense of Dishonesty

¹⁵¹ **Committee on Security and Safety, Court Of Appeals, v. Reynaldo V. Dianco - Chief Security, Joven O. Sorianosos - Security Guard 3, and Abelardo P. Catbagan - Security Guard 3**, A.M. No. CA-15-31-P (formerly OCA I.P.I. No. 13-218-CA-P), June 16, 2015.

- d. The dishonest act exhibits moral depravity on the part of the respondent.
- e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment.
- f. The dishonest act was committed several times or in various occasions.
- g. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.
- h. Other analogous circumstances.

73.8.2. *Simple Dishonesty* – the presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the offense of simple dishonesty:

- a. The dishonest act did not cause damage or prejudice to the government.
- b. The dishonest act had no direct relation to or does not involve the duties and responsibilities of the respondent.
- c. In falsification of any official document, where the information falsified is not related to his/her employment.
- d. That the dishonest act did not result in any gain or benefit to the offender.
- e. Other analogous circumstances.

73.9. *Falsification of Official Document* – is the violation of public faith and the destruction of truth therein solemnly proclaimed. It is contrary to justice, honesty and good morals and, therefore, involves moral turpitude¹⁵². Black defines a *public document* as a document of public interest issued or published by a political body or otherwise connected with public business. The term is also described as a document in the execution of which a person in authority or notary public takes part.¹⁵³

The distinction made by the law between falsification by private persons, first, of public documents, and secondly of private documents, is clear; the first is committed by the mere performance of any of the

¹⁵² **Cecilia Pagaduan v. Civil Service Commission**, G.R. No. 206379, November 19, 2014 citing *RE: Decision dated May 20, 2008 in G.R. No. 161455 under Rule 139-B of the Rules of Court v. Pactolin*, A.C. No. 7940, April 4, 2012, 670 SCRA 366, 371.

¹⁵³ **Laurinio Goma and Natalio Umale v. Court of Appeals**, G.R. No. 168437, January 8, 2009 Citing Black's Law Dictionary 520 (8th ed.); and *Bermejo v. Barrios*, Nos. L-23614-15, February 27, 1970, 31 SCRA 764; *Cacnio v. Baens*, 5 Phil. 742 (1906).

acts of falsification enumerated in Art. 171; while the second is committed not only by the performance of any of the acts of falsification enumerated in Art. 171; but it must likewise be shown that such act of falsification was committed to the damage of a third party or with intent to cause such damage. The reason for the distinction is given in a decision of the Supreme Court of Spain dated December 23, 1885, cited by this Court in the case of *People vs. Pacana*, 47 Phil. 48; i.e., that in the falsification of public or official documents, whether by public officials or by private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradiction to private documents, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.¹⁵⁴

- 73.10. *Grave Misconduct* – is a transgression of some established or definite rule of action, is a forbidden act, is a dereliction of duty, is willful in character, and implies wrongful intent and not mere error in judgment. More particularly, it is an unlawful behavior by the public officer x x x.¹⁵⁵ It as an intentional wrongdoing or deliberate violation of a rule of law or standard of behavior, especially by a government official. As differentiated from simple misconduct, in grave misconduct the elements of corruption, clear intent to violate the law or flagrant disregard of established rule, must be manifest.¹⁵⁶

Misconduct shall be considered grave only in cases where the elements of “corruption, willful intent to violate the law or to disregard established rules [are proven] by substantial evidence.” The misconduct must imply wrongful intention and not a mere error of judgment. Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, at the expense of the rights of others. Nonetheless, “a person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave. Grave misconduct necessarily includes the lesser offense of simple misconduct.”¹⁵⁷

- 73.11. *Gross Insubordination* – refers to willful disobedience of the employer’s lawful orders envisage the concurrence of at least two requisites: (1) the employees assailed conduct must have been willful, that is, characterized by a wrongful and perverse attitude; and (2) the order violated must have been reasonable, lawful, made, known to the

¹⁵⁴ ***People of the Philippines v. Po Giok To***, G.R. No. L-7236, April 30, 1955

¹⁵⁵ ***Michaelina Ramos Balasbas v. Patricia B. Monayao***, G.R. No. 190524, February 17, 2014 citing *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 543-544.

¹⁵⁶ ***Jowett K. Golangco v. Atty. Jone B. Fung***, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Vertudes v. Buenaflor*, G.R. No. 153166, 16 December 2005, 478 SCRA 210, 233-234.

¹⁵⁷ ***Glenda Rodriguez-Angat v. Government Service Insurance System***, G.R. No. 204738, July 29, 2015 citing *Government Service Insurance System (GSIS) v. Mayordomo*, supra note 43, at 683.

employee and must pertain to the duties which he had been engaged to discharge.¹⁵⁸

73.12. *Gross Neglect of Duty* – refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to consequences, insofar as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to give to their own property. In cases involving public officials, there is gross negligence when a breach of duty is flagrant and palpable.¹⁵⁹ It is characterized by want of even the slightest care, or by conscious indifference to the consequences, or by flagrant and palpable breach of duty.¹⁶⁰ It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty.¹⁶¹

Gross neglect of duty or gross negligence refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to consequences insofar as other persons may be affected. It is the omission of that care which even inattentive and thoughtless persons never fail to take on their own property. In cases involving public officials, there is gross negligence when a breach of duty is flagrant and palpable.¹⁶²

73.13. *Habitual Absenteeism* – an officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under the law for at least three (3) months in a semester or at least three (3) consecutive months during the year¹⁶³.

73.14. *Habitual Drunkenness* – drinking during office hours may constitute misconduct and is prohibited under the Civil Service Rules. Drinking undermines efficiency and is counter-productive. It generates an unwholesome consequence on a public servant.¹⁶⁴

73.15. *Inefficiency and Incompetence in the Performance of Official Duties* –

¹⁵⁸ **Juliet G. Apacible v. Multimed Industries Incorporated**, G.R. No. 178903, May 30, 2011 citing *Bascon v. Court of Appeals*, G.R. No. 144899, February 5, 2004, 422 SCRA 122.

¹⁵⁹ **Civil Service Commission v. Jessie V. Rabang**, G.R. No. 167763, March 14, 2008 citing *Golangco v. Fung*, G.R. No. 147640, October 16, 2006, 504 SCRA 321, 331.

¹⁶⁰ **Teresita R. Marigomen v. Enrique E. Manabat, Jr.**, A.M. No. CA-11-24-P (formerly A.M. OCA I.P.I. No. 10-163-CA-P), November 16, 2011 citing *Brucal v. Hon. Desierto*, 501 Phil. 453, 465-466 (2005).

¹⁶¹ **Philippine Retirement Authority v. Thelma Rupa**, G.R. No. 140519, August 21, 2001 citing Black's Law Dictionary, 4th edition, pp. 832 and 1184.

¹⁶² **Jowett K. Golangco v. Atty. Jone B. Fung**, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Lim v. National Labor Relations Commission*, 328 Phil. 843, 858 (1996); and *Brucal v. Desierto*, G.R. No. 152188, 8 July 2005, 463 SCRA 151, 166.

¹⁶³ CSC Memorandum Circular No. 04, s. 1991 and A.M. No. 14-10-322-RTC, December 5, 2017, RE: "**Habitual Absenteeism of Rabindranath A. Tuzon, Officer-In-Charge (OIC)/Court of Legal Researcher II, Branch 91, Regional Trial Court, Baler, Aurora.**"

¹⁶⁴ **Judge Pelagia Dalmacio-Joaquin v. Nicomedes C. Dela Cruz**, A.M. No. P-07-2321 (Formerly OCA I.P.I. No. 07-2492-P), April 24, 2009 citing Presidential Decree No. 807, Art. IX, Sec. 36(4).

Gross inefficiency is intimately akin to gross neglect as both involve specific acts of omission on the part of the employee resulting in damage to the employer or to the latter's business¹⁶⁵.

Gross inefficiency is closely related to gross neglect, for both involve specific acts of omission resulting in damage to another.¹⁶⁶

73.16. *Insubordination* – refers to a refusal to obey some order, which a superior officer is entitled to give and have obeyed. The term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer.¹⁶⁷

73.17. *Less Serious Dishonesty* – refers to the disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity.¹⁶⁸ Pursuant to Section 4 of CSC Resolution No. 06-0538, the presence of any the following attendant circumstances in the commission of the dishonest act constitutes less serious dishonesty:

73.17.1. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification.

73.17.2. The respondent did not take advantage of his/her position in committing the dishonest act.

73.17.3. Other analogous circumstances.

73.18. *Nepotism* – refers as an appointment issued in favor of a relative within the third civil degree of consanguinity or affinity of any of the following: (1) appointing authority; (2) recommending authority; (3) chief of the bureau or office; and (4) person exercising immediate supervision over the appointee.¹⁶⁹

73.19. *Oppression* – as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.¹⁷⁰ It is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority. To be held administratively

¹⁶⁵ **Ray Antonio C. Sasing v. Celestial Venus G. Gelbolingo**, A.M. No. P-12-3032 (Formerly A.M. OCA IPI No. 11-3652-P), February 20, 2013 citing *St. Luke's Medical Center, Incorporated v. Fadrigio*, G.R. No. 185933, November 25, 2009, 605 SCRA 728, 736.

¹⁶⁶ **Jowett K. Golangco v. Atty. Jone B. Fung**, G.R. No. 147640 and *Ombudsman v. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Lim v. National Labor Relations Commission*, 328 Phil. 843, 858 (1996).

¹⁶⁷ **Civil Service Commission and Department of Science and Technology, Regional Office No. V v. Marilyn G. Arandia**, G.R. No. 199549, April 7, 2014 citing *Judge Dalmacio-Joaquin v. Dela Cruz*, A.M. No. P-07-2321, April 24, 2009.

¹⁶⁸ **Light Rail Transit Authority v. Aurora A. Salvaña**, G.R. No. 192074, June 10, 2014 citing *Office of the Ombudsman v. Torres*, 567 Phil. 46, 57 (2008), citing *Black's Law Dictionary*, 6th Ed. (1990).

¹⁶⁹ **Civil Service Commission v. Maricelle M. Cortes**, G.R. No. 200103, April 23, 2014

¹⁷⁰ **Jowett K. Golangco v. Atty. Jone B. Fung**, G.R. No. 147640, and *Office of the Ombudsman v. Hon. Court of Appeals*, G.R. No. 147762, October 12, 2006 citing *Salalima v. Guingona, Jr.*, 326 Phil. 847, 893 (1996).

liable for oppression or grave abuse of authority, there must be substantial evidence presented proving the complainant's allegations. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.¹⁷¹

73.20. *Plagiarism* – a term not defined by statute, has a popular or common definition. To plagiarize, says Webster, is to steal and pass off as one's own the ideas or words of another. Stealing implies malicious taking. Black's Law Dictionary, the world's leading English law dictionary quoted by the Court in its decision, defines plagiarism as the deliberate and knowing presentation of another person's original ideas or creative expressions as one's own. The presentation of another person's ideas as one's own must be deliberate or premeditated taking with ill intent. There is no commonly-used dictionary in the world that embraces in the meaning of plagiarism errors in attribution by mere accident or in good faith. The objective act of falsely attributing to one's self what is not one's work, whether intentional or out of neglect, is sufficient to conclude that plagiarism has occurred. Students who plead ignorance or appeal to lack of malice are not excused.¹⁷²

73.21. *Simple Misconduct* – refers to a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. Misconduct in office is a misconduct such as affects his performance of his duties as an officer and not such only as affects his character as a private individual. In such cases, it has been said at all times, it is necessary to separate the character of the man from the character of the officer. If any of the elements to qualify the misconduct as grave is not manifest and is not proven by substantial evidence, a person charged with grave misconduct may be held liable for simple misconduct¹⁷³.

Misconduct, on the other hand, is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior. It is any unlawful behavior by public officers in relation to the duties of their offices, willful in character. The term embraces act/s which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act.¹⁷⁴

¹⁷¹ **Office of the Ombudsman v. Cynthia E. Caberoy**, G.R. No. 188066, October 22, 2014, citing *Romero v. Villarosa, Jr.*, A.M. No. P-11-2913, April 12, 2011, 648 SCRA 32, 41-42; *Spouses Stilgrove v. Sabas*, 538 Phil. 232, 244 (2006); and *Nedia v. Judge Laviña*, 508 Phil. 9, 19 (2005).

¹⁷² **In the Matter of the Charges of Plagiarism, etc., Against Associate Justice Mariano C. Del Castillo** (A.M. No. 10-7-17-SC, February 8, 2011) citing Blacks Law Dictionary (8th Edition, 2004), <http://www.admu.edu.ph/index.php?p=120&type=2&sec=25&aid=9149>, Websters Third New International Dictionary, p. 2374.

¹⁷³ **Committee on Security and Safety, Court of Appeals v. Reynaldo V. Dianco, et al**, A.M. No. CA-15-31-P (formerly OCA, L.P.I. No. 13-218-CA-P), June 16, 2015 citing A.M. No. RTJ-99-1441, 367 Phil. 162 (1999).

¹⁷⁴ **Judge Pelagia Dalmacio-Joaquin v. Nicomedes C. Dela Cruz**, A.M. No. P-07-2321 (Formerly OCA I.P.I. No. 07-2492-P), April 24, 2009 citing *Camus, Jr. v. Alegre*, A.M. No. P-06-2182, August 12, 2008, 561 SCRA 744, 754; citing *Rodriguez v. Eugenio*, A.M. No. RTJ-06-2216, April 20, 2007, 521 SCRA 489, 501, Callejo, Juanita T., CSC Resolution No. 99-0192, January 15, 1999.

73.22. *Simple Neglect of Duty* – refers to the failure of an employee to give proper attention to a required task or to discharge a duty due to carelessness or indifference.¹⁷⁵ It also refers to the failure of an employee to give one's attention to a task expected of him¹⁷⁶. It signifies a disregard of a duty resulting from carelessness or indifference.¹⁷⁷

Chapter IV **REMEDIES**

Rule 17

Remedies in Administrative Cases

Section 74. **Applicability.** – In cases of light offenses where the act is purely personal on the part of the private complainant and the person complained of and there is no apparent injury committed to the government, settlement of offenses may be considered. *Provided*, that settlement can no longer be applied for the second offense of the same act committed by the person complained of¹⁷⁸.

Section 75. **Guidelines.** – The following are the guidelines in the settlement of purely personal matters in administrative cases¹⁷⁹:

- 75.1. Settlement shall be allowed only for administrative offenses where the act is purely personal between the private complainant and the person complained of and there is no apparent injury to the government;
- 75.2. Upon filing of the complaint, the EVSU Board of Regents and/or University President or its authorized representative *motu proprio* shall determine whether the offense can be subject to settlement. In the affirmative, the person complained of shall be required to comment and indicate therein whether he/she is willing to submit the case for settlement;
- 75.3. The person complained of may move for the settlement of the complaint anytime before the issuance of the formal charge;
- 75.4. If the person complained of opts for settlement, the EVSU Board of Regents and/or University President or authorized representative shall issue an order requiring the appearance of parties;
- 75.5. If settlement succeeds, a Comparative Agreement shall be executed

¹⁷⁵ **Teresita R. Marigomen v. Enrique E. Manabat, Jr.**, A.M. No. CA-11-24-P (formerly A.M. OCA I.P.I. No. 10-163-CA-P), November 16, 2011 citing *Reyes v. Pablico*, A.M. No. P-06-2109, November 27, 2006, 508 SCRA 146, 156.

¹⁷⁶ **Ma. Rosario R. Escaño v. Adrian P. Manaois**, A.M. No. 16-02-01-CTA, November 15, 2016 citing *Marquez v. Pablico*, A.M. No. P-06-2201, June 30, 2008, 556 SCRA 531, 537.

¹⁷⁷ **Philippine Retirement Authority v. Thelma Rupa**, G.R. No. 140519, August 21, 2001 citing Merriam Webster's Dictionary of Law, 1996 edition, at p. 324.

¹⁷⁸ Section 57, Rule 11 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁷⁹ Section 57, Rule 11 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- between the parties and attested by the EVSU Board of Regents and/or University President or authorized representative;
- 75.6. The Compromise Agreement shall be binding on the parties which cannot be impugned unless it is proven that there was duress or fraud in its execution on the part of any of the parties;
- 75.7. A decision shall be issued by the EVSU Board of Regents and/or University President based on the Compromise Agreement which may include, among others, the provisional dismissal of the complaint;
- 75.8. In the event that the proceedings fail, the EVSU Board of Regents and/or University President or authorized representative shall issue an order terminating the process and continue with the investigation of the case; and
- 75.9. In case of non-compliance by the person complained of with the Compromise Agreement, the case may be reopened for investigation until its final determination.

Rule 18

Motion for Reconsideration in Disciplinary Cases

Section 76. **Filing**¹⁸⁰. – The party adversely affected by the decision may file a motion for reconsideration with the EVSU Board of Regents and/or University President who rendered the same within fifteen (15) days receipt thereof unless otherwise provided by law. However, the private complainant may file a motion for reconsideration from the decision of the CSC Regional Office No. VIII.

A motion for extension of time to file a motion for reconsideration is not allowed.

Section 77. **When Deemed Filed**. – A motion for reconsideration 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. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office¹⁸¹.

Section 78. **Grounds**. – The motion for reconsideration shall be based on any of the following¹⁸²:

- 78.1. New evidence has been discovered which materially affects the decision rendered; or
- 78.2. The decision is not supported by the evidence on record; or
- 78.3. Errors of law or irregularities have been committed prejudicial to the

¹⁸⁰ Section 61, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸¹ Section 62, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸² Section 63, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

interest of the movant.

Section 79. **Limitation.** – Only one motion for reconsideration shall be entertained. If a second motion for reconsideration is filed notwithstanding its proscription under these Rules, the finality of action shall be reckoned from the denial of the first motion for reconsideration¹⁸³.

Section 80. **Effect of Filing.** – The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered¹⁸⁴.

Rule 19 Appeal in Disciplinary Cases

Section 81. **Filing.** – Subject to Section 49 of the 2017 RACCS and/or Section 53 hereof, decisions of the EVSU Board of Regents and/or University President imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the CSC Commission Proper within a period of fifteen (15) days from receipt of thereof. In case the decision rendered by the University President and/or Executive Officials of the University is appealable to the CSC Commission Proper, the same may be initially appealed to the EVSU Board of Regents and then finally to the CSC Commission Proper and pending appeal, the same shall be executory except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation by the EVSU Board of Regents¹⁸⁵.

Section 82. **When Deemed Filed**¹⁸⁶. – An appeal 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. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

An appeal, once perfected, cannot be withdrawn except upon motion duly approved by the appellate body.

Section 83. **Perfection of an Appeal or a Petition for Review.** – To perfect an appeal or a petition for review, the appellant/petitioner shall submit the following documents¹⁸⁷:

83.1. Appeal memorandum containing the following:

83.1.1. grounds relied upon for the appeal/petition for review;

83.1.2. certified true copies of the decision, resolution or order; and

83.1.3. certified copies of the documents or evidence relevant to the

¹⁸³ Section 64, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017

¹⁸⁴ Section 65, Rule 12 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸⁵ Section 66, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸⁶ Section 67, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸⁷ Section 68, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

case.

The Memorandum shall be filed with the appellate authority, copy furnished the disciplining authority. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment, within fifteen (15) days from receipt, to the appellate authority.

83.1.4. Proof of service of a copy of the memorandum to the Office of the EVSU Board of Regents through the Office of the University/Board Secretary or Office of the University President;

83.1.5. Proof of payment of the required fee; and

83.1.6. Statement or certificate of non-forum shopping.

If appellant/petitioner fails to comply with any of the above requirements within the reglementary period, the EVSU Board of Regents or CSC Commission Proper shall direct compliance within a period of not more than ten (10) days from receipt thereof, with a warning that failure to comply shall be construed as failure to perfect an appeal/petition for review and shall cause its dismissal of with prejudice to its refiling.

Section 84. **Effect of Filing.** – Except for cases requiring confirmation of the EVSU Board of Regents and cases decided by the CSC Regional Office No. VIII, an appeal/petition to the CSC Commission Proper shall not stop the decision/resolution from being executory¹⁸⁸.

Section 85. **Effect of Finding a Violation of Due Process.** – If on appeal, the CSC Commission Proper finds that the EVSU Board of Regents and/or University President violated respondent-appellant's right to due process such as the failure to issue a formal charge, the CSC Commission Proper shall dismiss the case against the respondent and order the immediate reinstatement of the respondent with payment of back wages and other benefits. However, the dismissal of the case shall be without prejudice on the part of the EVSU Board of Regents and/or University President to re-file it in accordance with law¹⁸⁹.

Section 86. **Petition for Review of CSC Regional Office No. VIII Decisions.** – Decisions/Resolutions rendered by CSC Regional Office No. VIII may be elevated either by the complainant or the respondent to the CSC Commission Proper by way of a petition for review within fifteen (15) days from receipt thereof¹⁹⁰.

Section 87. **Petition for Review of Decisions of the EVSU Board of Regents.** – Except in cases involving sexual harassment, a Decision/Resolution of the EVSU Board of Regents exonerating the respondent or dismissing a complaint for

¹⁸⁸ Section 69, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁸⁹ Section 70, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹⁰ Section 71, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

lack of *prima facie* case or issuance of a formal charge for a lower offense is not subject to appeal or petition for review before the CSC Commission Proper¹⁹¹.

Section 88. ***Petition for Review with the Court of Appeals.*** – A party may elevate a Decision/Resolution by the CSC Commission Proper before the Court of Appeals by way of a petition for review under Rule 43¹⁹² of the 1997 Revised Rules

¹⁹¹ Section 72, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹² RULE 43. Appeals From the Court of Tax Appeals and Quasi-Judicial Agencies to the Court of Appeals

Section 1. *Scope.* – This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Invention Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law. (n)

Section 2. *Cases not covered.* – This Rule shall not apply to judgments or final orders issued under the Labor Code of the Philippines. (n)

Section 3. *Where to appeal.* – An appeal under this Rule may be taken to the Court of Appeals within the period and in the manner herein provided, whether the appeal involves questions of fact, of law, or mixed questions of fact and law. (n)

Section 4. *Period of appeal.* – The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency *a quo*. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days. (n)

Section 5. *How appeal taken.* – Appeal shall be taken by filing a verified petition for review in seven (7) legible copies with the Court of Appeals, with proof of service of a copy thereof on the adverse party and on the court or agency *a quo*. The original copy of the petition intended for the Court of Appeals shall be indicated as such by the petitioner.

Upon the filing of the petition, the petitioner shall pay to the clerk of court of the Court of Appeals the docketing and other lawful fees and deposit the sum of P500.00 for costs. Exemption from payment of docketing and other lawful fees and the deposit for costs may be granted by the Court of Appeals upon a verified motion setting forth valid grounds therefor. If the Court of Appeals denies the motion, the petitioner shall pay the docketing and other lawful fees and deposit for costs within fifteen (15) days from notice of the denial. (n)

Section 6. *Contents of the petition.* – The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (2a)

Section 7. *Effect of failure to comply with requirements.* – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. (n)

Section 8. *Action on the petition.* – The Court of Appeals may require the respondent to file a comment on the petition not a motion to dismiss, within ten (10) days from notice, or dismiss the petition if it finds the same to be patently without merit, prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration. (6a)

Section 9. *Contents of comment.* – The comment shall be filed within ten (10) days from notice in seven (7) legible copies and accompanied by clearly legible certified true copies of such material portions of the record referred to therein together with other supporting papers. The comment shall (a) point out insufficiencies or inaccuracies in petitioner's statement of facts and issues; and (b) state the reasons why the petition should be denied or dismissed. A copy thereof shall be served on the petitioner, and proof of such service shall be filed with the Court of Appeals. (9a)

of Court¹⁹³.

Rule 20

Payment of Back Wages and Other Similar Benefits

Section 89. **Who are Entitled**¹⁹⁴. – The following are entitled to back wages and other similar benefits:

- 89.1. An illegally dismissed or suspended official or employee who is exonerated/reprimanded and ordered reinstated in the service; and
- 89.2. A respondent placed under preventive suspension, whose order of suspension was declared by the CSC Commission Proper as invalid.

Section 90. **Who are Included**¹⁹⁵. – Subject to the guidelines provided hereinafter and other existing laws, rules and regulations, the following benefits are included in the scope of back wages:

- 90.1. Salaries from the time the official or employee was illegally dismissed/suspended up to the time of actual reinstatement;
- 90.2. Representation and Transportation Allowance (RATA) as provided under existing rules;
- 90.3. Personal Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- 90.4. Restoration of Leave Credits;
- 90.5. Loyalty Award;
- 90.6. Anniversary Bonus;

Section 10. *Due course*. – If upon the filing of the comment or such other pleadings or documents as may be required or allowed by the Court of Appeals or upon the expiration of the period for the filing thereof, and on the records the Court of Appeals finds *prima facie* that the court or agency concerned has committed errors of fact or law that would warrant reversal or modification of the award, judgment, final order or resolution sought to be reviewed, it may give due course to the petition; otherwise, it shall dismiss the same. The findings of fact of the court or agency concerned, when supported by substantial evidence, shall be binding on the Court of Appeals. (n)

Section 11. *Transmittal of record*. – Within fifteen (15) days from notice that the petition has been given due course, the Court of Appeals may require the court or agency concerned to transmit the original or a legible certified true copy of the entire record of the proceeding under review. The record to be transmitted may be abridged by agreement of all parties to the proceeding. The Court of Appeals may require or permit subsequent correction of or addition to the record. (8a)

Section 12. *Effect of appeal*. – The appeal shall not stay the award, judgment, final order or resolution sought to be reviewed unless the Court of Appeals shall direct otherwise upon such terms as it may deem just. (10a)

Section 13. *Submission for decision*. – If the petition is given due course, the Court of Appeals may set the case for oral argument or require the parties to submit memoranda within a period of fifteen (15) days from notice. The case shall be deemed submitted for decision upon the filing of the last pleading or memorandum required by these Rules or by the court of Appeals. (n)

¹⁹³ Section 73, Rule 13 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹⁴ Section 74, Rule 14 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹⁵ Section 75, Rule 14 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 90.7. 13th, 14th Month pay and Cash Gift;
- 90.8. Uniform/Clothing Allowance;
- 90.9. Performance-Based Bonus;
- 90.10. PRAISE¹⁹⁶ Incentive; and
- 90.11. Other similar benefits given to regular employees by the University.

Section 91. **Guidelines**¹⁹⁷. – The following are the guidelines on the payment of back wages and other similar benefits to an illegally dismissed/suspended employee:

- 91.1. The payment of back wages should be computed based on the rate of salary grade/job grade/pay level/pay grade of the respondent at the time of dismissal or suspension including the increase in salary, allowances and other emoluments that may occur during the period the employee was prevented from rendering service.
- 91.2. For Entitlement to RATA, subject to existing rules and regulations, the requirement of actual performance of duty to an illegally dismissed or suspended respondent is dispensed with since it is unreasonable to expect or demand performance of his/her functions when the circumstances prevent one from doing so.
- 91.3. The PERA/ACA shall be paid to civilian government personnel, whether occupying regular, contractual or casual positions, appointive or elective, whose positions are covered by R.A. No. 6758, as amended.
- 91.4. The restoration of leave credits shall be subject to annual deductions of five (5) days forced leave/mandatory leave as required under the Omnibus Rules on Leave.
- 91.5. For purposes of Loyalty award given to all officials/employees in the government who have rendered at least ten (10) years of continuous and satisfactory service in the government pursuant to CSC MC 6, s. 2002, the period under which the respondent was illegally dismissed or suspended should not be considered as a gap in the service. The same should be included in the computation of his/her length of service.
- 91.6. Anniversary bonus is given during milestone years. A milestone year refers to the 15th anniversary and every fifth year thereafter. Respondent who have been illegally dismissed or suspended during the milestone years shall be entitled to the payment of anniversary bonus.

¹⁹⁶ Program on Awards and Incentives for Service Excellence authorized and subject to the qualifications, requirements and processed provided under CSC Resolution No. 010112 and CSC MC No. 01, s. 2001 and the PRAISE System Manual approved by the EVSU Board of Regents per Board Resolution No. 116, s. 2017 and CSC-Regional Office No. VIII.

¹⁹⁷ Section 76, Rule 14 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

- 91.7. The 13th/14th month pay plus Cash Gift under existing laws or as provided in the General Appropriations Act (GAA) shall be granted to each qualified official or employee which is equivalent to one (1) month basic salary.
- 91.8. Uniform or clothing allowance refer to the amount granted per year to each qualified official or employee as provided in the GAA.
- 91.9. Bonuses based on performance shall be given on the basis of the rating of the employee prior to one's illegal dismissal or suspension from the service.

An illegally dismissed or suspended official or employee or a respondent who is exonerated or reprimanded is entitled to the payment of the aforementioned benefits from the time of illegal termination up to actual reinstatement.

Section 92. **Allowable Deductions**¹⁹⁸. – The payment of back wages shall be subject to withholding tax, GSIS Premium, Phil-Health and HDMF fund contributions, and other monthly dues/deductions, if there be any, which is imposed by the University.

Payment of 13th/14th month pay, Cash Gift, anniversary Bonus, and other additional bonus given by the University which exceeds ceiling tax exemption shall be subject to withholding tax.

Rule 21

Removal of Administrative Penalties or Disabilities

Section 93. **Recommendation for Removal of Administrative Penalties or Disabilities; Requirements**¹⁹⁹. – In meritorious cases and upon recommendation by the EVSU Board of Regents and CSC, the President of the Philippines may commute or remove administrative penalties or disabilities imposed upon an officer and or employee in disciplinary cases, subject to such terms and conditions as the President of the Philippines may impose in the interest of the service.

Subject to existing guidelines, a petition for a favorable recommendation for the grant of removal of administrative penalties or disabilities may be filed by a dismissed or disciplined officer or employee with the EVSU Board of Regents and CSC upon submission of the following:

- 93.1. Certified true copy of the decision or resolution in the disciplinary case;
- 93.2. Favorable recommendation by the disciplining authority and/or EVSU Board of Regents upon the University President;
- 93.3. Affidavit or certification from reputable members of the community

¹⁹⁸ Section 77, Rule 14 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

¹⁹⁹ Section 78, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

where he/she resides that he/she is a good parent/family member and/or neighbor, law-abiding and active member of the community and civic organizations;

93.4. Proof of non-pendency of an appeal/petition for review relative to one's disciplinary case before any court/tribunal; and

93.5. Proof of payment of filing fee.

Section 94. **Guidelines**²⁰⁰. – The following are the guidelines for the grant of favorable recommendation for the removal of administrative penalties or disabilities:

94.1. Apart from compliance with the procedural requirements, the petitioner must demonstrate through specific and positive action and behavior that he/she has become a useful member of the community;

94.2. A minimum of three (3) years should have lapsed, from the time of the finality of the decision dismissing the petitioners from the service, in order that the petitioners may be considered as to have truly undergone moral reformation;

94.3. Petitioner seeking the removal of administrative penalties or disabilities must have recognized/accepted his/her guilt in his/her petition to show that he/she is repentant/remorseful of the consequences of his/her act, in addition to the above-mentioned requirements;

94.4. In cases where a petitioner is above sixty-five (65) years of age, the EVSU Board of Regents and CSC Commission Proper may favorably recommend the removal of his/her administrative penalties or disabilities, provided that he/she complies with the requirements and submits proof of moral reformation; and

94.5. In cases where the person is found guilty of depriving the government of money or property, restitution shall be required before the EVSU Board of Regents and CSC Commission Proper can favorably recommend the removal of administrative penalties or disabilities.

Section 95. **Conduct of Background Investigation and Submission of Recommendation**. – Upon receipt of a request sufficient in form and substance, the CSC Commission proper may refer the same to the CSC Regional Office No. VIII for the conduct of background investigation and submission of recommendation within sixty (60) days from receipt of the directive²⁰¹.

Section 96. **The Effects on the Removal of Administrative Penalties or Disabilities**²⁰². – Subject to existing laws and regulations, the grant of the request shall result in the restoration of the subject employee's privilege to be employed in the government service, unless the President of the Philippines specifically orders

²⁰⁰ Section 79, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰¹ Section 80, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰² Section 81, Rule 15 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

otherwise.

Restoration of civil service eligibility and the privilege to take civil service examinations shall not apply to those who were found guilty of any form of examination irregularity.

Rule 22 Contempt

Section 97. **Contumacious/Contemptuous Acts Punishable.** – Any person found guilty of disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena or command issued by the EVSU Board of Regents and/or by its Board Committees or Committee on Administrative and Disciplinary Investigation (CADI), or Committee on Decorum and Investigation (CODI), and of the CSC Commission Proper may be punished for indirect contempt²⁰³.

Section 98. **How Proceedings are Commenced**²⁰⁴. – Proceedings for indirect contempt may be initiated *motu proprio* by the EVSU Board of Regents or Committee/s or CSC Commission Proper by an order requiring the respondent to show cause why he/she should not be punished for indirect contempt. A motion to cite for indirect contempt may also be filed with EVSU Board of Regents and/or Committee/s or with the CSC Commission Proper. In both cases proceedings shall be conducted by the EVSU Board of Regents or Committee concerned or at the Legal Affairs, Civil Service Commission.

The conduct of proceedings in indirect contempt cases shall follow as far as applicable, the procedure required in the conduct of disciplinary investigation provided under the 2017 RACCS and/or hereof.

Section 99. **Hearing.** – Upon the day set for the hearing, the EVSU Board of Regents or Committee/s or CSC Commission Proper shall proceed to investigate the charge and consider such comment, answer, defense or testimony as the respondent may make or offer. Failure to attend the scheduled hearing and to give a satisfactory explanation in writing to the EVSU Board of Regents or Committee or CSC Commission Proper will result in the waiver of the respondent to be present during the hearing²⁰⁵.

Section 100. **Punishment, If Found Guilty**²⁰⁶. – If the respondent is adjudged guilty of indirect contempt committed against the EVSU Board of Regents or Committee or CSC Commission Proper, he/she may be punished by a fine of One Thousand Pesos (Php1,000.00) per day for every act of indirect contempt and/or suspension for one (1) month up to a maximum period of six (6) months. The fine imposed shall be paid to the University or CSC Commission, as the case may be, and shall be the person liability of the respondent.

²⁰³ Section 82, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰⁴ Section 83, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰⁵ Section 84, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²⁰⁶ Section 85, Rule 16 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

The finding of guilt for indirect contempt shall not bar the filing of another indirect contempt case for the same cause if, after serving the first penalty of suspension or fine or both, the respondent continues to fail/refuse to comply with the EVSU Board of Regents' or CSC Commission Proper's Order.

Chapter V **NON-DISCIPLINARY CASES**

Rule 23 **Invalidation or Disapproval of Appointment**

Section 101. **Invalidation or Disapproval; Who May Appeal; Effect**²⁰⁷. – Either the University President or EVSU Board of Regents or the appointee may assail the invalidation or disapproval of an appointment. Pending resolution of the appeal before the CSC, the appointee shall remain in his/her position with entitlement to salaries. In case an appointment is finally invalidated or disapproved, the appointee shall be entitled to restoration to his/her previous position, if applicable.

When an appointment is invalidated/disapproved on grounds that do not constitute a violation of civil service law, the appointee shall be considered a de facto official/employee for which he/she is entitled to payment of salaries from the government and the services are creditable government service. On the other hand, when an appointment is invalidated/disapproved for violation of pertinent laws such as publication requirement pursuant to Republic Act No. 7041²⁰⁸, among others, the services of the appointee shall not be credited as government service and the salaries of the appointee shall be borne by the appointing authority and/or the person responsible for the commission of the violation of a rule, law.

The University may fill up a vacant position resulting from the promotion after the CSC has approved/validated the promotional appointment, except in meritorious cases as may be authorized by the CSC.

Section 102. **Evaluation of Qualification of Appointee**. – For purposes of evaluation of the qualification of the appointee, his/her qualification shall be reckoned from the time of the issuance of the appointment²⁰⁹.

Section 103. **Where and When to File**²¹⁰. – Subject to the requirement of Rule 13 of 2017 RACCS²¹¹, appointments invalidated or disapproved by the CSC Field Office may be appealed to the CSC Regional Office No. VIII while those invalidated by at the CSC Regional Office No. VIII may be appealed to the CSC (Commission) within the fifteen (15)-day reglementary period.

To facilitate prompt actions on invalidated or disapproved appointments,

²⁰⁷ Section 86, Rule 17 of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

²⁰⁸ "An Act Requiring Regular Publication of Existing Vacant Position in Government Offices, Appropriating Funds Therefore, and For Other Purposes."

²⁰⁹ Section 87, Rule 17 of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

²¹⁰ Section 88, Rule 17 of CSC Reso. No. 1701009 circularized per MC No. 24, s. 2017 dated August 24, 2017.

²¹¹ CSC Resolution No. 1701077 promulgated on July 3, 2017.

motions for reconsideration filed with the CSC Field Office shall be treated as an appeal to the CSC Regional Office No. VIII and a motion for reconsideration at the CSC Regional Office No. VIII will be treated as a Petition for Review to the CSC (Commission) and all the records thereof including the comments of the CSC Field Office or CSC Regional Office No. VIII shall, within ten (10) days from receipt of the latter, be forwarded to the CSC Regional Office No. VIII or the CSC (Commission) as the case may be.

Rule 24

Protest and Revocation of Appointments

Section 104. **Protest; Who May File.** – Only a qualified next-in-rank official or employee may file a protest against an appointment made in favor of another who does not possess the minimum qualification requirements²¹².

Section 105. **Where and When to File.** – A qualified next-in-rank employee shall have the right to appeal initially to the University President and/or EVSU Board of Regents, then to the CSC Regional Office No. VIII then to the Civil Service Commission Proper²¹³.

Section 106. **When to File**²¹⁴. – Protest may be filed within fifteen (15) days from the announcement and/or posting of the appointments subject to protest.

For this purpose, all appointments or promotions shall be duly announced and/or posted in the Transparency and Freedom of Information Bulletin Boards or at conspicuous places in the University Campuses within thirty (30) days or within a shorter period from the issuance of the appointment as provided in the University-approved Merit Selection Plan (MSP) and/or Human Resource Merit Promotion and Selection for Faculty Members and Academic Non-Teaching Personnel (HRMPS-FANTS) Manual or Human Resource Merit Promotion and Selection for Faculty Members and Administrative or Non-Teaching Personnel (HRMPS-ANTP) Manual duly approved by the EVSU Board of Regents, as the case may be.

Section 107. **Effect on the Appointment**²¹⁵. – A protest shall not render an appointment ineffective or bar the approval/validation thereof, by the CSC Field Office, CSC Regional Office No. VIII or the CSC Commission Proper, as the case may be, but the approval/validation shall be subject to the final outcome of the protest.

An appointment may still be revoked by the EVSU Board of Regents upon the recommendation by the University President prior to the submission to the CSC Filed Office even if the appointee has accepted the appointment and assumed office. A decision or resolution by the EVSU Board of Regents granting the protest shall be subject to appeal by the appointee or to automatic review by the CSC Regional Office No. VIII. The EVSU Board of Regents shall within five (5) days from issuance of such

²¹² Section 89, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹³ Section 90, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹⁴ Section 91, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹⁵ Section 92, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

decision or resolution transmit the records of the case to the CSC Regional Office No. VIII for disposition.

The EVSU Board of Regents, however, does not have the power to revoke an appointment which was already submitted to the CSC Field Office.

Section 108. **When Deemed Filed.** – A protest is deemed filed, in case the same is sent by registered mail private courier service, 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, on the date stamped by the University or the CSC Commission Proper²¹⁶.

Section 109. **Effect of Withdrawal of Protest.** – A protest or an appeal in this case may be withdrawn at any time as a matter of right. The withdrawal of the protest or appeal shall terminate the protest case²¹⁷.

Section 110. **Transmittal of Records**²¹⁸. – In case the decision on protest is appealed to the CSC Commission Proper, the University President shall forward his/her comment and the records of the case within five (5) days from receipt of the copy of the protest. The records shall be systematically and chronologically arranged, paged and securely bound to prevent loss and shall include the following:

- 110.1. Statement of duties or job description of the contested position;
- 110.2. Duly accomplished and updated personal data sheets of the parties with certified statement of service records attached;
- 110.3. Certified copy of the protested appointment; and
- 110.4. Comparative assessment of the qualifications of the protestant and protestee.

Section 111. **Dismissal of Protest**²¹⁹. – A protest shall be dismissed on any of the following grounds:

- 111.1. The protestant is not qualified next-in-rank;
- 111.2. The protest is not directed against a particular protestee but to “anyone who is appointed to the position” or directed to two or more protestees;
- 111.3. No appointment has been issued; or
- 111.4. The protest is filed outside of the fifteen (15)-day reglementary period.

²¹⁶ Section 93, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹⁷ Section 94, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹⁸ Section 95, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²¹⁹ Section 96, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Section 112. **Finality of Decision.** – A Decision or Resolution denying a protest shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration, appeal or petition for review has been filed²²⁰.

Section 113. **Effect of Decision.** – In case the protest is finally decided by the CSC against the protestee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. The protestee shall be reverted to his/her former position, if applicable²²¹.

Section 114. **On the Recall of Approval/Validation of Appointment.** – The following rules shall be observed:

114.1. **Who May File.** – The CSC Commission Proper, or the CSC Regional Office No. VIII or the CSC Field Office, *motu proprio* or upon petition by any person, may initiate the recall of approval/validation of an appointment of an official or employee who does not meet the requisite qualification standards of the position or on the ground that the appointment was issued in violation of existing civil service laws, rules, and regulations²²².

114.2. **When and Where to File.** – The petition may be filed anytime, during a subsisting appointment, to the CSC Regional Office No. VIII which has jurisdiction over the appointee. In case the petition is filed with the CSC Filed office, the same shall be transmitted to the CSC Regional Office No. VIII for decision²²³.

113.4. **Effect on the Appointment.** – During the pendency of a petition to recall the approval/validation of an appointment, the appointee shall remain and continue to discharge the functions of the position²²⁴.

113.5. **Finality of Decision.** – A Decision or Resolution on the petition to recall the approval of the appointment shall become final and executory after fifteen (15) days from receipt thereof and no motion for reconsideration or appeal or petition for review has been filed²²⁵.

113.6. **Effect of Decision.** – When the petition to recall the approval/validation of an appointment is decided by the CSC against the appointee, the approval/validation of his/her appointment shall be revoked and the appointment shall be considered disapproved/invalidated. In case a promotion from within the University, the appointee shall be reverted to his/her former position, if applicable²²⁶.

²²⁰ Section 97, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²¹ Section 98, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²² Section 99, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²³ Section 100, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²⁴ Section 101, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²⁵ Section 102, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²⁶ Section 103, Rule 18 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

Rule 25

Correction of Personal Information in the Records of the Commission

Section 115. **When and Where to File.** – Request for correction of personal information shall be filed before retirement or on meritorious grounds, within (1) year thereafter, with the CSC Regional Office No. VIII, and which request shall be acted upon within fifteen (15) days from receipt. Copies of the Order or Resolution issued by the CSC Regional Office No. VIII shall be submitted to the Integrated Records Management Office (IRMO) as the repository of all human resource records.

Section 116. **Required Documents.** – The following documents shall be submitted together with the request:

- 116.1. Original Certificate of Live Birth duly authenticated by the Local Civil Registrar of the municipality or city where the birth was registered or recorded or the Philippines Statistics Authority, or in its absence, a court order;
- 116.2. Personal Affidavit of Discrepancy; and
- 116.3. Photocopy of documents sought to be corrected.

A filing fee shall be paid and a receipt thereof shall be attached to the request.

Section 117. **Supporting Documents.** – When the submitted Certificate of Live Birth is issued on the basis of late registration, original or duly authenticated supporting documents must be submitted, in addition to the requirements enumerated in the immediately preceding section, to warrant the correction or change of information in the records of the CSC Commission Proper, to wit:

- 117.1. Baptismal certificate, unless it has been lost or destroyed during a war, fire, natural calamity or any other fortuitous event, in which case, a certification issued by the proper church authority must be submitted. If the requesting party was not issued any baptismal certificate or was not baptized, an affidavit attesting to such fact must be submitted.
- 117.2. Other employment, personal or school records which support the entry reflected in the belatedly registered birth certificate and entry is requested to be reflected in the records of the CSC Commission Proper as the true and correct entry.

Article 26

Dropping from the Rolls²²⁷

Section 118. **Procedures of Dropping from the Rolls.** – Officers and employees who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically and mentally unfit to perform their duties

²²⁷ Rule 20 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

may be dropped from the rolls within thirty (30) days from the time a ground therefor arises subject to the following procedures:

118.1. *Absence Without Approved Leave:*

118.1.1. An official or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is continuously absent without approved leave (AWOL) for at least thirty (30) working days shall be dropped from the rolls without prior notice which shall take effect immediately.

He/she shall, however, be informed of his or her separation from the service not later than fifteen (15) days from receipt of the notice of separation which must be sent to his/her last known address;

118.1.2. If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work Order (ReWO) shall be served on the official or faculty member or academic non-teaching staff, and non-teaching personnel or employee at his/her last known address on record. Failure on his/her part to work within the period stated in the order, which shall not be less than three (3) days, is a valid ground to drop him/her from the rolls.

118.1.3. If it is clear under the obtaining circumstances that the official or faculty member or academic non-teaching staff, and non-teaching personnel or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty (30) working days, three (3) times in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

In the determination of whether the absences incurred are substantial, circumstances that would affect the delivery of service shall be taken into consideration.

118.2. *Unsatisfactory or Poor Performance:*

118.2.1. A faculty member or academic non-teaching staff, and non-teaching personnel or employee who obtained Unsatisfactory rating for one rating period or exhibited poor performance within the first three (3) months of the rating period shall be provided appropriate developmental intervention by the Executive Official and supervisor of the office, department, or unit, in coordination with the HRMD Office, to address competency related performance gaps.

If after advise and provision of developmental intervention,

the employee still obtains Poor rating for the remaining months of the rating period or Unsatisfactory rating in the immediately succeeding rating period, he/she may be dropped from the rolls.

118.2.2. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is given two (2) consecutive Unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the official or faculty member or academic non-teaching staff, and non-teaching personnel or employee concerned is informed in writing of his/her unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance may warrant his/her dropping from the rolls. Such notice shall be given not later than thirty (30) days from the end of the semester and shall contain sufficient information which shall enable the officer or faculty member or academic staff or academic non-teaching staff or employee to prepare an explanation within a reasonable period specific in the notice. This period shall not apply to probationary official or faculty member or academic non-teaching staff, and non-teaching personnel or employee as defined under Section 4(v) of the 2017 RACCS and/or Section ___ hereof.

118.2.3. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee, who for one evaluation period is rated Poor in performance, may be dropped from the roll provided he/she has been informed in writing of the status of his/her performance within fifteen (15) days after the end of the 3rd month with sufficient warning that failure to improve his/her performance within the remaining period of the semester shall warrant his/her dropping from the rolls. Such notice shall also contain sufficient information which shall enable the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee to prepare an explanation within a reasonable period specific in the notice.

118.3. *Physical Unfitness:*

118.3.1. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is continuously absent for more than one (1) year by reason of illness may be declared physically unfit to perform his/her duties and may be consequently dropped from the rolls.

118.3.2. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is

intermittently absent by reason of illness for at least two hundred sixty (260) working days during a twenty four 24-month period may also be declared physically unfit by the University President.

For this purpose, notice shall be given to the officer/official or faculty member or academic non-teaching staff, and non-teaching personnel or employee concerned containing a brief statement of the nature of his/her incapacity to work.

118.4. *Mental Disorder:*

118.4.1. An officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee who is behaving abnormally for an extended period, which may manifest continuing mental disorder shall be provided necessary human resource and psychological interventions. If after interventions, continued abnormal behavior/mental disorder is manifested, as reported by his or her co-worker or immediate supervisor and confirmed by a licensed psychiatrist, the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee may be dropped from the rolls.

118.4.2. If the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee refuses to undergo the necessary human resource and/or psychological interventions, he or she may be dropped from the rolls based on the report of co-workers or immediate supervisor and after confirmation by a licensed psychiatrist.

Section 119. **Written Notice; Who Signs.** – The written notice mentioned in the preceding paragraphs shall be signed by the University President or the Vice President for Administration and Finance upon the recommendation of the person exercising immediate supervision over the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee. However, the notice of separation shall be signed by the University President upon the authority of the EVSU Board of Regents.

Section 120. **Order of Separation Through Dropping from the Rolls; Immediately Executory.** – The University shall not entertain motion for reconsideration from the order of separation through dropping from the rolls. The officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee shall appeal directly to the CSC (Commission) Proper within fifteen (15) days from receipt of the order. Pending appeal the order of separation is immediately executory.

Section 121. **Dropping From the Rolls; Non-disciplinary in Nature.** – This mode of separation from the service for unauthorized absences or unsatisfactory or

poor performance or physical or mental disorder is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the officer or faculty member or academic non-teaching staff, and non-teaching personnel or employee or in disqualification from reemployment in the government.

Rule 27

Remedies in Non-Disciplinary Cases

Section 122. **Remedies in Non-Disciplinary Cases**²²⁸. – The aggrieved party in non-disciplinary cases may avail of the applicable remedies provided for under Rules 12²²⁹ and 13²³⁰ of the 2017 RACCs and/or in the similar provisions under the Code of Conduct and Rules on Administrative and Disciplinary Cases for the Officials and Employees of the University Manual duly approved by the EVSU Board of Regents unless otherwise provided by law.

All actions of CSC Regional Office No. VIII or other offices within the CSC may be brought to the CSC Commission Proper by way of a petition for review.

Section 123. **Effects of Decisions of the Commission on Appeal or Petition for Review**²³¹. – Where the CSC Commission Proper sets aside or reverses a decision, the effect shall be as follows:

- 123.1. *Dropping from the Rolls* – the employee shall be reinstated immediately to his/her former post with payment of back wages and other monetary benefits;
- 123.2. *Illegal Termination* – the employee shall be reinstated with payment of back wages and other monetary benefits;
- 123.3. *Disapproval, Invalidation, and Revocation of Appointments* – the appointee shall remain in that position;
- 123.4. *Reassignment, Transfer, Detail, or Secondment* – the employee shall be restored to former position; and
- 123.5. *Demotion* – the employee shall be entitled to back wages and other similar benefits and restoration of former salary grade with the same salary step.

Chapter VI

MISCELLANEOUS PROVISIONS

Rule 28

Fees and Other Matters

Section 124. **Schedule of Fees.** – Subject to the pertinent issuances by the

²²⁸ Section 111, Rule 21 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²²⁹ Rule 12.- "Motion for Reconsideration in Disciplinary Cases."

²³⁰ Rule 13.- "Appeal in Disciplinary Cases."

²³¹ Section 113, Rule 21 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

CSC as provided under Section 121²³², Rule 22 of the 2017 RACCS, the following is the schedule of filing fees to be collected by the University’s Cashier, subject to revision when the need arises duly approved by the EVSU Board of Regents upon the recommendation by the University President:

Particulars	Filing Fee
124.1. Complaint	Php500.00
124.2. Petition for Contempt	Php500.00
124.3. Protest (Initial)	Php500.00/pleading
124.4. Appeal (Disciplinary/Non-Disciplinary)	Php500.00/pleading
124.5. Appeal from Disapproved Appointments	Php500.00/for each appointee
124.6. Petition for Review of Administrative Cases	Php500.00
124.7. Request for Recommendation for Removal of Administrative Penalties or Disabilities	Php500.00/petitioner
124.8. Clearance for No Pending Administrative Case	Php100.00/page (original)
124.9. Certified True Copies of CSC Resolutions/Authenticated Copies of Documents/Records/Certification	Php10.00/page

Rule 29

Committee on Administrative or Disciplinary Investigation (CADI) of the University and Committee of Peers of the EVSU Board of Regents

Section 125. **Committee on Administrative or Disciplinary Investigation (CADI) of the University.** – The EVSU Board of Regents or University President shall constitute a Committee on Administrative or Disciplinary Investigation (CADI) of the University with the following guidelines:

- 125.1. *Composition.* – The Committee on Administrative or Disciplinary Investigation (CADI) shall be composed of the following:
 Chairperson: Vice President for Administration and Finance
 Vice Chairperson: Any Executive Official
 Members: Campus Director/College Dean concerned
 Director for Administrative Services
 President of the Federation of Faculty Associations or his or her authorized representative
 President of the Federation of Student Governments or his or her authorized representative
 President of the Federation of Alumni Associations or his or her authorized representative
 President of the Federation of Non-Teaching Personnel or

²³² Section 121. Fees and Other Charges. Reasonable fees and other charges shall be provided in separate issuances that the Commission shall promulgated as it may deem fit.

his or her authorized representative
Secretary: HRMD Officer

- 125.2. *Duties and Functions.* – The duly constituted CADI shall assume jurisdiction on any administrative or disciplinary case of any Executive Official, Officer of the Administrative or Academic Services, faculty member or non-teaching personnel. It shall execute the provisions of this Rules and perform the duties and functions specifically provided therein. It shall make sure that the investigation processes are properly observed or executed in accordance with existing laws, rules, regulations and jurisprudence.
- 125.3. *Meetings and Quorum.* – The duly constituted CADI shall meet as often as may be deemed necessary to ensure proper, effective and efficient disposition of any case. A majority vote shall be required to dispose any issue or matter, there being a quorum comprised of 50+1 of the total membership.
- 125.4. *Term of Office and Hold-over Capacity.* – The Chairperson, Vice Chairperson and Members of the CADI shall serve for a term of two (2) years qualified for renewal upon the discretion by the University President subject to ratification by the EVSU Board of Regents. *Provided,* that they shall be authorized to hold over with all the duties and functions of a regular Chairperson, Vice Chairperson or Member, case the case may be, until their successors shall have been duly designated by the University President.
- 125.5. *Conflict of Interest and Inhibition.* – If any party is related by consanguinity or affinity upon to fourth degree to the Chairperson, Vice Chairperson or Member, to avoid conflict of interest, he/she shall immediately inhibit from the start until completion of the investigation of the particular case. Inhibition may be voluntary or upon order by the CADI *en banc* of a majority vote, there being a quorum.
- 125.6. *Rules of Procedure.* – This Rules shall serve as the primary Rules of Procedure of the CADI. *Provided,* that it may adopt such rules of procedure as may be deemed necessary consistent with applicable laws, rules and jurisprudence.

Section 126. ***Committee of Peers for the Regents.*** – In case a Regent is the subject of the administrative or disciplinary investigation, the EVSU Board of Regents shall constitute a Committee of Peers (CP) composed of a Chairperson, Vice Chairperson and a Member.

The Board Secretary shall automatically become the Committee Secretary, except when, the latter is related by consanguinity or affinity up to fourth degree to any party and in this case the University President shall designate the Secretary of the CP.

The duly constituted CP shall have original jurisdiction of cases against any

Regent of the University, except for its Chairperson and Representatives from the Congress of the Philippines, Department of Science and Technology (DOST) and National Economic Development Authority (NEDA) who shall be subject to the rules on administrative or disciplinary cases of their respective agencies, *provided*, that this shall not preclude for the CP to recommend such action/s to the agency heads of these Regents.

The provisions in the immediate preceding sub-Sections 124.2 to 124.6 shall apply to the CP accordingly, except as may be specifically determined under the Internal Rules of Procedures or instruction/s of the EVSU Board of Regents.

Rule 30 **Deputation of Lawyers, Execution of Decision, and Computation of Period**

Section 127. **Deputation of Lawyers.** – The EVSU Board of Regents may, upon the recommendation by the University President, deputize lawyers of other agencies provided that prior understanding is executed in a Memorandum between the two agencies²³³.

Section 128. **Execution of Civil Service Commission Regional Office No. VIII (CSCRO-VIII) Decisions.** – The decisions of the CSCRO-VIII shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance²³⁴.

Section 129. **Execution of Civil Service Commission (CSC)- Commission Proper**²³⁵. – The decisions of the CSC Commission Proper shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

For this purpose, the CSCRO-VIII shall monitor and assist in the effective and immediate implementation of these decisions.

Section 130. **Effect of Pendency of Petition for Review/Certiorari with the Court.** – The filing and pendency of a petition for review with the Court of Appeals or certiorari with the Supreme Court shall not stop the execution of the decision of the CSC-Commission Proper unless the Court issues a restraining order or an injunction²³⁶.

Section 131. **Non-execution of Decision.** – Any officer or employee of the University who willfully refuses or fails to implement the final resolution, decision, order or ruling of the EVSU Board of Regents or CSC- Commission Proper to the prejudice of the public service and the affected party, may be cited in indirect

²³³ Section 113, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³⁴ Section 114, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³⁵ Section 115, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³⁶ Section 116, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

contempt of the EVSU Board of Regents or Commission as defined under Rule ____ hereof and/or Rule 16 of the RACCS and may be administratively charged with Conduct Prejudicial to the Best Interest of the Services or Neglect of Duty or be held criminally liable under Section 67 of Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987²³⁷.

Section 132. **Computation of Period**²³⁸. – In computing any period of time prescribed by these Rules, the first day shall be excluded and the last day included unless it be Saturday, a Sunday or a legal holiday or a special non-working day, in which case the period shall run until the end of the next working day which is neither a Saturday, a Sunday nor a legal holiday.

Copies of decisions and other communications shall be served to the counsel of record if one is represented by a counsel. However, a party even if represented by a counsel is not precluded from securing a copy of said decisions and other communications. The period to perfect the Motion for Reconsideration (MR) or an appeal shall be reckoned from the date of receipt of counsel or party, whichever comes earlier.

Rule 31

Presumptive Notice, Service of Order, Service of Processes and Reconsideration on the Presumptive Notice

Section 133. **Presumptive Notice; Service of Order and Service of Processes**²³⁹. – The following rules shall be observed:

133.1. There shall be presumptive Notice to a party of the EVSU Board of Regents' or Commission's Notice or Order on any of the following instances:

133.1.1. In cases under formal investigation, if such Notice or Order appears on the record to have been mailed at least fifty-five (55) days prior to the scheduled date of hearing if the addressee is from within the National Capital region, or at least seventy five (75) days if the addressee is from outside the National Capital Region, for cases before the Commission Proper.

In cases before the EVSU Board of Regents or its duly constituted Committee, or the CSCRO-VIII, if such Notice or Order appears on the record to have been mailed at least fifty five (55) days prior to the scheduled date of hearing if the addressee is from within the geographical area of Eastern Visayas Region, or at least seventy-five (75) days if the addressee is from outside the geographical area.

²³⁷ Section 117, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³⁸ Section 118, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

²³⁹ Section 119, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

133.1.2. In cases where an Order was issued directing a party(ies) either to comply with the requirements to perfect their action; comment/answer on a pending action and/or transmit case records; file their respective position papers; and other analogous matters, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the National Capital Region, or after seventy-five (75) days if the addressee is from outside the National Capital Region, for cases before the Commission Proper.

In cases before the EVSU Board of Regents or CSC Regional Office No. VIII, after fifty-five (55) days from date of mailing, as appearing on the record if the addressee is from within the geographical area of Eastern Visayas Region which exercises jurisdiction, or after seventy-five (75) days if the addressee is from outside the geographical area of Eastern Visayas Region.

In case the Notices or Orders mentioned in sub-Section 132.1.2 hereof, after the lapse of a period of thirty (30) days from the date of presumptive notice as appearing on the record of the case without receipt of any compliance form the concerned party, the EVSU Board of Regents or Commission shall proceed to act upon such case accordingly. On the other hand, if there is compliance received on an earlier period, the EVSU Board of Regents or Commission shall proceed to act upon such case as of the date of receipt of compliance.

133.2. *Availment of Private Couriers.* – A party, in order to ensure timely service, may opt to avail of private couriers for the service of pleadings, motions and other submissions. Proof of service in such case shall either be a sworn certification or affidavit of service from the courier specifically referring to the date of service and the corresponding tracking number for the mail matter.

Section 134. ***Reconsideration from the EVSU Board of Regents' or Commission's Action Based on Presumptive Notice***²⁴⁰. – In the event that the EVSU Board of Regents or CSC-Commission Proper renders an action, decision or resolution based on presumptive notice to a party, said party may move for the reconsideration thereof within fifteen (15) days from notice, subject to the following requirements:

134.1. In cases under sub-Section 132.1.2 of the preceding Section, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the

²⁴⁰ Section 120, Rule 22 of CSC Resolution No. 1701077 promulgated on July 3, 2017.

National Capital Region, or after seventy-five (75) days if the addressee is from outside the National Capital Region, for cases before the CSC-Commission Proper

- 134.2. In cases before the EVSU Board of Regents or CSC Regional Office No. VIII, by showing proof of actual receipt of Notice or Order which falls on a date after the lapse of fifty-five (55) days from the date of mailing as appearing in the case record if the addressee is from within the geographical area of Eastern Visayas Region, or after seventy-five (75) days if the addressee is from outside the geographical area.

Rule 32

Administrative or Disciplinary Cases Process Flow

Section 135. **Administrative or Disciplinary Cases Process Flow.** – The administrative or disciplinary cases process flow of the University is presented in Annex A hereof which made as integral part of this Manual.

Chapter VII

APPLICATION OF EXISTING LAWS AND JURISPRUDENCE AND SUBSEQUENT AMENDMENTS/REVISION AND ISSUANCES THEREOF AND RESOLUTION THE PROVISIONS OF THIS RULES ARE IN CONFLICT THEREOF

Rule 33

Supplementary Application of CSC Resolution No. 1701077, Republic Act No. 6713, Existing Laws and Jurisprudence and Subsequent Amendments/Revisions or Issuances Thereof

Section 136. **Application of CSC Resolution No. 1701077 Promulgated on July 3, 2017, Republic Act No. 6713, Existing Laws and Jurisprudence and Subsequent Issuances Thereof.** – The provisions of CSC Resolution No. 1701077 promulgated on July 3, 2017, Republic Act No. 6713, and such applicable laws and jurisprudence and subsequent amendments/revision or issuances thereof shall be applied suppletorily to this EVSU-2017 CCRADCOE Manual and shall serve as the governing guidelines in the conduct of investigation or disciplinary proceedings against any Official or employees of the University.

Section 137. **Resolution in Case of Conflict Between CSC Rules, Republic Act No. 6713 and Jurisprudence and this Rules and Other Policies Approved by the EVSU Board of Regents.** – The provision of this Rules and other policies approved by the EVSU Board of Regents must yield to the CSC rules should conflict occurs.

Chapter VIII

FINAL PROVISIONS

Rule 34

Parity Clause and Prohibition Against Diminution and Elimination

Section 138. **Parity Clause.** – All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials, faculty members and academic officers or staff whenever appropriate.

Section 139. **Prohibition Against Diminution and/or Elimination.** – Nothing in this EVSU-2017 CCRADCOE Manual shall be construed to eliminate or in any way diminish rights, benefits, privileges, powers, duties and functions, as the case may be, being enjoyed by the officials or employees of the University at the time of the effectivity of this EVSU-2017 CCRADCOE Manual.

Rule 35

Transitory Provisions and Implementing Guidelines

Section 140. **Transitory Provisions.** – All existing or pending administrative or disciplinary cases against any official or employee of the University shall be governed by the appropriate CSC rules and/or policies by the EVSU Board of Regents. *Provided*, that the duly constituted CADI or the Hearing Officer or such tribunal or committee may, upon proper consultation with the parties, observe and implement the provisions of these Rules.

Further, within fifteen (15) days upon the effectivity of these Rules, the University President shall cause for the reorganization of the CADI and such committees subject to the provisions of these Rules.

Section 141. **Rule-Making Authority.** – The University President shall, upon recommendation by the proper committee duly constituted for the purpose, and stakeholders of the University, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this EVSU-2017 CCRADCOE Manual. *Provided*, that the failure of the University President and/or EVSU Board of Regents to promulgate the guidelines shall not prevent or delay the effectivity and implementation of these Rules in accordance with effectivity date provided under Section 149 hereof.

Section 142. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this EVSU-2017 CCRADCOE Manual shall be submitted to the Board for review and ratification.

Rule 36

Penal, Amendment and Revision

Section 143. **Penal Provisions.** – Violation/s of any of the provisions of this EVSU-2017 CCRADCOE Manual shall be dealt with and proper penalties be imposed accordingly as provided under existing laws, rules and regulations, and jurisprudence.

Section 144. **Amendment.** – Any provision/s or part/s of EVSU-2017 CCRADCOE Manual may be amended by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided*, that the Councils and stakeholders of the University concerned are properly consulted.

Section 145. **Revision.** – This EVSU-2017 CCRADCOE Manual may be revised by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee. *Provided*, that the Councils and stakeholders of the University concerned are properly consulted.

Section 146. **Updating and Review of the EVSU-2017 CCRADCOE Manual.** – It shall be the responsibility of the University President with the assistance of the Board and University Secretary to ensure periodic updating of this EVSU-2017 CCRADCOE Manual taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities in so far as expressly adopted or authorized by the Board. *Provided*, that any and/or all provisions of this EVSU-2017 CCRADCOE Manual shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate.

Rule 37

Repealing, Separability and Effectivity

Section 147. **Repealing, Supplementary, Clarificatory and Modification Clause.** – Pertinent provisions of this EVSU-2017 CCRADCOE Manual shall supplement to, clarify or amend or modify pertinent provisions of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and such service manuals or policies approved by the EVSU Board of Regents as the case may be. In case of conflict, the pertinent provisions of this EVSU-2017 CCRADCOE Manual shall prevail over the pertinent provisions of previous policies or issuances as enunciated under ***Mecano v. COA***²⁴¹.

²⁴¹ ***Antonio A. Mecano v. Commission on Audit***, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971) , the Supreme Court clearly rules:

“Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other.

Further, the existing University's Administrative Manual and all Board Resolutions, manuals, orders, issuances, rules and regulations and policies of the University, or parts thereof, inconsistent with the provisions of this EVSU-2017 CCRADCOE Manual are hereby amended or repealed accordingly.

Section 148. **Separability Clause.** – The provisions of this EVSU-2017 CCRADCOE Manual are hereby declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.

Section 149. **Effectivity.** – This 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University.

Adopted/Approved this 21st day of March 2018 pursuant to Board Resolution No. 29, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

APPROVED:

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner
Commission on Higher Education
Chairperson, EVSU Board of Regents

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chair, EVSU Board of Regents

FRANCIS JOSEPH G. ESCUDERO
Chair, Committee on Education
Senate of the Philippines
Member

ANN K. HOFER
Chair, Committee on Higher & Tech. Education
House of Representatives
Member

Represented by:

Represented by:

FRANCES ANN BASILIO PETILLA

FLORENCIO "BEM" GABRIEL NOEL

EDGARDO M. ESPERANCILLA, CESO II
Regional Director, DOST-Region VIII
Member

BONIFACIO G. UY, CESO IV
Regional Director, NEDA-Region VIII
Member

ROGELIO D. BASAS

President, Federation of EVSU Faculty
Association, Inc.
Member

MICHAEL L. MUZONES

President, Federation of Student
Governments of EVSU
Member

RAUL S. SOLIVA

President, Federation of Alumni
Associations of EVSU, Inc.
Member

PACIENTE A. CORDERO, JR., D.Sc.

Private Sector Representative
Member

DANIEL A. ARIASO SR., CESO II

Private Sector Representative
Member

I hereby certify to the correctness of the foregoing Resolution No. 29, s. 2018 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 74th Regular Board Meeting (First Quarter, CY 2018) held on March 21, 2018, as indicated above.

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Associate Professor II
Board/University Secretary

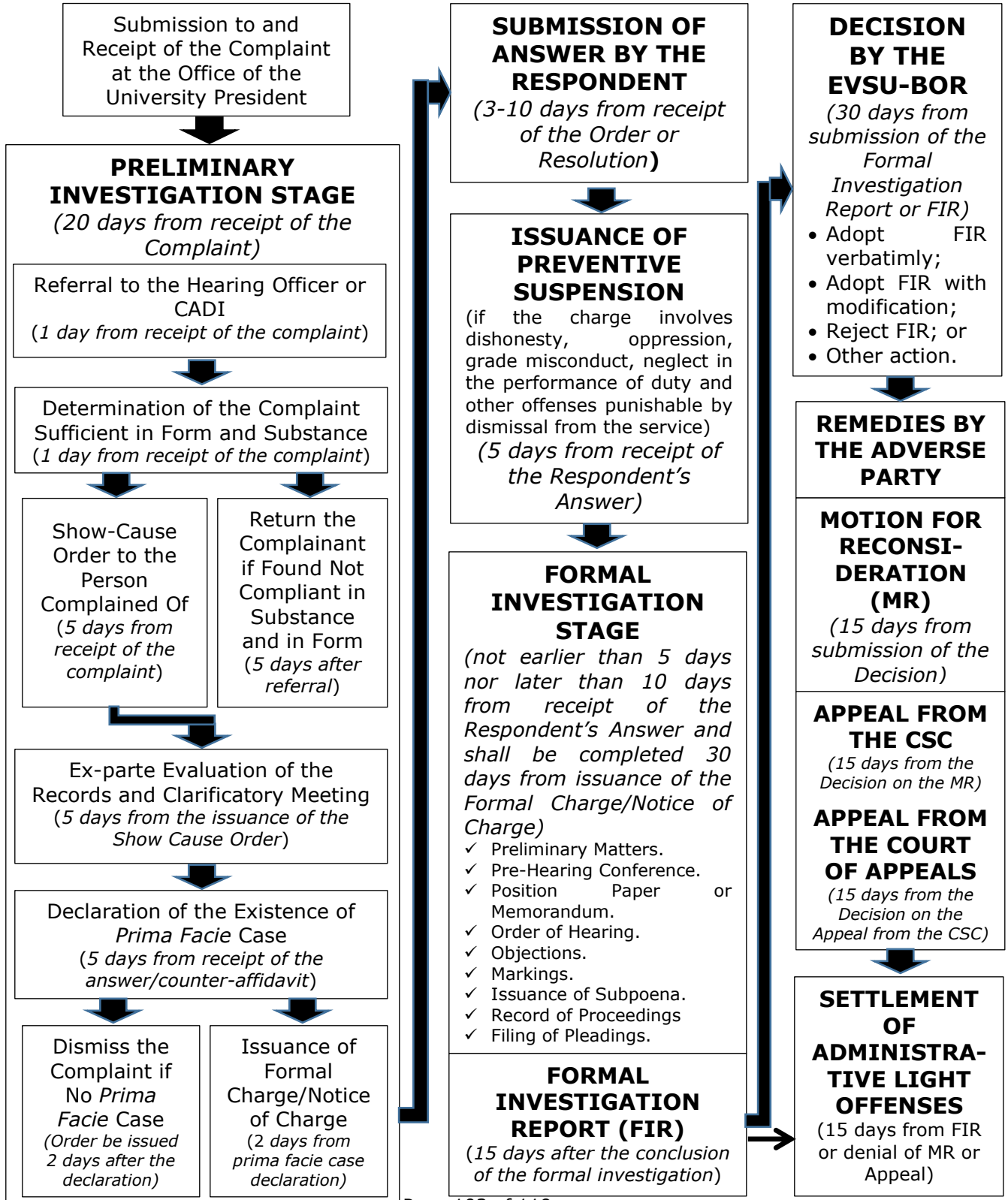
COMMITMENT

I hereby commit to implement and abide by the provisions of this 2017 Code of Conduct, and Rules on Administrative and Disciplinary Cases of the Officials and Employees of Eastern Visayas State University Manual approved per Board Resolution No. 29, s. 2018 and subsequent issuances thereof.

DOMINADOR O. AGUIRRE, JR., D.M.
University President III

(Date)

Annex A ADMINISTRATIVE AND DISCIPLINARY CASES FLOW CHART



Annex B NOTICE OF SUBMISSION OF COUNTER-AFFIDAVIT/COMMENT/EXPLANATION



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 1
Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM
No. _____, s. 20__

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: NOTICE OF SUBMISSION OF COUNTER-AFFIDAVIT/COMMENT/EXPLANATION

DATE: _____

=====

Pursuant to pertinent provisions of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, you are hereby directed to submit your written a comment/counter-affidavit/explanation, why no administrative case shall be filed against you in view of the allegations in the attached complaint, within ten (10) days from receipt hereof.

You hereby informed that should you fail to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without such counter-affidavit/comment/explanation.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the 2017 RACCS and CCRADCOE of the University and applicable laws, rules and regulations.

For your information and compliance.

University President III/Hearing Officer
Chairperson, Committee on Administrative and Disciplinary Investigation (CADI)

Copy Furnished:
_____ 201 File of _____ HRMD Office

Annex C SHOW-CAUSE ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

MEMORANDUM
No. _____, s. 20____

CCRADCOE Form No. 2
Approved per Board Resolution No. 29,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: SHOW CAUSE ORDER (SCO)

DATE: _____

=====

Pursuant to pertinent provisions of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, you are hereby directed to submit your written a comment/counter-affidavit/explanation why no administrative case shall be filed against you in view of the allegations in the attached complaint, within ten (10) days from receipt hereof .

You hereby informed that should you fail to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without such counter-affidavit/comment/explanation.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the 2017 RACCS and CCRADCOE of the University and applicable laws, rules and regulations.

For your information and compliance.

*University President III/Hearing Officer/
Chairperson, Committee on Administrative and Disciplinary Investigation (CADI)*

Copy Furnished:

_____ 201 File of _____ HRMD Office

Annex D FORMAL CHARGE



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

OFFICE ORDER
No. _____, s. 20____

CCRADCOE Form No. 3
Approved per Board Resolution No. 29,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

TO: _____
Respondent
EVSU-_____ *Campus*

SUBJECT: FORMAL CHARGE

DATE: _____

=====

After careful evaluation of the allegations and your comment/counter-affidavit/explanation thereof, this Office finds there's exist *prima facie* case and hereby charges you of an administrative offense of _____
_____ as supported by the following:

1. **Specification of Charge:**

2. **Brief Statement of Material or Relevant Facts:**

Annex F NOTICE OF PREVENTIVE SUSPENSION



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 5
Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20__

TO: _____
Respondent
EVSU-_____ *Campus*

SUBJECT: NOTICE OF PREVENTIVE SUSPENSION

DATE: _____

=====
Upon proper motion of the complainant in Administrative Case No. _____
_____ **v.** _____ (or
Motu Proprio), and pursuant to Rule 7 of CSC Resolution No. 1701077 promulgated
on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil
Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code
of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and
Employees (CCRADCOE) of the University Manual approved per Board Resolution No.
29, s. 2018, you hereby placed under preventive suspension for a period of _____
(____) days effective _____.

Please be informed that pursuant to Section 28, Rule 7 of the 2017 RACCS and
Section _____, Article _____, Chapter _____ of the 2017 CCRADCOE of the University Manual,
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.

Within the period of the preventive suspension, you are hereby directed to
report to _____ and discharge the duties and
functions thereof subject to the provisions of the 2017 Revised University Code and
applicable polies approved by the EVSU Board of Regents.

For your information and compliance.

University President III

Copy Furnished:

_____ 201 File of _____ _____ HRMD Office

Annex G CONTEMPT SHOW-CAUSE ORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 6

Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM

No. _____, s. 20____

TO: _____
Person/s Complained Of
EVSU-_____ Campus

SUBJECT: CONTEMPT SHOW CAUSE ORDER (CSCO)

DATE: _____

=====

In view of your contumacious/contemptuous act/s, among others, disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction you have exhibited or committed against the undersigned and/or Committee and pursuant to pertinent provisions of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, you are hereby directed to submit your written a comment or answer why you shall not be cited for indirect contempt.

You hereby informed that should you fail to submit a comment/explanation shall be considered a waiver thereof and the proceedings for indirect contempt shall be undertaken and, if found guilty, appropriate penalty shall be imposed accordingly.

Further, you are also informed of your right to be assisted of a counsel of your choice subject to the 2017 RACCS and CCRADCOE of the University and applicable laws, rules and regulations.

For your information and compliance.

*University President III/Hearing Officer/
Chairperson, Committee on Administrative and Disciplinary Investigation (CADI)*

Copy Furnished:

_____ 201 File of _____ HRMD Office

Annex H NOTICE OF RETURN-TO-WORK ORDER (RTWO)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 7
Approved per Board Resolution No. 29,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20____

TO: _____
Respondent
EVSU-_____ Campus

SUBJECT: NOTICE OF RETURN-TO-WORK ORDER (RTWO)

DATE: _____

=====
Per records on file duly certified by the Human Resource Management Development Office (**copy hereto attached**), it is established that you has been continuously absent without approved leave for at least _____ (__) days for period covering _____ 20____.

In view thereof and pursuant to Section 107 (a) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, you are hereby directed to report to this Office or to your immediate supervisor within three (3) days from receipt hereof.

Your failure to report to work within the said period shall be a valid ground from dropping you from the rolls of the University.

For your strict compliance.

University President III

Copy furnished:

- _____ Concerned Employee 201 file.
- _____ Accounting
- _____ Others concerned

Annex I NOTICE OF DROPPING FROM THE ROLLS-AWOL



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 8
Approved per Board Resolution No. 29,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20____

TO: Vice President for Administrative and Finance
Attn.: Human Resource Management Development Office
EVSU- _____ Campus

SUBJECT: DROPPING OF _____ FROM THE ROLLS

DATE: _____

=====
Per records on file duly certified by the Human Resource Management Development Office (**copy hereto attached**), it is established that _____ has been continuously absent without approved leave for at least thirty (30) working days for period _____ 201____ or has incurred substantial absences, though less than thirty working (30) days three times (3x) in a semester, which clearly manifests a pattern is already apparent to circumvent the rule on attendance.

In view thereof and pursuant to Section 107 (a) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, _____ is hereby ordered dropped from rolls of the University effective upon issuance hereof.

For your strict compliance.

*By the Authority of the EVSU Board of Regents
Per Board Resolution No. _____, s. 20____.*

University President III

Copy furnished:

- ____ Concerned Employee, 201 file
- ____ Accounting
- ____ Others concerned

Annex J NOTICE OF DROPPING FROM THE ROLLS- TWO-RATINGS UNSATISFACTORY PERFORMANCE



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 9
Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20____

TO: Vice President for Administrative and Finance
Attn.: Human Resource Management Development Office
EVSU- _____ Campus

SUBJECT: DROPPING OF _____ FROM THE ROLLS

DATE: _____

=====
Per records on file duly certified by the Human Resource Management Development Office (**copy hereto attached**), it is established that _____ incurred two (2) consecutive Unsatisfactory Ratings for the period of _____ 20____.

In view thereof and pursuant to Section 107 (b) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, _____ is hereby ordered dropped from the rolls of the University effective upon issuance hereof.

For your strict compliance.

*By the Authority of the EVSU Board of Regents
Per Board Resolution No. _____, s. 20____.*

University President III

Copy furnished:

- ____ Concerned Employee, 201 file
- ____ Accounting
- ____ Others concerned

Annex K NOTICE OF DROPPING FROM THE ROLLS- POOR PERFORMANCE



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 10
Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20____

TO: Vice President for Administrative and Finance
Attn.: Human Resource Management Development Office
EVSU- _____ Campus

SUBJECT: DROPPING OF _____ FROM THE ROLLS

DATE: _____

=====
Per records on file duly certified by the Human Resource Management Development Office (**copy hereto attached**), it is established that _____ incurred One (1) Poor Rating for the period of _____ 20____.

In view thereof and pursuant to Section 107 (b) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, _____ is hereby ordered dropped from the rolls of the University effective upon issuance hereof.

For your strict compliance.

*By the Authority of the EVSU Board of Regents
Per Board Resolution No. _____, s. 20____.*

University President III

Copy furnished:

- _____ Concerned Employee, 201 file
- _____ Accounting
- _____ Others concerned

Annex L NOTICE OF DROPPING FROM THE ROLLS-PHYSICAL UNFITNESS



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 11
Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20____

TO: Vice President for Administrative and Finance
Attn.: Human Resource Management Development Office
EVSU- _____ Campus

SUBJECT: DROPPING OF _____ FROM THE ROLLS

DATE: _____

=====
Per records on file duly certified by the Human Resource Management Development Office (**copy hereto attached**), it is established that _____ has been continuously absent for more than one (1) year by reason of illness for the period of _____, or has intermittently absent for reasons of illness of at least two hundred sixty (260) working days during a twenty four (24)-month period, and henceforth, this office hereby declares him/her physically unfit to perform his/her duties.

In view thereof and pursuant to Section 107 (c) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, _____ is hereby ordered dropped from the rolls of the University effective upon issuance hereof.

For your strict compliance.

*By the Authority of the EVSU Board of Regents
Per Board Resolution No. _____, s. 20____.*

University President III

Copy furnished:

- ____ Concerned Employee, 201 file
- ____ Accounting
- ____ Others concerned

Annex M NOTICE OF DROPPING FROM THE ROLLS-MENTAL DISORDER



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 12
Approved per Board Resolution No. 29, s. 2018
Approval Date: March 21, 2018
Revision No. 1

MEMORANDUM ORDER

No. _____, s. 20____

TO: Vice President for Administrative and Finance
Attn.: Human Resource Management Development Office
EVSU- _____ Campus

SUBJECT: DROPPING OF _____ FROM THE ROLLS

DATE: _____

=====

Per report by co-workers and immediate supervisor/s duly confirmed by a licensed physiatrist (**copy hereto attached**), stating and establishing, among others, that _____ has been continually exhibiting or manifesting abnormal behavior/mental disorder and henceforth, this office hereby declares him/her physically unfit to perform his/her duties.

In view thereof and pursuant to Section 107 (d) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, _____ is hereby ordered dropped from the rolls of the University effective upon issuance hereof.

For your strict compliance.

*By the Authority of the EVSU Board of Regents
Per Board Resolution No. _____, s. 20_____.*

University President III

Copy furnished:

- _____ Concerned Employee, 201 file
- _____ Accounting
- _____ Others concerned

Annex N MANDATORY HUMAN RESOURCE INTERVENTION- ONE-RATING UNSATISFACTORY PERFORMANCE



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 13
Approved per Board Resolution No. 29,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

OFFICE ORDER

No. _____, s. 20__

TO: _____
EVSU- _____ Campus

SUBJECT: MANDATORY HUMAN RESOURCE INTERVENTION

DATE: _____

=====

Per records on file duly certified by the Human Resource Management Development Office (**copy hereto attached**), it is established that you have incurred an Unsatisfactory Performance Rating for one period covering _____ 20__ or exhibited poor performance within the first three (3) moths of the rating period covering _____ 20__.

In view thereof and pursuant to Section 107 (b)(1) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, _____ is hereby directed to undergo a mandatory Human Resource Intervention as may be jointly identified by your immediate supervisor/s and the Human Resource Management Development (HRMD) Office of the University.

Periodic reports and Certificate of Successful Completion jointly issued by the immediate supervisor/s and the HRMD Office and/or authorized training institution/s shall be submitted to this office for further evaluation and appropriate action.

For your strict compliance.

University President III

Copy furnished:

____ Concerned Employee, 201 file
____ Accounting _____ Others concerned

Annex O MANDATORY HUMAN RESOURCE AND PSYCHOLOGICAL INTERVENTIONS-ABNORMAL BEHAVIOR FOR AN EXTENDED PERIOD



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CCRADCOE Form No. 14
Approved per Board Resolution No. 29,
s. 2018
Approval Date: March 21, 2018
Revision No. 1

OFFICE ORDER
No. _____, s. 20____

TO: _____
EVSU- _____ Campus

SUBJECT: MANDATORY HUMAN RESOURCE AND PSYCHOLOGICAL INTERVENTIONS

DATE: _____

=====

Per report by co-workers and immediate supervisor/s, stating and establishing, among others, that you have been behaving abnormally for an extended period, which may manifest continuing mental disorder.

In view thereof and pursuant to Section 107 (d)(1) of Rule 20 of CSC Resolution No. 1701077 promulgated on Jul 3, 2017 otherwise known as the 2017 Rules on Administrative Cases in Civil Services (2017 RACCS) and Section _____, Rule _____, Chapter _____ of the 2017 Code of Conduct and Rules on Administrative and Disciplinary Cases of the Officials and Employees (CCRADCOE) of the University Manual approved per Board Resolution No. 29, s. 2018, you are hereby directed to undergo human resource and psychological interventions as may be jointly identified by your immediate supervisor/s and the Human Resource Management Development (HRMD) Office of the University.

Periodic reports and Certificate of Successful Completion jointly issued by the immediate supervisor/s and the HRMD Office and/or authorized training institution/s shall be submitted to this office for further evaluation and appropriate action.

For your strict compliance.

University President III

Copy furnished:

____ Concerned Employee, 201 file
____ Accounting
____ Others concerned