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REVISED RULES OF PROCEDURE FOR CONDUCT OF ADMINISTRATIVE PROCEEDINGS

GTEB MEMORANDUM NO. 89-35, August 09, 1989

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[Herein below] are the Revised Rules of Procedure to be followed in the conduct of administrative hearings before the Board.

The said Rules shall take effect five (5) days from date hereof.

Adopted: 9 Aug. 1989

(SGD.) GLORIA M. ARROYO
Undersecretary, DTI
Executive Director

REVISED RULES OF PROCEDURE = ADMINISTRATIVE CASES

I

All cases which would require the issuance of a Show-Cause Letter to the firm should be forwarded to the Audit and Inspection Division for preliminary investigation.

II

After an audit/investigation on a garment firm has been conducted, the Audit and Inspection Division prepares a Report/Memorandum addressed to the Deputy Director, detailing therein all the findings. If the audit is adverse, a Show-Cause Letter shall be issued to the firm. If the findings are not adverse, the firm shall likewise be notified in writing.

III

The Show-Cause Letter shall require the garment firm to explain under oath the findings of the Audit and Inspection Division within the inextendible period of five (5) working days from receipt of the Show-Cause Letter.

IV

The Audit and Inspection Division evaluates the explanation given by the garment firm and makes a Summary Report. The Summary Report together with the working papers and documents gathered during the audit will then be forwarded to the Legal Division. If no reply is received from the firm after the lapse of the deadline, a Summary Report will also be prepared and forwarded to the Legal Division together with the working papers and documents gathered during the audit.

V

Within five (5) working days from receipt of the Summary Report and supporting working papers and documents, the Legal Division shall inform the Audit and Inspection Division whether there exists or not a primary case against the firm, its owners/proprietors officers/members and/or its stockholders.

VI

Should there be a prima facie case, the Prosecutors together with the auditors concerned shall prepare the Charge Sheet and the affidavits of the prosecution witnesses. The Charge Sheet shall specify the audit findings and GTEB rule/s violated by the firm. The Charge Sheet, affidavits of the auditors and all other case materials shall be forwarded to the Hearing Panel.

VII

The Hearing Panel, within three (3) working days from receipt of the case materials from the Prosecution, shall cause the delivery to the firm, its owners/proprietors/officers/members and/or its stockholders a NOTICE TO FILE REPLY TO CHARGE SHEET AND NOTICE OF HEARING, directing therein the filing of their respective answers to the said Charge Sheet. Attached to the Charge Sheet are the Affidavits of the Prosecution witnesses supported with specifically marked documentary exhibits, if any. Said ANSWER must be filed within the inextendible period of fifteen (15) working days from receipt thereof. The Answer must be under oath with attached supporting Affidavits of their witnesses and all relevant documentary evidence for their defense. Failure to file a Reply to the said Charge Sheet, said Respondents will be declared in default and the Board will consequently decide the case based in the evidence presented by the Prosecution before the Hearing Panel without further notice to them. The said Notice of Hearing shall specify the date and the place where the hearing will be heard. The date indicated in the Notice shall be intransferrable. Failure to appear at the said hearing will result in the Prosecution proceedingn to present its evidence ex parte and thereafter, the case will be deemed submitted for resolution and/or decision.

VIII

At the hearing before the Panels, the Affidavits of the witnesses of both parties shall form the direct testimony of the Affiants thereof. Said Affiants however, will be required to be present at the hearings for clarificatory and/or cross-examination questions. The cross-examination shall be controlled by the Panels concerned.

IX

At the initial hearing before the Panels, as much as possible, the Prosecution and the defense counsels should enter into a stipulation of facts and delimitation of the issues of the case in order to expedite the termination of the case.

X

As approved by the Board, the suspension of the respondent-garment firm bidding for EA allocations shall commence after the lapse of sixty (60) days reckoned from the date of initial hearing on the condition that the delay and/or the lapse of the said sixty-day period to terminate the case is caused by the respondent. The respondents shall be notified in writing of the said suspensions.

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XI

The Hearing Panel shall submit to the Board its Report on the case within thirty (30) working days reckoned from the submission of the formal offer of evidence by the parties. However, the Hearing Panel, due to unforeseen and justified circumstances, may submit to the Board its Report within an extended ten (10) working days.

Effective: 14 August 1989

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