



Republic of the Philippines
DEPARTMENT OF EDUCATION
CORDILLERA ADMINISTRATIVE REGION

Wangal, La Trinidad, Benguet, 2601
Website: www.depedcar.ph | Email: car@deped.gov.ph



REGIONAL MEMORANDUM
177-2018

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Efficient Execution of Decisions in Administrative Cases

To: Schools Division Superintendents
All others concerned
Chief Administrative Officer (Admin Division)

1. It has been observed that there have been delays in the implementation of the decisions on administrative cases due to current practices. Thus, in order to reduce or eliminate said unnecessary delays, there is a need for guidelines in the implementation of the following DepEd and CSC rules on execution of decisions:
2. DepEd Order 49, s. 2006 states:

Section 45. Decision of the Regional Director where penalty is Removal – Decision of the Regional Director which imposes a penalty of removal shall be subject to confirmation, modification or disapproval by the Secretary of Education...

Section 46. Decision of the Regional Director where penalty is Suspension or Fine – A decision rendered by the Regional Director whereby a penalty of 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 and executory. However, if the penalty imposed is suspension exceeding thirty (30) days or fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a Motion for Reconsideration or an Appeal and no such pleading has been filed. Nevertheless, decisions appealed to the courts shall be implemented unless a temporary restraining order or writ of injunction is issued by said courts.

Section 47. Filing of Motion for Reconsideration – The party adversely affected by the decision may file a Motion for Reconsideration with the disciplining authority who rendered the same within fifteen (15) days from receipt thereof.

Section 51. Filing of Appeals – Decisions of the Regional Directors imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Secretary of Education within a period of fifteen (15) days from receipt thereof. Then, from the Secretary of Education, the same may be finally appealed to the Civil Service Commission. **Pending appeal, the same shall be**



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executory, except where the penalty is removal in which case, the same shall be executory only after confirmation by the Secretary.

Section 54. Effect of Filing. An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in event he wins the appeal.

3. The 2017 CSC Rules on Administrative Cases in the Civil Service (RACCS) states:

Rule 9
DECISION

Section 49. Finality of Decisions. A decision rendered by the disciplining authority or CSC ROs 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 not be 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 in 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 pleading has been filed.

Rule 12
MOTION FOR RECONSIDERATION IN DISCIPLINARY CASES

Section 61. Filing. The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within fifteen (15) days from 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.

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

Section 64. 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 reconsiderations.

Section 65. 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 reconsidered.



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Rule 13
APPEAL IN DISCIPLINARY CASES

Section 66. Filing. Subject to Section 49 of these Rules, decisions of the disciplining authorities, imposing a penalty exceeding thirty (30) days salary, may be appealed to the Commission within a period of fifteen (15) days from receipt thereof. In case the decision rendered by the bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and then 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 Secretary concerned.

Section 69. Effect of Filing. Except in cases requiring confirmation of the Department Secretary concerned and cases decided by the CSC RO, an appeal/petition to the Commission shall not stop the decision/resolution from being executor.

4. Considering the foregoing, the Schools Division Superintendent shall immediately execute his/her Decision on administrative actions against non-teaching personnel in his/her respective schools division, the Decision of the Regional Director on administrative actions against teaching personnel, and the decision of the CSC against personnel within its jurisdiction, upon receipt thereof, if the penalty is suspension for not more than thirty (30) days, or a fine in an amount not exceeding thirty (30) days' salary, or reprimand;
5. If the penalty imposed by the Schools Division Superintendent, the Regional Director, or the CSC-RO is suspension exceeding thirty (30) days or fine in an amount exceeding thirty (30) days' salary, the Schools Division Superintendent shall execute the Decision after the lapse of fifteen (15) days if no motion for reconsideration is filed. If an Appeal is filed to the Regional Director, the Decision is stayed, but if an appeal of the decision of the SDS or RD is filed to the Secretary or to the Civil Service Commission as the case may be, the decision is executory pending appeal, except when a temporary restraining order is issued by the appropriate court. If the CSC-RO decision is appealed to CSC-CO, it is not executory pending appeal;
6. If the penalty imposed is dismissal from the service, the Schools Division Superintendent shall wait for the confirmation of the Secretary of the Decision. The dismissal shall be final and executory after the lapse of the fifteen (15) days to file MR.
7. Thus, all Decisions which are final and executory as well as executory pending appeal, shall be implemented by the concerned Schools Division Superintendent, without further notice or action from the Regional Director;



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8. To facilitate the service of decisions to the personnel concerned, the Schools Division Office, within five (5) working days from receipt of the copy of the Decision by the Civil Service Commission or DepEd Regional Director, shall cause the delivery said Decision to the personnel concerned. The Decision shall be in a sealed envelope addressed to the concerned personnel, indicating only his name, position, and name of the school/office. In no case shall the envelope reveal that the contents is connected to an administrative case. The envelope shall be personally delivered to the personnel concerned, by an authorized personnel of the Division Office designated by the School Division Superintendent, or by the School Head;

The date and time of receipt of the Decision by the concerned personnel shall be recorded in a logbook or in a photocopy of the sealed envelope. It shall be considered as the official date of receipt and shall be the basis for the counting of the fifteen (15) day period to file MR or Appeal, or finality of the decision. In the event that personal delivery is not possible, it shall be done thru registered private couriers or thru registered mail with return card.

9. If the concerned personnel does not want to receive the Decision, the person authorized to deliver shall leave the sealed envelope to the records custodian or School Head, and shall issue a certification indicating therein the date, time, and the circumstances of the non-acceptance of the Decision. The certification shall be considered the proof of service of the decision and the date therein the official date of receipt;
10. The personnel who caused the delivery of the decision shall immediately submit the proof of service to the Division Legal Officer who shall update the status of the case in the LSIS within the day of his/her receipt of the proof of service. The date of update in the LSIS shall be considered the date of official receipt of the Regional Office of the notice or action taken by the Schools Division Office.
11. This shall also apply to all appealed administrative cases to the Secretary or the Civil Service Commission which are not yet implemented, except CSC RO decisions appealed to CSC CO.

For information and strict compliance.


MAY B. ECLAR, Ph.D., CESO V
Officer-In-Charge
Office of the Regional Director

References: 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)
DepEd Order 49, s. 2006