Republic of the Philippines
IFUGAO STATE UNIVERSITY
Nayon, Lamut, Ifugao

OFFICE ORDER NO. 16 - 2014

Subject : ***Internal Rules of Procedure in Administrative Cases for IFSU***

Date : **June 19, 2014**

I. In line with the pursuit of the 5th development Goal of the University which is to achieve excellence in administration and governance and by the authority vested in me as the President of the University by RA 9720 and RA 8292, along with the recognition by the Civil Service Commission (CSC) to agency head's inherent authority to discipline their own employees, an internal rules of procedure in administrative cases, with the various provisions of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) integrated, is hereby promulgated with the following features, to wit:

A. APPLICABILITY

This Office Order applies to all disciplinary and non-disciplinary administrative cases filed against any employee of the Ifugao State University and brought before the Office of the President, the Disciplining Authority of the University.

B. PROCEDURE IN THE FILING OF THE COMPLAINT/PLEADINGS AND OTHER MOTIONS

1. MANNER OF FILING:

a. The COMPLAINT shall be personally filed with the Records Office of the Ifugao State University.
b. All other subsequent pleadings, motions and other papers shall be filed with the Records Office of the Ifugao State University either personally or by registered mail. In the latter case, the date of mailing as appearing in the envelope of the pleading, motion and other papers filed with proof of service thereof, shall be considered the date of filing of such pleading, motion or other papers.
c. Except complaints, all pleadings filed by the parties with the disciplining authority shall be copy furnished the other party either personally or by registered mail.

2. REQUISITES OF A VALID COMLAINT(Sec.11, Rule 3 RRACCS):

a) The COMPLAINT must be in writing and under oath. No anonymous complaint shall be entertained.
b) The COMPLAINT shall be in triplicate copies but if there is more than one person complained of, additional copies shall be submitted corresponding to the number of persons complained of.
c) The COMPLAINT shall be written in clear, simple, concise language and in systematic manner as to apprise the person complained of, of the nature and cause of the accusation against him/her to enable him/her to prepare his answer or comment.
d) The complaint shall contain the following:
    a. full name and address 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 above-mentioned requirements may cause the dismissal of the complaint without prejudice to its refilling upon compliance with the above requirements.

In addition, if the Complainant/s opts for an amicable settlement before the Grievance Committee of the University, he/she/they shall indicate the same in the complaint filed.

In cases initiated by the Disciplining Authority, a show cause order is sufficient.

3. DUTY OF RECORDS OFFICE

a) **Receipt of Initiatory Pleading and Log book filed personally** - Upon receipt of the complaint, and other pleadings, motion or other papers filed personally, the receiving clerk of the records section shall forthwith legibly stamp on the first page of the complaint or motion or other papers the exact date and hour of such receipt, duly signed by such receiving clerk and enter in the log book, maintained by such office exclusively for such administrative cases the fact of such receipt indicating the exact date and time of such receipt. Immediately thereafter, the receiving clerk shall forward the complaint, and other pleadings, motion or other papers filed to the Chief Administrative Office.

b) **Receipt of Initiatory Pleading and Log book filed through Registered Mail-** Upon receipt of other pleadings, motion or other papers filed by registered mail, the Records Office shall legibly stamp or indicate on the first page of the pleading, motion or other paper the date of receipt thereof by the office and the fact that it was received by registered mail and the date of posting thereof, duly signed by the receiving clerk. The corresponding envelope thereof showing the date of posting and registry stamp shall be attached to the records of the case.

4. DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER:

a). **Entry in the Logbook**- Upon receipt of the complaint and other pleadings, motion or other papers forwarded by the Records Office, the Chief Administrative Office shall enter in the log book, maintained by such office exclusively for such administrative cases the fact of such receipt indicating the exact date and time of such receipt by the Records Office.

a) **Assignment of Docket Number of the Case -** The Chief Administrative Officer shall assign the corresponding docket number of each case bearing the following, to wit:

1. For Non Disciplinary Cases – NDC-Year Received-number
   e.g. NDC-2014-001
2. For Disciplinary Cases – DC-Year Received-number
   e.g. DC-2014-001

b) **Recording of the Case in the Docket Book** – The case shall be recorded in the main docket book to be maintained by the Chief Administrative Office, where all pleadings, motions, communications, resolutions, the decision, the entry of judgment, and all relevant information on a particular case shall be recorded by handwriting. The personnel charged with making entries in the main docket book of the said pleadings, motions, resolutions and other information shall affix his or her initials after such entries. For the purpose of this, the Chief Administrative Office shall maintain a docket record which shall indicate among others the following, to wit:

i. Name of Complainant;
ii. Person Complained of;
iii. Nature of the Complaint;
iv. Date filed;
v. Docket Number
vi. List of Subsequent Pleadings and/or Motions

c) **Indexing**– After the recording in the logbook of the receipt of the initiatory pleading, and assignment of docket number and the entry of the case in the docket book, the initiatory pleading shall be indexed on a card that shall indicate such information as appearing in the docket book and the date and time of transmittal to the office of the Disciplining Authority. The indexing of cases shall serve as a backup record of the receipt of a case by the Ifugao State University and the index card shall be kept by the Chief Administrative Office along with the logbook of administrative cases and the docket book.

d) **Receipt and Recording of other Pleading/motion filed by Registered Mail** - Upon receipt of other pleadings, motion or other papers filed by registered mail, such fact of receipt shall be recorded in the docket book maintained by the Chief Administrative Office.

e) **Transmittal of Pleadings, motions and other papers filed** – The pleadings, motions and other papers filed shall be transmitted to the office of the disciplining authority within twenty four (24) hours from receipt thereof. If the pleading is a complaint, the Chief Administrative Officer shall make a note or comment whether the complaint filed complied with all the requisites of a valid complaint.

B. PROCESSING THE CASE FOR TRIAL

1. ACTION OF THE DISCIPLINING AUTHORITY

a.) Determination of Sufficiency in Form and Substance, Applicability of the University Grievance Procedure and Issuance of Order to File Counter /Affidavit/Comment Under Oath

Upon receipt of the Complaint with the corresponding docket number, the Disciplining Authority shall determine whether the same is sufficient in form taking into consideration the recommendation of the Chief Administrative Officer. If the Complaint is sufficient in form and substance, the Disciplining Authority shall forthwith issue the corresponding **ORDER** requiring the person complained of to submit counter-affidavit and/or comment within three (3) days from receipt thereof (Sec. 14, Rule 3 of RRACS). Otherwise, it shall dismiss the same without prejudice stating the grounds therefore.

If the offense is purely personal or can be the subject of settlement as there is no injury committed to the government, the Disciplining Authority may issue an

ORDER referring the case to the Grievance Committee of the University for Amicable Settlement of the case. The following cases may be the subject of a settlement and/or compromise:

1. Barrowing of money by superior officers from subordinates;
2. Willful failure to pay just debts;
3. Simple misconduct resulting from misunderstanding/fight between respondent and complainant provided that the act is not committed within office premises;
4. Discourtesy in the course of official duties;
5. Other analogous cases; and
6. In cases where the Complainant/s and/or the Respondent/s manifested his/her/their desire to settle the case amicably EXCEPT cases of sexual harassment and those considered as grave and less grave offenses in the Revised Rules of Administrative Cases in the Civil Service (RRACCS).

b.) Determination of Prima Facie Case

After the lapse of the period to file answer or comment, the Disciplining Authority shall refer the case to the Investigation Committee of the University for the conduct of Preliminary Investigation to determine the existence of Prima Facie Case. Duplicate or photocopies of all pleadings filed in relation to the case shall be forwarded to the Committee with the originals to be maintained by the Disciplining Authority.

A preliminary investigation shall commence within five (5) days from receipt of the complaint by the committee and will be terminated within twenty (20) days. The period of 20 days may be extended upon valid grounds but the same should not be more than 5 days.

An Investigation Report with recommendation and the complete records of the case shall be submitted to the disciplining authority within five (5) days from the termination of the preliminary investigation.

c.) Issuance of Formal Charge and Preventive Suspension in Proper Cases

Upon a determination of a prima facie case in the Preliminary Investigation, the Disciplining Authority shall issue the **FORMAL CHARGE** in accordance with Section 20, Rule 5 of the RRACCS and the corresponding order of preventive suspension, *motuproprio* or upon motion in proper cases.

In the absence of prima facie case, the complaint shall be dismissed.

d.) Referral to the Hearing Committee

Upon issuing the **FORMAL CHARGE**, and if it finds respondent's Answer unsatisfactory, or that there's a need for more a more thorough evaluation of evidence to arrive at a judicious disposition of the case, or when the respondent elects to have one, the Disciplining Authority shall issue an **ORDER** referring the **FORMAL INVESTIGATION** of the case to the Hearing Committee created for such purpose. The entire records of the case shall be transmitted to the Hearing Committee Secretariat who shall be responsible for safeguarding the integrity of the records of the case.

2. ACTION OF THE HEARING COMMITTEE

Upon receipt of the records of the case and the Order of Referral by the Hearing Committee Secretariat, the designated Hearing Committee secretary shall inform the Chairman and the members of such referral furnishing each of them with copies of the records of the case (in individual folder).

The Committee Chairman or in his absence and unavailability, shall issue the necessary Orders and/or Notice of Hearings, and the Subpoena/s and shall conduct the Formal Investigation in accordance with Rule 8 of the RRACCS.

Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the Hearing Officer with the disciplining authority. The complete records of the case shall be attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge of the transmittal of the complete records shall be held responsible for any loss or suppression of pages thereof.

3. CASES REFERRED TO THE IFSU GRIEVANCE COMMITTEE

In proper cases referred to the grievance procedure, the Disciplining Authority shall notify the parties concerned of such referral and shall summon them to appear before the Grievance Committee.

The Chairman of the Grievance Committee shall order the respondent to comment and to indicate therein whether he/she is willing to submit the case for settlement. In case the respondent opted for settlement, the committee shall assist the parties to come-up with a settlement. The Compromise Agreement resulting from the grievance procedure shall be put into writing and signed by the parties with the members of the Grievance Committee acting as witnesses. Unless properly repudiated within ten (10) days from the execution thereof, such agreement shall have the effect of a final adjudication of the case. The Chairman of the Grievance shall transmit the resulting agreement to the Disciplining Authority for his information and basis of further action.

Where the there is a failure of the Grievance Procedure, the Chairman shall report the same to the Disciplining Authority without any further comment. In such event, the case shall be referred to the Hearing Committee for proper disposition.

No admission or statement of whatever kind, made during the course of the Grievance Procedure shall be admissible in evidence against the party making the same.

C. RECORDS OF THE CASE AND ITS DISPOSITION

1.) **The record for each case** – All original pleadings and other documents filed under the same docket number shall be encased in a folder indicating the docket number, the title of the case, the date of filing, and the nature of the case. The pages of the pleadings and other documents shall be consecutively numbered and attached to the records preferably by stitching or any method that ensures the integrity of the contents of the record. The case folders shall be safely kept by the Chief Administrative Officer.

2.) **Trial Log** – The record of each case shall contain a chronological list of all proceedings in the particular case which list shall be entered in the hand writing of the Hearing Committee Secretary and signed by her or her alternate who personally entered the records of the proceedings.

3.) **The Decision, Number of Copies and Distribution** – The first original copy of the Decision shall be attached to the original records of the case; the second original copy shall be furnished the HRMO for inclusion in the personnel file of the person involved; the third and fourth copy to the respondent and complainant respectively or their respective counsels as the case may be. For purposes of this, the Resolution and/or Order dismissing an administrative case for lack of prima facie case shall be distributed in like manner.

4.) **Certificate of Finality** – Where no motion for reconsideration is filed within 15 days from the receipt of the decision, the decision shall become final and a Certificate of Finality shall be issued and filed and distributed in accordance with the immediately preceding section.

II. Civil Service issuances are suppletory to this Office Order.

III. This Office Order supersedes and revokes previous issuances related thereto. It takes effect immediately and shall remain in effect unless terminated/revoked by competent authority.

IV. For the information and commitment of all.

SERAFIN L. NGOHAYON, Ph.D.
University President

Attachments: Flow Chart of Administrative Proceedings in Administrative Cases
Work Flow Chart – Administrative Complaints

FLOW CHART OF ADMINISTRATIVE PROCEEDINGS IN ADMINISTRATIVE CASES

First Stage

FILING OF THE COMPLAINT

DETERMINING THE EXISTENCE OF A PRIMA FACIE CASE

IN CASE A PRIMA FACIE CASE EXISTS, FORMAL CHARGE SHALL BE ISSUED

IF NO PRIMA FACIE CASE EXISTS, THE CASE SHALL BE DISMISSED

Second Stage

ISSUANCE OF A FORMAL CHARGE

FILING OF AN ANSWER

IF THE ANSWER IS UNSATISFACTORY, A FORMAL INVESTIGATION SHALL BE ISSUED

IF THE ANSWER IS SATISFACTORY, THE CASE SHALL BE DISMISSED.

ISSUANCE OF PREVENTIVE SUSPENSION ORDER, IF NECESSARY

Third Stage

PRE-HEARING CONFRENCE

CONDUCT OF ROMAL INVESTIGATION

RENDITION OF DECISION

GUILTY

NOT GUILTY

MOTION FOR RECONSIDERATION ON AGENCY'S DECISION IS FILED.

DISMISSAL OF THE CASE

APPEAL ON THE AGENCY'S DECISION IS FILED WITH THE COMMISSION

PETITION FOR REVIEW ON CERTIORARI IS FILED WITH THE COURT OF APPEALS, IF STILL DISSATISFIED WITH THE COMMISION'S DECISION

MOTION FOR RECONSIDERATION OF THE COMMISSION'S DECISION IS FILED WITH THE COMMISSION