NATIONAL ADMINISTRATIVE REGISTER · JANUARY 16, 2008

# POLICY AND GUIDELINES ON GRIEVANCE MECHANISM FOR PNP UNIFORMED PERSONNEL

*PNP MEMORANDUM CIRCULAR NO. 2008-0116, January 16, 2008*

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**I. REFERENCES:**

a. NAPOLCOM Memorandum Circular No. 93-022 dated November 4,1993 entitled: "Establishing a Complaint and Grievance Machinery for PNP Uniformed Personnel".

b Civil Service Commission Resolution No. 010113 dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, s. 2001; and

c. PNP Integrity Development Review Action Plan.

**II. SCOPE:**

The Grievance Machinery set forth in this policy and guidelines shall cover all matters that give rise to PNP uniformed personnel dissatisfaction and discontentment which include but are not limited to the following:

a. Wrongful or non-implementation and/or violation of policies and procedures which affect PNP uniformed personnel from recruitment and/or appointment to promotion, transfer, detail/designation/assignment/placement, termination, dismissal, and other related issues that affect them;

b. Wrongful or non-implementation and/or violation of policies and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, ieave benefits, and other related terms and conditions;

c. Physical working conditions; and

d. Interpersonal relationships and linkages

However, the following cases shall not be acted upon through the grievance machinery

a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;

b. Complaints on official actions of Head of Offices pertaining to the exercise of disciplinary powers under the provisions of RA 6975 where specific procedures for relief through appeal are hereby already provided;

c. An objection to the terms or provisions of a policy, procedure, or rule and regulation

d. Sexual harassment cases as provided for in RA7877; and

e. Anonymous grievances and/or complaints.



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**III. PURPOSE:**

This policy and guidelines prescribe the procedures for the hearing and resolution of grievances and/or complaints filed by a PNP uniformed personnel or group and the composition of grievance committees at the different levels of offices in the PNP organization. In order to have an efficient and effective process that is fair to all parties and to help every committee hear and decide grievance in a manner that increases the likelihood that its decision will be upheld, the roles of the committee chair and members, complainant, respondent, and observers shall be defined.

The establishment of this grievance machinery intends to achieve the following objectives;

a. To provide a system for the promotion of wholesome and ha'rmonious relationships between and among employees and supervisors in the PNP organization;

b. To encourage PNP members to exercise their rights in presenting grievances and have them fairiy, equitably and expeditiousiy adjudicated, thus preventing discontentment and dissatisfaction among them;

c. To discover interpersonal problems of employees and find ways to resolve them within the ambit of this policy and guidelines, and

d. To improve employee morale through management response to the needs of personnel and employees and vice versa.

**IV. DEFINITION OF TERMS:**

a. Grievance - means an employee's expressed (written or spoken) feelings of discontentment and dissatisfaction on any or all of the matters or issues enumerated in Section II. For intents and purposes, grievance has only reached Stage I of the procedures, the Oral Discussion.

b. Complaint - refers to a grievance in writing which has, in the first instance and in the employee’s opinion, had been ignored, overridden or dropped without due consideration at the lowest level of office where the complainant is assigned and has been lodged or elevated to the next level of office.

c. Grievance Procedure - refers to the method prescribed in this policy and guidelines to resolve a grievance and/or complaint.

d. Modes of Settling Disputes:

1. Conciliation - process whereby a third party (conciliator) brings the parties together, encourages them to discuss their differences and assists them in developing their own proposed solutions.

2. Mediation - a process whereby a third party (mediator) is more active in assisting the parties reach acceptable solutions to the problem/s and helps the disputing parties develop or come out with an acceptable solution. The mediator can even submit his own proposal/s for the settlement of disputes.

3. Arbitration - a process whereby a third party who may be an individual arbitrator, a board of arbitrators or an arbitration court, is empowered to render decision which disposes of the dispute and is binding on both parties.

(i) Voluntary- a method of settling dispute/s by submitting the "disputed facts" before an arbitrator or panel of arbitrators chosen by both parties. The voluntary arbitrators shall render a decision after proper hearing of the issues. The decision of the arbitrator shall be final and binding on the contending parties.

(ii) Compulsory - a method of settling disputes which have become hardened and irreconcilable and remains unresolved after exhausting all available remedies and exploring all avenues for a peaceful settlement of the


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dispute under existing laws and procedures. For PNP Uniformed Personnel, a grievance maybe elevated to the Civil Service Regional Office concerned only upon issuance of a certification on the Final Action on Grievance (CFAG) issued by the grievance committee.

e. Levels of Appointment - 1st - from PO1 to SPO4; 2nd - from Police Inspector to Police Superintendent; 3rd from Police Senior Superintendent to Police Director General.

f. Group - members of the PNP organization acting as complainants who are considered to have the locus stand or are party in interest to a grievance and/or complaint.

g. Association - an organization of uniformed and non-uniformed personnel having a common interest. It does not partake of this nature of a labor union.

**V. PRINCIPLES AND POLICIES:**

The following shall be the guidelines in the conduct of grievance-and/or complaint Proceedings:

a. Employees, individual or group, shall have the right to present their grievance(s) and/or complaint(s) to the management and have them settled as expeditiously as possible and/or complaint(s) to the management and have them settled as expeditiously as possible in the best interest of the employee or group concerned, the PNP organization, adn the government as a whole.

b. The complainant/aggrieved party shall first discuss his problem(s) with his immediate supervisor before considering the fifing of a formal written complaint;

c. The employee/subordinate presenting a grievance and/or complaint shall be assured freedom from coercion, discrimination, harassment or reprisal;

d. Grievance(s) shall be settled at the lowest possible level of office;

e. The grievance proceedings shall be aimed at determining "what is right" and not "who is right;"

f. The right to appeal action/decision on grievance and/or complaint shall not be curtailed;

g. Grievance and/or complaint concerning promotion shall be given due course. However, the party aggrieved may elect to proceed either under the procedure or pursuant to any other applicable law/regulations;

h. All proceedings shall be treated as confidential

i. Grievance proceedings shall not be bound by formal legal rules and technicalities;

j. The services of a legal counsel for the parties in dispute shall not be allowed during the hearing. The Grievance Committee however shall have a legal officer as member to guide the chair and the members on issues and procedures; '

k. In no case shall members of the PNP ventilate their grievances direct to any forum outside of the PNP organization; and

I. Supervisors and/or Head of Offices who refuse to take action on a grievance shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations. At the instance of the complainant or the PNP, any personnel who shall be found violating the prescribed guidelines and procedures in ventilating or expressing complaints and/or grievances shall be held administratively liable and shall be meted with appropriate sanctions.

**VI. PROCEDURES:**

a. Initiating and/or Filing a Grievance

**STAGE I:**

Oral Discussion -A Grievance shall be initially presented orally to the complainant s direct supervisor or Head of the Office as the case maybe, where the complainant is assigned, which will be considered the 1st level of office or venue. The supervisor or the Head of Office shall take the following actions:

(i) Discuss with the complainant/aggrieved party his/her complaint in private;
(ii) Keep the complainant/aggrieved party at ease and encourage him to talk freely;
(iii) Refrain from expressing his/her views and opinions until after the complainant or aggrieved party has given or explained his/her side;
(iv) At the end of the discussion, the direct supervisor of Head of Office must state his/her stand clearly, accurately, and without any display of affectionate or ill feeling towards the employee/subordinate. He/She may not immediately give a definite decision but shall inform orally the employee/subordinate of his/ her decision within three (3) days from the date of presentation.

**STAGE II:**

1. Grievance in Writing - If the grievance is not settled at the lowest level of office, the complainant shall submit his/her grievance in writing to the Head of Office, who shall - personally decide on the matter or form an ad hoc Grievance Committee to hear the issue and give its recommendation from which the Head of office will decide and inform the complainants of his/her decision in writing within five (5) days from date of receipt of the committee's recommendation through the direct supervisor/superior (of the complainant). If the complainant is not satisfied with the decision, the Head of Office shall forward the written complaint with his comments to the next level Head of Office within 48 hours. The succeeding Head of Office shall follow the prescription at the lower level of office. If the grievance reaches the Office where the Grievance Committee is organized {PRO, NCRPQ, NSU National Office, PNP NHQ}, the Head of Office may forthwith within fifteen (15) days decide the case or refer it to the Grievance Committee.

At the Police Regional Office (PRO) - NCRPO excluded - the Police Station (PS); City Police Stations (CPS); Provincial Mobile Groups; Companies of the Regional Mobile Groups (RMG); and Police Stations of City Police Offices (CPO are considered the lowest level of offices. Agrievance emanating from a group shall be presented through the following scheme:

Members assigned at different offices within: Grievance Presented to:

City Police Office City Director

Police Provincial Office Provincial Director

Regional Mobile Group Group Director

Police Regional Office Regional Director

At the National Support Unit (NASU/NOSU), the Regional Office is considered the lowest level of office. As to grievance and/or complaint presented by a Group which members are assigned at the different regional offices within a NSU, it shall be first presented to the Director, NSU.


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At NCRPO, the Numbered Precincts of CPS, and the CPS without numbered precincts are the lowest level of offices, A grievance emanating from a group shall be presented through the following scheme:

Members assigned at different offices within: Grievance Presented to:

CPS with numbered precincts Chief of Police, CPS

NCRPO Regional Director

At the NHQ Directorate, the Divisions is the lowest level of office. As to grievance presented by a group which members are assigned at the different divisions within a Directorial Staff, it shall be first presented to the Director of the Directorate concerned. If the grievance emanates from a group which members are assigned at the different Directorial Staff, it shall be presented to the C, PNP.

Where the object of the grievance is the Grievance Committee, the complainant shall present the grievance to next level Head of Office.

As to grievance presented by a group which members are assigned in the different offices of the PNP organization (PROs/NSUs/Directorates) and the implication of which transcends the offices where they are assigned, it shall be presented to the C, PNP.

Grievance Resolution Flow Chart

Respondent Oral Discussion with: Grievance In Writing Submitted to:

Individual or Group Complainant

Peer Direct or Higher Supervisor 1st Level Head of Office

Direct or Higher Supervisor 1st Level Head of Office 2nd Level Head of Office

1st Level Head of Ofice/Grievance Commitee 2nd Level Head of Office 3rd Level Head of Office

CSC Regional Office

2. Activation of the Grievance Committee - upon the referral of the appropriate Head of Office of a grievance and/or complaint to the Grievance Committee. (i)

(i) Initial Meeting of the Committee

The work of the Committee begins with an initial meeting of committee members the members of the committee have received the grievance, that they are familiar with the grievance procedures and that no member has any conflict of interest that would prevent him/her from serving in the Grievance Committee. After the orientation, the Committee's task is to review the grievance to determine whether it is to go forward or be dismissed.

(ii) The Pre-hearing Conference


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The purpose of the pre-hearing conference is to discuss the procedures that wili be followed in hearing the grievance. It also gives the committee the opportunity to review the grievance, to resolve any jurisdictional issue, and to handle any question of potential conflict of interest that may have been identified and remained unresolved.

(iii) The Grievance Hearing

The purpose of the grievance hearing is to provide the complainant and respondent the opportunity to present their respective evidence, points, and arguments to the committee. The hearing is composed of four discrete segments: (1) opening statements of each party; (2) presentation of the complainant's case; (3) presentation of the respondent's case and (4) closing arguments of each party.

(iv) Deliberations

The Committee deliberations take place in closed session after the hearing has been recessed. The deliberative phase allows the committee to discuss ait the issues that have been raised during the hearing and the evidence presented by each party in support of their respective case or in rebuttal to the case presented by the other party. Conflicting evidence is evaluated and the committee determines which facts have been proven. The facts are then applied to the issues and the committee determines what recommendations it should make regarding the grievance.

(v) Writing the Decision

The written report of the Committee's decision must set forth the committee's findings and recommendations. Specifically, "the report shall state a separate finding for each particular issue of the grievance, shall make findings that resolve the material issues of fact that have been disputed, address any minority views, and provide a recommendation for disposition of the grievance." The Committee's report shall contain sufficient information to permit the Head of Office/Unit to understand the issues in the grievance, the facts as determined by the committee based upon the credible evidence submitted by the parties during the grievance hearing, and the rationale for the committee's decision and recommendation(s).

(vi) The Official Record

The Chairman is responsible for transmitting the record of the proceedings along with the Committee's final report and recommendations to the Head of Office/Unit. The official record of a grievance hearing consists of "all correspondence pertaining to the grievance and every item, piece of information, document and exhibit that was either submitted to or consideration by the committee, along with trasncript of the hearing. All information relevant to the committee's procedural rulings, factual findings, recommendations, and any other aspects of its final report shall be included in the Official Record."

The Committee will determine the most appropriate manner to proceed with the case. Options include the examination of written evidence, a hearing, or further investigation if needed. When a hearing is scheduled, the following guidelines serve to protect the rights of both parties and to assure the fairness of the process:

- The Chairman shall schedule a hearing after giving notice to the parties concerned within five (5) days upon the activation of the committee;

- The respondent shall receive a copy of the complainant's written statement in advance of the first meeting of the Committee.

- Both parties shall receive a copy of the complainant's written statement in advance of the hearing in order to prepare for the hearing; - Both parties have the right to be present when the case is heard;


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- Both parties have the right to question all witnesses;

- All members of the committee shall be present during the hearings and all proceedings shall be recorded;

- The complainant/aggrieved party shall be given not more than three (3) days of an oral exposition of his grievance/s and to present witness/es and evidence/s to support his allegations. He shall not be allowed to dwell on aspects not covered by his written grievance/s;

- The respondent shall be allowed three (3) days within which to express his side, present witness/es on his behalf, and submit evidence/s;

- The Grievance Committee may invite or subpoena any official or employee of the PNP to clarify or shed light on certain matters covered by or related to the grievance; and

- Upon termination of the hearing, the Grievance Committee snail immediately deliberate and decide without delay or adjournment and submit its findings and recommendations to Head of Office/Unit not later than three (3) days after the investigation.

- The Head of Office/Unit upon receipt of the records of the proceedings submitted by the committee shall render his decision in writing within three (3) days. Simultaneously, a copy of the records of the proceeding including the certification on the Final Action on Grievance (CFAG) issued by the Grievance Committee and the decision rendered by the Head of Office shall be furnished to the complainant. The CFAG shall contain, among others, the history and final action taken by the agency on the grievance. The decision of the Head of Office shall take effect immediately unless appealed/referred within 15 days to the CSC

## STAGE III

Referral to the CSC Regional Office

If the complainant is still not satisfied with the recommendation of the Grievance Committee that became the basis of the decision of the 3rd Level Head of Office, at the instance of the complainant, the case shall be then referred within 15 days to the Civil Service Regional Office concerned reckoning from the issuance of certification on the Final Action on Grievance (CFAG) by the Grievance Committee.

b. Roles of the Participants to a Grievance Hearing

1. The Complainant

The grievance process is initiated by any member or group of the PNP organization who must file a written appeal or petition with the head of office or unit if he/she is not satisfied with prior decision relative to his/her grievance. The written petition must provide the following information:

(i) Name of the complainant;
(ii) Rank;
(iii) Designation (if needed);
(iv) Present Section or Division of Assignment;
(v) Immediate Supervisor;
(vi) Present Department or Unit of Assignment
(vii) Higher Supervisor;
(viii) Nature of Grievance;
(ix) Settlement Desired;
(x) Signature of Complainant;
(xi) Signature of Association Official/Representative (if applicable); and
(xii) Date of Filing from the Lowest Level in the Agency.


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The complainant must follow certain preliminary steps as pre-requisite to the formation of the grievance committee. No grievance may be entertained unless earlier attempts to resolve the grievance with his/her immediate superior and the next higher officer or supervisor were without success. The matter must also be within the scope of the.grievance procedure. The complainant bears the burden of establishing the grounds for the grievance and the burden of proving by a preponderance of the evidence grounds for the grievance. A Preponderance of evidence is defined as that evidence which when fairly considered produces the stronger impression and is more convincing as to the truth when weighed against other opposing evidence. Preponderance of evidence is not determined by the number of witnesses or the quantity of documentation but rather by the greater weight of all the evidence when considering the opportunity for knowledge, the information possessed and the manner of testifying. If the complainant does not follow the pre-requisites set forth in the grievance Procedure or otherwise meet the requisite burden of proof, the committee may dismiss the 9rievance.

2. The Respondent

Agrievance may be brought against a superior, supervisor, or a colleague (referred to as the "respondent") for any action or omission adversely affecting an individual's professional or personal capacity, standing, or position. Once the grievance committee is constituted to hear the grievance, the respondent is provided the opportunity to respond in wntinq to the grievance. The response joins the issue and together with the grievance statement outlines the respective issues in dispute between the two parties.

3. Observers

The grievance procedure permits each party to have a third party observer who mav attend the pre-hearing and hearing. An observer has no active role in the process and is not allowed to advise a party during the hearing. An observer may be a member ot the organization, an association, a friend or relative, or an attorney. The grievance procedure has no limitations on who may be an observer. Under the grievance procedure, attorneys for the parties have no active role in the process. If a party is represented by an attorney the attorney may attend the hearing but may do so only in the capacity of an observer. An observer/attorney may provide advice to a party, prepare correspondence and other documents for a party, and may be present during the proceedings so long as their presence does not disrupt the hearing process.

4. The Grievance Committee

(i) Composition

Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance committee. In the appointment or election of the committee members, their integrity, probity, sincerity, and credibility shall be considered. At all levels of office, the Chief of Personnel Office shall be designated as the Chairman. Depending on the office level, the Division/Section Chiefs or their equivalent positions as committee members are chosen from among the different division's/section's chiefs by themselves, while members from the rank-and -file who shall serve for a term of two years and chosen through a general assembly or any other or any other mode of selection to be conducted for the purpose; one each from the three levels (1st, second and 3rd) of appointment who shall participate in the resolution of the grievance of personnel with his/ her corresponding level. However, in case where the grievance is against one of the members of the committee, the person who garnered the second highest votes shall sit as alternate of the member being complained of, and incase where the chairman is the subject of the grievance, any of the members of the Command Group starting from the Chief of the Directorial Staff or its equivalent at any level of office concerned shall act as the chairman.


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**PNP NHQ**

The Director for Personnel and Records Management

-

Chairman

Two (2) from the Director Staff

-

Members

Director, Legal Service

-

Member

Rank and file

-

Member

**PRO**

Chief RPHRDD

-

Chairman

Two (2) Division Chiefs

-

Member

Chief, Regional Legal Service

-

Member


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Rank and File

-

Member

National Support Unit

Chief, Personnel Division

-

Chaiman

Two (2) Division Chiefs

-

Member

Legal Officer

-

Member

Rank and file

-

Member

Lower Level of Office

Ad hoc Committee (equivalent personalities as above

The Head of Office at any given level of Office shall ensure equal.opportunity for men and women to be represented in the grievance committee.

The personnel section/division of the PNP office/unit shall extend secretariat services io the grievance committee.

(ii) Role of the Committee and its Members

The grievance committee is a hearing body with the delegated authority to hear grievances. The Committee's role is to determine whether or not the grievance presents a matter that is within the purview of the grievance mechanism, and if so, to hear the grievance. The Committee is responsible for making written findings of facts and recommendations with regard to the grievance. A grievance committee has no power to reverse the Head of Office's decision. Its authority is only to recommend a reassessment of the decision if it finds that the decision was reached improperly or unfairly.

The grievance committee acts as the agent of the PNP organization at the different levels of Command to hear


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grievances brought by a complainant and recommend to the Head of Office appropriate action pertaining to the grievance. As a result of their delegated authority, members of the committee must at all times maintain a neutral status vis-a-vis the parties to the grievance. Indeed, as a matter of due process, committee member must be fair and impartial decision makers. While panel members are appointed from the complainant's constituency, this should not affect each committee member's conduct or attitude in serving the grievance committee. To be a fair and impartial decision maker, a committee member should keep an open mind and not presume that either party to the grievance is right or wrong.

The Committee's role is to make a decision based on the evidence presented by each party. To maintain appropriate neutrality and to accord due process to both complainant and responded, ex parte communications on matters of substance related to the grievance ust never take place between the committee and a complainant and/or respondent. (Ex Parte communications are those that involve only one party without the presence or knowledge of the other party.) Neither the Committee Chairman nor Committee members solicit or hear evidence sans the presence of both parties', and all communications (oral) between any of the contending parties and the chairman or committee members must take place in scheduled meetings wherein both parties have been informed throuqh any form of correspondence and given the opportunity to be present. Pursuant to thi Grievance Procedure, Committee members shall have the following responsibilities:

(i) Attend the orientation meeting, pre-conference hearing, and all scheduled . hearing dates;

(ii) Make preliminary determinations whether or not the complainant has , presented a matter within the purview of the grievance mechanism, and if not, whether or not the complainant should be allowed to amend the grievance or the grievance should be dismissed at once;

(iii) Carefully listen and review all testimony and documentary evidence presented during the hearing;

(iv ) Weigh the credibility of evidence, make specific findings of fact, and determine whether the complainant has established the charges; and,

(v) Assist the chairman in finalizing the written report of the committee's decision, submitting a minority report if necessary.

Every grievance committee shall develop and implement pro-active measures that wouid prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan" counseling HRD interventions and other similar activities.

Every grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members' regular duties.

The Grievance Committees (PRO, NSU National Office and PNP NHQ) shall submit a report of their respective accompiishments and status report of pending cases quarterly to the concerned Civil Service Regional Office and the PNP Resident Ombudsman.

The personnel section/division in collaboration with the PNP office's/unit's grievance committee shall conduct a continuing information drive on grievance machinery among its official and employees.

5. The Grievance Committee Chairman

The Grievance Committee Chairman has the following responsibilities:

(i) Convene and chair ail meetings of the committee and the grievance hearings;

(ii) Provides information to the committee and participants about the grievance and grievance process;


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(iii) Handle all logistics related to the grievance process (arrange for recording and/or transcriptions of the hearing, counsel for the committee, conference rooms for the hearing, etc.);

(iv) Schedule committee meetings and grievance hearings and notify parties, committee members and committee counsel of location and dates (the first date not later than four weeks after receipt of the respondent's response);

(v) Exercises complete control over all stages of the hearing process; (vi) Draft all correspondence in behalf of the committee;

(vii) Forward to the Office of Legal Service amended grievances and notices of all scheduled meetings;

(viii) Ensure the timely and orderly process of the grievance and that the committee's work is completed;

(ix) Instruct the committee on jurisdictional and other related matters and make all procedural rulings (including number of witnesses who may be called by a party, the length of each party's presentation, the admissibility of evidence, etc.); (x) Keep a record of all meetings held and communications and correspondence with the parties and members of the committee;

(xi) Prepare and submit a written report of the committee's findings and recommendations to the Head of Office or Unit;

(xii) Compile the official records and transmit the record and committee's decision as specified in the procedure; and

(xiii) Convene and chair any meetings or hearings required by a remand of the grievance.

6. The Grievance Committee Counsel

The Committee shall have a legal counsel who comes from the Legal Service to advise the committee on procedural matters related to the grievance. In the absence of a Legal Service Officer especially at lower units, the Chairman of the Committee shall make arrangement for the assignment of a committee counsel who shall be present at ail stages of the process, including committee deliberations. .

## VII. EFFECTIVITY

This Memorandum Circular shall take effect upon approval.

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Adopted: 16 Jan. 2008

(SGD.) AVELINO L. RAZON JR
Police Director General
Chief, PNP

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