NATIONAL ADMINISTRATIVE REGISTER · NOVEMBER 16, 2015

REVISED PROCEDURES ON HANDLING ADMINISTRATIVE DISCIPLINARY COMPLAINTS IN THE DEPARTMENT OF HEALTH

ADMINISTRATIVE ORDER NO. 2015-0048, November 16, 2015

Read online (full-text search, related cases, audio case brief): https://batas.org/library/8bb8c8c7aa49/

Adopted: 13 November 2015
Date Filed: 16 November 2015

I. RATIONALE

Department of Health underwent a Rationalization Plan pursuant to Executive Order No. 366 dated October 4, 2004 re-engineering its organizational structure thus, creating new offices and positions, as well as collapsing some already in existence with the aim of transforming the Department into a more responsive organization with appropriate staffing requirements.

Also, the Civil Service Commission on November 18, 2011 promulgated Resolution No. 1101502 creating the Revised Rules on Administrative Cases in the Civil Service (RRACCS), in effect amending the 1999 Uniform Rules in Administrative Cases in the Civil Service which was observed by the Department in issuing Administrative Order No. 2009-0019 dated October 30, 2009, the “Procedures on Handling Complaints in the Department of Health”.

On these premises, there is a need to amend Administrative Order No. 2009-
0019 to complement the new organizational structure of the Department and incorporate the new provisions of the RRACCS.

II. OBJECTIVE

The revised procedure aims to establish a uniform procedure of handling disciplinary complaints filed against the personnel of the Department of Health, including where to file the same based on the new organizational structure of the Department and the salient provisions of the RRACCS.

III. SCOPE

This AO applies to administrative complaints filed by any person against any official or employee of the Department of Health which includes the Central Office, all DOH retained hospitals, Regional Offices, Bureaus, Sanitaria, Rehabilitation Centers, BOQ, FDA, NNC, PNAC, PITAHC, POPCOM, and all Presidential Appointees in the DOH Specialty Hospitals.

These rules and procedures shall be suppletory in application to the Revised Rules on Administrative Cases in the Civil Service (RRACCS) or CSC Resolution No. 1101502 dated November 18, 2011.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

IV. DEFINITION OF TERMS

Definition and Acronym as herein used are as follows:

1. AHFFC – refers to the Ad Hoc Fact Finding Committee created to conduct fact finding investigation created by the Head of Agency for complaints which are not under oath and with verifiable information.

2. Chief of Hospital/Medical Center Chief (COH/MCC) – refers to the Chief of a retained or re-nationalized Department of Health Hospital or Medical Center.

3. Chief of Medical Professional Staff/Chief of Clinics – refers to the senior head medical officer of the hospital.

4. Director – refers to the head of the office of a regional office, bureau, service or head of office of DOH and its attached agencies.

5. DOH-CO – refers to the Department of Health Central Office.

6. FFC – Fact Finding Committee - a Committee that gathers evidence in relation to the complaint.

7. IAS – refers to the Internal Audit Service of the Department of Health.

8. Formal Charge (FC) – refers to the formal complaint leveled against a public official or employee after conducting the Preliminary Investigation.

9. IMC – refers to the Integrity Management Committee of the Central Office or of the Regional Offices.

10. IRI – refers to Internal Reporting and Investigation, a sub-committee of the Department of Health Integrity Management Committee of the Central Office.

11. Legal Officer (LO) – refers to any Attorney or employee of the Department who is performing the functions of, or acting as, a legal officer. For purposes of this Administrative Order, all LOs of this department are authorized to administer oath or affirmation in connection with the complaints filed with their respective offices.

12. LS – refers to the Legal Service of the Department of Health.

13. Motion for Reconsideration (MR) – refers to a type of pleading filed by a party adversely affected by the decision to the disciplining authority who rendered the same within fifteen (15) days from receipt thereof.

14. ODESLA – refers to the Office of the Deputy Executive Secretary for Legal Affairs of the Office of the President.

15. Prima Facie – refers to specific evidence that, if believed, supports a case or an element that needs to be proved in the case. It is evidence which suffices for the proof of a particular fact until contradicted and overcome by other evidence.

16. RO – refers to the Regional Office of the DOH.

17. SOH – refers to the Secretary of the Department of Health.

18. Verifiable Information – An information is verifiable if its veracity and accuracy can be confirmed by a substantial piece of evidence.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

V. GENERAL POLICY

The DOH shall hear and decide administrative cases instituted by or brought before it directly or on appeal, guided by the principle that public office is a public trust and that all public officials and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency as well as serve the Filipino constituents with sincerity and patriotism,

Lead a modest life and committed to uphold the rule of law and the highest lead standards of honesty, integrity and transparency in the performance of their official duties and responsibilities in the Department of Health.

VI. PROCESS AND PROCEDURE

The Revised Procedures on Handling Administrative Disciplinary Complaints in the Department of Health shall be observed in the adjudication of:

RULE I

Complaints filed against officers or employees whose positions are lower than COH/MCC in all retained/re-nationalized hospitals/medical centers, sanitaria, and rehabilitation centers under supervision by a Regional Office concerned.

Section 1. Complaint filed with (COH/MCC/RO Director) – The Complaint shall be filed with the Hospital Chief concerned or with the RO Director having supervision of the retained/re-nationalized hospitals/medical centers, sanitaria, and rehabilitation centers.

Section 2. Initial evaluation of complaint (COH/MCC/RO Director) - The Hospital Chief concerned or the RO Director shall initially evaluate the complaint. If --

a. With no verifiable information – submit the complaint to sub- committee on IRI of IMC for archiving.

b. With verifiable information but not under oath – require the complainant to be placed under oath before a legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Hospital Chief shall create a Fact Finding Committee with one (1) Hospital IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair.

c. Under oath – proceed to preliminary investigation by the Hospital Legal Officer or in the absence thereof by the RO Legal Officer upon request of the Hospital Chief concerned.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Hospital Legal Officer or in the absence thereof by the RO Legal Officer upon request of the Hospital Chief concerned (COH/MCC);

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (COH/MCC) - The Hospital Legal Officer or the RO Legal Officer shall submit the Preliminary Investigation Report and Recommendation for approval by the COH/MCC.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a Regional Hearing Committee to be chaired by any legal officer of the DOH. The other members shall be designated by the RO Director.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the COH/MCC – Upon termination of the proceedings in the formal investigation of the case, the Regional Hearing Committee shall submit the Formal Investigation Report to the COH/MCC. Within 30 days from the time the Formal Investigation Report is submitted, the COH/MCC shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

> a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;
>
> b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

RULE II

Complaints filed against COH/MCC under supervision by a Regional Office concerned.

Section 1. Complaint filed with (RO Director/Usec/Asec concerned/SOH) – The Complaint shall be filed with the RO Director/Usec/Asec concerned or the SOH.

Section 2. Initial evaluation of complaint (RO Director/Usec/Asec Concerned/ SOH) – The RO Director/Usec/Asec concerned or the SOH shall initially evaluate the complaint. If –

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before a legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Usec/Asec concerned shall create a Fact Finding Committee with one (1) Regional Office IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair;

c. Under oath – proceed to preliminary investigation by the Legal Service.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Legal Service;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (Usec/Asec concerned) – The Legal Service shall submit the Preliminary Investigation Report and Recommendation for approval by the Usec/Asec concerned.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a Hearing Committee to be designated by the Usec/Asec concerned. A legal officer of the Department shall act as Adviser of the Committee.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the SOH – Upon termination of the proceedings in the formal investigation of the case, the Hearing Committee shall submit the

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Formal Investigation Report to the SOH. Within 30 days from the time the Formal Investigation Report is submitted, the SOH shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision.

RULE III

Complaints filed against officers and employees of Regional Office lower than RO Directors.

Section 1. Complaint filed with (RO Director) – The Complaint shall be filed with the RO Director.

Section 2. Initial evaluation of complaint (RO Director) – The RO Director shall initially evaluate the complaint. If –

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before any legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the RO Director shall create a Fact Finding Committee with one (1) Regional Office IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair;

c. Under oath – proceed to preliminary investigation by the RO Legal Officer or in the absence thereof, by any legal officer of the Department upon request of the RO Director.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the RO Legal Officer or in the absence thereof by any Legal Officer of the Department upon the request of the RO Director;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (RO Director) – The RO Legal Officer or in the absence thereof, the Legal Officer of the Department who conducted the Preliminary Investigation shall submit the Preliminary Investigation Report and Recommendation for approval by the RO Director.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a Regional Hearing Committee to be chaired by any legal officer of the DOH. The other members shall be designated by the RO Director.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the RO Director – Upon termination of the proceedings in the formal investigation of the case, the Regional Hearing Committee shall submit the Formal Investigation Report to the RO Director. Within 30 days from the time the Formal Investigation Report is submitted, the RO Director shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

RULE IV

Complaint filed against officers or employees whose positions are lower than Chief of Medical Professional Staff/Chiefs of Clinics, Chief Administrative Officers, and Chief Nurse in all retained/re-nationalized

hospitals/medical centers, sanitaria, rehabilitation centers and Special Hospitals under supervision by the Central Office.

Section 1. Complaint filed with (COH/MCC/LS) – The Complaint shall be filed with the Hospital Chief or with the Legal Service.

Section 2. Initial evaluation of complaint (COH/MCC/LS) – The Hospital Chief concerned or the Legal Service shall initially evaluate the complaint. If --

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before a legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Hospital Chief shall create a Fact Finding Committee with one (1) Hospital IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair;

c. Under oath – proceed to preliminary investigation by the Hospital Legal Officer or in the absence thereof, by any legal officer of the Department upon request of the Hospital Chief concerned.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Hospital Legal Officer or in the absence thereof by any Legal Officer of the Department upon the request of the Hospital Chief concerned (COH/MCC);

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (COH/MCC) – The Hospital Legal Officer or in the absence thereof, the Legal Officer of the Department who conducted the Preliminary Investigation shall submit the Preliminary Investigation Report and Recommendation for approval by the Hospital Chief concerned.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a Hospital Hearing Committee to be chaired by any legal officer of the DOH. The other members shall be designated by the Hospital Chief concerned (COH/MCC).

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the COH/MCC – Upon termination of the proceedings in the formal investigation of the case, the Hospital Hearing Committee shall submit the Formal Investigation Report to the COH/MCC. Within 30 days from the time the Formal Investigation Report is submitted, the COH/MCC shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;

b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

RULE V

Complaint filed against Chief of Medical Professional Staff/Chiefs of Clinics, Chief Administrative Officers, and Chief Nurse in all retained/re- nationalized hospitals/medical centers, sanitaria, rehabilitation centers and Special Hospitals under supervision by the Central Office.

Section 1. Complaint filed with (COH/MCC/LS) – The Complaint shall be filed with the Hospital Chief or with the Legal Service.

Section 2. Initial evaluation of complaint (COH/MCC/LS) – The Hospital Chief concerned or the Legal Service shall initially evaluate the complaint. If –

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before a legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, refer the complaint to IAS for Fact Finding Investigation;

c. Under oath – proceed to preliminary investigation by the Legal Service.

Section 3. Preliminary Investigation – Proceed to Preliminary Investigation by the Legal Service;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (COH/MCC) – The Legal Service shall submit the Preliminary Investigation Report and Recommendation for approval by the Hospital Chief concerned.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a DOH Hearing Committee to be created by the Usec/Asec concerned chaired by

a legal officer of the DOH Legal Service. The other two (2) members shall be designated by the Usec/Asec concerned.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the Usec/Asec concerned – Upon termination of the proceedings in the formal investigation of the case, the DOH Hearing Committee shall submit the Formal Investigation Report to the Usec/Asec concerned. Within 30 days from the time the Formal Investigation Report is submitted, the Usec/Asec concerned shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;

b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

RULE VI

Complaint filed against COH/MCC under supervision by the DOH-CO.

Section 1. Complaint filed with (LS/Usec/Asec concerned/SOH) – The Complaint shall be filed with the Legal Service/Undersecretary/Assistant Secretary concerned or SOH.

Section 2. Initial evaluation of complaint (LS) – The Legal Service shall initially evaluate the complaint. If –

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before any legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, refer the complaint to IAS for Fact Finding Investigation;

c. Under oath – proceed to preliminary investigation by the Legal Service.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Legal Service;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (Usec/Asec concerned) – The Legal Service shall submit the Preliminary Investigation Report and Recommendation for approval by the Usec/Asec concerned or the SOH.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a DOH Hearing Committee to be designated by the Usec/Asec concerned or the SOH. A Legal Officer from the Legal Service shall act as Adviser of the Committee.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the SOH – Upon termination of the proceedings in the formal investigation of the case, the DOH Hearing Committee shall submit the Formal Investigation Report to the SOH. The SOH shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

RULE VII

Complaints filed against officers and employees in the FDA, PITAHC, NNC, PNAC, and POPCOM whose positions are lower than Director.

Section 1. Complaint filed with (FDA/PITAHC/NNC/PNAC/POPCOM) – The Complaint shall be filed with the FDA/PITAHC/NNC/PNAC/POPCOM.

Section 2. Initial evaluation of complaint (FDA/PITAHC/NNC/PNAC/POPCOM) – The agency concerned shall initially evaluate the complaint. If --

a. With no verifiable information – submit complaint to sub- committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before any legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Head of the Agency/Office concerned shall create a Fact Finding Committee with one (1) Office/Agency IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair;

c. If complaint is under oath – proceed to preliminary investigation by the Legal Officer of the agency or in the absence thereof, by any legal officer of the Department upon request of the agency.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Legal Officer of the agency or in the absence thereof, by any legal officer of the Department upon request of the Head of Agency/Office;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (Head of the Agency/Office concerned) – The Legal Officer of the agency or in the absence thereof, the Legal Officer of the Department who conducted the Preliminary Investigation shall submit the Preliminary Investigation Report and Recommendation for approval by the Head of Agency/Office concerned.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by the Agency Hearing Committee to be chaired by a Legal Officer of the DOH Legal Service. The other members shall be designated by the Head of the agency/Office concerned.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision by the Head of Agency/Office – Upon termination of the proceedings in the formal investigation of the case, the Agency Hearing Committee shall submit the Formal Investigation Report to the Head of Agency/Office concerned. Within 30 days from the time the Formal Investigation Report is submitted, the Head of Agency/Office concerned shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

RULE VIII

Complaints filed against officers and employees in the DOH Central Office and BOQ whose positions are lower than Director.

Section 1. Complaint filed with (SOH/LS/Director of agency concerned) – The Complaint shall be filed with the Secretary of Health, Legal Service or Director of the agency concerned.

Section 2. Initial evaluation of complaint (LS) – The Legal Service shall initially evaluate the complaint. If –

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before any legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, refer the complaint to IAS for Fact Finding Investigation or the Secretary of Health may create AHFFC with IAS as member;

c. Under oath – proceed to preliminary investigation by the Legal Service.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Legal Service;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend issuance of a formal charge.

Section 4. Approval of Preliminary Investigation Report & Recommendation (Director of the agency concerned) – The Legal Service shall submit the Preliminary Investigation Report and Recommendation for approval by the Director of the agency concerned.

Section 5. Formal Investigation – The Formal Investigation shall be conducted by a DOH Hearing Committee to be designated by the Usec./Asec. concerned. A Legal Officer from the Legal Service shall act as the Chairman of the Committee.

Section 6. Approval of the Formal Investigation Report and Issuance of the Decision(Usec./Asec. concerned) – Upon termination of the proceedings in the formal investigation of the case, the DOH Hearing Committee shall submit the Formal Investigation Report to the Usec./Asec. concerned. Within 30 days from the time the Formal Investigation Report is submitted, Usec./Asec. concerned shall issue a Decision in writing;

a. A Motion for Reconsideration may be filed within 15 days from receipt of the decision.

Section 7. Initial Appeal (SOH) – An appeal shall be taken by filing a Memorandum of Appeal with the Secretary of Health with Notice of Appeal to the disciplining authority who rendered the appealed decision;

a. Appeal may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision;

b. The penalty of dismissal from the service shall only take effect upon approval of the decision by the Secretary of Health.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Section 8. Appeal (CSC) – An Appeal to the Civil Service Commission may be filed within 15 days from receipt of the denial of the Motion for Reconsideration or from receipt of the decision of the SOH.

RULE IX

Process of handling complaints filed against all Presidential Appointees in the DOH Central Office, Regional Office, BOQ, FDA, PITAHC, NNC, PNAC, POPCOM, Lung Center of the Philippines, National Kidney and Transplant Institute, Philippine Childrens Medical Center and Philippine Heart Center.

Section 1. Complaint filed with (SOH/LS) – The Complaint shall be filed with the Secretary of Health or the Legal Service.

Section 2. Initial evaluation of complaint (LS) – The Legal Service shall initially evaluate the complaint. If –

a. With no verifiable information – submit the complaint to sub-committee on IRI of IMC for archiving;

b. With verifiable information but not under oath – require the complainant to be placed under oath before any legal officer of the Department if the identity and address of the complainant/s are known. Otherwise, the Secretary of Health shall create a Fact Finding Committee with one (1) Central Office IMC member as member of the FFC. FFC should be composed of at least 3 members with one member serving as the Chair;

c. Under oath – proceed to preliminary investigation by the Legal Service.

Section 3. Preliminary Investigation – The Preliminary Investigation shall be conducted by the Legal Service;

a. If no prima facie case – recommend dismissal of complaint;

b. With prima facie case – recommend to SOH for indorsement of the case to ODESLA or Office of the Ombudsman.

Section 4. Approval of Preliminary Investigation Report (SOH) – The Legal Service shall submit the Preliminary Investigation Report for approval by the Secretary of Health.

VII. MISCELLANEOUS

1. Notwithstanding the foregoing rules and procedures, the Secretary of Health may motu propio take cognizance and assume disciplinary jurisdiction of an administrative complaint/case filed against any official or employee of the Department.

2. To expedite the administrative investigation and in order to reduce the time needed for completing the testimonies of witnesses in cases under litigation, the Hearing Committees shall adopt the compulsory use of judicial affidavits in place of the direct testimonies of witnesses in compliance with the Judicial Affidavit Rule (JAR) promulgated by the Supreme Court in A.M. No. 12-8-8- SC dated September 12, 2012.

VIII. REPEALING CLAUSE

All other issuances of this Department not in conformity with this Administrative Order and the Revised Rules on Administrative Cases in the Civil Service (RRACCS) are hereby repealed/modified.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

IX. EFFECTIVITY

This Administrative Order shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in two (2) newspapers of general circulation.

(SGD) JANETTE P. LORETO-GARIN, MD, MBA-H
Secretary of Health

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.