

THIRTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
First Regular Session }

SENATE  
S.B NO. 1888 RECEIVED BY:                     

---

**Introduced by: Senator Lacson**

---

### EXPLANATORY NOTE

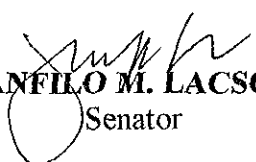
This proposed measure seeks to strengthen the Civil Service Commission as the central personnel agency of the government and as the guardian of the merit and fitness principle in the government service. While the Commission has been relatively successful in ensuring that merit and fitness remains the cornerstone of government service, a lot of improvements can still be done through legislation. A specific area is the prevention and prosecution of cheats in civil service examinations. It must be noted that the continuing big number of examinees coupled with new and modern techniques and technologies, examination cheating, becomes a serious concern. Cheats may likewise become more sophisticated in their approaches and methodologies. Needless to state, they may also become more daring and more organized. The problem then of the Civil Service Commission, will be on how to effectively identify and prosecute these individuals- those already in government and those aspiring to get into the service.

Moreover, there are unscrupulous review centers which victimize examinees by promising a "sure pass" in the exams. There are reports that there are centers who misrepresent themselves by claiming that they are accredited by the Commission when in fact such is not allowed as a matter of policy. There are also reports of some persons and review centers that are either in possession of or are in the business of buying and or selling alleged CSC test materials.

We expect that this measure will help ensure that the merit and fitness principle in the public service is always upheld and enforced. We also expect that it will empower the Civil Service Commission (CSC) in effectively going after the perpetrators.

Under this proposed measure any form of cheating before, during and after the examinations shall be considered unlawful. The Civil Service Commission will also have the power to prosecute private individuals who cheat in the examinations. This is best illustrated in the case of the Civil Service Commission (CSC) vs. Court of Appeals (CA) (G.R. No. 149746, October 2, 2001) where the Supreme Court upheld the CA ruling that non- government employees are not covered by the Civil Service Law. Thus, the Commission has no jurisdiction over the latter. The jurisdiction therefore, of the CSC to prosecute administratively private individuals involved in cheating and examination irregularities has always been useless. When these cheats sense that they are discovered they become immediately inaccessible. Efforts by the Commission to reach them by telephone or by mail proved futile. They would rather keep quiet, or maintain their usual alibi's than cooperate with the Commission. In fact, even if caught red handed they can easily invoke that the Commission has no jurisdiction over their person. On the other hand, criminal prosecution of those engaged in impersonation and the use of crib sheets, whether the offended comes from the public or private sector, hinges on the legal existence of an offense that pertains to these acts.

Thus, in the interest of a better public service, the immediate passage of this bill is earnestly sought.

  
**PANFILO M. LACSON**  
Senator

SECRETARY  
A 25 27 17

SENATE  
S.B. NO. 1883

RECEIVED BY \_\_\_\_\_

---

Introduced by *Senator Panfilo M. Lacson*

---

**AN ACT**  
**DECLARING AS UNLAWFUL ANY FORM OF CHEATING IN CIVIL SERVICE**  
**EXAMINATIONS, UNAUTHORIZED USE AND POSSESSION OF CSC**  
**EXAMINATION RELATED MATERIALS, AND GRANTING THE COMMISSION**  
**EXCLUSIVE JURISDICTION OVER THESE CASES INCLUDING THOSE**  
**COMMITTED BY PRIVATE INDIVIDUALS**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Statement of Policy.** – Public office is a public trust. As such, it is hereby declared the policy of the State to ensure that honesty, integrity and the merit and fitness principle be always the measure of entry into the public service. Thus, all forms of cheating in civil service examinations including those committed by private individuals shall be immediately and effectively addressed. The public service should not be a haven for “misfits and cheats”

Pursuant thereto, any form of cheating in civil service examinations is hereby declared illegal and unlawful. This shall include acts and omissions that are done before, during and after such examinations. To further protect the integrity of the examinations the possession and or use of any examination related materials like electronic program files or data, test booklets and answer sheets, by any individual, group or review center shall be considered an act of cheating.

**SECTION 2.** – The Civil Service Examination, as the central personnel agency of the government shall exercise exclusive jurisdiction to investigate and decide over these cases. This jurisdiction shall cover government employees as well as private individuals.

**SECTION 3. Definition of Terms.** – For purposes of this Act, the following terms shall mean:

- (a) **Civil Service Examination** – refers to all examinations being administered by the Civil Service Commission.
- (b) **Cheating** – refers to any act or omission before, during or after any examination that will directly or indirectly undermine the sanctity and integrity of the examination such as, but not limited to, the following:
  - 1. Impersonation
  - 2. Use of “codigo” or crib sheets
  - 3. Employing a “poste” or a person who disguises himself as an examinee during the examination
  - 4. Tampering with the examination records such as the Answer Data Files, the Application Forms or the Picture Seat Plan to facilitate the passing of an examinee who have failed
  - 5. Collusion of whatever nature between examinees and examination personnel
  - 6. Statistically improbable results
  - 7. Examinee number switching
  - 8. Possession and or use of fake certificate of eligibility

9. Such other acts of similar nature which facilitate the passing of an examination including those committed by review centers

(c) **Cheats** – shall include all persons or review centers who directly or indirectly commit the act of cheating.

(d) **Examination - related materials**- refers to any materials in whatever form, which are being used by the CSC in the conduct of the examinations. These shall include, but are not limited, to the following: computer or electronic program files and data, test questions, answer sheets and test booklets.

(e) **Private individuals** – those persons who are not yet considered government employees.

**SECTION 4. – Powers and Functions** – To achieve these objectives, the Civil Service Commission shall have the following powers and functions, in addition to those provided for under Executive Order No. 292:

(1) Exclusive jurisdiction over administrative cases involving examination irregularities.

(2) Investigate and prosecute on its own or on complaint by any person, any examination irregularity cases that may be committed by private individuals, groups or review centers.

(3) Request any government agency for assistance and information necessary in the effective discharge of its responsibilities under this Act.

(4) Issue sub poena and subpoena duces tecum for the production of documents and records pertinent to its investigation and inquiries.

(5) Punish for contempt any official, employee, or private individual who refuses without any valid cause to extend assistance and information necessary in the discharge of its responsibilities under this Act.

(6) Take the primary role in continuously reviewing examinations systems and procedures to ensure that the integrity of such examinations is not compromised.

**SECTION 5. – Review Centers** - The possession of and or unauthorized use of CSC examination related materials in whole or in part by an individual, group or review center shall be considered an act of cheating and punishable criminally under this Act.

**SECTION 6. Immunity** – Immunity from prosecution may be granted to any person whose testimony shall be necessary to determine the truth in any hearing or proceedings thereof. If the authority to conduct administrative investigation relating to examination irregularities has been delegated by the Commission to other departments, agencies or offices in government, said offices may likewise grant immunity to “whistleblowers” in examination related administrative cases.

Those granted immunity shall be exempted from administrative and criminal prosecution. Provided, that, if the whistleblower is an examinee who passed the examination through any of the acts of cheating mentioned, he may avail of the refresher courses which the Commission will give to whistle blowers to build up their capabilities and skills in passing the examination.

**SECTION 7. – Penalties** – Any person who commits any of the prohibited acts covered by Section 3 (b) above, shall, upon conviction suffer the penalty of imprisonment of not less than

six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Fifty thousand Pesos (P50,000.00); Provided, that, if the offender is already a government employee he shall also be meted the accessory penalty of dismissal from the service, forfeiture of retirement benefits, cancellation of eligibility, barred from taking any government examination, and be perpetually disqualified from re-entering government service; Provided, further, that if the offender is a non-government employee, he shall be meted the accessory penalty of disqualification from taking any government examination and from entering the government service; Provided, finally, that if the person found guilty is an employee, owner or member of the Board of Directors of a review center , he shall be likewise be penalized as provided in this Act.

**SECTION 8.** – Any person found administratively liable under any of the acts mentioned above, shall be liable for dishonesty and gross misconduct and shall be dismissed from the service with all the accessory penalties for government employees. Non-government employees found administratively liable shall be perpetually barred from entering government service and from taking any government examination.

**SECTION 9.** – The Civil Service Commission shall promulgate the rules and regulations necessary to carry out the provisions of this Act.

**SECTION 10. – Repealing Clause** – All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act are hereby repealed or amended as the case may be.

**SECTION 11. – Effectivity** – This Act shall take effect fifteen (15) days after its publication in the official Gazette or in a newspaper of general circulation.

*Approved,*