

[PPC BOARD RESOLUTION NO.94-132, October 06, 1994]

DISCIPLINARY RULES AND PROCEDURES OF THE PHILIPPINE POSTAL CORPORATION

"Approving the Disciplinary Rules and Procedures of the Philippine Postal Corporation, A Copy of which is Hereto Attached and Made an Integral Part Hereof as Annex "A".

"RESOLVED, as it is hereby resolved that the Disciplinary Rules and Procedures of the Philippine Postal Corporation, a copy of which is hereto attached and made an integral part hereof as Annex "A", be approved."

This is to further certify that, to date, said Board Resolution has not yet been modified, amended or repealed.

Adopted: 4 Nov. 1994

(SGD.) EFREN G. SANTOS
Corporate Secretary

Annex "A"

Disciplinary Rules and Procedures of the Philippine Postal Corporation

Rule I
Title and Coverage

SEC. 1. These rules shall be known as Disciplinary Rules and Procedures of the Philippine Postal Corporation.

SEC. 2. These rules and procedures shall cover all civil service employees of the Philippine Postal Corporation below the ranks of Assistant Postmaster General.

Rule II
Discipline

SEC. 1. Discipline: General Provision

- (a) No officer or employee of the Corporation shall be suspended or dismissed except for cause as provided for by law and after due process.
- (b) Except when initiated by the Postmaster General, no complaint against the subordinate official or employees shall be given due course unless the same is in writing and subscribed and sworn to by the complainant.
- (c) Form of complaint - The complaint shall be drawn in clear, simple and concise language and in a methodical manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense (CSC MC No. 11, Sec. 4)
- (d) Contents of complaint - The complaint shall contain (a) the full name and address of the complainant; (b) the full name and address of the respondent as well as his position and office of employment; (c) a specification of the charges; and (d) a brief statement of relevant and material facts, accompanied by certified true copies of the documentary evidence, if any (CSC MC No. 11, Sec. 5)
- (e) Effect of withdrawal - The withdrawal of the charges by the complainant does not ipso facto discharge the respondent from any administrative liability. (CSC MC No. 11, Sec. 8)
- (f) Anonymous complaint - No action shall be taken on an anonymous complaint unless there is obvious truth or merit to the allegations thereof. No official or employee of the corporation shall be required to answer or comment on an anonymous complaint. (CSC Res. No. 94-0521, Sec. 5)

SECTION 2. Disciplinary Jurisdiction - (a) The Board of Directors shall decide upon appeal the decision of the Postmaster General removing officials and employees from the service. (R.A. 7354, Sec. 21 (d)). The decision of the Board of Directors is appealable to the Civil Service Commission.

(b) The Postmaster General or his authorized representative shall have jurisdiction to investigate and decide matters involving disciplinary action against officials and employees of the Corporation. (R.A. 7354, Sec. 21 (d)).

(c) Except as herein provided, the Chief, Inspection Service or his authorized representative shall conduct fact-finding investigation of cases arising in the Corporation and shall make the necessary report and recommendation to the Postmaster General within the period specified in Sec. 7, Rule III of these rules (P.D. 807, Sec. 37 (c)).

Rule III
Procedure

A. Fact-Finding and Preliminary Investigation

SEC. 1. Action of the Complaint - upon receipt of a complaint which is sufficient in form and substance, the Chief, Inspection Service or any of the authorized representative of the Postmaster General, shall evaluate the same and determine whether a preliminary or fact-finding investigation is needed or if the evidence submitted by the complainant warrants the immediate issuance of a formal charge, especially in cases where light offenses were alleged to have been committed. (CSC Res. No. 94-0521).

When a complaint is directed against an official with a salary grade of twenty-six (26) and above, but below the rank of Assistant Postmaster General, the Postmaster General shall order the investigation to be conducted by a) Chief Legal Service, b) Chief, Inspection Service, or c) a committee of three (3) to be created by the Postmaster General whose members shall have the same salary grade or higher than the above respondent.

SEC. 2. Fact-finding Investigation - Fact-finding investigation shall involve merely the ex-parte examination of records and documents submitted by the complainant, as well as documents readily available from other government offices.

If the existence of a prima facie case has been established, a formal charge shall be immediately issued to the respondent.

SEC. 3. Preliminary Investigation. Preliminary investigation is an inquiry or proceeding whereby the complainant and the respondent are given the opportunity to submit therein affidavits and counter-affidavits, as well as those of their witnesses. Failure of the respondent to submit his counter-affidavit shall be construed as a waiver thereof.

During the inquiry or proceedings, the parties and their witnesses shall be asked to affirm their signatures on said documents and the truthfulness of the statements contained therein. Under no circumstances shall cross-examination of the witnesses be allowed but the hearing officer may propound clarificatory questions (CSC Res. No.94-0521).

SEC. 4. Failure to Affirm Signature and the Contents of Affidavit - Failure of any of the parties or witnesses to affirm the signatures on his affidavit and the contents thereof during the preliminary investigation shall render such affidavit without evidentiary value. (CSC Res. No. 94-0521)

SEC. 5. Issuance of Subpoena - The investigator may issue subpoena duces tecum and/or subpoena ad testificandum for the production of documents or materials needed in the determination of the existence of a prima facie case. (E.O. 292, Sec. 48, Chapter 6, Title I-Book V)

SEC. 6. Record of Proceedings - during the preliminary investigation, the hearing officer shall record in his own handwriting his clarificatory questions to the parties and their witnesses and the answers given thereto or may avail the services of official stenographer to record the proceedings. Such record and other notes made by the hearing officer or the stenographer shall form part of the records of the case.

SEC. 7. Duration of the Investigation - A fact-finding or preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Investigator and shall be terminated within (30) days thereafter except on complicated cases where a longer period is necessary to complete the investigation.

In such cases, the investigator shall submit a progress report from time to time.

SEC. 8. Investigation Report - Within five (5) days from the termination of the fact-finding or preliminary investigation, the investigator shall submit his Report of Investigation and the complete records of the proceedings to the Legal Service of the Corporation.

In the event that no sufficient evidence was submitted or no prima facie case is found after the conduct of the preliminary investigation, the complaint shall be dismissed without prejudice to the filing of a motion for reconsideration. An appeal may also be filed with the Civil Service Commission in case where decision dismissing the complaint was rendered by the Postmaster General.

B. Formal Investigation

SEC. 9. Formal Charge - When the Postmaster General finds the existence of a prima facie case, the respondent shall be formally charged. He shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless he had already received the same during the preliminary investigation. The respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit his answer under oath, together with the affidavits of his witnesses and other evidences, and a statement indicating whether or not he elects a formal investigation. He shall also be informed of his right to the assistance of a counsel of his choice. If the respondent already submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

SEC. 10. Conduct of Formal Investigation - A formal investigation shall be held after the respondent has filed his answer or after the period of filing an answer has expired. It shall be completed within thirty (30) days from the date of the service of the formal charge, unless the period is extended by the Postmaster General in meritorious cases.

Although the respondent did not elect a formal investigation, one shall nevertheless be conducted if upon evaluation of the complaint, the answer, and the documents in support thereof, the merits of the case can not be judiciously decided without a formal investigation.

The investigation shall be conducted only for the purpose of ascertaining the truth and without necessarily adhering to technical rules applicable in judicial proceedings. It shall be conducted by the Legal Service.

When the administrative case is against an official with a salary grade of twenty-six (26) and above, but below the rank of Assistant Postmaster General, the Postmaster General shall order the investigation to be conducted by the a) Chief, Legal Service, or b) a committee of three (3) to be created by the Postmaster General whose members shall have the same salary grade or higher than the respondent.

SEC. 11. Failure to File an Answer - If respondent fails or refuses to file his answer, he shall be considered to have waived his right to file an answer to the charges and formal investigation may commence ex-parte. (CSC Res. No. 94-0521)

SEC. 12. Pre-hearing Conference. - At the commencement of the formal investigation, the Hearing Officer, in the exercise of his discretion, may direct the parties to appear for a pre-hearing conference to consider and agree on any of the following:

- (a) Dates of subsequent hearings;
- (b) Simplification of issues;
- (c) Stipulation of facts;
- (d) Limiting the number of witnesses and their names;
- (e) Identification and marking of evidence of the parties;
- (f) Waiver of objections to admissibility of evidence; and
- (g) Possibility of amicable settlement in accordance with Section 10, Chapter III, Book VII of the Administrative Code of 1987

(EO 292) and

(h) Such other matters as may aid in the prompt and just resolution of the case.

SEC. 13. Minutes of Pre-Hearing Conference - After the pre-hearing conference, the hearing officer shall prepare the minutes which shall contain a summary of the agreements of the parties, including the facts stipulated.

The parties may agree to submit the case for resolution based on the result of the pre-hearing conference without any need for further hearings. (CSC Res. No.94-0521)

SEC. 14. Request for Subpoena - If a party desires the attendance of a witness or the production of documents, he shall make a request for the issuance of the necessary subpoena or subpoena duces tecum, at least three (3) days before the scheduled hearing.

SEC. 15. Continuous Hearing Until Terminated; Postponement - Hearings shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference. Postponement shall not be allowed except in meritorious cases, provided, that a party shall not be granted more than two (2) postponements.

The parties, their counsel and witnesses, if any, shall be given a notice at least five (5) days before the scheduled hearing specifying the time, date and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearing previously set shall be strictly followed without further notice.

If the respondent fails or refuses to appear during the scheduled hearings, the investigation shall proceed ex-parte and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings. (CSC Res. No.94-0521)

SEC. 16. Preliminary Matters - At the start of the hearing, the hearing officer shall note the appearance of the parties and shall proceed with the reception of evidence for the prosecution.

If the respondent appears without the aid of the counsel, he shall be deemed to have waived his right thereto.

Before taking the testimony of a witness, the hearing officer shall place him under oath and then take his name, address, his civil status, age and place of employment.

The investigation shall be conducted with solemnity and the hearing officer shall comport himself with the impartiality and dignity befitting his position as a trier of facts in a case involving the integrity or efficiency of a public office. (CSC MC No.1, Sec. 7.)

SEC. 17. Appearance of Counsel - Any counsel appearing before any hearing conducted by the hearing officer shall manifest orally or in writing his appearance for a party, stating his name and exact address at which he may be served with copies of decisions and other communications. Any pleading signed by him without complying with the above stated requirements shall not be recognized. Neither shall he be allowed to prosecute or defend a case. (CSC Res. No. 94-0521).

SEC. 18. Order of Hearing - Unless the investigator direct otherwise, the order of hearing shall be as follows:

- (a) The prosecution shall produce its evidence subject to the pre-hearing agreement.
- (b) The respondent shall then offer evidence in support of his defense subject to the pre-hearing agreement.
- (c) Cross-examination by either party, when proper and allowed by the hearing officer or investigator.
- (d) Following cross-examination, there may be redirect and recross examination.
- (e) When the presentation of evidence has been conducted, the parties may be given time to submit their respective memoranda which in no case shall be beyond five (5) days after the termination of the investigation.

SEC. 19. Objections - All objections raised during the hearing shall be resolved by the hearing officer.

The investigator shall accept all evidence deemed material and relevant to the case. In case of doubt, he should allow the admission of evidence subject to the objection interposed against its admission. (Ibid)

SEC. 20. Markings - all documentary evidence or exhibits shall be properly marked letters (A, B, C, etc.) if presented by the complainant and by the numbers (1, 2, 3 etc.) if presented by the respondent. These shall form part of the complete records of the case and shall be systematically and chronologically bound.

SEC. 21. Testimonies and Records of Proceedings - The sworn affidavits or statements of the parties or their witnesses shall constitute their direct testimonies. The use of depositions whenever practicable and convenient shall be preferred. During the cross-examination, the testimony of each witness shall be recorded by the hearing officer in his own handwriting taking only the important or significant statements or the services of a stenographer may be availed of. The records/notes of the hearing officer or of the stenographer shall form part of the official records of the case. The proceedings may also be tape recorded by the parties.

SEC. 22. Submission of Memorandum - Parties may submit their respective memoranda within five (5) days from termination of the hearing. Failure to submit the same within the given period shall be considered a waiver thereof. (CSC Res. No. 94-0521)

SEC. 23. Parties Required to Submit Draft Decision - Unless otherwise provided by special laws, the parties shall be required to submit in addition to the memorandum, position paper, or last pleading required by them, a draft of the decision they seek stating clearly and distinctly the facts and the law upon which it is based. Following the termination of the hearing, the officer charged with resolving the case may, after considering and appreciating the applicable laws, rules and regulations and the evidence submitted, adopt in whole or in part, either of the parties' draft decisions, or reject both. This requirement shall likewise be applied to motion or application for Orders other than the final judgment (E.O. No. 26, 10-7-1992)

SEC. 24. Report of Investigation - Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation as well as the recommendations, shall be submitted to the Postmaster General, through the Service Manager, Legal Service, by the hearing officer. The complete records of the case shall be attached to the Report of Investigation.

SEC. 25. Decision After Formal Investigation - The Postmaster General or his duly authorized representative shall render a decision in writing within thirty (30) days from the termination of the investigation or receipt of the Report of Investigation, together with the complete records of the case.

SEC. 26. Contents of Decision. The decision shall contain the charge, the name of the respondent and his office, a brief statement of the material and relevant facts, findings, offense committed, and penalty imposed.

SEC. 27. Decisions are Executory - Decisions of the Postmaster General or his duly authorized representative shall be immediately executory unless a motion for reconsideration is seasonably filed. If the decision is brought to the Supreme Court on Certiorari, the same shall still be executory unless a restraining order or preliminary injunction is issued by the high court.

SEC. 28. Grounds for Motion for Reconsideration. The motion for reconsideration shall be based only on any of the following grounds:

- (a) New evidence has been discovered which materially affects the decision rendered; or
- (b) The decision is not supported by the evidence on record; or
- (c) Errors of law or irregularities have been committed prejudicial to the interest of the respondent.

Only one motion for reconsideration shall be entertained. (CSC Res. No. 94-0521)

The motion for reconsideration is deemed filed in case the same is sent by registered mail on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped received by the concerned office.

C. Appeals

SEC. 29. Appeal to the Board - (a) An appeal may be taken from the order or decision of the Postmaster General to the Board by the respondent, by filing a notice of appeal within (15) days from receipt of the resolution, order or decision appealed from, and serving a copy thereof to the Postmaster General. Only decisions of the Postmaster General, removing an official or employee from the service is appealable to the Board.

SEC. 30. Grounds - The respondent may appeal to the Board from an order or decision of the Postmaster General removing him from the Service, on any of the following grounds:

- a) That there is grave abuse of discretion on the part of the Postmaster General.
- b) That the order or decision is obtained through fraud or coercion, or graft and corruption; or
- c) That errors in the finding of facts or conclusions of laws were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.

SEC. 31. Where to File - The appeal shall be filed with the Secretariat of the Board in ten (10) legibly written copies.

SEC. 32. Caption - in all cases appealed to the Board, the party appealing shall be called "appellant" and the adverse party the "appellee" and the case shall be given a docket number.

SEC. 33. Requisites for the Appeal - the notice of appeal shall be filed within the reglementary period as provided for in Section 29 of this rule. The notice of appeal shall state the date of the decision appealed from, when respondent received the order or decision appealed from, and the proof of service to the adverse party.

SEC. 34. Perfection of Appeal; No Extension of Period. Compliance with the foregoing requisites in the preceding section perfects the appeal. No motion or extension of the period within which to perfect an appeal shall be entertained.

SEC. 35. Appeal Memorandum - Upon perfection of an appeal, the Board shall issue a verified appeal memorandum within ten (10) days from receipt of such order, furnishing a copy thereof to the appellee, who may reply thereto, if he so desires, within the same period of time. With the filing of the appeal memoranda or the lapse of the period within which to file them, the appeal shall be deemed submitted for resolution. If the notice of appeal already contains a discussion of the grounds relied upon for excepting from the decision, appeal memorandum shall no longer be required but the same shall be verified or under oath, in which case, the appeal shall be deemed submitted for resolution.

SEC. 36. Records of the Case - The records of the case shall contain among others, the minutes of the hearing conducted, all original pleadings filed, notices or orders or decision of the Postmaster General and proofs of service thereof which shall be numbered on every page thereof. The complete records of the case on appeal shall be immediately forwarded to the Board thru the Secretariat by the Legal Service in ten (10) copies.

SEC. 37. Withdrawal of Appeal - An appeal may be withdrawn at any time prior to the promulgation of the resolution, order or decision. Upon approval of the withdrawal of an appeal, the case shall stand as if no appeal has been taken.

SEC. 38. Period to Decide Case - The Board shall render its decision on the case before it within thirty (30) days after submission.

SEC. 39. One Motion for Reconsideration - Only one timely motion for reconsideration of the resolution, order or decision of the Board shall be entertained, which shall be filed within fifteen (15) days from receipt by appellant of the decision of the Board.

The grounds for motion for reconsideration shall be based on the same grounds as stated in Sec. 28 of these Rules.

SEC. 40. Appeal of Order or Decision of the Board - The order or decision of the Board of Directors is appealable to the Civil Service Commission within fifteen (15) days from receipt by the party adversely affected by the order or decision.

SEC. 41. Decision Executory Pending Appeal - An appeal shall not stop the decision of the Postmaster General from being executory and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in case he wins the appeal. (P.D. 807, Sec. 37 (d))

Rule IV

SEC. 1. Preventive Suspension - The Postmaster General may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves dishonesty, oppression, or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of the charges which would warrant his removal from the service. (P.D. 807, Sec. 41)

SEC. 2. Lifting of Preventive Suspension Pending Administrative Investigation - When the administrative case against the officer or employee under preventive suspension is not finally decided by the Postmaster General or his duly authorized representative within the period of ninety (90) days after the date of suspension of the respondent, the latter shall be automatically be reinstated in the

service: Provided, that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be counted in computing the period of suspension herein provided. (E.O. 292).

Rule V
Offenses and Penalties

SEC. 1. Administrative Offenses and their Corresponding Classification and Penalties - Administrative Offenses with its corresponding penalties are hereby classified into Grave, Less Grave, and Light Offenses, depending on the gravity of its nature and effects of said acts on the Corporation. (E.O 292, Sec. 46, Chapter 6, Title I-Book V and R.A. 6713)

A. Grave Offenses:	1st Offense:	2nd Offense:	3rd Offense
1. *Dishonesty	: Dismissal		
2. *Gross Neglect of Duty	: Dismissal		
3. *Grave Misconduct	: Dismissal		
4. *Being Notoriously undesirable	: Dismissal		
5. *Conviction of a crime involving moral turpitude	: Dismissal		
6. *Falsification of official document	: Dismissal		
7. *Physical or mental incapacity or disability due to vicious habits	: Dismissal		
8. *Engaging directly or indirectly in partisan political activities by one holding non-political office	: Dismissal		
9. * Receiving for personal use of a gift or other valuable thing in the course of official duties or in connection therewith when such gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws.	: Dismissal		
10. *Contracting loans of money or other property from persons with whom the office of the employee has business relations	: Dismissal		
11. *Soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently of manifestly excessive by its very nature	: Dismissal		
12. **Disloyalty to the Republic of the Philippines and to the Filipino people.	: Dismissal		
13. *Oppression	: Suspension, 6 mos. 1 day to 1 year	: Dismissal	
14. *Disgraceful and immoral conduct	: Suspension, 6 mos. 1 day to 1 year	: Dismissal	
15. *Inefficiency and incompetence in the performance of official duties	: Suspension 6 mos. 1 day to 1 year	: Dismissal	
16. *Frequent unauthorized absences or tardiness in reporting for duty,	: Suspension, 6 mos. 1 day to 1 year	: Dismissal	