


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

6 NOV 14 AM 1989

SENATE

RECEIVED BY: 

S. B. No. 2512
(In substitution of S.B. No. 1888)

*Prepared by the Committee on Civil Service and Government Reorganization with
Senator Penfilo M. Lacson, as author.*

**“AN ACT
DECLARING AS UNLAWFUL ANY FORM OF CHEATING IN
CIVIL SERVICE EXAMINATIONS, UNAUTHORIZED USE
AND POSSESSION OF CIVIL SERVICE COMMISSION
(CSC) EXAMINATION- RELATED MATERIALS, AND
GRANTING THE CSC 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:*

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

7
8 **Pursuant thereto, any form of cheating in civil service examinations is hereby**
9 **declared illegal and unlawful. This shall include acts and omissions that are done**
10 **before, during and after such examinations. To further protect the integrity of the**
11 **examinations the possession and or use of any examination-related materials like**
12 **electronic program files or data, test booklets and answer sheets, by any individual,**
13 **group or review center shall be considered an act of cheating.**

1 **SEC. 2. The Civil Service Commission (CSC) as the central personnel agency**
2 **of the government shall exercise exclusive jurisdiction to investigate and decide over**
3 **these cases. This jurisdiction shall cover government employees as well as private**
4 **individuals.**

5
6 **SEC. 3. Definition of Terms. – For purposes of this Act, the following terms**
7 **shall mean:**

8
9 **(a) Civil Service Examination – refers to all examinations being**
10 **administered by the CSC or those administered by other agencies in**
11 **coordination with or through the assistance of the CSC.**

12
13 **(b) Cheating – refers to any act or omission before, during or after any civil**
14 **service examination that will directly or indirectly undermine the**
15 **sanctity and integrity of the examination such as, but not limited to, the**
16 **following:**

17
18 **1. Impersonation**

19 **2. Use of “codigo” or crib sheets**

20 **3. Employing a “poste” or a person inside or outside of the**
21 **examination room who may or may not be a registered examinee**
22 **but who provides examinees with answers or “codigo” or “crib**
23 **sheets” or such other assistance purportedly to enhance**
24 **examinee’s better chances of passing.**

25 **4. Tampering with the examination records such as the Answer Data**
26 **Files, the Application Forms or the Picture-Seat Plan to facilitate**
27 **the passing of an examinee who have failed**

28 **5. Collusion of whatever nature between examinees and examination**
29 **personnel**

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6. Examinee number switching

7. Possession and or use of fake certificate of eligibility

8. Such other acts of similar nature which facilitate the passing of an examination including those committed by review centers or entities offering refresher courses or tutorials.

(c) Cheats – shall include all persons or review centers or entities offering refresher courses or tutorials who directly or indirectly commit the act of cheating.

(d) Examination-related materials – refer to any materials in whatever form, which are used by the CSC in the conduct of the examinations or by other agencies, which administer examinations in coordination with or through the assistance of the CSC. 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 as well as those former government employees who had been separated from the service. These shall also cover individuals who are hired by government agencies based on job orders or contracts of service, where no employment relationship subsists between these individuals and the hiring agencies.

(f) Review Center – shall refer to entities, created or established formally or informally, by an individual or group of individuals, to provide, conduct, specialize and/or assist individuals (students, professionals, employees) or group of individuals through tutorial programs and/or review classes or review programs, seminars,/training programs, and advance subject/course orientation, intensive and comprehensive test preparation,

1 familiarity with scope of tests through simulation activities and provision
2 of documents or review materials, and proficiency enhancement,
3 sometimes with the assurance of passing or high possibility of passing the
4 civil service examination and other examinations conducted in
5 coordination with and/or through the assistance of the CSC.

6
7 **SEC. 4. Statistically Improbable Results. – Any civil service**
8 **examination result which shall be declared as statistically improbable by**
9 **the CSC shall be a *prima facie* evidence of the existence of an examination**
10 **irregularity or form of cheating.**

11
12 **SEC. 5. Unauthorized Possession of and/or Unauthorized Use of**
13 **Examination Material. – The unauthorized possession of and/or**
14 **unauthorized use, reproduction and/or dissemination in any form of**
15 **examination materials, in whole or in part, by an individual, either private or**
16 **government employee, group or review center, from an unauthorized source,**
17 **shall be considered an act of cheating and punishable under this Act.**

18
19 **SEC. 6. Powers and Functions – To achieve these objectives, the CSC**
20 **shall have the following powers and functions, in addition to those provided**
21 **for under Executive Order No. 292:**

22
23 **(1) Exclusive jurisdiction over administrative cases involving**
24 **examination irregularities.**

25
26 **(2) Investigate and prosecute on its own or on complaint by any**
27 **person, any examination irregularity cases that may be committed**
28 **by private individuals, groups or review centers.**

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

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

7
8 (5) Punish for contempt any official, employees, or private individual
9 who refuses without any valid cause to extend assistance and
10 information necessary in the discharge of its responsibilities under
11 this Act.

12
13 (6) Take the primary role in continuously reviewing examinations
14 systems and procedures to ensure that the integrity of such
15 examinations is not compromised.

16
17 **SEC. 7. Immunity - Immunity from prosecution may be granted by**
18 **the CSC to any person upon whose testimony rests the prosecution and/or**
19 **conviction of other individual/s or groups perpetrating examination**
20 **irregularities.**

21
22 **Those granted immunity shall be exempted from administrative and**
23 **criminal prosecution.**

24
25 **SEC. 8. Penalties – Any person who commits any of the prohibited**
26 **acts covered by Section 3(b) above, shall, upon conviction suffer the penalty**
27 **of imprisonment of not less than six (6) years and one (1) day but not more**
28 **than twelve (12) years and a fine of not less than Fifty Thousand Pesos**
29 **(P50,000.00); *Provided*, that, if the offender is already a government**
30 **employee the accessory penalties of dismissal from the service, forfeiture of**

1 government benefits, cancellation of eligibility, bar from taking any
2 government examination, and perpetual disqualification from re-entering
3 government service shall be imposed; *Provided, further*, that if the offender is
4 a non-government employee, the accessory penalties of disqualification from
5 taking any government examination and from entering the government
6 service shall be imposed; *Provided, finally*, that if the person found guilty is
7 an employee, owner or member of the Board of Directors of a review center,
8 he shall be likewise penalized as provided in this Act and the license/permit
9 to operate as Review Centers shall likewise be revoked.

10
11 **SEC. 9. Administrative Liability.** - Any person found
12 administratively liable under any of the acts mentioned above, shall be liable
13 for serious dishonesty and grave misconduct and shall be dismissed from the
14 service with all the accessory penalties for government employees. Non-
15 government employees found administratively liable shall be perpetually
16 barred from entering government service and from taking any government
17 examination.

18
19 **SEC. 10. Implementing Rules and Regulations.** - The Civil Service
20 Commission shall promulgate the rules and regulations necessary to carry
21 out the provisions of this Act.

22
23 **SEC. 11. Repealing Clause.** - All laws, presidential decrees, letters of
24 instructions, executive orders, rules and regulations insofar as they are
25 inconsistent with this Act are hereby repealed or amended as the case may
26 be.

27 **SEC. 12. Effectivity.** This Act shall take effect fifteen (15) days after
28 its publication in the *Official Gazette* or in a newspaper of general circulation.

29 **Approved.**