

RULES OF PROCEDURE IN THE GARMENTS AND TEXTILE EXPORT BOARD

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To effectively carry out and otherwise implement the provisions of Executive Order No 537, as amended by Executive Order Nos. 823 and 952, and pursuant to the authority vested upon the Garments & Textile Export Board thereunder, the following Rules and Procedure in actions/proceedings before said Board are hereby adopted:

RULE I

DEFINITION OF TERMS, CONSTRUCTION AND SCOPE

SECTION 1. Definition of Terms . —

- a. Board and GTEB — shall refer interchangeably, to the Garments and Textile Export Board.
- b. Hearing Panel or Investigating Panel — shall refer to the committee duly designated and authorized by the Board to hear and evaluate cases before the Board.
- c. Respondent — shall refer to the garment exporter against whom a case is filed before the Board for violation of the rules and regulations promulgated by the Board.
- d. Order — shall refer to any directive of the Board/Hearing Panel which is not included in the final decision.

SECTION 2. Construction . — These Rules shall be liberally construed in order to attain and carry out the objectives of Executive Order No. 537, as amended, as well as the rules and regulations promulgated by the Board.

SECTION 3. Scope . — These Rules shall govern hearings in cases involving violations of the rules and regulations promulgated by the Board.

RULE II

NATURE OF PROCEEDINGS

SECTION 1. Nature . — The proceedings herein provided shall be summary in character without necessarily adhering to or following the technical rules of evidence/procedure under the Rules of Court. Due regard shall, however, be given to the merits of the case and the substantial requirements of due process of law.

RULE III

COMMENCEMENT OF ACTIONS

SECTION 1. How commenced. — An action may be commenced by the GTEB upon its own initiative, or upon the recommendation of any other government agency for alleged violation of the rules and regulations of the Board.

RULE IV

SHOW CAUSE ORDER

SECTION 1. Show Cause Order. — Upon any report or findings for possible violation(s) of the GTEB rules and

regulations, the Board shall direct the respondent to show cause why no action should be taken by the Board against the respondent for such violation.

SECTION 2. Respondent's Answer/Explanation. — The answer/explanation of the respondent to the show cause order must be in writing under oath, and submitted within five (5) days from receipt of the Board's directive. Said period is non-extendible.

SECTION 3. Respondent's Admission. — If from the answer/explanation submitted, the respondent admits having committed the violations stated in the show cause order, the Board shall render judgment based on the aforesaid report or findings of violation by the respondent.

RULE V HEARINGS

SECTION 1. Who Conducts Hearings . — Hearings shall be conducted by the Hearing Panel duly constituted by the Board. The Hearing Panel shall be composed of a Chairman and two (2) members. All decisions, orders, or recommendations of the Hearing Panel shall be approved by a majority vote.

SECTION 2. Notice of Hearing . — If the respondent fails to file an answer/explanation in accordance with Section 2, Rule IV hereof, or should the Board find the respondent's answer/explanation, unsatisfactory, the Board shall order that the respondent and its witnesses be called to an administrative hearing. Whereupon, the Hearing Panel shall set the case for hearing and the corresponding subpoena and/or subpoena duces tecum shall be sent to the respondent and all its witnesses concerned, directing them to personally attend and testify at the hearing to be conducted by the Hearing Panel or at any meeting thereof, or for the taking of their deposition, or to bring or produce any books, papers, correspondence, memoranda, and other records under their supervision and control; provided that the appearance of counsel in such hearing shall not exempt the respondent or witnesses from the duty to personally appear before the Hearing Panel when so directed.

SECTION 3. Ex- Parte Hearing . — Upon failure to appear by the respondent and the principal officers and directors thereof, whom the Board may specifically require to be personally present to represent the respondent, said hearings may proceed ex parte which shall consist in the presentation of the reports on the investigation/inquiry ordered by the Board and the findings of the different Divisions in the GTEB, the certification/affidavit of shipping companies, banks, suppliers of materials, subcontractors, etc., after which the Hearing Panel shall evaluate the evidence and make its report to the Board.

SECTION 4. Order of Presentation of Evidence . — As soon as the parties have entered their appearances, the hearing shall proceed as follows:

- a. The representative of the GTEB or of the government agency, as complainant, shall inform the respondent of the findings of violation against it, and shall present evidence in support thereof.
- b. Respondent shall thereafter, explain and support its explanation with its own evidence.
- c. The parties shall then make their formal offer of evidence. All documents or exhibits for the GTEB or the complainant government agency shall be properly and consecutively marked by alphabetical letters, and those of the respondent by Arabic numerals.

In the presentation of evidence, the Hearing Panel may, in its sole discretion, dispense with a court-type hearing and the question-and-answer testimony.

The Hearing Panel may at any stage of the proceedings, propound clarificatory questions to the respondent and the witnesses.

SECTION 5. Postponement . — A motion for postponement of hearing shall be filed with the Hearing Panel at

least three (3) days prior to the scheduled date of Hearing, which may be granted or denied by the Hearing Panel. No more than one postponement shall be allowed by the Hearing Panel and only in meritorious cases, and for a period of not more than seven (7) days to be reckoned from the date the postponement was granted.

SECTION 6. Admission of Evidence . — The Hearing Panel shall receive all evidence material and relevant to the case. All documents forming part of the records of the case, whether marked as exhibits or not, shall be deemed admitted as evidenced and may be considered in the resolution of the case.

SECTION 7. Transcript of Stenographic Notes . — It shall be the duty of the one designated to take stenographic notes of the hearing to submit his transcript of stenographic notes to the Hearing Panel, duly certified, and this shall form part of the record of the case.

SECTION 8. Service of Subpoena, Notices, Orders, and Decisions . — Subpoenas, notices, orders, and decisions shall be served by registered mail or by handing a copy thereof to the respondent/addressee in person. If the respondent/addressee is a corporation or a partnership, service may be made on the President, Manager, Secretary, Cashier or agent or any of its directors.

If the respondent/addressee cannot be served within a reasonable time, service may be affected (a) by leaving a copy of the order, subpoena, notice, or decision at the respondent's/addressee's dwelling house or residence with a person of suitable discretion who is residing therein; or (b) by leaving said copy at respondent's/addressee's principal place or regular place of business with a competent person in charge thereof.

RULE VI

DECISIONS OR ORDERS

SECTION 1. Hearing Panel's Recommendation . — At the conclusion of the hearing, the Hearing Panel shall make its report and recommendations to the Board.

SECTION 2. Board's Decision . — Upon receipt of the Hearing Panel's report and recommendations, the Board shall render a decision as the law and evidence may warrant, stating clearly and distinctly the facts, the laws, and rules and regulations on which it is based.. The Board may adopt the findings of facts and recommendations of the Hearing Panel as its own, or modify the same as the evidence may warrant, without prejudice to the production of additional information as it may require for a complete determination of the case.

SECTION 3. Finality of Decision . — The decision of the Board shall become final and executory after the lapse of fifteen (15) days from the date of receipt of copy thereof by the respondent, unless a motion for reconsideration of the decision is filed within the said fifteen (15) day period.

The order/decision of the Board on said motion for reconsideration shall be final and executory.

RULE VII

CONTEMPT

SECTION 1. Direct Contempt. — A person guilty of misbehavior in the presence of or so near the Board, or the Hearing Panel or any member thereof, as to obstruct or interrupt the proceedings before the same, including disrespect toward the Board, the Hearing Panel or any member thereof; offensive personalities toward others, or refusal to be sworn to or to answer as witness; or to subscribe an affidavit or deposition when lawfully required so to do, may be summarily adjudged in contempt by the Board, or the Hearing Panel or any member thereof, and punished by a fine not exceeding two thousand pesos (P2,000.00), provided, however, that failure to obey a subpoena/subpoena duces tecum, or any other orders of the Board or the Hearing Panel shall constitute direct contempt.

SECTION 2. Indirect Contempt . — The Board may, in its discretion, file an action in the proper court against any person for contempt on any of the following grounds:

- a. Disobedience or resistance to a lawful order or decision of the Board or the Hearing Panel, or a member thereof;
- b. Abuse of or any unlawful interferences with the process or proceedings of the Board or the Hearing Panel not constituting direct contempt under Section 1 of this rule.
- c. Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice or the performance of the Board's or the Hearing Panel's proper function.

RULE VIII

EFFECTIVITY

The foregoing Rules of Procedure shall take effect immediately.

Approved this 23 rd day of July 1987.

Adopted: 23 July 1987

(SGD.) GLORIA Macapagal. ARROYO
Executive Director

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