

Republika ng Pilipinas
(Republic of the Philippines)
KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)
Maynila

October 19, 1987

DECS ORDER
No. 105, s. 1987

RULES OF PROCEDURE ON APPEALS

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Cultural Agency Directors
Chief of Service and Heads of Units/Centers

1. As stated in paragraph 4 of DECS Order No. 102, s. 1987, the inclosed Rules of Procedure on Appeals are being issued to govern the proceedings of the DECS Reorganization Appeals Board.
2. Please be guided accordingly.

(SGD.) TOMAS V. SANTOS
Undersecretary
Officer-in-Charge

Incl.:
As stated

Reference:
DECS Order (No. 102, s. 1987)

Allotment: 1--(M. O. 1-87)

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS & OFFICES
REORGANIZATION

(Inclosure to DECS Order No. 105, s. 1987)

RULES OF PROCEDURE ON APPEALS

Pursuant to the Memorandum of the President of the Philippines, dated 2 October 1987, and DECS Order No. 102, s. 1987 constituting the DECS Reorganization Appeals Board in the Department of Education, Culture and Sports to review or reconsider all complaints or appeals relative to the reorganization undertaken pursuant to Executive Order No. 117, dated January 30, 1987 and the various implementing regulations and guidelines issued pursuant thereto including the new position structure and staffing pattern, the following rules are hereby adopted and promulgated.

SECTION 1. Any official or employee, individually or collectively, who is adversely affected in any manner by the DECS Reorganization Plan may file a complaint, a petition for reconsideration, or an appeal, on any aspect relative to the reorganization non-appointment, demotion, separation or termination, within thirty (30) days from the time he/she was advised or informed about such personnel action.

SECTION 2. Any complaint, petition for reconsideration or appeal relative to reorganization shall be filed with the Office of the Undersecretary for Legal and Legislative Affairs in the Department of Education, Culture and Sports, Ground Floor, Palacio del Gobernador, Intramuros, Manila. Such complaint, petition or appeal shall be under oath and shall contain a concise statement of the grounds relied upon, including such documentary evidence as may be deemed necessary to support his complaint, petition or appeal.

In the case of officials and employees separated from the service before 21 October 1987, the same shall be governed by the applicable laws or implementing rules thereon.

SECTION 3. The appeal shall be deemed filed, in case of personal delivery, on the date of actual receipt thereof, and in case the same is sent by mail, on the date shown by the postmark on the envelope which shall be attached to the record.

SECTION 4. Immediately upon receipt of a complaint, petition or appeal, the Secretary of the Appeals Board shall refer a copy with its attachments to the Agency/Bureau/Regional Head concerned requiring him to submit his comments thereon, attaching such records/documents as he may deem pertinent to his comment.

The issues are considered joined upon receipt by the Board of the comments on the petition and shall be deemed submitted for decision/resolution.

Upon failure of the Agency/Bureau/Regional Head concerned to submit his comment within the prescribed time, the Board shall

act on the petition on the basis of the submissions of the petitioner.

SECTION 5. The Board shall, on the basis of the petition and the comment of the Agency/Bureau/Regional Head concerned, and other pertinent documents, proceed to review the action taken by the Agency/Bureau/Regional Head and on the basis of its review either affirm, reverse or modify the action relative to the reorganization as it affected concerned. In the consideration of any complaint, petition or appeal, no formal hearing shall be conducted nor shall examination of witnesses be allowed unless it becomes necessary for a fair resolution of the complaint, petition or appeal. Proceedings in the Board shall be summary in nature.

SECTION 6. The Board, as constituted in DECS Order No. 102, s. 1987, shall meet regularly every Tuesday and Friday at 2:00 p.m. at the Palacio del Gobernador or as often as may be necessary for the resolution of all complaints, petitions or appeals. Three (3) members of the Board shall constitute a quorum to seek a decision.

SECTION 7. The decision of the Board shall be final. No request for reconsideration or an appeal of its decision shall be entertained, except in cases covered by the Civil Service Appeals Board. Provided, that during the pendency or after the resolution of any case, the employee concerned may opt to retire under any retirement plan.

SECTION 8. If the Board reverses the decision of the Agency/Bureau/Regional Head concerned, it shall order the retention, reappointment, reinstatement of the complainant, petitioner or appellant to his former position, or his appointment to a position of comparable rank and salary in the Agency/Bureau/Office in this Department or in Agency/Bureau/Office in another Department. In such cases, the complainant, petitioner or appellant shall be considered on vacation leave of absence during the time he was out of the service.

SECTION 9. The Board shall have a Secretariat which shall provide staff assistance thereto. Upon due request the necessary technical assistance to prepare and document any complaint, petition or appeal shall be provided for by such persons as shall be authorized by the Chairman.

SECTION 10. These rules of procedure shall take effect upon their approval.

APPROVED, October 15, 1987.

(SGD.) TOMAS V. SANTOS
Undersecretary