

**[PRA RULES OF PROCEDURE IN THE CONDUCT OF
ADMINISTRATIVE INVESTIGATION IN THE
PHILIPPINE RETIREMENT AUTHORITY (PRA),
June 06, 1997]**

SECTION 1. Title — These Rules shall be known as the Rules of Procedure in the Conduct of Administrative Investigations in the Philippine Retirement Authority (PRA).

SECTION 2. Coverage — These Rules shall be applicable to all administrative disciplinary cases brought before the Authority.

SECTION 3. Who Shall Initiate Administrative Proceedings — Administrative proceedings may be initiated by the PRA Disciplining Authority against a subordinate officer or employee, or upon sworn written complaint by any other person. For purposes of these Rules of Procedure, the Disciplining Authority mentioned in any of the sections herein shall refer to the Chief Executive Officer and General Manager of PPA.

SECTION 4. Complaint in Writing and Under Oath — In case of a complaint filed against an employee of the Authority by a person other than the PRA Disciplining Authority, the said complaint shall not be given due course unless the same is in writing and under oath.

The complaint should be written in a clear, simple and concise language and in a systematic manner as to apprise the PRA employee concerned of the nature and cause of the accusation against him and to enable him to intelligently prepare his defense or answer.

The complaint shall also contain the following:

- (a) 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 narration of the relevant and material facts which shows the acts or omissions allegedly committed by the PRA employee.

The complainant shall also submit certified true copies of documentary evidence and affidavits of his witnesses, if any.

SECTION 5. Anonymous Complaint — No action shall be taken on an anonymous complaint, unless there is obvious truth or merit to the allegations thereof. No PRA employee shall be required to answer or comment on an anonymous complaint.

SECTION 6. Withdrawal of a Complaint — The withdrawal of a complaint does not necessarily discharge the respondent from any administrative liability. Where there is obvious truth or merit to the charges or complaint, the same should be given due course.

SECTION 7. Action on the Complaint — Upon receipt of a complaint which is sufficient in form and substance, the Disciplining Authority of PRA or his authorized representative 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.

SECTION 8. 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.

SECTION 9. Preliminary Investigation — Preliminary investigation is an inquiry or proceeding whereby the complainant and the respondent are given the opportunity to submit their affidavits and counter-affidavits, as well as 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 the said documents and the truthfulness of the statements contained therein. Under no circumstance shall cross-examination of the witnesses be allowed but the Hearing Officer may propound clarificatory questions.

SECTION 10. Failure to Affirm Signature and the Contents of the Affidavit — Failure of any of the parties or witnesses to affirm the signature on his affidavit and the contents thereof during the preliminary investigation shall render such affidavit without evidentiary value.

SECTION 11. Issuance of Subpoena — The Investigating Officer may issue subpoena duces tecum for the production of documents or materials needed in the determination of the existence of a prima facie case.

SECTION 12. Record of Proceedings — During the preliminary investigation, the Investigating Officer shall record in his own handwriting his clarificatory question to the parties and their witnesses and the answers given thereto. Such record and other notes made by the Hearing Officer shall form part of the records of the case.

SECTION 13. Duration of the Investigation — A fact-finding preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Disciplining Authority and shall be terminated within thirty (30) days thereafter.

SECTION 14. Investigation Report — Within five (5) days from the termination of the fact-finding or preliminary investigation, the Investigating Officer shall submit his Report of Investigation and the complete records of the proceedings to the

Disciplining Authority or his authorized representative.

SECTION 15. Decision of Resolution After Preliminary Investigation — If a prima facie case is established during the investigation, a formal charge against the respondent employee shall be issued by the Disciplining Authority and a formal investigation shall follow unless the same is waived by the respondent employee.

In the event that no sufficient evidence was submitted or no prima facie case was found after the conduct of a preliminary investigation, the complaint shall be dismissed without prejudice to the filing of a motion for reconsideration.

SECTION 16. Formal Charge — When the Authority 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 has 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 evidence, and a statement indicating whether he elects a formal investigation or waives his right thereto. He shall also be informed of his right to the assistance of a counsel of his choice. If the respondent has already submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

SECTION 17. Conduct of Formal Investigation — A formal investigation shall be held after the respondent has filed his answer or after the period for 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 Disciplining Authority 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 resolved without conducting such a formal investigation.

SECTION 18. Technical Rules in Administrative Investigations — Administrative investigation shall be conducted only for the purpose of ascertaining the truth and without necessarily adhering to the technical rules of procedure applicable in judicial proceedings.

SECTION 19. Who Shall Conduct Formal Investigation — Formal investigation shall be conducted by the PRA Disciplining Authority or by his duly authorized representatives.

SECTION 20. 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 already commence.

SECTION 21. Preventive Suspension — The PRA Disciplining Authority may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves -

- a. dishonesty;