



MC No. 13, s. 2021

MEMORANDUM CIRCULAR

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

SUBJECT : Revised Rules on the Administrative Offense of Dishonesty

Pursuant to CSC Resolution No. 2100079 dated January 27, 2021, the Commission resolved to promulgate the following Revised Rules on the Administrative Offense of Dishonesty which provides, as follows:

“Section 1. Definition of Terms.

- a. ***Dishonesty** – refers to the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth. 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 /her state of mind at the time the offense was committed, the time he/she might have had at his/her disposal for the purpose of meditating on the consequences of his/her act, and the degree of reasoning he/she could have had at that moment.¹*
- b. ***Grave Abuse of Authority** – means the use of authority in a wantonly and capriciously excessive and extravagant manner contrary to law or rule for which such authority is given.*
- c. ***Accountable Officer** – refers to a public officer or employee who, in the discharge of his/her office, receives money, property or accountable forms from the government which he/she is bound to later account for.*

¹ Wooden vs. Civil Service Commission, 471 SCRA 512.

- d. Moral Depravity** – refers to an act that is inherently immoral or of innate repulsiveness as to reflect the respondent’s total lack of morals and values.

“Section 2. Classification of Dishonesty and Their Corresponding Penalties.

The classification of the offense of Dishonesty and their corresponding penalties are, as follows:

- a. Serious Dishonesty** – punishable by dismissal from the service.
- b. Less Serious Dishonesty** – punishable by suspension from the government service for a period of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.
- c. Simple Dishonesty** – punishable by suspension from the government service for a period 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 suspension for the second offense; and dismissal from the service for the third offense.

“Section 3. Circumstances Constituting the Administrative Offense of Serious Dishonesty.

The presence of any one of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Serious Dishonesty:

- a.** *The dishonest act caused serious damage and grave prejudice to the government such as when the integrity of the office is tarnished, or the operations of the office are affected.*
- b.** *The respondent gravely abused his/her 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/she is directly accountable and the respondent shows an intent to commit material gain, graft and corruption.*

- d. *The dishonest act exhibits moral depravity on the part of the respondent whether or not said act was committed in the performance of his/her duties.*
- e. *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.*
- f. *The dishonest act relates to the respondent's employment such as but not limited to misrepresentation on his/her qualifications as to education, experience, training and eligibility in order to qualify for a particular position, and/or the submission of fake and/or spurious credentials.*
- g. *Other analogous circumstances.*

“Section 4. Circumstances Constituting the Administrative Offense of Less Serious Dishonesty.

The presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Less Serious Dishonesty:

- a. *The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under Section 3 (a) of these Rules.*
- b. *The dishonest act committed involves sums of money or government property and the respondent, who must not be an accountable officer as defined under these Rules, restitutes the same.*
- c. *The respondent took advantage of his/her position in committing the dishonest act but not for personal gain or benefit;*
- d. *The respondent did not take advantage of his/her position in committing the dishonest act but nonetheless resulted in his/her benefitting from such act.*
- e. *Other analogous circumstances.*

“Section 5. Circumstances Constituting the Administrative Offense of Simple Dishonesty.

The presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the administrative offense of Simple Dishonesty:

- a. The dishonest act has no direct relation to or does not involve the duties and responsibilities of the respondent, or that the same did not cause damage or prejudice to the government, subject to the condition that the dishonest act does not constitute moral depravity penalized under Section 3 (d) of these Rules.*
- b. In falsification of any official document, where the information falsified is not related to his/her employment, or when the falsification of official document did not cause damage or prejudice to the government, unless the dishonest act constitutes moral depravity as defined under these Rules.*
- c. The respondent did not take advantage of his/her position in committing the dishonest act, and that, such dishonest act did not result in any personal gain or benefit nor caused damage and prejudice to the government.*
- d. Other analogous circumstances.*

“Section 6. Appreciation of Mitigating and Aggravating Circumstances.

Except for Serious Dishonesty which is punishable by dismissal from the service, the circumstances mentioned under Section 53, Rule 10, 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) may be appreciated as either mitigating or aggravating circumstances in the determination of the penalties to be imposed. In the appreciation thereof, the same must be invoked or pleaded by the respondent, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The disciplining authority, however, in the interest of substantial justice, may take and consider such circumstances motu proprio.

“Section 7. Manner of Imposition of the Penalty.

When applicable, the imposition of the penalty shall be made in accordance with the manner provided under Section 54, Rule 10, 2017 RACCS, thus:

- a. The **minimum** of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.*

- b. The **medium** of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The **maximum** of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

Where aggravating and mitigating circumstances are present, paragraph (a) shall be applied when there are more mitigating circumstances present; paragraph (b) shall be applied when the circumstances equally offset each other; and paragraph (c) shall be applied 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 8. Imposition of Accessory Penalties. The following rules shall govern in the imposition of accessory penalties:

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

- b) The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.

“Section 9. When a respondent is found liable under Section 5(b) of these Rules, he/she can no longer be formally charged with the offense of Falsification of Official Document under Section 50(A)(6), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service.

“Section 10. When the falsification of official document facilitated or was a necessary means for the commission of the dishonest act, the person complained of shall be formally charged only with the administrative offense of Dishonesty,

whether it be Serious, Less Serious, or Simple, depending on the attendant circumstances, as the act of falsification is already subsumed in the offense of Dishonesty.

“Section 11. Repealing Clause.

These Rules expressly repeal CSC Resolution No. 060538 dated April 4, 2006. Any other previous issuances of the Commission that are in conflict with these Rules are deemed repealed accordingly.

“Section 12. Effectivity.

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

NOTE: CSC Resolution No. 2100079 dated January 27, 2021 was published in “The Daily Tribune” on April 17, 2021, and shall take effect after fifteen (15) days from its publication.


ALICIA dela ROSA-BALA
Chairperson

27 July 2021