

OCT 30 1973

RECORDS DIVISION

October 29, 1973

Department Order
No. 36, s. 1973

PRESCRIBING RULES IN THE HANDLING OF
CASES REQUIRING SUMMARY PROCEEDINGS

To: All Bureau Directors
and Heads of Offices:

1. Presidential Decree No. 6 amending certain rules on discipline of government officials and employees, which was issued as an inclosure to Department Order No. 47, s. 1972 has instituted a new mode of handling disciplinary cases with the use of the so-called summary proceedings. Section 3 of the decree provides:

"Sec. 3. Summary proceedings. - No formal investigation is necessary and the respondent may be immediately removed or dismissed if any of the following circumstances is present:

- a. When the charge is serious and the evidence of guilt is strong;
- b. When the respondent is a recidivist or has been repeatedly charged, and there is reasonable ground to believe that he is guilty of the present charge;
- c. When the respondent is notoriously undesirable.

2. For the guidance of all concerned in the application of this section, the following rules are hereby prescribed:

a. Complaint.

Whenever a complaint in writing is filed and any or all of the circumstances mentioned in Sec. 3 of Presidential Decree No. 6 are present, the head of office or agency shall refer the same to the respondent, by personal delivery or registered mail, and require him to submit his answer within a period of not less than 72 hours and not more than 5 days from receipt thereof. The complaint should be in due form accompanied with pertinent affidavits.

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or documents in support of the specifications thereof.

b. Answer

The respondent upon receipt of the complaint shall submit his answer in writing within the given period, together with the evidence in support of his side of the case, such as counter-affidavits and other documentary evidences. The answer and counter-affidavits which should also be under oath, may be filed personally or by registered mail.

c. Decision

Upon receipt of the answer, the head of the office or agency concerned shall evaluate or cause the evaluation of the complaint and answer, together with the supporting evidences submitted in relation to pertinent laws, rules and regulations, after which the decision or recommendation on the case shall be rendered or prepared. It should be stressed that in the preparation of the recommendation or decision, the taking of testimony is dispensed with. However, whenever it is felt necessary in the interest of fairness, fair play and justice, the official assigned to the case may summon either or both parties to ask clarificatory questions, while both parties are afforded the right to be present, they have no right to examine or cross-examine.

The evaluation of the evidences and the preparation of the recommendation and/or decision shall be completed within 15 days from receipt of the answer of the respondent.

d. Notice

The respondent shall be served a copy of the decision on the case against him, which shall be deemed final if the penalty imposed is a fine or suspension without pay of not more than 30 days.

e. Appeal

The respondent has the right to appeal if the penalty imposed is higher than fine or suspension of 30 days. The appeal which shall state the grounds and arguments upon which it is based, shall be submitted to the Office of the Secretary of Education within 15 days after receipt of the decision; provided, however, that pending resolution on the appeal the decision shall be executory except when the penalty is removal.

3. It is desired that all concerned be guided accordingly.

(SGD.) JUAN L. MANUEL
Secretary

