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Department of Justice
Manila

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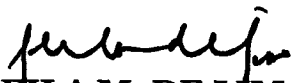
**TO : The Prosecutor General and Heads of Regional,
Provincial and City Prosecution Offices Nationwide**

**SUBJECT: Implementation of Strategic Performance
Management System (SPMS) in the National
Prosecution Service (NPS)**

Pursuant to Civil Service Commission (CSC) Memorandum Circular No. 6, s. 2012, and in line with our Department Circular No. 017, s. 2014, attached is the detailed guidelines for implementing the SPMS in the NPS.

The Performance Management Team (PMT) constituted under Department Order No. 497, s. 2013, shall oversee and facilitate the implementation of the said guidelines.

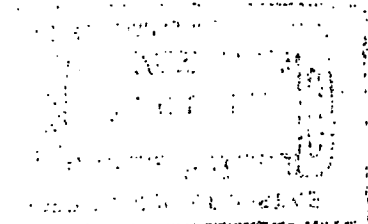
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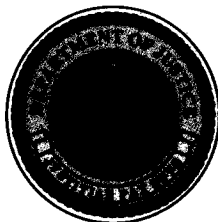

LEILA M. DE LIMA
Secretary

Department of Justice
CN : 0201412375









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**GUIDELINES FOR IMPLEMENTATION OF STRATEGIC PERFORMANCE
MANAGEMENT SYSTEM IN THE NATIONAL PROSECUTION SERVICE**

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2.0 Introduction

- 2.1 Department Circular No. 017 dated 18 June 2014 on implementation of the Strategic Performance Management System (SPMS) under Civil Service Commission (CSC) M.C. No. 06, s. 2012. By January 2015, all performance based human resource actions such as promotion, scholarship, training, rewards and incentives shall only be based on a CSC-approved SPMS.
- 2.2 Consultations and orientation sessions on the SPMS procedures were conducted by the Performance Management Team (under Department Order No. 497, s. 2013) with personnel of the National Prosecution Service (NPS).

3.0 Scope

- 3.1 For the NPS, the SPMS shall cover all employees including prosecution officers (prosecutors and prosecution attorneys) and support staff with DOJ plantilla positions, and excludes outsourced personnel such as job order and LGU-provided staff.
- 3.2 Performance shall be evaluated both at the office and individual employee levels. At the office level, the following parameters shall be observed:
 - 3.2.1 Regional prosecution office – its own office performance and total performance of all offices within their jurisdictions; and
 - 3.2.2 Central, provincial and city prosecution office – evaluated separately;
 - 3.2.3 Head of office – performance of office headed; and
 - 3.2.4 Prosecution officer/support staff – individual performance commitments.

4.0 Performance Planning and Commitment

4.1 Performance of performance indicators, targets, monitoring and evaluation of prosecution offices shall be in terms of the mandated core functions of the NPS pursuant to RA 10071, otherwise known as the Prosecution Service Act of 2010. The variables or factors are:

4.1.1 Case load – annual average number of complaints/cases handled by every prosecution officer in each office

4.1.1.1 Total number of criminal complaints handled for resolution (carryover and newly received), i.e. preliminary investigation, inquest, motions for reconsideration, reinvestigation, appeals and automatic review, and total number of active criminal cases handled in courts (carryover and newly filed);

4.1.1.2 Annual average reported number of prosecution officers actually assigned/working in each prosecution office;

4.1.1.3 Example:

Complaints/Cases Handled	Carryover	New	Total
Preliminary investigation	20	180	200
Inquest	-	50	50
Motions for reconsideration	10	30	40
Reinvestigation	3	7	10
Prosecution in court	100	100	200
Total Complaints/Cases Handled			500
Prosecutors			4
Prosecution Attorneys			1
Total Prosecution Officers			5
Average per Officer (<i>Handled ÷ Officers x 100%</i>)			100

4.1.2 Accomplishments – actual outputs relative to performance indicators.

4.2 The following performance indicators shall be used in evaluating prosecution office performance:

4.2.1 Case Disposition Rate

4.2.1.1 Percent of all handled complaints/cases resolved during the period (carryover and newly received);

4.2.1.2 Example:

Complaints/Cases	Carryover	New	Total
Complaints Handled			
Preliminary investigation	20	180	200
Inquest	-	50	50
Motions for reconsideration	10	30	40
Reinvestigation	3	7	10
Total Complaints Handled			300
Complaints Resolved			
Preliminary investigation			180
Inquest			49
Motions for reconsideration			35
Reinvestigation			6
Total Complaints Resolved			270
Disposition Rate (<i>Resolved ÷ Handled x 100%</i>)			90%

4.2.2 Case Aging

4.2.2.1 Percent of all criminal complaints for investigation pending within 120 days (from date of receipt by the office)

4.2.2.2 Example:

Complaints Pending Resolution	Within 120 days	Beyond 120 days	Total
Preliminary investigation	14	6	20
Inquest	1		1
Motions for reconsideration	5		5
Reinvestigation	4		4
Total Pending	24	6	30
Case Aging (w/in & beyond 120 days ÷ total)	80%	20%	100%

4.2.3 Prosecution Success Rate

4.2.3.1 Convictions as a percent of total convictions and acquittals (excluding dismissals)

4.2.3.2 Illustration:

Court Decisions	Number
Convictions	70
Acquittals	30
Total	100
Prosecution Success Rate (Convictions ÷ Total Convictions & Acquittals x 100%)	70%

4.3 Office performance targets for the said indicators shall be based on:

4.3.1 Improvement from previous year performance – variable percentage increases instead of fixed accomplishment target for each indicator;

4.3.2 Case load – all prosecution offices proportionately categorized in terms of annual average number of complaints/cases per prosecution officer (i.e. heavy, medium, light); and

4.3.3 Target improvement relative to case load – higher targets for light case load and lower targets for heavy case load.

4.4 The targets in Annex “A” shall be used among all prosecution offices with a five (5)-point rating scale (5 as the highest).

4.5 The reported case load of the immediately preceding year shall be used in determining the indicative targets of prosecution offices for the commencing rating period. However, considering the changing case load and manpower of prosecution offices, the final office targets shall be based on the reported actual case load for the current rating period.

4.6 While office targets shall be on annual basis, monitoring and evaluation shall be quarterly and semestral, respectively.

4.7 As needed, the PMT shall organize/conduct annual planning/management sessions for the NPS to assess performance and discuss national/regional/office targets. Prosecution offices may also conduct their own planning sessions to discuss with their subordinates and constituent offices/units the office and individual performance/targets.

- 4.8 The IPCR form shall be used in setting the indicators and targets of each prosecution officer and staff. The IPCR template is in Annexes “B” and “C” with sample outputs and success indicators for prosecution officers and support staff, respectively.
- 4.8.1 The IPCR form for each semestral rating period (January to June and July to December) shall be prepared by the employee concerned together with his/her supervisor based on duties and assignments, for review for approval of the head of office within the months of January and July. If the Head of Office is the employee’s immediate supervisor, he/she will sign both as supervisor and Head of Office.
- 4.8.2 Any disagreement between the supervisor and employee in the determination of outputs, indicators and targets must be settled by the head of office concerned, given that the IPCR is mandatory as sole basis for determination of individual performance.
- 4.8.3 Heads of prosecution offices need not accomplish the said IPCR forms since the office targets are their performance commitments.
- 4.8.4 Individual performance indicators shall include the actual work/outputs assigned within and beyond the office indicators (which are limited to core functions only), covering the following job classifications:
- 4.8.4.1 Prosecution officers – investigative/prosecutorial, legal services (e.g. for LGUs, free legal assistance), and special assignments (e.g. programs, projects, committees); and
- 4.8.4.2 Support staff – Secretarial/clerical, administrative (e.g. human resource, financial, records, supply/property, information, evidence management); and general services (e.g. utility, security, driver, maintenance).
- 4.8.5 In determination of individual performance commitments and targets, the following must be ensured and/or considered:
- 4.8.5.1 Rationalized work assignments and resource allocation based on mandated functions, personnel capacity, and resource/environmental/policy/procedural constraints; and
- 4.8.5.2 Documented historical and projected/expected performance.
- 4.9 Duly signed IPCR forms with outputs and success indicators shall be submitted to and reviewed/consolidated by the regional offices within the month of January. Regional prosecutors shall coordinate with the heads of provincial/city offices for concerns relative to the submitted IPCR forms. Any modification shall have to be made by the employee, supervisor and head of office concerned. The regional offices shall endorse the IPCR forms to the DOJ Personnel Division within the said month, for compliance review vis-à-vis the prescribed format and required content.
- 4.10 IPCR forms may be revised/updated within the six (6)-month rating period but not later than the 5th month, in case of significant changes in work load and functional organization/resources, including major increase/decrease in case load and manpower as well as task/personnel reassignments, reorganization and staffing adjustments. Otherwise, additional assignments will simply be added to the employee’s set performance measures/targets.

- 4.11 Newly created offices and their respective personnel shall be subject to separate performance commitments and evaluation if made operational at least three (3) months within the semestral rating period. Personnel transferred/reassigned/detailed to the said offices shall be covered by the earlier set office/individual commitments in their former offices if in the latter deployment for more than three (3) months within the semestral rating period.

5.0 Performance Monitoring and Coaching

- 5.1 Performance of prosecution offices nationwide shall be monitored using the following mandatory reports (under D.O. No. 824, s. 2008, re: NPS Performance Monitoring and Reporting System), as monitored and processed by the Planning and Statistics Division shall be the sources of essential data:
 - 5.1.1 Quarterly Report of Operations (NPS Report Form No. 2009-02-A) – case load, prosecution officers, case disposition rate and prosecution success rate are derived; and
 - 5.1.2 Yearend Inventory of Pending Cases (NPS Report Form No. 2009-01) – case aging.
- 5.2 The following report-based methods may be used in monitoring individual performance, but other means may applied:
 - 5.2.1 Prosecution officer performance – Monthly Prosecution Officer Accomplishment Report (NPS Report Form No. 2009-1, as Annex “D” with sample content), which is among the optional reports under the said D.O. No. 824, s. 2008, as amended; and
 - 5.2.2 Support staff – Weekly Individual Accomplishment Report (Annex “E” with sample indicators, data and calculations).
- 5.3 The supervisor-rater shall meet or communicate with the employee-ratee/s at least once during each semestral rating period to discuss the progress of the latter’s performance, including feedbacks and problems encountered in the performance of tasks. This shall be documented by supervisors using the Quarterly Monitoring and Coaching Journal (Annex “F” with sample content).

6.0 Performance Review and Evaluation

- 6.1 Based on the received/processed reports (complete with essential data) from prosecution offices nationwide, the DOJ Planning and Statistics Division within the month of January shall provide regional offices the:
 - 6.1.1 Calculated previous year performance;
 - 6.1.2 Indicative targets for the commencing year; and
 - 6.1.3 Report or data deficiencies.
- 6.2 Simultaneously, prosecution offices shall provide the IPCR forms (with earlier set indicators and targets) with accomplishment information, corresponding performance ratings, and comments/recommendations for employee development.

- 6.3 The minimum individual/employee appraisal period is at least 90 calendar days or three (3) months.
- 6.3.1 Officials/employees on official travel, approved leave of absence or training/scholarship programs, and who already met the required minimum period of 90 days, shall submit the performance commitment and rating report before they leave the office. For purposes of performance-based incentives, such employees shall use their performance ratings for the immediately preceding rating period.
- 6.3.2 Employees who are on detail or secondment to another office shall be rated in their present/actual office, copy furnished their mother office. The ratings of those who are detailed (full or partial), seconded, or transferred to another office during the rating period shall be consolidated in the office, either the mother or present office, where the employees have spent majority of their time.
- 6.4 The following five (5)-point rating scale shall be used for individual performance pursuant to CSC M.C. No. 13, s. 1999:

Rating Scale		Accomplishment Rate (% of target accomplished)
Numerical	Adjectival	
5	Outstanding	At least 130%
4	Very Satisfactory	115% to 129%
3	Satisfactory	90% to 114%
2	Unsatisfactory	51% to 89%
1	Poor	50% and below

- 6.5 Attached are the detailed rating scales and completed IPCR forms (Annexes “G”, “H”, “I” and “J”) with sample targets, accomplishments and ratings for prosecution officers and support staff. The head of office shall ensure that the employee is notified of his/her final performance assessment.
- 6.6 Based on the completed IPCR forms, a Summary List of Individual Ratings (Annex “K”) shall be prepared by each office. Both the summary list and IPCR forms shall be submitted to and consolidated by the regional offices, for transmittal to the Personnel Division.
- 6.7 Similar to the performance planning and commitment phase, regional prosecutors shall coordinate with the heads of provincial/city offices for concerns relative to the submitted IPCR forms. Any modification shall have to be made by the employee, supervisor and head of office concerned.
- 6.8 As prescribed by the CSC, the average performance rating of employees cannot be higher than the approved office performance rating (as recommended by the PMT and approved by the Head of Agency). Otherwise, the Personnel Division shall return IPCR forms to the offices concerned for further review and appropriate adjustments.
- 6.9 The PMT, on its own initiative and upon higher management directive, may review/validate office and individual performance ratings especially those that will have significant implications/impact on personnel actions such as promotion, incentives and sanctions.

- 6.10 For purposes of performance-based incentives and in case of equal performance ratings, forced ranking will be applied by heads of offices concerned using the actual accomplishment rates. In the event of equal actual accomplishment rates, the head of office may then consider other factors beyond the performance commitment in the IPCR form.

7.0 Performance Rewarding and Development Planning

- 7.1 The performance ratings shall be used as basis in ranking employees for performance-based incentives, development interventions (e.g. training, scholarship grants), personnel actions (e.g. promotion, separation), and nomination for various awards and incentives. Employees with Outstanding and Very Satisfactory performance ratings shall be considered for such incentives, awards and promotion.
- 7.2 Part of the individual's employee evaluation is the competency assessment vis-à-vis the competency requirements of the job, as discussed by heads of offices and supervisors with the individual employee at the end of each rating period. The assessment shall focus on strengths, competency-related performance gaps and opportunities to address these gaps, career paths and alternatives. The result shall be treated independently of the performance rating of the employee. Appropriate developmental interventions shall be made available by the head of office and supervisor, and submit to the Personnel Division together with or as part of the accomplished IPCR form (under comments/recommendations) if necessary.
- 7.3 The head of office shall recommend and discuss a Professional Development Plan (Annex "L" with sample content) with subordinates who obtain "unsatisfactory" performance during the rating period not later than one (1) month thereafter, and issue written notice/advice to that a succeeding unsatisfactory or poor performance shall warrant separation from the service.
- 7.3.1 The said Development Plan intends to improve or correct the performance of such employees by addressing competency-related performance gaps, and must include timelines and be monitored to measure progress. Appropriate developmental intervention therein will be provided by the head of office and supervisor in coordination with the Personnel Division.
- 7.3.2 If after advise and provision of developmental intervention, the employee concerned still obtains unsatisfactory or poor rating in the immediately succeeding rating period, he/she may be dropped from the rolls. A written notice/advice from the head of office at least three (3) months before the end of said rating period is required.
- 7.4 The head of office shall provide preliminary rating to subordinates showing "Poor" performance not earlier than the third (3rd) month of the rating period. A development plan shall be discussed with the employee concerned, with written notice that failure to improve their performance shall warrant their separation from the service.

8.0 Sanctions

- 8.1 Unless justified and accepted by the PMT, non-submission of OPCR and IPCR Forms within the prescribed dates shall be a ground for:
 - 8.1.1 Disqualification of offices and employees concerned from performance-based personnel actions such as promotion, training or scholarship grants and performance-based incentives, which require the rating for a given period; and
 - 8.1.2 Administrative sanction for violation of reasonable office rules and regulations and simple neglect of duty for the Heads of Offices, supervisors and employees responsible for the delay or non-submission of the OPCR and IPCR forms.
- 8.2 As provided under D.O. No. 824, s. 2008, as amended, failure to submit the mandatory Quarterly Physical Report of Operations and Yearend Inventory of Pending Cases shall be a ground for imposition of appropriate sanctions and/or withholding of allowances of accountable officers. Such non-submission as well as inadequate data/information therein shall also warrant the non-inclusion in performance evaluation of the office concerned and all employees therein, due to lack of basis to determine office performance.
- 8.3 Accomplishment reports found, upon validation, not supported/evidenced by office records shall be a ground for disqualification of officers and employees concerned from the said personnel actions.
- 8.4 Failure on the part of the head of office to issue the required notices to subordinates for unsatisfactory or poor performance during a rating period shall be a ground for an administrative offense of neglect of duty.

9.0 Appeals

- 9.1 Any issue or appeal on the initial performance assessment of an office shall be formally submitted to the PMT. The PMT shall dialogue with the head of office concerned to address the issue/appeal.
- 9.2 The PMT shall decide with finality within one (1) month from receipt and may thereafter immediately proceed finalizing the office performance assessment as basis for rating, ranking, incentives and other personnel actions, unless otherwise directed by the Secretary by reason of higher level appeal made by the head of office concerned.
- 9.3 Individual employees who feel aggrieved/dissatisfied with their final performance ratings can file an appeal with the PMT within 15 days from the date of receipt of notice of final performance rating from the head of office.
- 9.4 An office/unit or individual employee, however, shall not be allowed to protest the performance ratings of other offices/units or co-employees. Ratings obtained by other offices/units or employees can only be used as basis or reference for comparison in appealing one's office or individual performance rating.

9.5 Officials/employees separated from the service on the basis of unsatisfactory or poor performance rating can appeal their separation to the CSC or its regional office within 15 days from receipt of the order or notice of separation.

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10.0 **Miscellaneous**

2.1.1 The PMT may issue notices and further guidelines on SPMS implementation, with which all offices of the Department Proper including the NPS are bound to comply, unless otherwise directed by the Secretary or other proper authorities.

2.1.2 The PMT shall monitor and evaluate the effectiveness of the agency SPMS every year including its implementation in the NPS. The PMT, in coordination with officials concerned, shall introduce improvements as may be necessary to ensure responsiveness to the Department's needs and thrusts as well as government policies, agenda and reforms.

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