



MC No. 8, s. 2010

## MEMORANDUM CIRCULAR

**TO : ALL HEADS OF CONSTITUTIONAL BODIES; DEPARTMENTS, BUREAUS, OFFICES AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS; AND STATE UNIVERSITIES AND COLLEGES.**

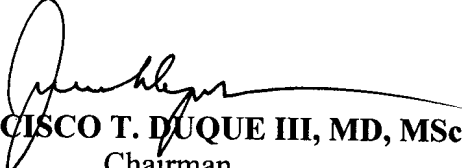
**SUBJECT : Policy Guidelines on the Effects of Death of the Respondent in Administrative Cases**

Pursuant to **CSC Resolution No. 10-0341 dated February 24, 2010**, the Commission promulgated the Policy Guidelines on the Effects of Death of the Respondent in Administrative Cases, as follows:

1. *In situations where the death occurred while the case is pending formal investigation:*

“1.1 *The administrative case should not be dismissed when the death of the respondent occurred when the formal investigation reached the stage where respondent is considered to have been afforded due process, as when the following concur: 1) respondent was notified of the charge against him/her as when he/she was issued the formal charge; and 2) when respondent has filed an answer to the formal charge or has waived his/her right to file the same (as this is the stage when respondent has been afforded the opportunity to explain his/her side).*”

- “1.2 *If the respondent dies before he/she could explain his/her side through an answer to the formal charge, the administrative case shall be dismissed on account of the death of the respondent as he/she cannot be deemed to have been accorded the opportunity to be heard which is a basic element of due process.*
- “2. *In situations where the death occurred after respondent has perfected his/her appeal before the Commission, the appeal shall continue until its final determination. In the event the deceased respondent-appellant wins the appeal, material and/or pecuniary benefits arising from the case, if any, shall accrue to the legal heirs of the deceased respondent-appellant subject to the Law on Succession. In case the material benefit is covered by a special law (e.g. the GSIS Law) which specifies the one who is entitled to receive the benefit of the deceased, the same shall be applied.*

  
FRANCISCO T. DUQUE III, MD, MSc  
Chairman

13 MAY 2010

APT/X19/mcc  
Policy Guidelines on Death' MC D91

Note:

CSC Res No. 10-0341 dated February 24, 2010 was published in the Philippine Star on May 5, 2010



Re: Policy Guidelines on the Effects of Death of the  
Respondent in Administrative Cases

X-----X

**RESOLUTION NO. 100341**

**WHEREAS**, pursuant to the provisions of the Uniform Rules on Administrative Cases in the Civil Service, administrative offenses are penalized with dismissal, suspension or reprimand;

**WHEREAS**, the penalty of dismissal from the service is the supreme penalty which carries the accessory penalties of cancellation of eligibility, perpetual disqualification from reemployment in the government service, bar from taking future civil service examinations, and forfeiture of retirement benefits;

**WHEREAS**, there are offenses under the Uniform Rules on Administrative Cases in the Civil Service wherein the imposable penalty is suspension ranging from one (1) day to one (1) year with the accessory penalty of disqualification for promotion corresponding to the period of suspension.

**WHEREAS**, there may arise a situation where the respondent in an administrative case dies during the pendency of the investigation prior to the rendition of the decision;

**WHEREAS**, there may also arise a situation that the respondent dies while his case is pending appeal before the Commission.

**WHEREAS**, there arises a question on whether the death of the respondent in either case would result in the dismissal of the case or appeal.

**WHEREAS**, Section 12 (2), Book V of the Administrative Code of 1987 confers on the Civil Service Commission the authority to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

**WHEREAS**, there is a need to set guidelines to create uniform actions on cases where the respondent-appellant dies pending formal investigation and pending appeal before the Commission;

**NOW, THEREFORE**, the Commission resolves to adopt the following guidelines relative to the effects of death of the respondent in an administrative case, as follows:

A handwritten signature in black ink, appearing to be a stylized 'W' or similar mark.

1. In situations where the death occurred while the case is pending formal investigation:
  - 1.1 The administrative case should not be dismissed when the death of the respondent occurred when the formal investigation reached the stage where respondent is considered to have been afforded due process, as when the following concur: 1) respondent was notified of the charge against him/her as when he/she was issued the formal charge; and 2) when respondent has filed an answer to the formal charge or has waived his/her right to file the same (as this is the stage when respondent has been afforded the opportunity to explain his/her side).
  - 1.2 If the respondent dies before he/she could explain his/her side through an answer to the formal charge, the administrative case shall be dismissed on account of the death of the respondent as he/she cannot be deemed to have been accorded the opportunity to be heard which is a basic element of due process.
2. In situations where the death occurred after respondent has perfected his/her appeal before the Commission, the appeal shall continue until its final determination. In the event the deceased respondent-appellant wins the appeal, material and/or pecuniary benefits arising from the case, if any, shall accrue to the legal heirs of the deceased respondent-appellant subject to the Law on Succession. In case the material benefit is covered by a special law (e.g. the GSIS Law) which specifies the one who is entitled to receive the benefit of the deceased, the same shall be applied.

These guidelines shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Quezon City, 24 FEB 2010

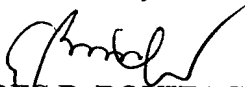
**Official Business**

**FRANCISCO T. DUQUE III**  
Chairman

  
**CESAR D. BUENAFLOR**  
Commissioner

  
**MARY ANN Z. FERNANDEZ-MENDOZA**  
Commissioner

Attested by:

  
**DOLORES B. BONIFACIO**  
Director IV  
Commission Secretariat and Liaison Office