



CSC MC No. 17 s. 2007

**MEMORANDUM CIRCULAR**

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

**SUBJECT :** AMENDMENT TO SECTIONS 1, 2, 3, 4, 5 & 6 OF  
CIVIL SERVICE COMMISSION MEMORANDUM  
CIRCULAR NO. 42, SERIES OF 1990 (CSC MC No.  
42, s. 1990) dated August 22, 1990

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Pursuant to CSC Resolution No. 07-1245 dated June 22, 2007,  
Civil Service Commission Memorandum Circular No. 42, series of 1990 (CSC MC No.  
42, s. 1990) dated August 22, 1990 has been amended, to read, as follows:

***RULES ON CONTEMPT***

***SECTION 1. Contumacious/Contemptuous Acts Punishable After Due Proceedings*** – After a charge in writing has been filed and an opportunity given to the respondent to comment thereon within such period as may be fixed by the Commission and to be heard by himself or counsel, an official or employee or any person found guilty of the following acts or omissions, particularly, disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons,

*subpoena, command or injunction of the Commission, may be punished for indirect contempt;*

*Nothing in this Section shall be so construed as to prevent the Commission from issuing processes or orders, or requiring the respondent to appear or be present before the Commission.*

*SECTION. 2. How proceedings commence – Proceedings for indirect contempt may be initiated motu proprio by the Commission by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.*

*A charge for indirect contempt against the Commission must be filed with the Commission and the proceedings shall be conducted at the Office for Legal Affairs, Civil Service Commission.*

*In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings and/or administrative cases in the Commission. If the contempt charges arose out of or are related to a principal action pending in the Commission, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the Commission in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.*

*SECTION 3. Hearing – Upon the day set for the hearing, the Commission 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 Commission will result in the waiver of the respondent to be present during the hearing.*

*SECTION 4. Punishment, if found guilty – If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be punished by a fine of One Thousand (P1,000.00) Pesos per day for every act of indirect contempt. Each day of defiance of, or disobedience to, or non-enforcement of a final order, resolution, decision, ruling, injunction or processes, shall constitute an indirect contempt of the Commission. If the contempt consists of a violation of an injunction or*

*omission to do an act which is still within the power of the respondent to perform, the respondent shall, in addition, be made liable for all damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct, disobedience to, defiance of a lawful order, and/or such other contumacious acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.*

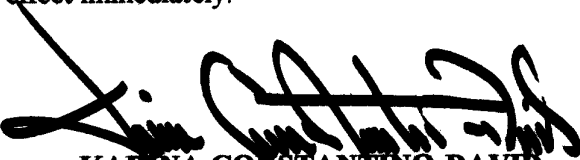
*Damages sustained by the aggrieved party shall refer to the total amount of his or her salaries and other money benefits which shall have accrued to the latter had the final order, decision, resolution, ruling, injunction, or processes of the Commission been enforced/implemented immediately.*

*The writ of execution shall be issued for the enforcement of the decision imposing a fine unless the Commission otherwise provides.*

*SECTION 5. Separability Clause – If any part of these Rules is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.*

*SECTION 6. Repealing Clause – All other rules and regulations, or parts thereof, inconsistent with the provisions of these Rules are hereby repealed.*

This Memorandum Circular shall take effect immediately.

  
KARINA CONSTANTINO-DAVID  
Chairperson

August 17, 2007

AGR/X18/X33(13)  
Amendment to CSC MC No. 42, s. 1990(MC)

CSC Res. No. 07-1245 published in the Manila Standards on August 2, 2007  
(Erratum published on August 7, 2007)



**Amendments to Sections 1, 2, 3, 4, 5 & 6 of Civil Service  
Commission Memorandum Circular No. 42, Series of 1990  
(CSC MC No. 42, s. 1990) dated August 22, 1990**

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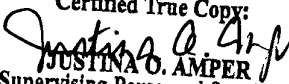
**RESOLUTION NO. 071245**

**WHEREAS**, under Section 3, Article IX-B of the 1987 Constitution, the Civil Service Commission, as the central personnel agency of the Government, is mandated, among others, "to establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service," as well as "to strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability";

**WHEREAS**, under Paragraph 11, Section 12, Chapter 3 Title I (A), Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, the Commission is empowered "to hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it" and that "officials and employees who fail to comply with such decisions, orders or rulings shall be liable for contempt of the Commission. x x x";

**WHEREAS**, Section 6, Article IX-A of the 1987 Constitution provides that "each Commission en banc may promulgate its own rules concerning pleadings and practice before it or before any of its offices";

**WHEREAS**, Executive Order No. 292, otherwise known as the Administrative Code of 1987, only gave CSC the power to punish for indirect contempt but MC No. 42, s. 1990 included direct contempt so there is a need for CSC to issue rules and procedures to exercise its power to punish for contempt; and

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JUSTINA O. AMPER  
Supervising Personnel Specialist  
Commission Secretariat and Liaison Office  
Civil Service Commission

**WHEREAS**, there is a need to establish and promulgate the necessary implementing rules and regulations relative to the enforcement of the specific powers and functions of the Commission;

**NOW, THEREFORE**, the Commission hereby resolves to adopt and promulgate as well as to amend CSC MC No. 42, series of 1990, and adopts the following amended guidelines and/or rules and regulations to be used in the prosecution of contempt charges against erring government officials and/or employees as well as private individuals:

### *RULES ON CONTEMPT*

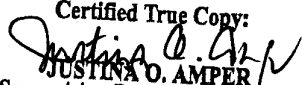
*SECTION 1. Contumacious/Contemptuous Acts Punishable After Due Proceedings – After a charge in writing has been filed and an opportunity given to the respondent to comment thereon within such period as may be fixed by the Commission and to be heard by himself/herself or counsel, an official or employee or any person found guilty of the following acts or omissions, particularly, disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission, may be punished for indirect contempt;*

*Nothing in this Section shall be so construed as to prevent the Commission from issuing processes or orders, or requiring the respondent to appear or be present before the Commission.*

*SECTION. 2. How proceedings commence – Proceedings for indirect contempt may be initiated motu proprio by the Commission by an order or any other formal charge requiring the respondent to show cause why he/she should not be punished for contempt.*

*A charge for indirect contempt must be filed with the Commission and the proceedings shall be conducted at the Office for Legal Affairs, Civil Service Commission.*

*In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full*

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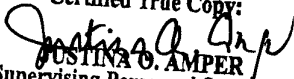
*compliance with the requirements for filing initiatory pleadings and/or administrative cases in the Commission. If the contempt charges arose out of or are related to a principal action pending in the Commission, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the Commission in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.*

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*Damages sustained by the aggrieved party shall refer to the total amount of his or her salaries and other money benefits which shall have accrued to the latter had the final order, decision, resolution, ruling, injunction, or processes of the Commission been enforced/implemented immediately.*

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*SECTION 5. Separability Clause – If any part of these Rules is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.*

*SECTION 6. Repealing Clause – All other rules and regulations, or parts thereof, inconsistent with the provisions of these Rules are hereby repealed.*

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


Quezon City, **JUN 22 2007**

  
**KARINA CONSTANTINO-DAVID**  
Chairman

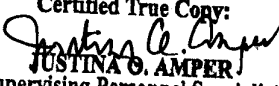
Official Business  
**CESAR D. BUENAFLOR**  
Commissioner

  
**MARYANN Z. FERNANDEZ-MENDOZA**  
Commissioner

Attested by:

  
**JUDITH D. CHICANO**  
Director IV  
Commission Secretariat and Liaison Office

AGR/X18/X33(13)  
Amend CSC MC No. 42, s. 1990(Reso2)/vog/cslo.joy

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