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GUIDELINES FOR THE CLASSIFICATION, HANDLING, AND DISPOSITION OF CASES

NTC MEMORANDUM CIRCULAR NO. 16-10-92 s. 1992, October 20, 1992

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Pursuant to the powers vested in this Commission to promulgate rules and regulations to facilitate and ensure the speedy and effective disposition of authorization and administrative cases, and to rationalize the handling of the same, the following guidelines shall be followed:

I
Classification of Cases
Cases filed before this Commission shall be classified as follows -

- Administrative Cases (ADMC)

- Common Carrier Cases (CCC)

- Broadcast Media Cases (BMC)

II
Classification and Raffle of Cases
All cases except as provided in paragraph III shall be docketed pursuant to the foregoing classification and assigned through raffle among the Hearing Officers of the Legal Department.

Raffle of cases shall be done regularly every Tuesday at 11:00 a.m. under the supervision of the Chief, Legal Department, or a duly authorized representative. Special raffles on meritorious grounds shall only be conducted with the approval of the Commissioner.

Three (3) copies of the certificate of raffle shall be prepared and signed after the conduct thereof, one copy (triplicate) of which shall be posted for thirty (30) days at the 3rd Floor Bulletin Board while the 2nd copy (duplicate) shall be kept at the Legal Department and the 3rd copy (original) shall be kept at the Secretariat.

The raffle of cases shall be done in a manner that each Hearing Officer shall handle all classifications equally.

III
Handling of Cases by Commissioner,
Deputy Commissioners, and Chief,
Legal Department
The Commissioner, Deputy Commissioners, and Chief, Legal Department shall personally hear cases as their individual schedules may allow. The cases to be heard by the Commissioner, Deputy Commissioners, and Chief, Legal Department shall be equally apportioned among them in such manner that each one shall handle all classifications equally.

IV
Procedure in Handling Cases/Conduct

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of Summary Proceeding

1. The Officer to whom a case has been assigned (including the Commissioner, Deputy Commissioners, and Chief Legal Department) shall preside over the same until its termination, unless valid grounds exist for its re-assignment.

2. Preliminary conferences shall be conducted to simplify issues, to consider the necessity or desirability of amendment to the pleadings, the possibility of obtaining stipulations or admissions of facts and documents, the limitation of the number of witnesses, to consider and encourage an amicable settlement, and such other matters as may aid in the prompt disposition of the case.

The preliminary conference shall be conducted within fifteen (15) days from the filing of the comment or opposition by affected parties, or the answer by the respondent or at anytime the Commission may deem proper.

Pre-Trial Brief may be required from the parties.

3. Postponement of hearings shall be allowed only on meritorious ground, and shall not exceed fifteen (15) days from the date of resetting.

Each party may not be allowed more than two (2) postponements, whether this be on an incident or on trial on the merits of the case.

4. Proceedings before this Commission are summary in nature. Whenever practicable, cases shall be resolved on the basis of pleadings, position papers, affidavits and documents submitted by the parties in evidence as well as such other documents and records and other data the Commission may have on hand.

All pleadings, position papers, and documents relative to the case shall be verified.

V

Timetable for Disposing Cases

All cases or incidents shall be decided within thirty (30) days from the date of their submission for decision/resolution.

All Hearing Officers, Deputy Commissioners and Chief, Legal Department are directed to submit their respective recommendations/draft decisions to the Commissioner within twenty (20) days from the date of submission of the case or incident for decision/resolution.

A case or incident is deemed submitted for decision/resolution upon the filing of the reply, brief, memorandum, position paper, or other final pleading required of the parties and/or submission by the CCAD or BSD of their final recommendations. The CCAD or BSD, as the case may be, shall have 10 days from receipt of the required documents to evaluate and submit to the officer hearing the case for their final evaluations.

VI

Statement of Disposition of Cases

The Hearing Officers shall submit to the Chief, Legal Department, within ten (10) days following the end of every month, a Sworn Statement of Disposition of Cases declaring that all cases or incidents submitted for decision/resolution have been decided within the prescribed period.

VII

Withholding of Salaries

The salary of any Hearing Officer who fails to submit the Sworn Statement of Disposition of Cases within the prescribed period shall be, or cause to be, withheld by the Chief, Legal Department. This is without prejudice to the imposition of other appropriate penalties as may be provided by law, rules and regulations.

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VIII
Monitoring and Reporting of Cases
Every case folder shall include at the inside front cover thereof a monitoring sheet which the hearing officer shall accomplish to chronologically record the progress of each case. Among others, the date and nature of hearings, the action taken by the parties, and the resolutions issued shall be indicated therein.

The Hearing Officers are expected to know the facts and laws relative to the cases handled by them. They shall coordinate with the Department concerned for the monitoring of the compliance by grantees of the terms and conditions imposed and shall cause the consecutive numbering of all the pages in the records of the case.

XI
Stenographers and Notes
Each Hearing officer shall be assisted by a permanently assigned stenographer who shall take down and transcribe the proceedings in each case. The stenographer shall complete the transcript of stenographic notes within seven (7) days from the date the proceedings are held.

The other stenographers of this Commission shall be pooled and may be directed to substitute or assist the permanently assigned stenographers.

X
Service of Process, Orders, and Resolutions
Henceforth, service of this Commission's processes, orders and resolutions to parties within the National Capital Region shall, as far as practicable, be done by personal delivery. In this regard, the AFD is hereby directed to coordinate with the Secretariat to ensure that a motor vehicle and driver is made available. Likewise, a Process Server shall be designated by the Commissioner, upon the recommendation of the Secretariat, who shall personally deliver this Commission's processes, orders, and resolutions within the National Capital Region. This Memorandum Circular shall be posted in the Commission's Information Board (3rd Floor), as well as in the Bulletin Board of the CCAD, Broadcast, RRLD for the guidance of counsel and/or parties.

This Memo Circular shall take effect on November 15, 1992 and shall amend such other memoranda, circulars, or orders inconsistent herewith.

For immediate compliance.

Adopted: 20 Oct. 1992

(Sgd.) MARIANO E. BENEDICTO II
Commissioner

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