

S. No. 2512
H. No. 4435

Republic of the Philippines
Congress of the Philippines
Metro Manila
Thirteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day
of July, two thousand six.



[REPUBLIC ACT No. **9416**]

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:

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.

SEC. 2. The Civil Service Commission (CSC) 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.

SEC. 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 CSC or those administered by other agencies in coordination with or through the assistance of the CSC.

(b) Cheating – refers to any act or omission before, during or after any civil service 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 inside or outside of the examination room who may or may not be a registered examinee but who provides examinees with answers or "codigo" or "crib sheets" or such other assistance purportedly to enhance examinee's better chances of passing;

(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) Examinee number switching;

(7) Possession and or use of fake certificate of eligibility;
and

(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, familiarity with scope of tests through simulation activities and provision of documents or review materials, and

proficiency enhancement, sometimes with the assurance of passing or high possibility of passing the civil service examination and other examinations conducted in coordination with and/or through the assistance of the CSC.

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

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

SEC. 6. *Powers and Functions.* – To achieve these objectives, the CSC 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 *subpoena* 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.

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

Those granted immunity shall be exempted from administrative and criminal prosecution.

SEC. 8. *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 years and one 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, the accessory penalties of dismissal from the service, forfeiture of government benefits, cancellation of eligibility, bar from taking any government examination, and perpetual disqualification from re-entering government service shall be imposed: Provided, further, That if the offender is a nongovernment employee, the accessory penalties of disqualification from taking any government examination and from entering the government service shall be imposed: 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 penalized as provided in this Act and the license/permit to operate as review center shall likewise be revoked.*

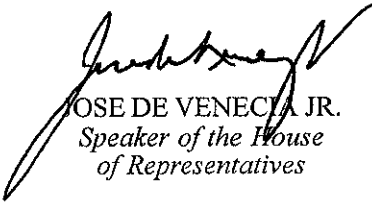
SEC. 9. *Administrative Liability.* – Any person found administratively liable under any of the acts mentioned above, shall be liable for serious dishonesty and grave misconduct and shall be dismissed from the service with all the accessory penalties for government employees. Nongovernment employees found administratively liable shall be perpetually barred from entering government service and from taking any government examination.

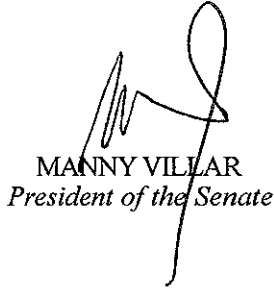
SEC. 10. *Implementing Rules and Regulations.* – The CSC shall promulgate the rules and regulations necessary to carry out the provisions of this Act.

SEC. 11. *Repealing Clause.* – All laws, presidential decrees, letters of instruction, executive orders, rules and regulations insofar as they are inconsistent with this Act are hereby repealed or amended as the case may be.


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


Approved,


JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*



MANNY VILLAR
President of the Senate

This Act which is a consolidation of Senate Bill No. 2512 and House Bill No. 4435 was finally passed by the Senate and the House of Representatives on December 21, 2006 and January 31, 2007, respectively.


ROBERTO P. NAZARENO
*Secretary General
House of Representatives*


OSCAR G. YABES
Secretary of the Senate

Approved: MAR 25 2007


GLORIA MACAPAGAL-ARROYO
President of the Philippines

