

AMENDING CERTAIN PROVISIONS OF THE PNPA ADMINISTRATIVE DISCIPLINARY MACHINERY

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WHEREAS, BOT Circular No. 7, s. 2001, otherwise known as the PNPA Administrative Disciplinary machinery provide the rules and regulations in the conduct of administrative proceeding and early disposition of the case against erring PNPA cadets, delineates the organization, jurisdiction, powers, duties and functions of the investigation and disciplinary authorities;

WHEREAS, since its effectivity on December 20, 2001, some of its provisions, particularly on the modes of filing motion for reconsideration or appeal to the decision/order of the disciplining authorities were observed to be not effective in the early disposition of the case, and are being used by the aggrieved parties to delay the final disposition of the case;

WHEREAS, there is a need to improve, update, the plug several loopholes noted on the provisions of the PNPA Administrative Disciplinary Machinery in order to expedite disposition of cases against erring cadet, without sacrificing the right to due process;

WHEREFORE, the Board RESOLVES, as it hereby RESOLVED, that amendments be made on BOT Circular No. 7, s. 2001, otherwise known as the PNPA Administrative Disciplinary Machinery, as follows:

1. Infractions a. and e. under Rule II, Sec. 2 are hereby be deleted:

a. Infraction a — Violation of the Honor Code (i.e., cheating, stealing, lying, or tolerating the violation of the Honor Code);

b. Infraction e — Exceeding maximum allowable demerits;

2. The following serious offenses are hereby included as infractions under Rule II, Sec. 2:

a. Grave misconduct

b. Violation of PNPA Grievance Machinery

3. Rule IV, Sec. 1 is hereby amended to read as follows:

Section 1. Complaint or Delinquency Report — All proceedings must be commenced by a verified written complaint signed by the complainant or his/her duly authorized representative against any cadet(s) who appears to be responsible therefor. The proceedings may also be commenced by a Delinquency Report signed by competent authority or the same proceedings or investigation may likewise be initiated by the Command Inspector based on reports submitted to his Office.

4. Rule V, Sec. 1 (b) is hereby amended to read as follows:

b. The respondent(s) shall be furnished with a copy of the complaint or charges, affidavits of witness(es), and pertinent documents submitted by the complainant(s), and an Order directing him/her to submit an explanation, attaching therewith any pertinent documents in support of his/her defense, should there be any, within two (2) days from receipt of the complaint. No extension to file explanation is allowed."

5. Rule VI, Sec. 1 is hereby amended, to read as follows:

Section 1. Notification of Complaint/Charges and Order to Answer — Within one (1) day from receipt of the record of the case, the Summary Hearing Officer shall furnish the respondent a copy of the complaint or charges filed against him/her, to include copies of the affidavits of witnesses and other documents submitted by the complainant, should there be any, and he/she shall be directed to submit an answer or counter-affidavit or affirm his/her previously submitted Explanation and other pertinent documents within three (3) days from receipt of the complaint, attaching therewith pertinent documents or evidence in support of his/her defense.

6. Rule VIII, Sec. 1 is hereby amended to read as follows:

Section 1. Who may file a Motion for Reconsideration — Either party may file a Motion for Reconsideration or Notice of Appeal on the decision rendered by the Director, PNPA within the period to appeal. The Motion for Reconsideration or Notice of Appeal should be personally and directly filed with the Office of Director, PNPA and not through other means. Only one (1) Motion for Reconsideration is allowed, which shall be resolved within two (2) days from the filing thereof.

7. Rule IX, Sec. 3 is hereby amended to read as follows:

Section 3. Period to Decide Appeal — The President, PPSC shall decide the appeal within ten (10) days after receipt of the entire records of the case from the Director, PNPA. The decision/resolution/order rendered by the President, PPSC on cases brought to his office on appeal shall be final and executory, unless a timely Motion for Reconsideration is filed personally and directly with his office within three (3) days from receipt of the said decision or resolution or order by the appellant or his/her counsel. Only one (1) Motion for Reconsideration is allowed which shall be resolved within five (5) days from receipt thereof. The decision/resolution/order of the PPSC President to the Motion for Reconsideration shall be immediately final and executory, and non-appealable.

Adopted: 13 May 2003

(SGD.) FRANCISCO S. SENOT

Fire Chief Superintendent

Chief, BFP/Member

(SGD.) ANTONIO C. CRUZ

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