APPROVING THE REVISED DISCIPLINARY RULES AND REGULATIONS OF THE PHILIPPINE POSTAL CORPORATION

PHLPOST BOARD RESOLUTION NO. 2014 - 71-C, July 10, 2014

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RESOLVED, as it hereby resolves to approve the Revised Disciplinary Rules and Procedures of the Philippine Postal Corporation.

Issued this 4th day of August 2014 at the City of Manila, Philippines.

(SGD) FLORANTE C. CRUZ
Corporate Secretary

REVISED DISCIPLINARY RULES AND REGULATIONS
OF THE PHILIPPINE POSTAL CORPORATION

Rule 1
APPLICABILITY AND CONSTRUCTION

Section 1. Title. - This Rules and Procedures shall be known and cited as the Revised Disciplinary Rules and Procedures of the Philippine Postal Corporation.

Section 2. Coverage. - This Rules and Procedures shall cover all officials and employees of the Philippine Postal Corporation below the ranks of Assistant Postmaster General.

The cases involving sexual harassment shall be primarily governed by the PPC - Administrative Disciplinary Rules on Sexual Harassment Cases implemented by Philpost Circular No. 02-52 dated May 02, 2002 pursuant to CSC Resolution No. 01-0940 dated May 21, 2001. This Rules and Procedures shall apply suppletorily to said sexual harassment cases.

The Revised Rules on Administrative Cases in the Civil Service (RRACCS) promulgated by the Civil Service Commission on November 18, 2011 shall apply suppletorily to this Rules and Procedures.

Section 3. Construction. - This Rules and Procedures shall be literally construed in order to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases.

Administrative investigations shall be conducted without strict recourse to the technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Definition of Terms. - The terms hereunder shall be construed as follows:

- CORPORATION or PHLPost refers to the Philippine Postal Corporation.

- DISCIPLINING AUTHORITY refers to the Postmaster General or his/her duly authorized officials who have

the authority to impose the administrative penalty provided for by law or rules.

- FORUM-SHOPPING refers to the filing of several administrative actions or complaint either simultaneously or successively before another agency or any tribunal having jurisdiction over the case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues either pending in, or already resolved adversely by, some other tribunal or agency.

- PARTY ADVERSELY AFFECTED refers to the respondent against whom a decision in an administrative case has been rendered or to the disciplining authority in an appeal from a decision reversing or modifying the original decision.

- PERSON COMPLAINED OF refers to the person who is the subject of complaint but who is not yet issued a formal charge by the disciplining authority.

- RESPONDENT refers to the person who is issued a formal charge by the disciplining authority.

Rule 2
DISCIPLINARY JURISDICTION

Section 5. Jurisdiction of the Postmaster General or his/her duly authorized officials. - The Postmaster General or his/her duly authorized officials shall have jurisdiction to investigate and decide matters involving disciplinary action against officials and employees of the Corporation below the ranks of Assistant Postmaster General.

Section 6. Concurrent Original Jurisdiction of the Civil Service Commission and the Ombudsman. - The Civil Service Commission and the Ombudsman shall have concurrent original jurisdiction to investigate and decide administrative cases involving officials and employees of the Corporation.

Section 7. Jurisdiction on Appeal of the PHLPost Board of Directors. - The PHLPost Board of Directors shall have jurisdiction on appeal of the decision of the the Postmaster General in cases of removal of officials and employees of the Corporation.

Section 8. Jurisdiction on Appeal of the Civil Service Commission. - The Civil Service Commission shall have jurisdiction on appeal of the decision of the Postmaster General and of the resolution of the PHLPost Board of Directors.

Section 9. Cases Cognizable by the Disciplining Authority – The Disciplining Authority shall take cognizance of all complaints against officials and employees of the Corporation below the ranks of Assistant Postmaster General.

Section 10. Duly Authorized Officials of the Disciplining Authority. - The duly authorized officials of the Postmaster General are the Postal Area Directors, the Manager of the Inspectorate Department and the Manager of the Legal Department. In exceptional cases, to uphold justice and fairness, the Postmaster General may designate other PHLPost officials to conduct investigation of administrative complaints. Provided, That the Postmaster General shall not be precluded to exercise the disciplinary powers delegated to the duly authorized officials or to other officials duly authorized.

Section 11. Cases Cognizable by the Postal Area Director. - Except as herein provided, the Postal Area Director shall take cognizance of all complaints against officials and employees of the Corporation within their designated Postal Area and shall have the authority to conduct the requisite preliminary investigation thereof within herein specified period.

Section 12. Cases Covered by Preliminary Investigation by the Manager of the Inspectorate Department. - Except

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as herein provided, the Manager of the Inspectorate Department or his/her duly authorized representative shall have the authority to conduct preliminary investigation of complaints against officials and employees of the Corporation and shall make the necessary report and recommendation to the Postmaster General within herein specified period.

Section 13. Cases Covered by Formal Investigation by the Manager of the Legal Department. - Except as herein provided, the Manager of the Legal Department or his/her duly authorized representative shall have the authority to conduct formal investigation of administrative cases against officials and employees of the Corporation and shall make the necessary report and recommendation to the Postmaster General within herein specified period.

Rule 3
COMPLAINT

Section 14. Who May Initiate. - Administrative proceedings may be initiated by the Postmaster General or his/her duly authorized officials motu proprio or upon complaint of any other person. The Postmaster General or his/her duly authorized officials may initiate concurrent administrative proceedings motu proprio even with a parallel complaint of any person.

Section 15. Requisites of a Valid Complaint. – Except when initiated by the Postmaster General or his/her duly authorized officials, no complaint against the official and employee of the Corporation shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. In cases initiated by the proper disciplining authority or his/her authorized officials, a show cause order directed to the person complained of is sufficient.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence in which case the person complained of may be required to comment.

The complaint in triplicate copies shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation against him/her and to enable him/her to intelligently prepare his/her defense or answer/comment. However, should there be more than one (1) person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- full name, address, email address and telephone number of the complainant;

- full name and address of the person/s complained of as well as his/her/their position/s and office/s;

- a narration of the relevant and material facts which shows the acts or omissions allegedly committed;

- certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and

- certification or statement of non-forum shopping.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refiling upon compliance with the above requirements. The disciplining authority may in the interest of justice accept the complaint if there is substantial compliance to above requirements.

Section 16. When and Where to File a Complaint. - Except when otherwise provided for by law, an administrative complaint may be filed at anytime with the Office of the Postmaster General, Office of the Postal Area Director, or the Office of the Manager of the Inspectorate Department. Complaint filed in other postal offices shall be

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immediately forwarded to the above specified offices by the concerned responsible postal officials.

Section 17. Withdrawal of the Complaint. - The withdrawal of the complaint by any person does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person/s complained of, the same should be given due course.

Section 18. Action on the Complaint. - Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority or his/her duly authorized officials shall require the person/s complained of to submit a Counter- Affidavit/Comment under oath within five (5) days from receipt of order requiring him/her/their comment/s.

Rule 4
PRELIMINARY INVESTIGATION

Section 19. Preliminary Investigation; Definition. - A Preliminary Investigation is a proceeding undertaken to determine whether a prima facie case exists to warrant the issuance of a formal charge. It involves a fact-finding investigation or an ex-parte examination of records and documents submitted by the complainant and the person/s complained of, as well as documents readily available from the offices of the Corporation and other governmental agencies.

Section 20. How conducted. - Within five (5) days from receipt of the complaint sufficient in form and substance, the person/s complained of shall be required to submit his/her/their counter-affidavit/comment. Where the complaint is initiated by the disciplining authority, the disciplining authority or his/her authorized officials may issue a show-cause order directing the person/s complained of to explain why no administrative case should be filed against him/her/them and/or may conduct preliminary investigation. Where the complaint is both initiated by the disciplining authority and by other person, any of the explanation to the show-cause memorandum or counter-affidavit shall be required from the person complained of. The failure to submit the comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/ explanation/comment.

If necessary, a party or the parties may be summoned to a conference where the Investigator may propound clarificatory and other relevant questions.

For complaints filed before the Office of the Postal Area Director, the preliminary investigation may be entrusted to responsible officials of the Area. Provided, That the responsible official designated shall be placed under the direct control and supervision of the Manager of the Inspectorate Department.

Section 21. Duration of the Investigation. - A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the disciplining authority or his/her duly authorized officials and shall be terminated within twenty (20) days thereafter.

Section 22. Issuance of Subpoena. - In the conduct of preliminary investigation, the assigned/designated Investigator may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena duces tecum for the production of documents or things.

Section 23. Investigation Report. - Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Investigation Report with recommendation and the complete records of the case to the disciplining authority.

Section 24. Decision or Resolution after Preliminary Investigation. – If a prima facie case is established during the

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investigation, the disciplining authority shall issue a formal charge pursuant to this Rules and Procedures.

In the absence of a prima facie case, the complaint shall be dismissed by the disciplining authority.

The dismissal of the complaint may be delegated by the Postmaster General to the Manager of the Legal Department.

Rule 5
FORMAL CHARGE

Section 25. Issuance of Formal Charge. - After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent. The Area Director shall formally charge the person complained of within his/her disciplinary jurisdiction after conducting therein the requisite preliminary investigation and finding of prima facie case.

Section 26. Contents of Formal Charge. - The formal charge shall contain a specification of charge/s, a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charges in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge/s, and a notice that he/she may opt to be assisted by a counsel of his/her choice.

Section 27. Prohibited Pleadings. - The disciplining authority shall not entertain requests for clarification, bills of particulars, motions for reinvestigation, motions to dismiss, motions to quash, motions for suspension of proceedings, motions for reconsideration or any similar dilatory motions. If any of these pleadings are interposed by the respondent, the same shall be considered an answer and shall be evaluated as such.

Rule 6
ANSWER

Section 28. Requisites and Contents. - The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary and object evidence, sworn statements covering testimonies of witnesses, if there by any, in support of one’s case.

Section 29. Failure to File an Answer. - If the respondent fails or refuses to file his/her answer to the formal charge within the period provided in the formal charge which shall not be less than seventy-two (72) hours from receipt thereof, he/she shall be considered to have waived his/her right to submit the same and the case may be decided based on available records. Failure to categorically state the election of formal investigation in the answer shall be construed as waiver of the respondent to elect a formal investigation.

Rule 7
PREVENTIVE SUSPENSION

Section 30. Preventive Suspension, nature. -Preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the official or employee charged may be removed from the scene of his/her alleged misfeasance/malfeasance/nonfeasance while the same is being investigated.

Section 31. When Issued; Grounds. - Upon petition of the complainant or motu proprio, the proper disciplining authority may issue an order of preventive suspension of the respondent upon service of the formal charge, or immediately thereafter, pending an investigation, if

A) The charge involves:

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- Dishonesty;

- Oppression;

- Grave Misconduct;

- Gross Neglect in the Performance of Duty;

- Commission of a second administrative offense which is punishable by dismissal from the service on its second offense;

- Commission of a third administrative offense which is punishable by dismissal from the service on its third offense; or

- If there are reasons to believe that the respondent is guilty of charges which would warrant his/her removal from the service.

B) An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance, malfeasance or nonfeasance to preclude the possibility of:

- exerting undue influence or pressure on the witnesses against him/her, or

- tampering with evidence that may be used against him/her.

C) In lieu of preventive suspension, for the same purpose, the proper disciplining authority may reassign respondent to other unit of the agency during the formal investigation.

Section 32. Duration of Preventive Suspension. - Unless otherwise provided for by law, the Postmaster General may place the respondent under preventive suspension for a maximum period of ninety (90) days. The Area Director may place the respondent within their jurisdiction under preventive suspension for a maximum period of thirty (30) days. Provided, That the Postmaster General may extend the same preventive suspension to complete the ninety (90) days maximum period. When the administrative case against an officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of preventive suspension, he/she shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension. Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension. Provided, that where the order of preventive suspension is for a period less than the maximum period, the disciplining authority undertakes to finish the formal investigation within the said period and is precluded from imposing another preventive suspension. Provided, further, that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Section 33. Remedies from the Order of Preventive Suspension. – The respondent may file an appeal to the Civil Service Commission within fifteen (15) days from receipt of the order of preventive suspension. Pending appeal, the same preventive suspension shall be executory. A motion for reconsideration and/or motion to quash from the order of preventive suspension shall not be allowed.

Rule 8
FORMAL INVESTIGATION

Section 34. Conduct of Formal Investigation; When Held. – A formal investigation shall be conducted by the disciplining authority where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one, in which case, the formal investigation shall be held not

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earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer. Said formal investigation shall be finished within thirty (30) days from receipt of the formal charge unless the period is extended by the disciplining authority in meritorious cases.

The Area Director shall not have the authority to conduct formal investigation. In cases where the preliminary investigation and the issuance of the formal charge is undertaken by the Area Director, the same cases shall be forwarded to the Manager of the Legal Department for the conduct of formal investigation.

Section 35. Submission of Position Paper/Memorandum - At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and submit the case for resolution without any need for further hearings. The period to submit position paper/memorandum shall not exceed fifteen (15) calendar days and the other party shall be allowed to comment within five (5) days upon receipt of the position paper/memorandum thereof. Failure to submit position paper/memorandum as agreed and/or the comment, the administrative case shall be submitted for decision based on the evidence at hand.

Section 36. Pre-Hearing Conference. - At the commencement of the formal investigation, the designated Hearing Officer shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- Stipulation of facts;

- Simplification of issues;

- Identification and marking of evidence of the parties;

- Waiver of objections to admissibility of evidence;

- Limiting the number of witnesses, and their names;

- Dates of subsequent hearings; and

- Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference is binding on both parties unless in the interest of justice, the designated Hearing Officer may allow a deviation from the same.

The conduct of a pre-hearing conference is mandatory. The failure of the respondent to attend the pre-hearing conference constitutes a waiver to participate in the pre-hearing conference but may still participate in the formal investigation upon appropriate motion.

Section 37. Continuous Hearing Until Terminated; Postponement. - Hearings shall be conducted on the hearing dates set by the Hearing Officer or as agreed upon during the pre-hearing conference.

Each party may be granted only one (1) postponement of a hearing date upon oral or written request.

If respondent fails or refuses to appear or is not represented by counsel during the scheduled hearings despite due notice, the formal investigation shall proceed and the respondent shall be deemed to have waived his/her right to present evidence in his/her favour during the said hearing.

Section 38. Preliminary Matters. - At the start of the hearing, the Hearing Officer shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If after being apprised of the right to counsel, respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right thereto.

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Before taking the testimony of a witness, the hearing officer shall place him/her under oath and then take his/her name, address, civil status, age, and complete name and address of employment. No witness shall be allowed to be presented without a Judicial Affidavit. The Judicial Affidavit properly identified and affirmed and furnished to the other party three (3) days before the hearing shall form part of the direct testimony of the witness.

Clarificatory questions may also be asked by the Hearing Officer or the other party.

In the interest of justice or when the witness is uncooperative, the Hearing Officer may allow presentation of witness without judicial affidavit.

Section 39. Appearance of Counsel. - Any counsel who is a member of the Bar appearing before any hearing or investigation shall manifest orally or in writing, his/her appearance for either the respondent or complainant, stating his/her full name, Roll Number, IBP membership receipt, PTR Receipt, MCLE Compliance Number, email address, telephone number and complete postal address which should not be a P.O. box address, where he/she can be served with notices and other pleadings. If the lawyer is a government employee, he/she shall be required to present an authority to practice profession which should come from the agency head or the agency head's authorized representative.

Section 40. Representation of the Corporation. - The Corporation shall be represented during the formal investigation by a designated Prosecutor assigned by the Manager of the Legal Department or by the Postmaster General. The Prosecutor shall have the authority to prosecute the case and the private counsel appearing for the complainant shall be under his/her direct control and supervision.

Section 41. Order of Hearing. - Unless the Hearing Officer directs otherwise, the order of hearing may be as follows:

- The prosecution shall present its evidence;

- The respondent shall present evidence in support of his/her defense;

- There may be rebuttal or sur-rebuttal;

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond fifteen (15) days after the termination of the formal investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 42. Objections. - All objections raised during the hearing shall be resolved by the Hearing Officer. However, objections that cannot be ruled upon by the Hearing Officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The Hearing Officer shall admit all evidence formally offered subject to the objection/s interposed against its admission.

Section 43. Markings. - All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the prosecution and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 44. Issuance of Subpoena. - The Hearing Officer may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena duces tecum for the production of documents or things.

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If a party desires the attendance of a witness and/or the production of documents, he/she shall make a request for the issuance of the necessary subpoena ad testificandum and/or subpoena duces tecum, at least seven (7) days before the scheduled hearing.

Section 45. Record of Proceedings. - Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording.

Section 46. Filing of Pleadings. - All pleadings filed by the parties with the disciplining authority shall be copy furnished the other party with proof of service. Any pleadings sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the disciplining office.

Section 47. Pending case, Nature. - A pending administrative case shall be construed as such when the disciplining authority has issued a formal charge to the respondent.

Section 48. Formal Investigation Report - Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations and draft decision/ resolution, shall be submitted by the Hearing Officer to the disciplining authority. The complete records of the case shall be attached to the report of formal investigation.

The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared.

Rule 9
Decision

Section 49. When Case is Decided. - The Postmaster General shall decide the case within thirty (30) days from receipt of the Formal Investigation Report.

Section 50. Finality of Decisions. - A decision rendered by the Postmaster General whereby a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall be final, executory and not appealable unless a motion for reconsideration is seasonably filed. Upon denial of the motion for reconsideration, the decision of the Postmaster General shall be final and executory.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary or demotion the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

If the penalty imposed is dismissal from the service, the same shall be executory pending appeal to the PHLPost Board of Directors or to the Civil Service Commission.

Rule 10
SCHEDULE OF PENALTIES

Section 51. Classification of Offenses. - Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the postal service.

A. The following grave offenses shall be punishable by dismissal from the service:

- Serious Dishonesty;

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- Gross Neglect of Duty;

- Grave Misconduct;

- Being Notoriously Undesirable;

- Conviction of a crime involving moral turpitude;

- Falsification of official document;

- Falsification of Postal ID or Postal Money Order;

- Physical or mental incapacity or disability due to immoral or vicious habits;

- Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts constituting bribery, or acts punishable under the anti-graft laws;

- Contracting loans of money or other property from persons with whom the office of the employee has business relations;

- Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;

- Nepotism; and

- Disloyalty to the Republic of the Philippines and to the Filipino people.

B. The pilferage of mail matters and the shortage of postal accounts shall be classified as serious dishonesty, regardless of the amount taken and/or malversed.

C. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

- Less serious dishonesty;

- Oppression;

- Disgraceful and immoral conduct;

- Inefficiency and incompetence in the performance of official duties;

- Frequent unauthorized absences, undertime or tardiness in reporting for duty, loafing from duty during regular office hours;

- Loitering on restricted areas or where access to the areas are prohibited;

- Refusal to perform official duty;

- Gross Insubordination;

- Conduct prejudicial to the best interest of the service:

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- Directly or indirectly having financial and material interest in any transaction requiring the approval of his/her office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

- Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his/her office, unless expressly allowed by law;

- Disclosing or misusing confidential or classified information officially known to him/her by reason of his/her office and not made available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest;

- Giving undue advantage to PHLPost's competitors by divulging trade and/or commercial secrets, classified and confidential information, or by giving business to PHLPost's competitors without authority;

- Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and

- Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his/her office.

D. In lieu of suspension, the grave offense of Inefficiency and Incompetence in the performance of official duties may be punishable by Demotion on its first offense, and shall be punishable by dismissal from the service in its second offense. In this case, the guilty person shall be appointed to the next lower position to which he/she is qualified in the plantilla of the agency. In case there is no such next lower position available, he/she shall suffer diminution in salary corresponding to the next lower salary grade.

E. The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense; and dismissal from the service for the second offense:

- Simple Neglect of Duty;

- Simple Misconduct;

- Discourtesy in the course of official duties;

- Violation of existing Civil Service Law and rules of serious nature;

- Violation of existing Postal Rules and Regulations of serious nature;

- Insubordination;

- Habitual Drunkenness;

- Unfair discrimination in rendering public service due to party affiliation or preference;

- Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in their households;

- Failure to resign from his/her position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her share holdings or

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interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and

- Engaging directly or indirectly in partisan political activities by one holding non-political office.

F. The less grave offense of Simple Dishonesty is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense: and dismissal for the third offense.

G. The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

- Simple discourtesy in the course of official duties;

- Improper or unauthorized solicitation of contributions from subordinate employees;

- Violation of reasonable Postal office rules and regulations;

- Frequent unauthorized tardiness (Habitual Tardiness) that do not affect postal operations;

- Gambling prohibited by law;

- Smoking in non-smoking areas;

- Refusal to render overtime service;

- Disgraceful, immoral or dishonest conduct prior to entering the service;

- Borrowing money by superior officers from subordinates;

- Willful failure to pay just debts or willful failure to pay taxes due to the government;

  The term “just debts” shall apply only to:

  - Claims adjudicated by a court of law, or

  - Claims the existence and justness of which are admitted by the debtor.

- Lobbying for personal interest or gain in legislative halls and offices without authority;

- Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority;

- Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;

- Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;

- Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;

- Engaging in private practice of his/her profession unless authorized by the Constitution, law or regulation,

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provided that such practice will not conflict with his/her official functions; and

- Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations.

Section 52. Penalty of Fine. - The following are the guidelines for the penalty of fine:

- Upon the request of the head of office or the concerned party and when supported by justifiable reason/s or motu proprio, the Postmaster General may allow payment of fine in place of suspension if any of the following circumstances are present:

- When the functions/nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety; or

- When the respondent is actually discharging frontline functions or those directly dealing with the public and the personnel complement of the office is insufficient to perform such function; and

- When the respondent committed the offense without utilizing or abusing the powers or his/her position or office.

- The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day fine; Provided, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months, Nonetheless, the remaining one (1) day suspension is deemed included therein.

- The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine is final and executory and, therefore, not subject of appeal or any other similar relief.

- The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount he/she has already paid.

- Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:

- Fine equivalent to one (1) month salary shall be paid within two (2) months;

- Fine equivalent to two (2) months salary shall be paid within four (4) months;

- Fine equivalent to three (3) months salary shall be paid within six (6) months;

- Fine equivalent to four (4) months salary shall be paid within eight (8) months;

- Fine equivalent to five (5) months salary shall be paid within ten (10) months; and

- Fine equivalent to six (6) months salary shall be paid within twelve (12) months.

- The fine shall be paid to the agency imposing the same computed on the basis of respondent’s salary at the time the decision becomes final and executory.

Section 53. Mitigating and Aggravating Circumstances. - In the determination of the penalties to be imposed, mitigating and/or aggravating circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

- Physical illness;

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- Good faith;

- Malice;

- Time and place of offense;

- Taking undue advantage of official position;

- Taking undue advantage of subordinate;

- Undue disclosure of confidential information;

- Use of government property in the commission of the offense;

- Under influence of intoxicating liquor or drugs;

- Habituality;

- Offense is committed during office hours and within the premises of the office or building;

- Employment of fraudulent means to commit or conceal the offense;

- First offense;

- Education;

- Length of service; or

- Other analogous circumstances.

In the appreciation thereof, the same must be invoked or pleaded by the proper party, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The Postmaster General, however, in the interest of substantial justice may take and consider these circumstances motu proprio.

Section 54. Manner of Imposition. - When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.

- The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.

- The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

- Where aggravating and mitigating circumstances are present, paragraph [a] shall be applied where there are more mitigating circumstances present; paragraph [b] shall be applied when the circumstances equally offset each other; and paragraph [c] shall be applied when there are more aggravating circumstances.

Section 55. Penalty for the Most Serious Offense. - If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

Section 56. Duration and effect of administrative penalties. – The following rules shall govern the Imposition of administrative penalties:

- The penalty of dismissal shall result in the permanent separation of the respondent from the service, without

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prejudice to criminal or civil liability.

- The penalty of demotion shall entail appointment to the next lower position to which respondent is qualified or diminution of salary to next lower grade if there is no such position available.

- The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits.

- The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory. Fines shall be paid within a period not exceeding one (1) year reckoned also from the date when decision becomes final and executory.

- The penalty of reprimand shall not carry with it any accessory penalty nor result in the temporary cessation of work. In the event the penalty of reprimand was imposed on appeal as a result of modification of the penalty of suspension or dismissal from service, the respondent shall be entitled to the payment of back salaries and other benefits which would have accrued during the period of his/her suspension or dismissal.

Section 57. Administrative Disabilities Inherent in Certain Penalties. –

- The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office including government owned and controlled corporation and bar from taking civil service examinations.

- The penalty of demotion shall carry with it disqualification from promotion for one (1) year.

- The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.

- The penalty of fine shall carry with it disqualification from promotion for the same period he/she was fined.

- The accessory penalties inherent in the penalty of suspension provided in Section 51 (c) of the Rules shall continue to apply when the penalty of fine is imposed in lieu of suspension.

Should the respondent fail to pay in full the fine within the prescribed period, he/she shall be deemed to have failed to serve the penalty imposed, hence, the disqualification for promotion shall remain in effect until such time that the fine is fully paid.

- The penalty of reprimand shall not carry with it any accessory penalties.

- A warning or admonition shall not be considered a penalty.

Section 58. Effects of Exoneration on Certain Penalties. –

- In case the penalty imposed is a fine, the same shall be refunded.

- In case there is demotion, he/she shall be restored to his/her former position, without loss of seniority rights. Respondent shall also be entitled to the payment of salary differentials during the period the demotion was imposed.

- In case the penalty imposed is suspension, he/she shall immediately be reinstated to his/her former post without loss of seniority rights and with payment of back salaries and all benefits which would have accrued as if he/she

has not been illegally suspended.

- In case the penalty imposed is dismissal, he/she shall immediately be reinstated without loss of seniority rights with payment of back salaries and all benefits which would have accrued as if he/she has not been illegally dismissed.

- The respondent who is exonerated by final judgment shall be entitled to the leave credits for the period he/she had been out of the service.

Rule 11
SETTLEMENT IN ADMINISTRATIVE CASES

Section 59. Who may avail. - In cases of light offenses where the act is purely personal on the part of the private complainant and the person complained of and there is no apparent injury committed to the postal service, settlement of offenses may be considered. Provided that settlement can no longer be applied for the second offense of the same act committed by the person complained of.

Section 60. Guidelines - The following are the guidelines in the settlement of purely personal matters in administrative cases:

- Compromise settlement shall be allowed only for administrative light offenses where the act is purely personal between the private complainant and the person complained of and there is no apparent injury to the postal service;

- Upon filing of the complaint, the disciplining authority shall determine whether the offense is purely personal or can be the subject of settlement; The following complaint may be the subject of settlement and/or compromise:

- Borrowing money by superior officers from subordinates;

- Willful failure to pay just debts;

- Simple Misconduct resulting from misunderstanding/fight between the person complained of and complainant provided that the act is not committed within office premises;

- Discourtesy in the course of official duties; and

- Other analogous circumstances/cases.

In these enumerated cases, compromise or settlement can no longer be applied for the second time the same act is committed;

- If the offense can be the subject of settlement, the Action Officer/Mediation Officer assigned shall order the person complained of to comment and to indicate therein whether he/she is willing to submit the case for settlement;

- If person complained of opted for settlement, the Action Officer/Mediation Officer assigned shall issue an order requiring the appearance of parties;

- If settlement succeeds, a compromise agreement shall be executed between the parties and attested by the Action Officer/Mediation Officer;

- The compromise agreement shall be binding on the parties and shall be considered a decision on the merits which cannot be impugned unless it is shown that there was duress on its execution on any of the parties;

- A decision shall be issued by the Disciplining Authority based on the Compromise Agreement;

- If during the settlement process, the parties failed to settle their differences the Action Officer/ Mediation Officer shall issue an order terminating the process and shall forward the complaint to the disciplining authority for the continuation of the investigation; and

- In case of non-compliance with the compromise agreement, the case may likewise be reopened for investigation until the final determination of the case.

Section 61. Establishment of the Mediation Center. - For purposes of settlement in administrative cases, the Mediation Center shall be established at the Legal Department to be headed by a Legal Officer. The Area Director may assign Action Officer/ Mediation Officer in their postal area provided that they will be placed under the direct control and supervision of the head of the Mediation Center.

Rule 12
MOTION FOR RECONSIDERATION

Section 62. Filing. - The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority within fifteen (15) days from receipt thereof. A motion for extension of time to file a motion for reconsideration is not allowed.

Section 63. When deemed filed. - A motion for reconsideration sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 64. Grounds. - The motion for reconsideration shall be based on any of the following:

- New evidence has been discovered which materially affects the decision rendered; or

- The decision is not supported by the evidence on record; or

- Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 65. Limitation. - Only one motion for reconsideration shall be entertained. If a second motion for reconsideration is filed notwithstanding its proscription under this Rules and Procedures, the finality of action shall be reckoned from the denial of the first motion for reconsideration.

Section 66. Effect of Filing. – The filing of a motion for reconsideration within the reglementary period of fifteen (1) days shall stay the execution of the decision sought to be reconsidered.

Rule 13
APPEAL

Section 67. Filing. - The decision of the Postmaster General imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Civil Service Commission within a period of fifteen (15) days from receipt thereof. The decision of the Postmaster General imposing the penalty of dismissal from the service may be appealed to the PHLPost Board of Directors or to the Civil Service Commission.

Section 68. When deemed filed. - An appeal sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 69. Effect of Filing. - The decision of the Postmaster General is immediately executory pending appeal before the PHLPost Board of Directors or the Civil Service Commission.

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Rule 14
INSTITUTION OF A CRIMINAL COMPLAINT

Section 70. Who and Where to file. -In all cases where the administrative offenses may result to acts and omissions punishable under the Revised Penal Code and/or other special penal laws, the Manager of the Legal Department shall institute the corresponding criminal action in the proper office of the Ombudsman or Prosecutor's Office of the Department of Justice. The Area Director may be delegated by the Manager of the Legal Department to institute the criminal action within his/her postal area.

Section 71. When to file. - All criminal actions referred to in the preceding Section shall be instituted immediately upon completion of the investigation thereof but not later than ten (10) days from the issuance of the formal charge in the administrative case.

Section 72. Prosecution of Criminal Cases. - The Manager of the Legal Department or the Area Director shall coordinate with the Ombudsman or Prosecutor's Office (DOJ) in the prosecution and litigation of criminal cases filed at the Sandiganbayan or regular courts. In criminal cases where civil liability can be recovered, the above officials shall exert efforts to protect the interests of the Corporation.

Section 73. Application for Hold Departure Order. - The Manager of the Legal Department or the Area Director shall coordinate with the Ombudsman or Prosecutor's Office (DOJ) to request immediately for the issuance of a Hold Departure Order from the Bureau of Immigration and Deportation (BID) and the Department of Foreign Affairs against absconding criminally charged officer or employee.

Section 74. Recovery from Fidelity Bonds. - The Manager of the Legal Department or the Area Director shall institute actions for recovery of bonds of accountable respondent not later than ten (10) days from finality of decisions or resolutions finding respondent guilty of an administrative offense involving defalcation or malversation.

Rule 15
MISCELLANEOUS PROVISIONS

Section 75. Non-execution of Decision. - Any officer or employee who willfully refuses or fails to implement the final resolution, decision, order or ruling of the Postmaster General to the prejudice of the public service and the affected party, may be administratively charged with Conduct Prejudicial to the Best Interest of the Service or Neglect of Duty.

Section 76. Computation of Period. - In computing any period of time prescribed by this Rules and Procedures, the first day shall be excluded and the last day included unless it be a Saturday, a Sunday or a legal holiday or a special non-working day, in which case the period shall run until the end of the next working day which is neither a Saturday, a Sunday nor a legal holiday.

Section 77. Service of Decision/Resolution/Order. - Copies of decisions/ resolutions/ orders and other communications shall be served on the counsel of record if one is represented by a counsel, if he/she has none, the same shall be served to the party concerned. The service to the counsel is considered service to the person being represented. The period to perfect a motion for reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, as the case may be.

Section 78. Offices furnished of the Decision/Resolution/Order. - Copies of decisions/resolutions/orders and other communications shall be furnished to the concerned Area Director, the Human Resource Division of the Postal Area and the Human Resource Department of the Central Office.

Section 79. Repealing Clause. - The Disciplinary Rules and Procedures of the Philippine Postal Corporation approved pursuant to PHLPost Board Resolution No. 94-132, and all other circulars, resolutions, rules or regulations inconsistent with this Rules and Procedures are hereby repealed or modified accordingly.

Section 80. Effectivity. - This Rules and Procedures shall take effect fifteen (15) days after its publication in the website of the Corporation and after its registration with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center.

Approved July 10, 2014, Philippine Postal Corporation, at the City of Manila.

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