

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

April 6, 1988

DECS O R D E R
No. 32, s. 1988

AMENDED 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. Inclosed are the Amended Rules of Procedure on Appeals amending DECS Order No. 105, s. 1987 issued to govern the proceedings of the DECS Reorganization Appeals Board.
2. Please be guided accordingly.

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

Incls:
As stated

Reference: DECS Order: (No. 105, s. 1987)

Allotment: 1-2-3-d--(M.O. 1-87)

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

AMENDMENT
BUREAUS & OFFICES
REORGANIZATION

**DECS REORGANIZATION APPEALS BOARD
AMENDED RULES OF PROCEDURE ON APPEALS**

Pursuant to CSC MC No. 5, dated 18 March 1988, Memorandum Order 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 any complaint or appeal relative to the reorganization undertaken pursuant to Executive Order No. 117, s.1987 and the various implementing regulations/guidelines issued pursuant thereto including the new position structure and staffing pattern, the following rules as earlier issued are hereby amended and modified accordingly.

SECTION 1. Any official or employee in the Central Office or Regional Offices who feels that he is adversely affected in any manner by the DECS Reorganization Plan, i.e. those getting lower items, by passed, not promoted, getting the same item but transferred to other agencies, those refuse by their new office of assignment and such other similar cases may file a complaint, or a petition for the reconsideration, or an appeal, on his non-appointment, demotion, transfer, separation or termination within five (5) days from the issuance of this Amended Rules of Procedure on Appeals.

SECTION 2. Any appeal relatively to the reorganization shall be filed with the DECS Reorganization Appeals Board in the Office of the Undersecretary for Legal and Legislative Affairs, Department of Education, Culture and Sports, Ground Floor, Palacio del Gobernador, Intramuros, Manila. Such appeal shall set forth the grounds therefor, the name(s) of personnel and/or positions(s) in the New Plantilla of Personnel (NPP) which are theof the 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.

SECTION 3. A letter of appeal even without documentation shall be considered a notice of appeal. After notice of appeal, appellant shall be given fifteen (15) days to submit documents/supporting papers but shall not toll the period of thirty (30) days given the Board of Appeals for rendering a decision. The appeal shall be deemed filed upon completion of documents.

Immediately upon receipt of an appeal, the Secretary of the Appeals Board shall refer a copy thereof with its attachments to the Agency/Bureau/Regional Heads concerned, requiring it to submit within seven (7) working days upon receipt of the appeal his comments thereon, attaching such records/documents as he may deem pertinent to his comment.

Upon receipt by the Board of the comments on the petition the same shall be deemed submitted for decision/resolution.

Upon the failure of the Agency/Bureau/Regional Head concerned to submit his comment within the prescribed seven (7) working days the Board shall act on the petition on the basis of the submissions appealing official or employee.

SECTION 4. The shall, on the basis of the appeal and the comment of the Agency/Bureau/Regional Heads concerned, and the other pertinent documents, proceed to review the action taken by the Agency/Bureau/Regional Heads within thirty (30) days from submission of the case for the and the basis of the submission of the case for resolution and on the basis of its review either affirm, reverse or modify the non-appointment, separation or termination of the appellant 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 appeal.

SECTION 5. If the Board in considering the petition shall resolve for the retention, reinstatement of a complainant, petitioner or appellant to his former position, or his appointment to a position of comparable rank and salary, he shall be considered on vacation leave of absence with or without pay during the days that he did not report for duty for purposes of continuity in the service.

SECTION 6. The decisions of the Reorganization Appeals Board may be appealed to the Civil Service Commission by the aggrieved party within fifteen (15) days from receipt thereof.

SECTION 7. The Board, as constituted in DECS Order No. 104, 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 do business.

SECTION 8. The Board shall have a Secretariat which shall provide staff 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 9. These rules of procedures shall take effect upon its approval.

APPROVED, April 4, 1985.

TOMAS V. SANTOS
Chairman

CLEDUALDO B. PEREZ
Vice Chairman

ISAIAS MELEGRILO
Member

ZENAIDA L. VILLAESCUSA
Member

FRINE F. JIMENEZ
Secretary