



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 152-2003

Public office is a public trust. Public officers and employees must therefore at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, and act with patriotism and justice. (*Section 1, Article XI, 1987 Constitution.*) The essence of public trust calls upon each government official to be true to his duty towards God and his country.

In answer to the call for all government officials to be accountable for his acts as public officials, it has been the paramount goal of this Office to ensure the effective and efficient delivery of judicial service to the public without unnecessary disruptions.

By reason of the nature and functions of their office, the officials and employees of the Judiciary must serve as role models in the faithful observance of the constitutional canon that public office is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of office time for public service, if only to recompense the government and ultimately, the people, who shoulder the cost of maintaining the Judiciary.

The Office of the Court Administrator has received information that certain groups of court personnel are planning to resort to mass leaves, walkouts, demonstrations and other similar activities to the detriment of the delivery of services by the Judiciary to the general public.

While we are not proscribing the employees' right to express their respective sentiments concerning the issues now facing the Judiciary, there are rules that govern such expression of sentiments of which all employees must be made aware of. All lower court employees are therefore hereby reminded of the following prevailing laws, rules, and jurisprudence concerning unauthorized absences, mass actions, and other related activities, *to wit:*

- 1) **"Section 5. Definition of Prohibited Concerted Mass Action.** – As used in this Omnibus Rules, the phrase "prohibited concerted activity or mass action" shall be understood to refer to any collective activity undertaken by government employees, by themselves or through their employees' organizations, with the intent of effecting work stoppage or service disruption in order to realize their demands or force concessions, economic or otherwise, from their respective agencies or the government.

means. The belief in the righteousness of their cause, no matter how deeply and fervently held, gives the teachers concerned no license to abandon their duties, engage in unlawful activity, defy constituted authority, and set a bad example to their students.”

- 7) **“Section 7. Administrative Liability.** – Government employees who join, participate or take part in any prohibited concerted activity or mass action as defined in the preceding section shall be held administratively liable for the offense of conduct prejudicial to the best interest of the service and such other administrative offenses as may be warranted under the circumstances.

“A registered and/or accredited employees’ organization which initiates, spearheads, joins or participates in any prohibited concerted activity or mass action, shall have its certificate of registration and/or accreditation revoked or cancelled.”

“Section 8. Penal and Civil Liability. – The filing of administrative charges against the erring employees shall not be a bar to the institution of appropriate criminal and civil cases when so warranted by the circumstances.” *(CSC Resolution No. 021316 dated October 11, 2002.)*

- 8) Conduct prejudicial to the best interest of the service fall under the classification of Grave Offenses under Rule IV of the Civil Service Rules. **The first offense is punishable with suspension for six months and one day to one year while the second offense is punishable with dismissal from the service.**
- 9) Finally, officials and employees who have been found guilty of an administrative charge except those who have been reprimanded or warned are not entitled to receive productivity incentive bonuses, fringe benefits (amelioration assistance), additional COLA (JDF), year-end bonus, cash gift, and the advance payment of one-half (1/2) thereof. *(Administrative Circular No. 5-2001 dated January 9, 2001 and DBM Budget circular No. 2000-18 dated September 6, 2000.)*

For your guidance and strict compliance.

November 6, 2003


PRESBITERO J. VELASCO, JR.
Court Administrator