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APPEAL PROCEDURE

PPC, June 17, 1993

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Pursuant to the provision of Section 21, d), of R.A. 7354, the following rules governing the conduct of appeal to the Board of Directors in cases of removal of officials and employees in the Philippine Postal Corporation are hereby adopted and promulgated.

SECTION 1. Appeal to the Board — a) An appeal may be taken from an order or decision of the Postmaster General to the Board by the respondent, by filing a notice of appeal within fifteen (15) days from receipt of the resolution, order or decision appealed from, and serving a copy thereof to the Postmaster General.

SECTION 2. Grounds — The respondent may appeal to the Board from an order or decision of the Postmaster General on any of the following grounds:

a) That there is grave abuse of discretion on the part of the Postmaster General;

b) That the order or decision is obtained through fraud or coercion, or graft and corruption; or

c) That errors in the findings of facts or conclusions of laws were committed which, if not corrected, would cause grave and irreparable damage or injury to the appellant.

SECTION 3. Where to File — The appeal shall be filed with the Secretariat of the Board in seven (7) legibly written copies.

SECTION 4. Caption — In all cases appealed to the Board, the party appealing shall be called "appellant" and the adverse party the "appellee", and the case shall be given a docket number.

SECTION 5. Requisites for the Appeal — The notice of appeal shall be filed within the reglementary period as provided for in Section 1 of this rule. It shall state the date when the respondent received the order or decision appealed from and the proof of service to the adverse party.

SECTION 6. Perfection of Appeal; No extension of period — Compliance with the foregoing requisites in the preceding section perfects the appeal. No motion or request for extension of the period within which to perfect an appeal shall be entertained.

SECTION 7. Appeal Memorandum — Upon perfection of the appeal, the Board shall issue an Order requiring the appellant to file a verified appeal memorandum within ten (10) days from receipt of such order, furnishing a copy thereof to the appellee who may reply thereto, if he so desires, within the same period of time. With the filing of the appeal memoranda or lapse of the period within which to file them, the appeal shall be deemed submitted for resolution. If the notice of appeal already contains a discussion of the grounds relied upon for excepting from the decision, appeal memorandum shall no longer be required but the same shall be verified or under oath in which case the appeal shall be deemed submitted for resolution.

SECTION 8. Records of Case — The records of a case shall contain among others, the minutes of the hearing conducted, all original pleadings filed, notices, orders, or decisions of the Postmaster General and proofs of

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service thereof which shall be numbered on every page thereof. The complete records of the case on appeal shall be immediately forwarded to the Board through the Secretariat by the Legal Department in seven (7) copies.

SECTION 9. Withdrawal of Appeal — An appeal may be withdrawn at any time prior to the promulgation of the resolution, order or decision. Upon approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been taken.

SECTION 10. Period to Decide Case — The Board shall render its decision on the case before it within thirty (30) days after submission.

SECTION 11. One Motion for Reconsideration — Only one (1) timely motion for reconsideration of the resolution, order or decision of the Board shall be entertained, which shall be within fifteen (15) days from receipt by appellant of the decision of the Board.

SECTION 12. Appeal on Order or Decision of the Board — The order or decision of the Board of Directors is appealable to the Civil Service Commission within fifteen (15) days from receipt of the order or decision by the appellant.

SECTION 13. Decision Executory Pending Appeal — An appeal shall not stop the decision of the Postmaster General from being executory and the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in case he wins an appeal.

SECTION 14. Effectivity — This appeal procedure shall take effect fifteen (15) days after receipt by the U.P. Law Center of three (3) copies thereof, in accordance with E.O. 292, otherwise known as the Administrative Code of 1987.

Adopted: 17 June 1993

(Sgd.) RENAN V. SANTOS
Chairman

(Sgd.) JORGE V. SARMIENTO

(Sgd.) PASCUAL C. KLIATCHKO

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