



HOUSE OF REPRESENTATIVES

H. No. 4435

BY REPRESENTATIVES ABAD, NEPOMUCENO, MAGSAYSAY (M.), BARINAGA,
GONZALEZ, CASIÑO, ROMAN, ABAYON, JALA, OLAÑO, CHATTO, AMIN,
CODILLA AND MAGSAYSAY (E.),

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
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:*

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

6 Pursuant thereto, any form of cheating in civil service examinations is
7 hereby declared illegal and unlawful. This shall include acts and omissions
8 that are done before, during and after such examinations. To further protect
9 the integrity of the examinations, the possession and/or use of any examination

1 related materials like electronic program files or data, test booklets and answer
2 sheets by an individual, group or review center shall be considered an act of
3 cheating.

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

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

10 (a) “Civil service examination” refers to all examinations being
11 administered by the CSC.

12 (b) “Cheating” refers to any act or omission before, during or after any
13 examination such as, but not limited to, the following:

14 (1) Impersonation;

15 (2) Use of “codigo” or “crib” sheets;

16 (3) Employing a “poste” or a person who disguises himself as an
17 examinee during the examination;

18 (4) Tampering with the examination records such as the answer data
19 files, the application forms or the picture seat plan to facilitate the passing of
20 an examinee who failed;

21 (5) Collusion of whatever nature between examinees and examination
22 personnel;

23 (6) Statistically improbable results;

24 (7) Examinee number switching;

25 (8) Possession and/or use of fake certificate of eligibility; and

26 (9) Such other acts of similar nature which facilitates the passing of
27 examination including those committed by review centers.

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

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

7 (e) "Private individuals" refer to persons who are not considered
8 government employees.

9 SEC. 4. *Powers and Functions.* – To achieve these objectives, the CSC
10 shall have the following powers and functions, in addition to those provided
11 for under Executive Order No. 292:

12 (a) Exclusive jurisdiction over administrative cases including
13 examination irregularities;

14 (b) Investigate and prosecute on its own or on complaint by any person,
15 any examination irregularity cases that may be committed by private
16 individuals, groups or review centers;

17 (c) Request any government agency for assistance and information
18 necessary in the effective discharge of its responsibilities under this Act;

19 (d) Issue *subpoena* and *subpoena duces tecum* for the production of
20 documents and records pertinent to its investigation and inquiries;

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

24 (f) Take the primary role in continuously reviewing examination
25 systems and procedures to ensure that the integrity of such examinations is not
26 compromised.

27 SEC. 5. *Review Centers.* – The possession of and/or unauthorized use
28 of CSC examination materials in whole or in part by an individual, group or

1 review center shall be considered an act of cheating and punishable criminally
2 under this Act.

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

10 Those granted immunity shall be exempted from administrative and
11 criminal prosecution: *Provided,* That, if the “whistleblower” is an examinee
12 who passed the examination through any of the acts of cheating mentioned, he
13 may avail of the refresher courses which the Commission will give to
14 “whistleblowers” to build up their capabilities and skills in passing the
15 examination.

16 SEC. 7. *Penalties.* – Any person who commits any of the prohibited
17 acts covered by Section 3 (b) above, shall, upon conviction, suffer the penalty
18 of imprisonment of not less than six years and one day but not more than
19 twelve (12) years and a fine of not less than Fifty thousand pesos (P50,000.00):
20 *Provided,* That if the offender is already a government employee, he shall also
21 be meted the penalty of dismissal from the service and the accessory penalty of
22 forfeiture of government benefits and cancellation of eligibility; shall be barred
23 from taking any government examination, and shall be perpetually disqualified
24 from re-entering government service: *Provided, further,* That if the offender is
25 a nongovernment employee, he shall be meted the accessory penalty of
26 disqualification from taking any government examination and from entering
27 the government service: *Provided, finally,* That if the person found guilty is an

1 employee, owner or member of the board of directors of a review center, he
2 shall likewise be penalized as provided in this Act.

3 SEC. 8. *Administrative Liability.* – Any person found administratively
4 liable under any of the acts mentioned above, shall be liable for dishonesty and
5 gross misconduct and shall be dismissed from the service with all the accessory
6 penalties for government employees. Nongovernment employees found
7 administratively liable shall be perpetually barred from entering government
8 service and from taking any government examination.

9 SEC. 9. *Implementing Rules.* – The CSC shall promulgate the rules and
10 regulations necessary to carry out the provisions of this Act.

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

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

Approved,

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