

# [ **GSIS RESOLUTION NO. 188, December 14, 2012** ]

## **GUIDELINES ON APPEALS AND MOTIONS FOR RECONSIDERATION**

WHEREAS, Section 30 of RA No. 8291 provides that the GSIS Board of Trustees is given quasi-judicial functions to settle any dispute arising under RA No. 8291 and any other laws administered by the GSIS;

WHEREAS, under Rule V, Section 44.5 of the Revised Implementing Rules and Regulations (IRR) of RA No. 8291, appeal from the decision of the GSIS Committee on Claims (CoC), concerning a dispute on the settlement of claims, shall be filed with the Board within sixty (60) days from receipt of the CoC's decision;

WHEREAS, the period for filing a motion for reconsideration of the decision of the Board is fifteen (15) days from notice thereof, as provided under Rule 37, Section 1 of the Rules of Court, which has a suppletory application pursuant to Rule V, Section 32 of the Revised IRR of RA No. 8291;

WHEREAS, the decision of the Board to dismiss an appeal or a motion for reconsideration for being filed beyond the reglementary period can be issued, as a Minute Resolution signed by the Corporate Secretary, following a standard format, for prompt and quick dispatch;

RESOLVED, to APPROVE and CONFIRM the Guidelines on Appeals and Motions for Reconsideration, as submitted by the Corporate Secretary.

A copy of the above-mentioned procedural guidelines is made an integral part of this Resolution.

*Attachment:*

### **Policy and Procedural Guidelines No. 222 - 13**

#### **Guidelines on Appeals and Motions for Reconsideration**

##### **RULE 1 RATIONALE**

The GSIS Board of Trustees (Board), under Section 30 of Republic Act No. 8291 (RA No. 8291), is given quasi-judicial authority to settle disputes arising under the GSIS Charter and other laws administered by the System.

As part of this function, the Board has the power, under Rule V, Section 26 of the Revised Implementing Rules and Regulations (IRR) of Republic Act No. 8291, to

handle appeals from the decision of the Committee on Claims (CoC).

## **RULE 2 OBJECTIVE**

**SECTION 1.** To ensure the proper and uniform disposition of appeals from the resolution of the CoC filed before the Board, and motions for reconsideration from the decision of the Board.

**SEC. 2.** To provide appropriate procedures in the resolution of appeals and or motions for reconsideration filed beyond the reglementary period supplementing Section 27, Rule V of the IRR.

## **RULE 3 POLICIES**

**SECTION 1. Scope.** This Rule shall apply to appeals to the Board from resolutions of the CoC involving any of the complaints under Rule V, Section 26 of the IRR, and to motions for reconsideration filed before the Board seeking to review its own decision pursuant to Rule V, Section 32 of the IRR in relation to Rule 37, Section 1 of the Revised Rules of Court of the Philippines.

**SEC. 2. Where to file.** An appeal or motion for reconsideration shall be filed with the Office of the Corporate Secretary (OCS) within the period and manner herein provided.

**SEC. 3. How appeal is taken.** An aggrieved party may appeal the CoC resolution by filing a Petition with the OCS, and by furnishing copies thereof to the CoC.

**SEC. 4. When appeal is filed.** The Petition shall be filed not later than sixty (60) calendar days from notice of the resolution of the CoC.

- a. An extension of time to file the petition shall be filed before the expiration of the sixty-day period. If a timely motion for extension is filed, it may be granted but in no case exceeding thirty (30) calendar days.
- b. The thirty-day extension for filing a petition starts after the sixty-day period for filing an appeal.
- c. If no petition or motion for extension of time to file a petition is filed, then the sixty-day period to appeal the CoC Decision is considered lapsed.

**SEC. 5. How motion for reconsideration is taken.** An aggrieved party may seek reconsideration of the Board decision by filing a motion for reconsideration with the OCS, and by furnishing a copy thereof to the CoC. Such motion for reconsideration shall be filed not later than fifteen (15) calendar days from the receipt of the decision of the Board.

**SEC. 6. Date of filing of petition or motion for reconsideration.**

- a. If filing is done personally, the date of filing shall be the actual date of receipt of the petition or motion by the OCS.
- b. If filing is done by registered mail, the date of filing shall be the date of mailing as evidenced by the registry receipt.
- c. If filing is done through ordinary mail, the date of filing shall be the date stamped on the envelope when the mail was received by the Philippine Post Office. Or,