

[IC INSURANCE MEMORANDUM CIRCULAR NO. 1-93, December 03, 1992]

**RULES OF PROCEDURE GOVERNING ADMINISTRATIVE CASES
BEFORE THE INSURANCE COMMISSION**

Pursuant to Executive Order No. 26 dated October 7, 1992, and in conjunction with Book VII of the Administrative Code of 1987 (Executive Order No. 292), the Insurance Commission hereby promulgates the following rules of procedure governing actions or proceedings before it.

RULE I
General Provisions

SECTION 1. Applicability — These rules shall apply to all administrative cases brought before the Insurance Commission in the exercise of its powers and functions under the Insurance Code.

SECTION 2. Construction — These rules shall be liberally construed to promote public interest and to assist the parties in obtaining just, speedy and inexpensive determination of every action brought before the Insurance Commission.

SECTION 3. Nature of Proceedings — Proceedings before the Insurance Commission shall be summary in nature not necessarily adhering to or following the technical rules of evidence obtaining in the courts of law. The Rules of Court may apply in said proceedings in suppletory character whenever practicable.

SECTION 4. Verification of Pleadings — Complaints filed under these rules must be verified.

RULE II
Parties

SECTION 1. Complainant and Respondent — In all administrative cases filed with the Insurance Commission, the party initiating the action shall be called the Complainant, and the party against whom action is made shall be called the Respondent.

RULE III
Commencement of Action

SECTION 1. Caption and Title — In all complaints and pleadings filed with the Insurance Commission, the full name of all parties, as far as they are known, shall be stated in the caption.

SECTION 2. Docket Numbers and Calendar of Cases — All cases shall be

numbered and docketed consecutively and entered into an appropriate docket book. Corresponding code numbers and/or abbreviations may be used for reference.

SECTION 3. Summons — Upon docketing of the complaint, the Insurance Commission shall issue summons requiring respondent/s to file its Answer/Counter-Affidavit within fifteen (15) days from receipt thereof. Copy of the complaint shall be sent to the respondent together with the summons.

SECTION 4. Service of Summons, Writs and Processes — All summons, writs and processes shall be served either by registered mail or personally to the complainant and the respondent/s and any interested party prior to the proceedings.

SECTION 5. Default — Should the respondent fail to answer the complaint within the reglementary period as provided for in the summons, he shall be declared in default and the Insurance Commission shall proceed with the hearing ex-parte, and shall decide the case on the evidence presented. However, respondent who filed his answer but failed to appear in person or by counsel on the preliminary hearing may be considered as in default and proceedings shall proceed ex-parte.

RULE IV Pre-Trial and Amicable Settlement

SECTION 1. Pre-trial Conference — In any action, the Commission shall direct the parties and their counsel before the actual hearing to appear before him for a pre-trial conference to consider:

- a. the possibility of an amicable settlement;
- b. the simplification of the issues;
- c. the necessity or desirability of amendment to the pleadings;
- d. the possibility of obtaining admission or stipulation of facts;
- e. the exchange and acceptance of service of exhibits to be offered in evidence;
- f. the limitation of the number of witnesses;
- g. the admissibility and relevance of evidence proposed to be submitted by the parties;
- h. such other matters as may aid in the just, speedy and inexpensive disposition of the case.

All the parties and their attorney's shall attend the pre-trial conference. The presence of a party is indispensable unless his counsel is authorized to enter into agreement on any or all the above matters. The parties shall inform each other of the nature and character of evidence they propose to offer, indicating the purpose of each item of evidence.