REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF INTERNAL REVENUE
Quezon City

March 1, 2019
Date

REVENUE MEMORANDUM ORDER NO. 12-2019

SUBJECT: **Prescribing the Policies, Guidelines and Procedures in Relation to Decisions on Administrative Cases Signed and Approved by the Office of the Regional Director under Revenue Administrative Order No. 4-2017**

TO: **All Revenue Officials and Employees Concerned**

I. BACKGROUND

Revenue Administrative Order (RAO) No. 4-2017 dated September 14, 2017 Amendment of Revenue Administrative Order (RAO) No. 3-2014 dated November 5, 2014 *(Defining the Functions of the Offices of the Regional Director and Assistant Regional Director)* was issued to amend Section A (Regional Office) of RAO No. 3-2014 such that the Office of the Regional Director has the following functions:

> "18. Approves and issues the appropriate Formal Charge(s) against concerned personnel involving light offenses as defined under letter F of Rule 10, Schedule of Penalties, Revised Rules on Administrative Cases in the Civil Service and the Revised Code of Conduct for Bureau of Internal Revenue Officials and Employees;
>
> "19. Reviews, approves and signs Formal Charge(s) indorsed by or emanating from the Regional Investigation Division;
>
> "20. Reviews, approves and signs decisions on administrative cases emanating from the Legal Division;"

Light Offenses listed under Rule 10, Section 46(F), Revised Rules on Administrative Cases in the Civil Service (RRACCS)[1] are punishable by:

1st offense - Reprimand;
2nd offense - Suspension of one (1) day to thirty (30) days; and
3rd offense - Dismissal from the service for the.

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[1] Now Section 50 (F), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) promulgated under CSC Resolution No. 1701077, dated July 3, 2017 amending RRACCS under CSC Resolution No. 11-01502

Light Offenses listed under Section 43 of the Revised Code of Conduct for Revenue Officials and Employees[2] (RCC) also have the same penalties as above, **except** for **Simple Dishonesty**[3] which has the following penalties:

1st offense - Suspension of one (1) month and one (1) day to six (6) months;
2nd offense - Suspension of six (6) months and one (1) to one (1) year; and
3rd offense - Dismissal from the service.

II. SCOPE

This Order covers Decisions signed by Regional Directors on administrative cases for light offenses under Section 46(F), Rule 10 of the RRACCS or Section 50(F), Rule 10 of the 2017 RACCS, and Section 43 of the Revised Code of Conduct for BIR Officials and Employees (RMO 53-2010), that impose the penalty of Suspension exceeding 30 days and Dismissal from the revenue service.

III. OBJECTIVE

This Order is being issued to:

1. Prescribe the policies, guidelines and procedures in relation to Decisions on Administrative Cases Signed by the Office of the Regional Director pursuant to Revenue Administrative Order No. 4-2017; and

2. Align the procedure with the implementation of Decisions on Administrative Cases under Revenue Memorandum Order (RMO) No. 1-2011.

IV. POLICIES

1. The Legal Division shall draft Decisions on administrative cases involving light offenses as defined under the RRACCS, 2017 RACCS and the Revised Code of Conduct for Bureau of Internal Revenue Officials and Employees.

2. BIR Decisions on administrative cases imposing the penalty of Dismissal are approved and signed by the Commissioner of Internal Revenue, and are executory only after confirmation by the Secretary of Finance.

3. When the imposable penalty in an administrative case for a light offense is dismissal from the revenue service, the approving authority is the Commissioner of Internal Revenue, with the confirmation of the Secretary of Finance.

4. The policies in RMO No. 1-2011 regarding the: a) implementation of the Decision by the Personnel Adjudication Division; b) turnover of all properties

[2] RMO No. 53-2010
[3] Section 35(C) in relation to Section 8(m) of the RCC

accountabilities; c) responsibility of the Head of Office of the dismissed employee; d) obligations of the dismissed employee; and responsibilities of the Security Management Division regarding system access, are hereby adopted.

V. GUIDELINES

1. A decision rendered whereby a penalty of reprimand or suspension for not more than thirty (30) days shall not be appealable.[4]

2. If the penalty imposed is Suspension exceeding thirty (30) days, 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. The filing of a Motion for Reconsideration within the reglementary period shall stay the execution of the decision sought to be reconsidered. However, in case of appeal, notwithstanding its pendency, the Decision shall be executory, except where the penalty is removal from office, in which case, the same shall be executory only after confirmation by the Secretary of Finance.

3. Decisions on administrative cases for light offenses imposing the penalty of Suspension for more than thirty (30) days shall be approved and signed by the Commissioner of Internal Revenue. If the imposable penalty is Dismissal from the revenue service including its accessory penalties, the Decision shall be approved and signed by the Commissioner of Internal Revenue, and confirmed by the Secretary of Finance.

VI. PROCEDURE

A. Preparation of Decision

1. The Legal Division shall prepare Decisions on administrative cases for **Light Offenses:**

    a. If the respondent is found **guilty for the 1st time of any light offense, *except Simple Dishonesty,* or 2nd time of the same light offense** – the Regional Director shall review, approve and sign the Decision.

    b. If the respondent is found **guilty for the 1st or 2nd time for Simple Dishonesty** – the Regional Director shall review, sign the Decision and recommend its approval to the Commissioner of Internal Revenue.

    c. If the respondent is found **guilty for the 3rd time of the same light offense, or for the 3rd time of Simple Dishonesty** – Regional Director shall review, sign and recommend the approval of the Decision to the Commissioner of Internal Revenue, and confirmation of the Secretary of Finance.

[4] Section 49, 2017 RACCS

2. In (c) above, the Decision signed by the Regional Director and the entire case docket shall be Indorsed and transmitted to the National Office to the Office of the Commissioner through the Internal Affairs Service.

3. Transmittal of an administrative case docket should always have a Confidential Top Sheet as required under RMO No. 12-2014 (Implementation of the Information Asset Classification Guidelines).

B. Decisions approved by the Commissioner of Internal Revenue

1. Decisions signed and approved by the Commissioner of Internal Revenue shall be implemented by the Personnel Adjudication Division (PAD) following the existing revenue issuances.

2. Transmittal of approved BIR Decisions to the Department of Finance for confirmation, as applicable, shall be undertaken by the PAD.

V. EFFECTIVITY

This Order takes effect immediately.

(Original Signed)
CAESAR R. DULAY
Commissioner of Internal Revenue

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