

**[ ADMINISTRATIVE ORDER NO. 2015-0048,  
November 16, 2015 ]**

**REVISED PROCEDURES ON HANDLING ADMINISTRATIVE  
DISCIPLINARY COMPLAINTS IN THE DEPARTMENT OF HEALTH**

*Adopted: 13 November 2015  
Date Filed: 16 November 2015*

**I. RATIONALE**

Department of Health underwent a Rationalization Plan pursuant to Executive Order No. 366 dated October 4, 2004 re-engineering its organizational structure thus, creating new offices and positions, as well as collapsing some already in existence with the aim of transforming the Department into a more responsive organization with appropriate staffing requirements.

Also, the Civil Service Commission on November 18, 2011 promulgated Resolution No. 1101502 creating the Revised Rules on Administrative Cases in the Civil Service (RRACCS), in effect amending the 1999 Uniform Rules in Administrative Cases in the Civil Service which was observed by the Department in issuing Administrative Order No. 2009-0019 dated October 30, 2009, the "Procedures on Handling Complaints in the Department of Health".

On these premises, there is a need to amend Administrative Order No. 2009-0019 to complement the new organizational structure of the Department and incorporate the new provisions of the RRACCS.

**II. OBJECTIVE**

The revised procedure aims to establish a uniform procedure of handling disciplinary complaints filed against the personnel of the Department of Health, including where to file the same based on the new organizational structure of the Department and the salient provisions of the RRACCS.

**III. SCOPE**

This AO applies to administrative complaints filed by any person against any official or employee of the Department of Health which includes the Central Office, all DOH retained hospitals, Regional Offices, Bureaus, Sanitaria, Rehabilitation Centers, BOQ, FDA, NNC, PNAC, PITAHC, POPCOM, and all Presidential Appointees in the DOH Specialty Hospitals.

These rules and procedures shall be suppletory in application to the Revised Rules on Administrative Cases in the Civil Service (RRACCS) or CSC Resolution No. 1101502 dated November 18, 2011.

#### **IV. DEFINITION OF TERMS**

Definition and Acronym as herein used are as follows:

1. **AHFFC** – refers to the Ad Hoc Fact Finding Committee created to conduct fact finding investigation created by the Head of Agency for complaints which are not under oath and with verifiable information.
2. **Chief of Hospital/Medical Center Chief (COH/MCC)** – refers to the Chief of a retained or re-nationalized Department of Health Hospital or Medical Center.
3. **Chief of Medical Professional Staff/Chief of Clinics** – refers to the senior head medical officer of the hospital.
4. **Director** – refers to the head of the office of a regional office, bureau, service or head of office of DOH and its attached agencies.
5. **DOH-CO** – refers to the Department of Health Central Office.
6. **FFC** – Fact Finding Committee - a Committee that gathers evidence in relation to the complaint.
7. **IAS** – refers to the Internal Audit Service of the Department of Health.
8. **Formal Charge (FC)** – refers to the formal complaint leveled against a public official or employee after conducting the Preliminary Investigation.
9. **IMC** – refers to the Integrity Management Committee of the Central Office or of the Regional Offices.
10. **IRI** – refers to Internal Reporting and Investigation, a sub-committee of the Department of Health Integrity Management Committee of the Central Office.
11. **Legal Officer (LO)** – refers to any Attorney or employee of the Department who is performing the functions of, or acting as, a legal officer. For purposes of this Administrative Order, all LOs of this department are authorized to administer oath or affirmation in connection with the complaints filed with their respective offices.
12. **LS** – refers to the Legal Service of the Department of Health.
13. **Motion for Reconsideration (MR)** – refers to a type of pleading filed by a party adversely affected by the decision to the disciplining authority who rendered the same within fifteen (15) days from receipt thereof.
14. **ODESLA** – refers to the Office of the Deputy Executive Secretary for Legal Affairs of the Office of the President.
15. **Prima Facie** – refers to specific evidence that, if believed, supports a case or an element that needs to be proved in the case. It is evidence which suffices for the

proof of a particular fact until contradicted and overcome by other evidence.

16. **RO** – refers to the Regional Office of the DOH.

17. **SOH** – refers to the Secretary of the Department of Health.

18. **Verifiable Information** – An information is verifiable if its veracity and accuracy can be confirmed by a substantial piece of evidence.

## **V. GENERAL POLICY**

The DOH shall hear and decide administrative cases instituted by or brought before it directly or on appeal, guided by the principle that public office is a public trust and that all public officials and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency as well as serve the Filipino constituents with sincerity and patriotism,

Lead a modest life and committed to uphold the rule of law and the highest lead standards of honesty, integrity and transparency in the performance of their official duties and responsibilities in the Department of Health.

## **VI. PROCESS AND PROCEDURE**

The Revised Procedures on Handling Administrative Disciplinary Complaints in the Department of Health shall be observed in the adjudication of:

### **RULE I**

***Complaints filed against officers or employees whose positions are lower than COH/MCC in all retained/re-nationalized hospitals/medical centers, sanitarium, and rehabilitation centers under supervision by a Regional Office concerned.***

Section 1. Complaint filed with (COH/MCC/RO Director) – The Complaint shall be filed with the Hospital Chief concerned or with the RO Director having supervision of the retained/re-nationalized hospitals/medical centers, sanitarium, and rehabilitation centers.

Section 2. Initial evaluation of complaint (COH/MCC/RO Director) - The Hospital Chief concerned or the RO Director shall initially evaluate the complaint. If --

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving.

b. With verifiable information but not under oath – require the complainant to be placed under oath before a legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Hospital Chief shall create a Fact Finding Committee with one (1) Hospital IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair.

- c. Under oath – proceed to preliminary investigation by the Hospital Legal Officer or in the absence thereof by the RO Legal Officer upon request of the Hospital Chief concerned.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Hospital Legal Officer or in the absence thereof by the RO Legal Officer upon request of the Hospital Chief concerned (COH/MCC);

- a. If no prima facie case – recommend dismissal of complaint;
- b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (COH/MCC) - The Hospital Legal Officer or the RO Legal Officer shall submit the Preliminary Investigation Report and Recommendation for approval by the COH/MCC.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a Regional Hearing Committee to be chaired by any legal officer of the DOH. The other members shall be designated by the RO Director.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the COH/MCC – Upon termination of the proceedings in the formal investigation of the case, the Regional Hearing Committee shall submit the Formal Investigation Report to the COH/MCC. Within 30 days from the time the Formal Investigation Report is submitted, the COH/MCC shall issue a Decision in writing;

- a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

- a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;
- b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

## **RULE II**

### ***Complaints filed against COH/MCC under supervision by a Regional Office concerned.***

Section 1. Complaint filed with (RO Director/Usec/Asec concerned/SOH) – The Complaint shall be filed with the RO Director/Usec/Asec concerned or the SOH.

Section 2. Initial evaluation of complaint (RO Director/Usec/Asec Concerned/SOH) – The RO Director/Usec/Asec concerned or the SOH shall initially evaluate the complaint. If –

- a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;
- b. With verifiable information but not under oath – require the complainant to be placed under oath before a legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Usec/Asec concerned shall create a Fact Finding Committee with one (1) Regional Office IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair;
- c. Under oath – proceed to preliminary investigation by the Legal Service.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Legal Service;

- a. If no prima facie case – recommend dismissal of complaint;
- b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (Usec/Asec concerned) – The Legal Service shall submit the Preliminary Investigation Report and Recommendation for approval by the Usec/Asec concerned.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a Hearing Committee to be designated by the Usec/Asec concerned. A legal officer of the Department shall act as Adviser of the Committee.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the SOH – Upon termination of the proceedings in the formal investigation of the case, the Hearing Committee shall submit the Formal Investigation Report to the SOH. Within 30 days from the time the Formal Investigation Report is submitted, the SOH shall issue a Decision in writing;

- a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision.

### **RULE III**

#### ***Complaints filed against officers and employees of Regional Office lower than RO Directors.***

Section 1. Complaint filed with (RO Director) – The Complaint shall be filed with the RO Director.