

OCA CIRCULAR NO. 59-2006, March 27, 2006

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TO: ALL EXECUTIVE JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT:

CONSTITUTION OF THE EMPLOYEE GRIEVANCE COMMITTEE IN THE LOWER COURTS

Pursuant to Section 10, Chapter VII of A.M. No. 03-8-02-SC dated 27 January 2004 re: Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties,

all Executive Judges are directed to organize the Employee Grievance Committee in their respective areas.

OCA Circular No. 03-2006 dated 05 January 2006 provides for the Grievance Machinery for the Lower Courts. Paragraph VII thereof defines the composition of the Grievance Committee in the lower courts, to wit:

"VII. Grievance Committee in the Lower Courts

There shall be an Employee Grievance Committee (EGC) for the multiple and single sala courts with the following composition:

A. Multiple Sala Courts

A. 1. Second Level Courts

A.1.a. For Multiple sala courts with three (3) or more branches

Chairman

—

Incumbent Executive Judge of the multiple sala court

Vice Chairperson

—

Incumbent 1 [st] Vice Executive Judge of the multiple sala court

Members

—

One (1) PACE representative each from the first and second level positions, or in the absence of a PACE representative, a representative duly elected by the majority of the employees of the court concerned.

In case of the prolonged absence (30 days or more) of the Vice Chairman or where the grievance is against him, the Acting Vice Chairman shall be selected in the following order:

- the 2 [nd] Vice Executive Judge;
- the 3 [rd] Vice Executive Judge, in the absence of the 2 [nd] Vice Executive Judge;
- the most senior (in terms of service in the Judiciary) Presiding Judge of the multiple sala court.

In case the grievance is against the regular Vice Chairman, the Acting Vice Chairman shall sit as such until the termination/resolution of the grievance.

In case of prolonged absence by the regular Vice Chairman, the Acting Vice Chairman shall sit as such until the termination/resolution of grievances where he took part in the deliberations.

A.1.b. Multiple sala second level courts with only two (2) branches

The EGC composition for these courts shall be the same as the composition of the EGC under A.1.a. However, the Vice Chairman shall be the Presiding Judge of the remaining branch.

In case of the prolonged absence (30 days or more) of the Vice Chairman, or where the grievance is against him, the Chairman shall designate as Acting Vice Chairman anyone of the Presiding Judges of the first level courts within his administrative supervision.

A. 2. First Level Courts

A.2.a Multiple sala first level courts with designated Vice Executive Judges

The composition of the EGC for these courts shall follow the composition under A.1.a.

In case of prolonged absence (30 days or more) of the Vice Chairman or where the grievance is against him, the same procedure in designating an Acting Vice Chairman as provided for under A.1.a shall apply.

A.2.b. Multiple sala first level courts with no designated Vice Executive Judge

The composition of the EGC for these courts shall follow the composition under A.1.a. However, the Vice Chairman shall be the most senior (in terms of service in the Judiciary) Presiding Judge from among the remaining branches.

A.2.c. MeTC and MTCC with only two (2) branches

The composition of the EGC for these courts shall follow the composition under A.2.b

In case of the prolonged absence (30 days or more) of the Vice Chairman, or where the grievance is against him, the Branch Clerk of Court of his branch shall act as Vice Chairman.

A.2.d. MTC multiple sala courts

The composition of the EGC for these courts shall be as follows;

Chairman

—

most senior (in terms of service in the judiciary) Presiding Judge

Vice Chairperson

—

next most senior Presiding Judge

Members

—

One (1) PACE representative each from the first and second level positions, or in the absence of a PACE representative, a representative duly elected by the majority of the employees of the court concerned.

However, in the event that an Executive Judge has been designated, the Executive Judge shall automatically be the Chairman. The most senior of the remaining Presiding Judges shall be the Vice Chairman.

In case of prolonged absence (30 days or more) of the Vice Chairman, or where the grievance is against him, the procedure under A.2.b (for MTCs with 3 or more branches) or A.2.C. (for MTCs with only 2 branches) shall apply.

B. Single Sala courts

B. 1. Second level single sala courts

Chairman

—

Incumbent Executive Judge of the RTCsingle sala court

Vice Chairperson

—

Any one of the presiding Judges in the first level courts within the administrative supervision of the Executive Judge of the RTC single sala court as designated by such Executive Judge.

Members

—

One (1) PACE representative each from the first and second level positions, or in the absence of a PACE representative, a representative duly elected by the majority of the employees of the court concerned.

Where the grievance is against the Vice Chairman, the RTC Executive Judge shall designate any judge from the first level courts within his administrative supervision to act as Vice Chairman for that particular grievance.

B.2. First level single sala courts

Single sala first level courts shall be clustered with the EGC of the Regional Trial Court exercising

administrative supervision over the concerned first level courts.

However, in the event that it would be quite burdensome on the part of any of the parties to personally seek resolution of their grievance, they may file their grievance in writing with the EGC of the nearest and most accessible RTC.

Chairman

—

Presiding Judge of the Shari' a District Court

Vice Chairperson

—

Any one of the Presiding Judges of the Shari' a Circuit Courts within the administrative supervision of the EGC Chairman

Members

—

One (1) representative each from the first and second level positions, selected by majority of the employees of the court concerned.

The Executive Judge shall constitute the EGC within fifteen (15) working days from the approval of the OCA Grievance Machinery for the Lower Courts. "

Relative thereto, you are hereby DIRECTED to submit to the Office of Assistant Court Administrator REUBEN P. DE LA CRUZ, Chairman, Grievance Committee for the Lower Courts, the composition of the Employee Grievance Committee (EGC) in your respective areas, including its Bills Aksyon Partner, as defined in the approved grievance machinery for the lower courts in OCA Circular No. 03-2006, on or before April 30, 2006.

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PRESBITERO J. VELASCO, JR.

Court Administrator

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