

**Re: IMPLEMENTING RULES AND REGULATIONS
Republic Act No. 9485 (Anti-Red Tape Act of 2007)**

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RESOLUTION NO. 081471

WHEREAS, Article II, Section 27 of the Constitution provides that the State shall maintain honesty and integrity in the public service and shall take positive and effective measures against graft and corruption;

WHEREAS, there is an urgent need to establish an effective system that will eliminate bureaucratic red tape, avert graft and corrupt practices and improve the efficiency of delivery of government frontline services;

WHEREAS, in response to the urgent need to eliminate red tape and improve frontline service delivery, the Thirteenth Congress enacted on June 2, 2007 Republic Act No. 9485, otherwise known as the “Anti-Red Tape Act of 2007;”

WHEREAS, RA No. 9485 aims to promote transparency in government with regard to the manner of transacting with the public by requiring each agency to simplify frontline service procedures, formulate service standards to observe in every transaction and make known these standards to the client;

WHEREAS, Section 16 of the same law mandates the Civil Service Commission, in coordination with the Development Academy of the Philippines (DAP), the Office of the Ombudsman (OMB) and the Presidential Anti-Graft Commission (PAGC), to promulgate the necessary rules and regulations to implement said Act;

WHEREAS, the CSC together with the DAP, OMB and PAGC, conducted a series of consultative meetings with various stakeholders to gather comments and recommendations as well as to discuss possible issues in the implementation of the “Anti-Red Tape Act of 2007;”

NOW THEREFORE, the Commission RESOLVES to adopt the implementing rules and regulations of RA No. 9485, as follows:

RULE I. COVERAGE

SECTION 1. These Rules shall apply to all government offices and agencies including local government units and government-owned or controlled corporations with or without original charter that provide frontline services as defined in the Act. Those performing judicial, quasi-judicial and legislative functions are excluded from the coverage of the Act, however, their respective frontline services are deemed included.

RULE II. INTERPRETATION

SECTION 1. These Rules shall be interpreted in the light of the Declaration of Policy found in Section 2 of the Act:

“It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices aimed at the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each office or agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified procedures that will reduce red tape and expedite transactions in government.”

SECTION 2. *Definition of Terms.* For purposes of these Rules, the following terms shall mean:

- (a) “**Action**” refers to the written approval or disapproval made by a government office or agency on the application or request submitted by a client for processing.
- (b) “**Citizen’s Charter**” refers to an official document, a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the government to its citizens. It describes the step-by-step procedure for availing a particular service, and the guaranteed performance level that they may expect for that service.
- (c) “**Citizen**” with reference to the Citizen’s Charter refers to the clients whose interests and values are addressed by the Citizen’s Charter and, therefore, includes not only the citizens of the Republic of the Philippines, but also all the stakeholders, including but not limited to, users, beneficiaries, other government offices and agencies, and the transacting public.
- (d) “**Complex Transactions**” refers to requests or applications submitted by clients of a government office which necessitate the use of discretion in the resolution of complicated issues by an officer or employee of said government office, such transaction to be determined by the office concerned.
- (e) “**Fixer**” refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.

(f) **“Fixing”** refers to the act that involves undue facilitation of transactions for pecuniary gain or any other advantage or consideration.

(g) **“Frontline Service”** refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the office or agency concerned.

(h) **“Irrelevant requirements”** refers to any document or performance of an act not directly material to the resolution of the issues raised in the request or needed in the application submitted by the client.

(i) **“Officer or Employee”** refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.

(j) **“Published Materials”** refers to printed, computer-generated, or photocopied materials, and procedural manuals/flowcharts, made available to the public or uploaded in the official government websites, containing the basic information on accessing frontline services.

(k) **“Report Card Survey”** refers to an evaluation tool that provides a quantitative measure of actual public service user perceptions on the quality, efficiency and adequacy of different frontline services, as well as a critical evaluation of the office or agency and its personnel. It is an instrument that also solicits user feedback on the performance of public services, for the purpose of exacting public accountability and, when necessary, proposing change.

(l) **“Simple Transactions”** refers to requests or applications which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for resolution by an officer or employee of said government office.

RULE III. RE-ENGINEERING OF SYSTEMS AND PROCEDURES

SECTION 1. Within one (1) year from effectivity of the Rules, each office or agency shall:

- a) Determine which processes or transactions constitute frontline service;
- b) Undertake reengineering of transaction systems and procedures, including time and motion studies, if necessary; and after compliance thereof,
- c) Set up their respective service standards to be known as the Citizen’s Charter.

SECTION 2. The reengineering process shall include a review for the purposes of streamlining of the following:

- a) Steps in providing the service;
- b) Forms used;
- c) Requirements;
- d) Processing time; and
- e) Fees and charges.

There shall also be a review of the location of the offices providing frontline services and directional signs to facilitate transactions.

SECTION 3. In the evaluation of official forms, government offices and agencies rendering frontline services shall limit the number of signatories to a maximum of five (5) signatures of officers or employees directly supervising the evaluation, approval or disapproval of the request, application, or transaction.

The head of government office or agency shall prescribe, through an appropriate office order, the rules on the proper authority to sign in the absence of the regular signatory, as follows:

- (1) If there is only one official next in rank, he/she shall automatically be the signatory;
- (2) If there are two or more officials next in rank, the appropriate office order shall prescribe the order of priority among the officials next in rank within the same organizational unit; or
- (3) If there is no official next in rank present and available, the head of the department, office or agency shall designate an officer-in-charge from among those next lower in rank in the same organizational unit.

RULE IV. CITIZEN'S CHARTER

SECTION 1. The Citizen's Charter shall include the following information:

- (a) Vision and mission of the government office or agency;
- (b) Identification of the frontline services offered, and the clientele;
- (c) The step-by-step procedure to obtain a particular service;
- (d) The officer or employee responsible for each step;
- (e) The maximum time to conclude the process;
- (f) Document/s to be presented by the client, with a clear indication of the relevancy of said document/s;
- (g) The amount of fees, if necessary;
- (h) The procedure for filing complaints in relation to requests and applications, including the names and contact details of the officials/channels to approach for redress;
- (i) Allowable period for extension due to unusual circumstances; i.e. unforeseen events beyond the control of concerned government office or agency; and
- (j) Feedback mechanisms, contact numbers to call and/or persons to approach for recommendations, inquiries, suggestions, as well as complaints.

SECTION 2. The Citizen's Charter shall be in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect.

SECTION 3. The head of office or agency shall constitute a task force to prepare a Citizen's Charter pursuant to the provisions of the Act and these Rules, taking into consideration the stakeholders, users and beneficiaries of the frontline services, and shall conduct consultative formulation and refinement of the provisions of the Charter.

The participation of non-government organizations and other concerned groups shall be encouraged. The head of office or agency shall formally issue and release the Charter and shall monitor and periodically review its implementation.

Offices and agencies with existing service standards shall evaluate these standards to ensure compliance with the provisions of this Rule.

SECTION 4. The office or agency shall review the Citizen's Charter whenever necessary, but not less than once every two years.

SECTION 5. The assistance of the Civil Service Commission and the Development Academy of the Philippines may be requested for purposes of complying with Rules III and IV.

SECTION 6. The activities in Rules III and IV shall be monitored by the Civil Service Commission through its Regional Offices and Field Offices for re-evaluation and benchmarking.

RULE V. ACCOUNTABILITY OF HEADS OF OFFICES AND AGENCIES

SECTION 1. The head of the office or agency shall be primarily responsible for the implementation of these Rules and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned. In case of failure to comply with these Rules, appropriate charges may be filed against the head of office or agency under existing law and rules, before the appropriate forum.

RULE VI. ACCESSING FRONTLINE SERVICES

SECTION 1. All offices and agencies are enjoined to undertake on a continuing basis programs to promote customer satisfaction and improve service delivery, and other similar activities for officers and employees in frontline services.

SECTION 2. *Acceptance and Denial of the Applications and Requests.*

- (1) All officers or employees shall accept written applications, requests, and/or documents being submitted by clients of the office or agency.
- (2) The responsible officer or employee shall acknowledge receipt of such application and/or request by writing or printing clearly thereon his/her name, the unit where he/she is connected with, and the time and date of receipt.
- (3) The receiving officer or employee shall perform a preliminary assessment of the request so as to promote a more expeditious action on requests, and shall determine through a cursory evaluation the sufficiency, of submitted requirements for a request or application, taking into consideration the determined response time for the transaction.
- (4) All applications and/or requests in frontline services shall be acted upon within the period prescribed under the Citizen's Charter, which in no case shall be longer than five (5) working days in the case of simple transactions and ten (10) working days in the case of complex transactions from the time the request or application was received.
- (5) Depending on the nature of the frontline services requested or the mandate of the office or agency under unusual circumstances, the maximum time prescribed above may be extended. For the extension due to the nature of frontline services, the period for the delivery of frontline services shall be indicated in the Citizen's Charter, which shall not be more than five (5) working days for simple transactions, and not more than ten (10) working days for complex transactions. The office or agency concerned shall notify the requesting party in writing of the reason for the extension and the final date of release of the frontline service/s required.

In case the applicant disagrees, he/she may resort to the grievance or complaint mechanisms prescribed in the Citizen's Charter.

- (6) No application or request shall be returned to the client without appropriate action. In case an application or request is disapproved the officer or employee who rendered the decision shall send a formal notice to the client within five (5) working days from the receipt of the request and/or application, stating therein the reason for the disapproval including a list of specific requirement/s which the client failed to submit.

Any denial of request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

- (7) This Section shall also apply to government offices or agencies which allow computer-based access to frontline services.

SECTION 3. ***Working Schedule.*** – Heads of offices and agencies which render frontline services shall adopt appropriate working schedules to ensure that all clients who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours. Offices and agencies may consider providing frontline services as early as seven (7) in the morning until as late as seven (7) in the evening to adequately attend to clients. The 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 time.

To ensure the uninterrupted delivery of frontline services, the heads of offices and agencies shall adopt the appropriate mechanisms within six (6) months from the effectivity of these rules.

SECTION 4. ***Identification Card.*** – All officers or employees transacting with the public shall be provided with an official identification card which should be worn during office hours. The information on the identification card should be easy to read, such that the officials and employees concerned can be identified by the clients. For certain agencies where an identification card is not provided, the officers and employees must wear nameplates or other means of identification.

SECTION 5. ***Public Assistance Desk.*** – Each office or agency shall establish a public assistance/complaints desk in all their offices, where an officer or employee knowledgeable on frontline services shall at all times be available for consultation and advice. The desk shall be attended to even during breaktime.

The office or agency shall institute hotline numbers, short message service, information communication technology, or other mechanisms by which the clients may adequately express their complaints, comments or suggestions. It may also institute one-stop shops or walk-in service counters. Special lanes may be established for pregnant women, senior citizens, and persons with disabilities.

SECTION 6. ***Automatic Extension of Licenses, Permits, and Authorities.*** – If a government office or agency fails to act on an application and/or request for renewal of a license, permit or authority subject for renewal within the prescribed period, said permit, license or authority shall automatically be extended until a decision or resolution is rendered on the application for renewal. In this instance, the applicant shall be informed prior to the expiration of the original period that more time is required to evaluate the application or request.

No automatic extension or renewal shall apply to an expired permit, license, or authority. No automatic extension or renewal shall also apply when the permit, license or authority covers activities which pose danger to public health, public safety, public morals or to public policy including, but not limited to, natural resource extraction activities.

RULE VII. REPORT CARD SURVEY

SECTION 1. The Civil Service Commission, in coordination with the Development Academy of the Philippines, shall conduct a survey to obtain feedback on existence and effectiveness of, as well as compliance with the Citizen's Charter, and how the office or agency is performing insofar as frontline services are concerned. The survey shall also be used to obtain information and/or estimates of hidden costs incurred by clients to access frontline services which may include, but is not limited to, bribes and payment to fixers. The Civil Service Commission may tap other government agencies, educational institutions such as Association of Schools of Public Administration, non-government organizations, or other concerned individuals or groups and may utilize existing government programs, and support systems.

The evaluation tool may be linked with the program of the Civil Service Commission to: (1) provide critical evaluation of the office or agency, and its personnel; (2) check clients satisfaction, operational efficiency and areas vulnerable to corruption; (3) highlight best practices; (4) provide incentives for excellent service delivery; and (5) give recommendations for improvement in problem areas and inefficiencies in frontline services.

The Civil Service Commission shall publicize the results in an annual report card survey and furnish the government agency concerned the result of the survey assessment, evaluation and/or observations. Such assessment, evaluation and/or observations shall also be incorporated in the agency's annual report and shall be considered in the improvement, revision, modification, enhancement, or amendment of its Citizen's Charter and/or frontline services.

The Report Card Survey may include the following: (1) the service provider – personal disposition of the employee providing the service sought of; (2) the quality of service – how the service was provided to the client; and (3) the physical working condition – how the physical setup/lay-out of the office affects the performance, efficiency, and accessibility of the service provided.

RULE VIII. DISCIPLINARY ACTION

SECTION 1. After compliance with the substantive and procedural due process, the following shall constitute violations of the Act and its Rules together with their corresponding penalties.

- (a) Light Offense – (1) Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- (2) 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 requirement/s within the prescribed period;
- (3) Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;

- (4) Failure to render frontline services within the prescribed period on an application and/or request without due cause;
- (5) Failure to give the client a written notice on the disapproval of an application or request; and
- (6) Imposition of additional irrelevant requirements other than those listed in the first notice under Rule VI, Section 1 (6).

The term “prescribed period” shall refer to the period specified under the Citizen’s Charter, or in the absence thereof, the period provided for under Rule VI, Section 1 (4) hereof.

Penalties for light offenses shall be as follows:

First Offense – Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;

The Civil Service Commission and the Office of the Ombudsman shall promulgate a Values Orientation Program which shall include anti-red tape and anti-fixing workshops suitable for this purpose.

Second Offense – Three months suspension without pay; and

Third Offense – Dismissal and perpetual disqualification from public service.

- (b) Grave Offense – Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

Penalty – Dismissal and perpetual disqualification from public service.

SECTION 2. The finding of administrative liability under the Act and its Rules shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated.

SECTION 3. ***Criminal Liability for Fixers.*** – Fixers shall suffer the penalty of imprisonment not exceeding six years or a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00) or both fine and imprisonment at the discretion of the court.

SECTION 4. ***Administrative Jurisdiction and Procedure.*** – The Civil Service Commission (CSC) and the Office of the Ombudsman shall have administrative jurisdiction over non-presidential appointees, while the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC) shall have administrative jurisdiction over presidential appointees. Their respective procedures as determined by appropriate laws, rules and issuances shall be observed regarding any violation of the provisions of these Rules.

RULE IX. IMMUNITY

SECTION 1. Any public official or employee or any person having been charged with another under the Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefor, shall be exempt from prosecution in the case/s where his/her information and testimony are given.

SECTION 2. The discharge of co-respondent/accused to be a witness may be granted and directed by the investigating body or court upon the application or petition of any of the respondent/accused-informant and before the termination of the investigation: Provided, That:

- (a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;
- (b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;
- (c) The testimony of said respondent/accused-informant can be substantially corroborated in its material points;
- (d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and
- (e) Said respondent/accused-informant does not appear to be the most guilty.

Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence.

SECTION 3. If the respondent-informant granted immunity fails or refuses to testify or to continue to testify, or testifies falsely or evasively, or violates any condition accompanying such immunity without just cause, as determined by the office or agency concerned, his/her immunity shall be cancelled and he/she shall be prosecuted criminally and/or administratively.

RULE X. FINAL PROVISIONS

SECTION 1. The activities embodied in these Rules shall be charged to the office or agency's regular budget.

SECTION 2. An oversight committee composed of the Civil Service Commission, as head, and the Office of the Ombudsman, the Presidential Anti-Graft Commission, and the Development Academy of the Philippines, as members, shall ensure the immediate, swift and effective implementation of the Act and its Rules.

SECTION 3. These Rules may be amended or modified as necessary.

SECTION 4. If any provision of these Rules shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions.

SECTION 5. These Rules shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Quezon City,

Jul 24 2008

(VACANT)
Chairman

(SGD.)
CESAR D. BUENAFLOR
Acting Chair

(SGD.)
MARY ANN Z. FERNANDEZ-MENDOZA
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Attested by:

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