

**[PHLPOST BOARD RESOLUTION NO. 2014 - 71-C,
July 10, 2014]**

**APPROVING THE REVISED DISCIPLINARY RULES AND
REGULATIONS OF THE PHILIPPINE POSTAL CORPORATION**

*Adopted: 10 July 2014
Date Filed: 14 August 2014*

RESOLVED, as it hereby resolves to approve the Revised Disciplinary Rules and Procedures of the Philippine Postal Corporation.

Issued this 4th day of August 2014 at the City of Manila, Philippines.

(SGD) FLORANTE C. CRUZ
Corporate Secretary

**REVISED DISCIPLINARY RULES AND REGULATIONS
OF THE PHILIPPINE POSTAL CORPORATION**

**Rule 1
APPLICABILITY AND CONSTRUCTION**

Section 1. Title. - This Rules and Procedures shall be known and cited as the Revised Disciplinary Rules and Procedures of the Philippine Postal Corporation.

Section 2. Coverage. - This Rules and Procedures shall cover all officials and employees of the Philippine Postal Corporation below the ranks of Assistant Postmaster General.

The cases involving sexual harassment shall be primarily governed by the PPC - Administrative Disciplinary Rules on Sexual Harassment Cases implemented by Philpost Circular No. 02-52 dated May 02, 2002 pursuant to CSC Resolution No. 01-0940 dated May 21, 2001. This Rules and Procedures shall apply suppletorily to said sexual harassment cases.

The Revised Rules on Administrative Cases in the Civil Service (RRACCS) promulgated by the Civil Service Commission on November 18, 2011 shall apply suppletorily to this Rules and Procedures.

Section 3. Construction. - This Rules and Procedures shall be literally construed in order to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases.

Administrative investigations shall be conducted without strict recourse to the technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Definition of Terms. - The terms hereunder shall be construed as follows:

- a. **CORPORATION** or **PHLPost** refers to the Philippine Postal Corporation.
- b. **DISCIPLINING AUTHORITY** refers to the Postmaster General or his/her duly authorized officials who have the authority to impose the administrative penalty provided for by law or rules.
- c. **FORUM-SHOPPING** refers to the filing of several administrative actions or complaint either simultaneously or successively before another agency or any tribunal having jurisdiction over the case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues either pending in, or already resolved adversely by, some other tribunal or agency.
- d. **PARTY ADVERSELY AFFECTED** refers to the respondent against whom a decision in an administrative case has been rendered or to the disciplining authority in an appeal from a decision reversing or modifying the original decision.
- e. **PERSON COMPLAINED OF** refers to the person who is the subject of complaint but who is not yet issued a formal charge by the disciplining authority.
- f. **RESPONDENT** refers to the person who is issued a formal charge by the disciplining authority.

Rule 2

DISCIPLINARY JURISDICTION

Section 5. Jurisdiction of the Postmaster General or his/her duly authorized officials. - The Postmaster General or his/her duly authorized officials shall have jurisdiction to investigate and decide matters involving disciplinary action against officials and employees of the Corporation below the ranks of Assistant Postmaster General.

Section 6. Concurrent Original Jurisdiction of the Civil Service Commission and the Ombudsman. - The Civil Service Commission and the Ombudsman shall have concurrent original jurisdiction to investigate and decide administrative cases involving officials and employees of the Corporation.

Section 7. Jurisdiction on Appeal of the PHLPost Board of Directors. - The PHLPost Board of Directors shall have jurisdiction on appeal of the decision of the the Postmaster General in cases of removal of officials and employees of the Corporation.

Section 8. Jurisdiction on Appeal of the Civil Service Commission. - The Civil Service Commission shall have jurisdiction on appeal of the decision of the Postmaster General and of the resolution of the PHLPost Board of Directors.

Section 9. Cases Cognizable by the Disciplining Authority - The Disciplining Authority shall take cognizance of all complaints against officials and employees of the Corporation below the ranks of Assistant Postmaster General.

Section 10. Duly Authorized Officials of the Disciplining Authority. - The duly authorized officials of the Postmaster General are the Postal Area Directors, the Manager of the Inspectorate Department and the Manager of the Legal Department. In exceptional cases, to uphold justice and fairness, the Postmaster General may

designate other PHLPPost officials to conduct investigation of administrative complaints. Provided, That the Postmaster General shall not be precluded to exercise the disciplinary powers delegated to the duly authorized officials or to other officials duly authorized.

Section 11. Cases Cognizable by the Postal Area Director. - Except as herein provided, the Postal Area Director shall take cognizance of all complaints against officials and employees of the Corporation within their designated Postal Area and shall have the authority to conduct the requisite preliminary investigation thereof within herein specified period.

Section 12. Cases Covered by Preliminary Investigation by the Manager of the Inspectorate Department. - Except as herein provided, the Manager of the Inspectorate Department or his/her duly authorized representative shall have the authority to conduct preliminary investigation of complaints against officials and employees of the Corporation and shall make the necessary report and recommendation to the Postmaster General within herein specified period.

Section 13. Cases Covered by Formal Investigation by the Manager of the Legal Department. - Except as herein provided, the Manager of the Legal Department or his/her duly authorized representative shall have the authority to conduct formal investigation of administrative cases against officials and employees of the Corporation and shall make the necessary report and recommendation to the Postmaster General within herein specified period.

Rule 3 COMPLAINT

Section 14. Who May Initiate. - Administrative proceedings may be initiated by the Postmaster General or his/her duly authorized officials *motu proprio* or upon complaint of any other person. The Postmaster General or his/her duly authorized officials may initiate concurrent administrative proceedings *motu proprio* even with a parallel complaint of any person.

Section 15. Requisites of a Valid Complaint. - Except when initiated by the Postmaster General or his/her duly authorized officials, no complaint against the official and employee of the Corporation shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. In cases initiated by the proper disciplining authority or his/her authorized officials, a show cause order directed to the person complained of is sufficient.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence in which case the person complained of may be required to comment.

The complaint in triplicate copies shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation against him/her and to enable him/her to intelligently prepare his/her defense or answer/comment. However, should there be more than one (1) person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- a. full name, address, email address and telephone number of the complainant;

- b. full name and address of the person/s complained of as well as his/her/their position/s and office/s;
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;
- d. certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
- e. certification or statement of non-forum shopping.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refiling upon compliance with the above requirements. The disciplining authority may in the interest of justice accept the complaint if there is substantial compliance to above requirements.

Section 16. When and Where to File a Complaint. - Except when otherwise provided for by law, an administrative complaint may be filed at anytime with the Office of the Postmaster General, Office of the Postal Area Director, or the Office of the Manager of the Inspectorate Department. Complaint filed in other postal offices shall be immediately forwarded to the above specified offices by the concerned responsible postal officials.

Section 17. Withdrawal of the Complaint. - The withdrawal of the complaint by any person does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person/s complained of, the same should be given due course.

Section 18. Action on the Complaint. - Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority or his/her duly authorized officials shall require the person/s complained of to submit a Counter-Affidavit/Comment under oath within five (5) days from receipt of order requiring him/her/their comment/s.

Rule 4

PRELIMINARY INVESTIGATION

Section 19. Preliminary Investigation; Definition. - A Preliminary Investigation is a proceeding undertaken to determine whether a *prima facie* case exists to warrant the issuance of a formal charge. It involves a fact-finding investigation or an *ex-parte* examination of records and documents submitted by the complainant and the person/s complained of, as well as documents readily available from the offices of the Corporation and other governmental agencies.

Section 20. How conducted. - Within five (5) days from receipt of the complaint sufficient in form and substance, the person/s complained of shall be required to submit his/her/their counter-affidavit/comment. Where the complaint is initiated by the disciplining authority, the disciplining authority or his/her authorized officials may issue a show-cause order directing the person/s complained of to explain why no administrative case should be filed against him/her/them and/or may conduct preliminary investigation. Where the complaint is both initiated by the disciplining authority and by other person, any of the explanation to the show-cause memorandum or counter-affidavit shall be required from the person complained of. The failure to submit the comment/counter-affidavit/explanation shall be considered

a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/ explanation/comment.

If necessary, a party or the parties may be summoned to a conference where the Investigator may propound clarificatory and other relevant questions.

For complaints filed before the Office of the Postal Area Director, the preliminary investigation may be entrusted to responsible officials of the Area. Provided, That the responsible official designated shall be placed under the direct control and supervision of the Manager of the Inspectorate Department.

Section 21. Duration of the Investigation. - A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the disciplining authority or his/her duly authorized officials and shall be terminated within twenty (20) days thereafter.

Section 22. Issuance of Subpoena. - In the conduct of preliminary investigation, the assigned/designated Investigator may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or things.

Section 23. Investigation Report. - Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Investigation Report with recommendation and the complete records of the case to the disciplining authority.

Section 24. Decision or Resolution after Preliminary Investigation. - If a prima facie case is established during the investigation, the disciplining authority shall issue a formal charge pursuant to this Rules and Procedures.

In the absence of a prima facie case, the complaint shall be dismissed by the disciplining authority.

The dismissal of the complaint may be delegated by the Postmaster General to the Manager of the Legal Department.

Rule 5 FORMAL CHARGE

Section 25. Issuance of Formal Charge. - After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent. The Area Director shall formally charge the person complained of within his/her disciplinary jurisdiction after conducting therein the requisite preliminary investigation and finding of prima facie case.

Section 26. Contents of Formal Charge. - The formal charge shall contain a specification of charge/s, a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charges in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge/s, and a notice that he/she may opt to be assisted by a counsel of his/her choice.