Resolution No. 589

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"For the purpose of fairly and expeditiously resolving all cases filed with the CAB and brought before the hearing examiners, without affecting, while in fact, enhancing the basic right of due process of the litigating parties concerned, the Board RESOLVES to issue, as it hereby issues the following guidelines to CAB hearing examiners/legal officers and practitioners before the Board, for their strict compliance:

1. All interested parties must be furnished a copy of all cases filed with the CAB.

2. Answer or opposition to pleadings in economic and enforcement proceedings before the Board must be filed by the party concerned within seven (7) working days from receipt of said pleading.

3. Regardless as to whether or not a case is opposed, the hearing examiner/legal officer shall hold and conduct a pre-hearing conference in accordance with Section 27 of Administrative Order No. 1, Series of 1960.

4. During said conference, the following matters aside from those already mentioned in the aforestated Administrative Order, shall be agreed upon by the parties:

(a) the number of witnesses to be presented;

(b) the approximate number of hours required by each party for the presentation of its evidence, and

(c) the specific hearing dates needed to complete the presentation by all parties, which must be within a period of ninety (90) days from the initial hearing, unless an exemption is called for as determined by the presiding officer. Continuous hearings shall be greatly encouraged by the hearing examiner/legal officer.

5. The agreed dates of hearing shall be written in the record of the case, and the parties and their counsels including the staff, shall affix their signatures below the dates enscribed on the record. The hearing examiner/legal officer shall right there and then advise that parties are all deemed notified of these agreed hearing dates in open session and no further and other notices shall be sent to them. The parties shall be advised further that they shall be responsible for bringing their respective witnesses on the dates the latter are scheduled to testify.

6. Each party is bound to complete the presentation of his evidence during/within the hearing dates assigned to him. After the lapse of said dates, the party is deemed to have completed his presentation, unless, upon verified motion, based on serious and compelling reasons, the hearing examiner/legal officer allows a party additional hearing dates, provided these shall not extend beyond the 90 day limit computed from the first hearing date.

7. Calendaring of cases shall be according to the dates parties become ready for hearing. A case is deemed ready for hearing after the completion of the pre-hearing conference and factual and legal issues still subsist for disposition thereafter.

8. The hearing examiner/legal officer shall issue a pre-hearing order which shall include the following:

(a) a statement of the nature of the case;

(b) the stipulations or admissions of the parties, including testimonial and documentary evidence;

(c) the issues involved, whether factual, legal or both;

(d) the number of witnesses, and

(e) the dates of hearing

9. The hearing examiner/legal officer shall see to it that scheduled hearings commence promptly at the appointed/agreed time, at 9:00 A M. and 2:00 P.M. respectively.

10. The hearing examiner/legal officer shall conduct the hearing of cases with utmost dispatch, brooking no unwarranted delay and exercising his powers judiciously towards this end.

11. No postponement of the hearing dates agreed upon shall be granted except on serious and meritorious grounds supported by evidence.

12. Parties so desiring may simultaneously submit memoranda after the conclusion of a hearing within an inextendible period of 15 days.

13. The hearing examiner/legal officer shall submit his/her findings to the Board for resolution within a period of 30 days from termination of the hearing or from the time all the required documents are submitted to the hearing examiner/legal officer.

The Board further resolves and directs the Board Secretary to have this resolution published in a newspaper of general circulation and circularized among the members of the Airline Lawyers Association of the Philippines.

Adopted: 14 Dec. 1989

(SGD.) SEC. RAINERIO O. REYES
Chairman (SGD.) OSCAR M. ALEJANDRO
Vice Chairman

(SGD.) EVERGISTO C. MACATULAD
Member (SGD.) LEON H. TIANSAY
Member

(SGD.) ENRIQUE H. DAVILA
Member

Effective: 15 December 1989

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