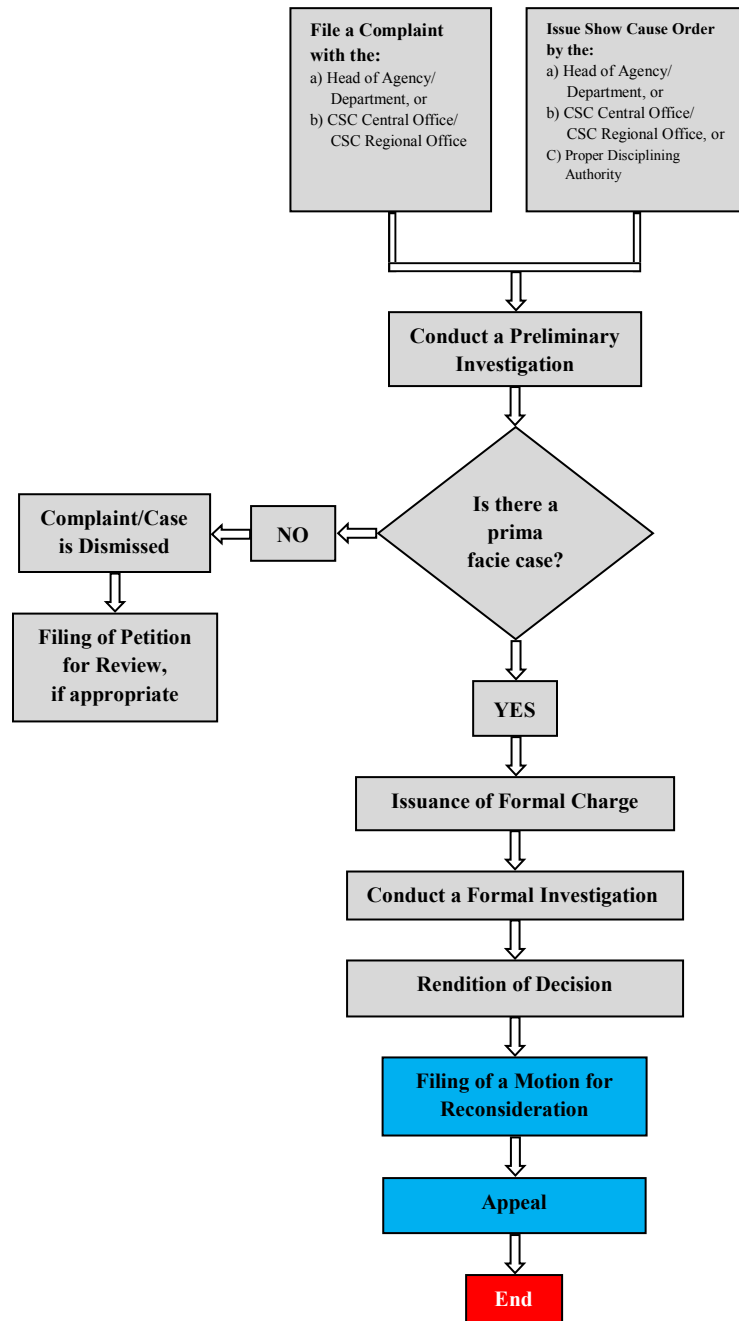


**Flowchart of Response Mechanism In Cases Of Tobacco Industry Interference In The Bureaucracy  
 JOINT MEMORANDUM CIRCULAR NO. 2010-01  
 (PROTECTION OF THE BUREAUCRACY AGAINST TOBACCO INDUSTRY INTERFERENCE)  
 and CSC MEMORANDUM CIRCULAR NO. 17, SERIES OF 2009**



# Response Mechanism in Cases Of Tobacco Industry Interference In The Bureaucracy

## A. Violations of the JMC shall be under the jurisdiction of the following:

E. O. 292 states that the Civil Service embraces all branches, subdivisions, instrumentalities, and agencies of the government, including government owned and controlled corporations with original charters.

1. The secretaries and heads of agencies, and other instrumentalities, provinces, cities and municipalities shall have original jurisdiction over the respective officers and employees;
2. The Civil Service commission shall have original concurrent jurisdiction.

JMC covers all **government officials and employees**, regardless of status, in the national or local government including government-owned and controlled corporations, with original charters, state colleges and universities. Although the JMC covers all government officials and employees, the CSC has no disciplinary jurisdiction over the following:

Officials/Employees	Disciplining Authority
Presidential Appointees	Ombudsman Office of the President
Local elective officials	Ombudsman Office of the President
Members of constitutional offices, Ombudsman	Congress through Impeachment
Justices of the Supreme Court	Congress through Impeachment
Judges of lower courts and other court personnel	Supreme Court
Members of Congress	Congress

## B. The contents of the complaint are as follows:

A complaint is a sworn affidavit containing the violation of the JMC 2010-01 and describing the person complained. A complaint is accompanied by the following documentary and testimonial evidence: a) Certified true copies of documentary evidence b) affidavits of his/her witness if any; c) Certification or statement of non forum shopping

## C. Issuance of a show cause order

A show cause order is issued by the proper disciplining authority or his/her authorized representative, indicating the acts or omissions being complained and to apprise the person subject of the complaint. It also requires said officer or employee to provide and explanation for the acts or omission complained of.

#### **D. Conduct of Preliminary Investigation**

A preliminary investigation is a proceeding undertaken to determine whether a prima facie case exist to warrant the issuance of a formal charge. Prima facie evidence is defined as evidence, in the judgment of the law, is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and which if not rebutted or contradicted, will remain sufficient.

#### **E. Issuance of a Formal Charge**

After finding a *prima facie case* (evidence good and sufficient on its face), the disciplining authority shall formally charge the person complained of, who shall now be called as a respondent. A formal charge is a written specification of the charges against an employee.

#### **F. Petition for Review**

A party may elevate the decision of the Civil Service Commission Regional Office dismissing the complaint for lack of a prima facie case or where the formal charge issued was for a lower offense, through a petition for review before the Commission within 15 days from receipt of said decision.

#### **G. Conduct of a Formal Hearing, if necessary.**

A formal investigation shall be conducted by the disciplining authority when: a) The merits of the case cannot be decided judiciously without conducting investigation, b) when the respondent elects to have one.

#### **H. Promulgation of the Decision**

The disciplining authority shall decide the case within thirty (30) days from the receipt of the formal investigation report.

#### **I. Filing of Motion for Reconsideration, if necessary**

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. The filing of a motion for reconsideration shall stay the execution of the decision sought to be reconsidered.

#### **J. Filing of an Appeal.**

Decisions of heads of departments, agencies, provinces, cities and municipalities and other instrumentalities may be appealed to the Commission within a period of fifteen (15) days from receipt thereof. In cases the decision rendered by a 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. Decisions of the Civil Service Commission are appealable to the Court of Appeals under Rule 43 of the Rules of Court. A party desiring to appeal the decision of the Court of Appeals may file an appeal under Rule 45 with the Supreme Court.