

AMENDMENTS TO THE NEA ADMINISTRATIVE RULES OF PROCEDURES OF 2013

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Adopted: 05 December 2017

Date Filed: 19 January 2018

WHEREAS, Section 10, Chapter II of Presidential Decree No. 269, as amended, empowers the National Electrification Administration (NEA) to issue rules and regulations in all matters affecting Electric Cooperatives;

WHEREAS, to empower the member-consumer-owners, access to administrative matters against ECs' Board of Directors and Officers should be made easily accessible;

WHEREAS, the provision on the filing fee of the NEA Administrative Rules of Procedures of 2013 should be amended and lowered for the empowerment of member-consumer-owners;

WHEREAS, a provision on preventive suspension is hereby laid down pursuant to Section 4-A (b) of Presidential Decree No. 269, as amended, wherein NEA has the power to issue preventive or disciplinary measures including, but not limited to, suspension or removal and replacement of any or all of the members of the board of directors and officers of the electric cooperative, as the NEA may deem fit and necessary and to take any other remedial measures as the law or any agreement or arrangement with NEA may provide, to attain the objectives of this Act;

WHEREAS, through Board Resolution No. 169 dated 05 December 2017, the NEA Board of Administrators approved the foregoing amendments of the NEA Administrative Rules of Procedures of 2013;

NOW, THEREFORE, pursuant to its authority under the P.D. No. 269, as amended, NEA hereby issues, adopts and promulgates the following amendments to NEA Administrative Rules of Procedures of 2013.

Section 1. Amendments to the NEA Administrative Rules of Procedures of 2013. The following provisions are hereby amended as follows:

- a. Section 1 of Rule III is hereby amended to read -

RULE III

PLEADINGS, NOTICES AND APPEARANCES

SECTION 1. COMPLAINT. - A complaint against any or all of the EC Officers shall not be given due course unless it is in writing and verified to by the complainant(s) with payment of filing fee in the amount of Five Thousand (P5,000.00) Pesos. However, in cases initiated by NEA, the complaint need not be verified.

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- b. Section 3 of Rule VIII is hereby amended to read –

RULE VIII MISCELLANEOUS

PROVISIONS

SECTION 3. FILING FEE. - The filing fee for a Complaint or Petition shall be Five Thousand Pesos (P5,000.00) subject to revision from time to time when the need arises. Such fee shall be paid at the Cashier of the NEA.

c. Rule III-A is hereby inserted to the NEA Administrative Rules of Procedures of 2013 to read -

RULE III-A PREVENTIVE SUSPENSION

SECTION 1. PREVENTIVE SUSPENSION. – Upon petition of the complainant or motu proprio, NEA may issue a preventive suspension order upon service of the formal charge, or immediately thereafter, to the Respondent/s pending an investigation, if the evidence of guilt is strong, and (a) the charge against the Respondent involves dishonesty, grave misconduct, or gross neglect in the performance of duty; (b) the charges would warrant removal from the service; or (c) the Respondent's continued stay in office may prejudice the case filed against him.

SECTION 2. DURATION OF PREVENTIVE SUSPENSION. - Unless otherwise provided for by law, NEA may place the Respondent/s under preventive suspension for a maximum period of ninety (90) days, without pay. The preventive suspension order shall be immediately executory.

Section 2. Repealing Clause. - All other office Memoranda, Memorandum Circulars, Rules or Regulations inconsistent with these amendments are hereby repealed or modified accordingly.

Section 3. Effectivity. - These amendments shall take effect fifteen (15) days from date of publication in official gazette or a newspaper of general circulation, and after submission of three (3) certified copies to the office of the National Administrative Registry at the University of the Philippines Law Center.

Issued in Quezon City on 05 December 2017.

ALFONSO G. CUSI
Chairman

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Alternate of the Chairman

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