

OCA CIRCULAR NO. 3-2006, January 05, 2006

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TO:

ALL JUDGES AND LOWER COURT PERSONNEL

SUBJECT:

GRIEVANCE MACHINERY FOR THE LOWER COURTS

For your information and guidance, the Office of the Court Administrator has adopted the "Grievance Machinery for the Lower Courts" in accordance with CSC Resolution No. 010113 and CSC Memorandum Circular No. 02, series of 2001. This grievance machinery was duly approved by the Civil Service Commission.

All courts are hereby furnished copies of this grievance machinery for strict implementation.

__05__ January 2006.

PRESBITERO J. VELASCO, JR.

Court Administrator

GRIEVANCE MACHINERY FOR THE LOWER COURTS

In line with the Revised Policies on the Settlement of Grievances in the Public Sector, enunciated under CSC Resolution No. 010113 and CSC Memorandum Circular No. 02, series of 2001, this grievance machinery referred to as Office of the Court Administrator Grievance Machinery for the Lower Courts, is hereby adopted for implementation by all concerned.

I. Objectives

- To promote harmony in the workplace and thereby foster the productivity of lower court officials and employees for the betterment of the service;
- To create a work atmosphere conducive to good supervisor-employee relations and improved employee morale;
- To settle grievances at the lowest level possible in the organization;
- To serve as a catalyst for the development of capabilities of personnel on dispute settlement, especially among supervisors in the lower courts; and
- To formalize the existing informal system of settling grievances in the lower courts.

II. Policies

- A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled, at the lowest level, an aggrieved party shall present his grievance step by step following the hierarchy of positions.
- The aggrieved party shall be assured freedom from coercion, discrimination, reprisal and biased action on the grievance.
- Grievance proceedings shall not be bound by legal rules and technicalities. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.

III. Scope

The OCA Grievance Machinery for the Lower Courts applies to all officials and employees of the Regional Trial Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari'a Circuit Courts.

IV. Definition of Terms

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Grievance - a work related discontentment or dissatisfaction which had been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without due consideration.

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Grievance Machinery - a system or method of determining and finding the best way to address the specific cause or causes of grievance.

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Bilis Aksyon Partner - is the counterpart Action Officer of the Civil Service Commission under the Mamamayan Muna Program in every agency pursuant to CSC MC No. 3, s. 1994.

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Immediate Supervisor - pertains to the Branch Clerk of Court/Officer-in-Charge in the branch or the Chief of a unit in the Office of the Clerk of Court.

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Higher Supervisor - refers to the Presiding Judge other than the Executive Judge, or the Clerk of Court.

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Second level position - refers to a position that requires professional Civil Service eligibility, the duties of which require completion of at least four (4) year course leading to a Bachelor's Degree.

-

First level position - refers to a position which does not require professional Civil Service eligibility.

V. Coverage

The following cases shall be acted upon through the grievance machinery:

- Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions;
- Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues, that affect them;
- Physical working conditions;
- Interpersonal relationships and linkages;
- Dissatisfaction concerning applications, indorsements and recommendations for promotion;
- All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

The following cases shall not be acted upon through the grievance machinery:

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Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;

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Sexual harassment cases as provided for in RA 7877; and

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Employees Associations' issues and concerns.

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Issues involving selection and qualification of the appointee which are within the authority of the Selection and Promotions Board to resolve.

VI. OCA Grievance Committee for the Lower Courts

Pursuant to Office Order No. 21-2002 dated 02 September 2002 , the Office of the Court Administrator Grievance Committee for the Lower Courts was constituted. The following are the Chairperson and Members thereof:

Chairperson

—

Hon. Carlos L. de Leon Assistant Court Administrator

Vice Chairperson

—

Atty. Edgar A. Azarraga
Court Attorney V

Members

—

Atty. Edna J. Conde
Court Attorney VI

Atty. Mark N. Marcos
Court Attorney VI

Atty. Ma. Jean C. Lim
Court Attorney VI

Atty. Caridad Walse-Lutero
Court Attorney V

Atty. Vener B. Pimentel
OIC, Docket & Clearance Division,
Legal Office, OCA

Mrs. Rosario L. Salvador
SC Chief Judicial Staff Officer
MTC Personnel Division
Office of Administrative Services

Ms. Maria Cristita R. Santos
Fiscal Controller IV,

Financial Management Office

Atty. Raymundo U. Tan
Clerk of Court V- RTC, Branch 29, Manila
PACE Representative- 2 nd Level

Mr. Severino C. Balubar, Jr.
Sheriff IV- RTC, Br.l 18, Pasay City
PACE Representative-1[st] Level

Recorder-Secretary — Atty. Eduardo C. Tolentino
Court Attorney VI

Asst. Recorder Secretary —

Ms. Maria Rosario G. Gaticales
Executive Assistant II

The OCA Grievance Committee for the Lower Courts is mandated to address grievance between or among lower court officials and employees and to formulate internal policies, procedures, guidelines and strategies for submission to and approval by the Supreme Court En Banc.

VII. Grievance Committee in the Lower Courts

There shall be an Employee Grievance Committee (EGC) for multiple and single sala courts with the following composition:

A. Multiple Sala Courts

A. 1. Second Level Courts

A.1 .a. For multiple sala courts with three (3) or more branches

Chairperson

—

Incumbent Executive Judge of the multiple sala court

Vice Chairman

—

Incumbent 1[st] Vice Executive
Judge of the multiple sala court

Members (2)

—

One (1) PACE representative each from the first and second level positions, or in the absence of a PACE representative,

In case of the prolonged absence (30 days or more) of the Vice Chairman or where the grievance is against him, the Acting Vice Chairman shall be selected in the following order:

- the 2[nd] Vice Executive Judge;
- the 3[rd] Vice Executive Judge, in the absence of the 2[nd] Vice Executive Judge;
- the most senior (in terms of service in the Judiciary) Presiding Judge of the multiple sala court.

In case the grievance is against the regular Vice Chairman, the Acting Vice Chairman shall sit as such until the termination/resolution of the grievance.

In case of prolonged absence by the regular Vice Chairman, the Acting Vice Chairman shall sit as such until the termination/resolution of grievances where he took part in the deliberations.

A.1.b. Multiple sala second level courts with only two (2) branches

The EGC composition for these courts shall be the same as the composition of the EGC under A.1.a. However, the Vice Chairman shall be the Presiding Judge of the remaining branch.

In case of the prolonged absence (30 days or more) of the Vice Chairman, or where the grievance is against him, the Chairman shall designate as Acting Vice Chairman anyone of the Presiding Judges of the first level courts within his administrative supervision.

A.2. First Level Courts

A.2.a. Multiple sala first level courts with designated Vice Executive Judges

The composition of the EGC for these courts shall follow the composition under A. 1 .a.

In case of the prolonged absence (30 days or more) of the Vice Chairman or where the grievance is against him, the same procedure in designating an Acting Vice Chairman as provided for under A. 1 .a shall apply.

A.2.b. Multiple sala first level courts with no designated Vice Executive Judge

The composition of the EGC for these courts shall follow the composition under A. 1.a. However, the Vice Chairman shall be the most senior (in terms of service in the Judiciary) Presiding Judge from among the remaining branches.

A.2.c. MeTC and MTCC with only two (2) branches

The composition of the EGC for these courts shall follow the composition under A.2.b.

In case of the prolonged absence (30 days or more) of the Vice Chairman, or where the grievance is against

him, the Branch Clerk of Court of his branch shall act as Vice Chairman.

A.2.d. MTC multiple sala courts

The composition of the EGC for these courts shall be as follows:

Chairperson

—

most senior (in terms of service in the Judiciary) Presiding Judge

Vice Chairman

—

next most senior Presiding Judge

Members (2)

—

One (1) PACE representative each from the first and second level positions, or in the absence of a PACE representative, duly elected by the majority of the employees of the court concerned.

However, in the event that an Executive Judge has been designated, the Executive Judge shall automatically be the Chairman. The most senior of the remaining Presiding Judges shall be the Vice Chairman.

In case of prolonged absence (30 days or more) of the Vice Chairman, or where the grievance is against him, the procedure under A.2.b (for MTCs with 3 or more branches) or A.2.c. (for MTCs with only 2 branches) shall apply.

B. Single Sala Courts

B.1. Second level single sala courts

Chairperson

—

Incumbent Executive Judge of the RTC single sala court

Vice Chairman

—

Any one of the Presiding Judges in the first level courts within the administrative supervision of the Executive Judge of the RTC single sala court as designated by such Executive Judge

Members (2)

—

One (1) PACE representative each from the first and second level positions, or in the absence of a PACE representative, duly elected by the majority of the employees of the court concerned.

Where the grievance is against the Vice Chairman, the RTC Executive Judge shall designate any judge from the first level courts within his administrative supervision to act as Vice Chairman for that particular grievance.

B.2. First level single sala courts

Single sala first level courts shall be clustered with the EGC of the Regional Trial Court exercising administrative supervision over the concerned first level courts.

However, in the event that it would be quite burdensome on the part of any of the parties to personally seek resolution of their grievance, they may file their grievance in writing with the EGC of the nearest and most accessible RTC.

C. Shari'a District/Circuit Courts

Chairperson

—

Presiding Judge of the Shari'a District Court

Vice Chairman

—

Any one of the Presiding Judges of the Shari'a Circuit Courts within the administrative supervision of the EGC Chairman

Members (2)

—

One (1) representative each from the first and second level positions, selected by majority of the employees of the court concerned.

The Executive Judge shall constitute the EGC within fifteen (15) working days from approval of the OCA Grievance Machinery for the Lower Courts.

VIII. Procedure

The procedure for seeking redress of grievances shall be as follows:

A. Grievance of Parties Within the same Branch/Office

A.1. Discussion with Immediate Supervisor

At the first instance, a grievance shall be presented verbally or in writing by the aggrieved party to his immediate supervisor.

The immediate supervisor may call the party against whom the grievance is directed; or schedule an immediate conference between the parties; or perform such other acts that will most expeditiously deal with the grievance presented.

The immediate supervisor shall inform the aggrieved party of the corresponding action within three (3) working days from the date of presentation.

A.2. Appeal to the Higher Supervisor

If the aggrieved party is not satisfied with the verbal decision, he may submit the grievance either verbally or in writing, within five (5) working days to the next higher supervisor who shall render his written decision within five (5) working days from receipt of the grievance.

The Higher Supervisor may call the parties to discuss the problem/s presented, or perform such other acts that will expeditiously dispose of or solve the grievance.

A.3. Absence of Immediate Supervisor

In the absence of the immediate supervisor in items A and B, the OIC/Pairing/Acting Judge shall act on the grievance.

B. Grievance of Parties Belonging to Different Branches/Offices

B.1. Discussion with the Immediate Supervisor of the respondent.

Whenever the parties involved belong to different offices,' the grievance shall be presented to the immediate supervisor of the respondent either verbally or in writing. Such grievance shall be resolved by the immediate supervisor within five (5) working days from date of filing.

The immediate supervisor may call the party against whom the grievance is directed; or schedule an immediate conference between the aggrieved party and the party against whom the grievance is directed; or perform such other acts that will most expeditiously deal with the grievance presented.

B.2. Appeal to the Higher Supervisor of the respondent.

The resolution of the immediate supervisor may be elevated to the higher supervisor of the respondent either verbally or in writing within five (5) working days from receipt thereof. The higher supervisor of the respondent shall render his written decision within five (5) working days from receipt of the appealed grievance. The Higher Supervisor may call the parties to discuss the problem/s presented, or perform such other acts that will expeditiously dispose of or solve the grievance.

B.3. Absence of Higher Supervisor

In the absence of the higher supervisor in items A and B, the OIC/Pairing/Acting Judge shall act on the grievance.

C. Grievance against Immediate Supervisor

Where the object of the grievance is the immediate supervisor, the aggrieved party may bring the grievance to the higher supervisor of the latter, who shall in turn render a decision in writing within five (5) working days from receipt of the grievance.

In all cases under A, B and C, the decision of the higher supervisor may be appealed to the EGC within five (5)

working days from receipt of the decision.

The EGC may conduct an investigation and hearing within ten (10) working days from receipt of the appealed grievance and render a written decision within five (5) working days after the investigation. Thereafter, it shall issue a Certification on the Final Action on the Grievance (CFAG) which shall contain, among others, the history and action taken on the grievance.

D. Grievance against the Higher Supervisor

Where the object of the grievance is the higher supervisor, the aggrieved party may submit the grievance, verbally or in writing, to the EGC.

The EGC shall render its written decision on the grievance within five (5) working days from its submission.

E. Grievance against the Executive Judge

Where the object of the grievance is the Executive Judge, the aggrieved party may submit the grievance, verbally or in writing, to the OCA Grievance Committee for appropriate action.

The OCA Grievance Committee shall render its written decision on the grievance within fifteen (15) working days from the date the grievance is submitted for resolution.

F. Appeal to the OCA Grievance Committee

The decision of the EGC in A, B, C and D may be appealed to the OCA Grievance Committee within fifteen (15) working days from receipt thereof. Together with the appeal, the aggrieved party shall submit the Certification on the Final Action on the Grievance (CFAG) issued by the EGC.

G. Appeal to the Office of the Court Administrator

The decision of the OCA Grievance Committee may be appealed to the Office of the Court Administrator within fifteen (15) working days from receipt of the decision. The aggrieved party is required to submit together with the appeal, the Certification on the Final Action on the Grievance (CFAG) issued by the OCA Grievance Committee.

H. Periods

The periods within which action on a grievance is required to be made or appeals may be taken as herein provided shall be non-extendible in line with the policy to resolve grievances expeditiously at all times.

IX. Bilis Aksyon Partner

Pursuant to CSC Memorandum Circular No. 2, s. 2001, a Bilis Aksyon Partner (BAP), who shall be designated by the Court Administrator, shall serve as the action officer of the OCA Grievance Committee for the Lower Courts. He shall promptly render assistance to lower court employees for the redress of their grievances through the grievance machinery as established by the Office of the Court Administrator.

The BAP shall ensure that grievances are resolved expeditiously at the lowest level possible in the agency.

A BAP shall likewise be designated by the Executive Judge to serve as the action officer for the EGC.

X. Grievance Forms

The following forms shall be used:

- Grievance Form (see image on page 16 of the oca circulars 3)
- Grievance Agreement Form (see image on page 16 of the oca circulars 3)
- Certificate of Final Action on the Grievance (see image on page 16 of the oca circulars 3)
- Quarterly Report of the EGC (see image on page 16 of the oca circulars 3)

XI. Pro-Active Measures

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The Office of the Court Administrator shall ensure equal opportunity for men and women in the lower courts to be represented in the grievance committee.

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The OCA Grievance Committee and the Employee Grievance Committee shall develop and implement pro-active measures that would prevent grievance such as employee assembly, "talakayan", counseling and other Human Resource Development Programs.

- The OCA Grievance Committee and the Employee Grievance Committee shall conduct training information drives on Grievance Machinery among officials and employees of the lower courts in collaboration with the Office of Administrative Services, OCA.

XII. Quarterly Report

The Employee Grievance Committee shall submit a report of its accomplishments and status of unresolved grievances to the OCA Grievance Committee within ten (10) days after the end of each quarter. The OCA Grievance Committee shall submit a consolidated quarterly report, duly noted by the Court Administrator, to the Civil Service Commission Regional Office.

XIII. Liabilities

Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty.

XIV. Effectivity

This Grievance Machinery for the Lower Courts shall take effect immediately upon approval by the Supreme Court En Banc.

XV. Commitment

The Office of the Court Administrator hereby corams to implement the provisions of this Grievance Machinery in accordance with existing civil service law and rules.

PRESBITERO J. VELASCO, JR.

Court Administrator

__03 April 2003__

Date

Noted by:

AGNES D. PADILLA

Director IV

CSC Regional Director

__NOV 26 2003__

Date

MEMORANDUM ORDER NO. __52__-2005

**RECONSTITUTION OF THE OFFICE OF THE COURT ADMINISTRATOR GRIEVANCE COMMITTEE
FOR THE LOWER COURTS**

In the interest of the service and in accordance with the provisions of Rule XII (Complaints and Grievances) of the "Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws" subject of Resolution No. 91-163 dated 27 December 1991 of the Civil Service Commission, which Chapter provides for the settlement of grievances in the public sector, the Office of the Court Administrator (OCA) Grievance Committee for the Lower Courts is hereby reconstituted as follows:

Chairperson Hon. Ruben P. de Cruz

Assistant Court Administrator

Vice Chairperson Caridad A. Pabello

Officer-in-Charge

Members Edna J. Conde

Court Attorney CI

Office of Deputy Administrator

Zenaida N. Elipaño

Arturo V. Noblejas

Judicial Supervisor

Office of Deputy Court Administrator

Jose P. Perez

Ma. Jean C. Lim

Court Attorney VI

Office of the Duputy Court Administrator

Christopher O. Lock

Caridad M. Walse-Lutero

Court Attorney IV

Legal Office

Nenita R. Grijaldo

Clerk of Court V

RTC (Branch 44) Manila

PACE Representative 2[nd] Level Courts

Severino C. Balubar, Jr.

Sheriff

RTC (Branch 118) Pasay City

PACE Representative-1[st] Level Courts

The Committee shall see to the expeditious, fair and impartial settlement of grievances of lower court employees pursuant to and in accordance with the prescribed grievance procedure.

In consultation with the Members of the Committee, the Chairperson shall designate the Recorder Secretary and Assistant Recorder Secretary.

The Chairperson, Vice Chairperson, Members, Recorder Secretary and Assistat Recorder Secretary shall be entitled to the expense allowance authorized under Administrative Circular No. 13-99

This Memorandum Order revokes OCA Office Order No. 21-2002 dated 02 September 2002 [Re: Constitution of the OCA Grievances Committee for the Lower Courts] and shall take effect upon its issuance.

Issued thie 19[th] day of September 2005.

(SGD.) HILARIO G. DAVIDE, JR.

Chief Justice

Chairperson, First Division

(SGD.) REYNATO S. PUNO

(SGD.) ARTEMIO V. PANGILINAN

Associate Justice

Associate Justice

Chairperson, Second Division

Chairperson, Third Division

(pursuant to and by virtue of the revised Resolution in A.M. No. 99-12-08-SC)

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