



DEPARTMENT OF EDUCATION

Region X-Northern Mindanao

DIVISION OF MALAYBALAY CITY

Sayre Highway, Purok 6, Casisang., Malaybalay City

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DIVISION MEMORANDUM

NO. 180, s. 2018

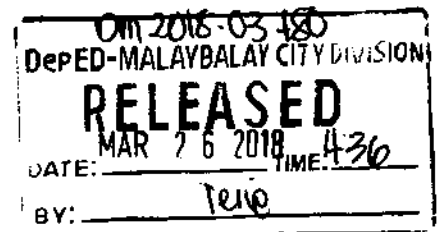
**TO : Chief Education Supervisors, CID & SGOD
Education Program Supervisors, CID & SGOD
Public Schools District Supervisors
Public Elementary & Secondary School Heads
Unit Heads and Staff
Public Elementary & Secondary School Heads
All Others Concerned**

This Division

Edilberto L. Oplenaria
FROM : EDILBERTO L. OPLENARIA, CESO VI
Schools Division Superintendent

DATE : March 19, 2018

**RE : COMPLIANCE OF CIVIL SERVICE COMMISSION RULE ON
THE PROHIBITION TO ENGAGE IN THE PRACTICE OF
PROFESSION OR IN ANY PRIVATE BUSINESS**



1. The field is reminded that a public official or employee is prohibited to engage in the private practice of profession or any private business unless authorized by the Constitution or law, provided that such practice or private business will not conflict or tend to conflict with their official functions pursuant to Republic Act No. 6713, Section 7 (b)2 and Rule XII, Sec. 136 of the 2017 Omnibus Rules on Appointment and Other Human Resource Actions (2017 ORAOHRA).
2. The official or employee concerned in order to engage in any private business or practice of profession must submit a written permission to the Head of Agency for them to validly do the same.
3. Further, the act of engaging in any private business or practice of profession without the permission from the head of agency is an administrative offense.
4. All DepEd Division of Malaybalay City officials and teaching and non-teaching employees are therefore reminded of the above-mentioned Civil Service Commission prohibition and should the same be applicable to them, the necessary written permission from this Office be obtained in order to avoid the corresponding administrative sanctions.
5. Immediate dissemination and strict compliance of this Memorandum is hereby directed.

Cc: Legal
TO BE POSTED IN THE WEBSITE



Republic of the Philippines
CIVIL SERVICE COMMISSION

Regional Office X

February 8, 2018

Dr. EDILBERTO L. OPLENARIA
OIC - Schools Division Superintendent
Department of Education - Division of Malaybalay City
Sayre Highway, Casisang, Malaybalay City

3440
DEPED MALAYBALAY CITY DIVISION
RECEIVED
DATE: _____ TIME: 3:17 PM
BY: MAR 05 2018 [Signature]

Dear Superintendent Oplenaria:

This is a reminder to all heads of government agencies/offices regarding the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives and uphold public interest over personal interest (Sec.2, Republic Act No. 6713 [Code of Conduct and Ethical Standards for Public Officials and Employees]).

Section 4 of R.A. No. 6713 emphasized the eight (8) norms of conduct of public officials and employees and this include commitment to public interest which is manifested as follows:

X x x

- (a) **Commitment to public interest. – Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.**

X x x

(emphasis supplied)

A public official or employee must uphold public interest over personal interest. Hence, a public official or employee is prohibited to engage in the private practice of profession unless authorized by the Constitution or law, provided that such practice will not conflict or tend to conflict with their official functions (Section 7 (b)2, Republic Act No. 6713).

This prohibition against engaging directly or indirectly in the private practice of profession or in any private business is also emphasized in Sec. 136, Rule XII of the 2017 Omnibus Rules on Appointment and Other Human Resource Actions (2017 ORAOHRA), viz.:

“Sec. 136. No officer or employee, whether in a permanent or regular capacity, temporary, casual, or hold-over, shall engage directly or indirectly in any private business or practice of profession. Exemptions may be allowed, subject to the limitations provided under RA No. 6713 and other special laws. Provided, further that the following requirements/conditions are met:

Bawat Kawani, Lingkod Bayani

- a. Written permission from head of agency must be secured and renewed annually;
- b. Time devoted outside of office hours shall not impair in any way the efficiency of the officer or employee nor pose a conflict or tend to conflict with the official functions and must be fixed by the head of agency; and
- c. Government facilities, equipment and supplies shall not be used while engaged in private business or practice of profession."

(emphasis and underlining supplied)

Hence, the official or employee must submit a written permission to their respective head of agency for them to engage in any private business or practice of profession. The grant of the authority by the head of agency for the officer or employee to engage in any private business or practice of profession must contain the above-mentioned conditions in Sec. 136 (b and c), *supra*.

Section 50, Rule 10 of the 2017 Revised Rules on Administrative Cases in the Civil Service (2017 RACCS) proscribes such act of engaging in any private business or practice of profession without the permission from their head of agency. The penalty of the said act includes:

"Sec. 50. Classification of Offenses. X x x

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

X x x

12. **Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised, or licensed by one's office, unless expressly allowed by law;**

X x x

F. The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

X x x

15. Engaging in private practice of one's profession unless authorized by the Constitution, law or regulation or the head of the office where the employee or official is assigned, and provided that such practice will not conflict with one's official functions.

16. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations."

(emphasis and underlining supplied)

To ensure the compliance with the above-mentioned law and rules, head of agencies are encouraged to remind its own employees and also to revisit its internal guidelines in granting the authority to engage in any private business or practice of profession.

Be guided.

Very truly yours,



ADAMS D. TORRES, CESO IV
Director IV