



**ADMINISTRATIVE ORDER No. 18-005/A, s. 2018**  
16 July 2018

Subject: **INTERNAL RULES OF PROCEDURE IN ADMINISTRATIVE CASES FOR CAGAYAN ECONOMIC ZONE AUTHORITY (CEZA)**

I.

In line with the provisions of Republic Act 7922, also known as the “Cagayan Special Economic Zone Act of 1995”, along with the recognition by the Civil Service Commission (CSC) to agency head’s inherent authority to discipline their own employees, an internal rules of procedure in administrative cases, with the various provisions of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) incorporated, is hereby promulgated with the following features, as follows:

#### **A. APPLICABILITY**

This applies to all disciplinary and non-disciplinary administrative cases filed against any employee of the Cagayan Economic Zone Authority and brought before the Office the Administrator and Chief Executive Officer, the Disciplining Authority of the organization.

#### **B. PROCEDURE IN THE FILING OF THE COMPLAINT/PLEADINGS AND OTHER MOTIONS**

##### **1. Manner of filing:**

- a. The complaint shall be personally filed with the Records Section of the Cagayan Economic Zone Authority.
- b. All other subsequent pleadings, motions and other papers shall be filed with the Records Section of the Cagayan Economic Zone Authority, either personally or registered mail. In the latter case, the date of mailing as appearing in the envelope of the pleading, motion and other papers filed with proof of service thereof, shall be considered the date of filing of such pleading, motion or other papers.



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- c. Except complaints, all pleadings filed by the parties with the disciplining authority shall be copy furnished the other party either personally or by registered mail.

## **2. Requisites of a valid complaint (Section 11, Rule 3 RRACCS)**

- a. The complaint must be in writing and under oath. In cases initiated by the disciplining authority or an authorized representative, a show cause order is sufficient.
- b. The complaint shall be in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation and to enable the person complained of to intelligently prepare a defense or answer/comment.
- c. The complaint shall contain the following:
  1. Full name and address of the complainant;
  2. Full name and address of the person complained of as well as his/her position and office;
  3. A narration of the relevant and material facts which shows the acts or omissions allegedly committed;
  4. Certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
  5. Certification or statement of non-forum shopping.

The absence of any of the above-mentioned requirements may cause the dismissal of the complaint without prejudice to its refiling upon compliance with the above requirements.

In addition, if the complainant/s opts for an amicable settlement before the Grievance Committee of the Cagayan Economic Zone Authority, the person/s shall indicate the same in the complaint filed.

## **3. Duty of Records Section**

- a. *Receipt of Initiatory Pleading and Log book filed personally* – upon receipt of the complaint, and other pleadings, motion or other papers filed personally, the receiving personnel of the Records section shall forthwith legibly stamp on the first page of the complaint or motion or other papers the exact date and time

of such receipt, duly signed by such receiving personnel and enter in the log book, maintained by such receipt indicating the exact date and time of such receipt. Immediately thereafter, the receiving personnel shall forward the complaint, and other pleadings, motion or other papers filed to the Office of the Administrator and CEO / Disciplining Authority.

- b. *Receipt of Pleading and Log book filed through Registered mail* – upon receipt of other pleadings, motion or papers filed by registered mail, the Records Section shall legibly stamp or indicate on the first page of the pleading, motion or other paper the date of receipt thereof by the office and the fact that it was received by registered mail and the date of posting thereof, duly signed by the receiving personnel. The corresponding envelope thereof showing the date of posting and registry stamp shall be attached to the records of the case.
- c. *Entry in the Logbook* – upon receipt of the complaint and other pleadings, motion or other papers, the Records section personnel shall enter in the Logbook, maintained by such receipt indicating the exact date and time of such receipt.
- d. *Assignment of Docket Number of the Case* – the Records section personnel shall assign the corresponding docket number of each case bearing the following, to wit:
  - 1. For Disciplinary Cases – DC-Year Received-number  
e.g. DC-2018-001
  - 2. For Non-Disciplinary Cases – NDC-Year Received-number  
e.g. NDC-2018-001
- e. *Recording of the Case in the Docket Book* – the case shall be recorded in the main docket book to be maintained by the Records section, where all pleadings, motions, communications, resolutions, the decision, the entry of judgment, and all relevant information on a particular case shall be recorded by handwriting. The personnel charged with making entries in the main docket book of the said pleadings, motions, resolutions and other information shall affix his/her initials after such entries. For purposes of the aforementioned, the Records section

shall maintain a docket record which shall indicate among others the following, viz:

- i. Name of Complainant;
  - ii. Person complained of;
  - iii. Nature of the complaint;
  - iv. Date filed;
  - v. Docket Number;
  - vi. List of Subsequent Pleadings and/or Motions
- f. *Indexing* – after the recording in the logbook of the receipt of the initiatory pleading and assignment of docket number and the entry of the case in the docket book, the initiatory pleading shall be indexed on a card that shall indicate such information as appearing in the docket book and the date and time of transmittal to the office of the Administrator and CEO / Disciplining Authority. The indexing of cases shall serve as a backup record of the receipt of a case by the Cagayan Economic Zone Authority and the index card shall be kept by the Records section along with the logbook of the administrative cases and the docket book.
- g. *Receipt and Recording of Other Pleading / Motion filed by Registered Mail* – upon receipt of other pleadings, motion or other papers filed by registered mail, such fact of receipt shall be recorded in the docket book maintained by the Records Section.
- h. *Transmittal of Pleadings, motions and other papers filed* – the pleadings, motion and other papers filed shall be transmitted to the Office of the Administrator and CEO / Disciplining Authority within twenty-four (24) hours from receipt thereof by the records personnel.

## **C. PROCESSING THE CASE FOR TRIAL**

### **1. Action of the Disciplining Authority**

- a. *Determination of Sufficiency in Form and Substance, Applicability of the Cagayan Economic Zone Authority Grievance Procedure*

*and Issuance of Order to file Counter Affidavit/Comment under oath*

Upon receipt of the complaint which is sufficient in form and substance, the Disciplining Authority shall conduct a preliminary investigation to determine the existence of a prima facie case. The Disciplining Authority may create an investigating committee or designate an investigator, as needed, for such purpose. (Section 17, Rule 3 of RRACCS)

If the offense is purely personal or can be the subject of settlement as there is no injury to the government, the Disciplining Authority may issue an order referring the case to the Grievance Committee of CEZA for amicable settlement of the case.

*b. Determination of Prima Facie Case*

After the lapse of the period to file answer or comment, the Disciplining Authority shall refer the case to the Investigation Committee of CEZA for the conduct of Preliminary Investigation to determine the existence of Prima Facie Case. Duplicate or photocopies of all pleadings filed in relation to the case shall be forwarded to the Committee with the originals to be maintained by the Disciplining Authority.

A preliminary investigation shall commence within five (5) days from receipt of the complaint by the committee and will be terminated within twenty (20) days. The period of twenty (20) days may be extended upon valid grounds but the same should not be more than five (5) days.

An Investigation Report with recommendation and the complete records of the case shall be submitted to the Disciplining Authority within five (5) days from the termination of the preliminary investigation.

*c. Issuance of Formal Charge and Preventive Suspension in Proper Cases*



Upon a determination of a prima facie case in the Preliminary Investigation, the Disciplining Authority shall issue the FORMAL CHARGE in accordance with Section 23, Rule 5 of the RRACCS and the corresponding order of preventive suspension, motu proprio or upon motion in proper cases.

In the absence of prima facie case, the complaint shall be dismissed.

*d. Referral to the Hearing Committee*

Upon issuing the FORMAL CHARGE, and if it finds respondent's Answer unsatisfactory, or that there is a need for a more thorough evaluation of evidence to arrive at a judicious disposition of the case, or when the respondent elects to have one, the Disciplining Authority shall issue an order referring the FORMAL INVESTIGATION of the case to the Hearing Committee created for such purpose. The entire records of the case shall be transmitted to the Hearing Committee Secretariat who shall be responsible for safeguarding the integrity of the records of the case.

**2. Action of the Hearing Committee**

Upon receipt of the records of the case and the Order of Referral by the Hearing Committee Secretariat, the designated Hearing Committee secretary shall inform the Chairman and the members of such referral furnishing each of them with copies of the records of the case.

The Committee Chairman or in his/her absence and unavailability, his/her duly authorized representative, shall issue the necessary Orders and/or Notice of Hearings, and the Subpoena/s and shall conduct the Formal Investigation in accordance with Rule 8 of the RRACCS.

Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be



submitted by the Hearing Officer with the Disciplining Authority. The complete records of the case shall be attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged, and securely bound to prevent loss. A table of contents shall be prepared. Whoever is in-charge of the transmittal of the complete records shall be held responsible for any loss or suppression of pages thereof.

### **3. Cases referred to the Cagayan Economic Zone Authority Grievance Committee**

All cases shall be submitted to the Grievance Committee. As such, the Chairman of the Grievance Committee shall notify the parties concerned and shall summon them to appear before the Grievance Committee.

The Chairman of the Grievance Committee shall order the respondent to comment and to indicate therein whether he/she is willing to submit the case for settlement. In case the respondent opted settlement, the committee shall assist the parties and exert best effort to come up with a settlement. The Compromise Agreement resulting from the grievance procedure shall be put into writing and signed by the parties with the members of the Grievance Committee acting as witnesses. Unless properly repudiated within ten (10) days from the execution thereof, such agreement shall have the effect of a final adjudication of the case. The Chairman of the Grievance Committee shall transmit the resulting agreement to the Disciplining Authority for his information and basis of further action.

Where there is a failure of the Grievance Procedure, the Chairman shall report in writing the same to the Disciplining Authority without any further comment. In such event, the case shall be referred to the Hearing Committee for proper disposition.

No admission or statement of whatever kind made during the course of the Grievance Procedure shall be admissible in evidence against the party making the same.



## **D. RECORDS OF THE CASE AND ITS DISPOSITION**

### **1. The record of the case**

All original pleadings and other documents filed under the same docket number shall be encased in a folder indicating the docket number, the title of the case, the date of filing, and the nature of the case. The pages of the pleadings and other documents shall be consecutively numbered and attached to the records preferably by stitching or any method that ensures the integrity of the contents of the record. The case folders shall be safely kept by the Records Section Officer.

### **2. Trial Log**

The record of each case shall contain a chronological list of all proceedings in the particular case which list shall be entered in the hand writing of the Hearing Committee Secretary and signed by his/her alternate who personally entered the records of the proceedings.

### **3. The Decision, Number of Copies, and Distribution**

The first original copy of the Decision shall be attached to the original records of the case; the second original copy shall be furnished to the HRMO for inclusion in the personnel file of the person involved; the third and fourth original copies to the respondent and complainant, respectively, or their respective counsels as the case may be. For purposes of this, the resolution and/or order dismissing and administrative case for lack of prima facie case shall be distributed in like manner.

### **4. Certificate of Finality**

Where no motion for reconsideration is filed within fifteen (15) days from receipt of the decision, the decision shall become final and a Certificate of Finality shall be issued, filed and distributed in accordance with the immediately preceding section.



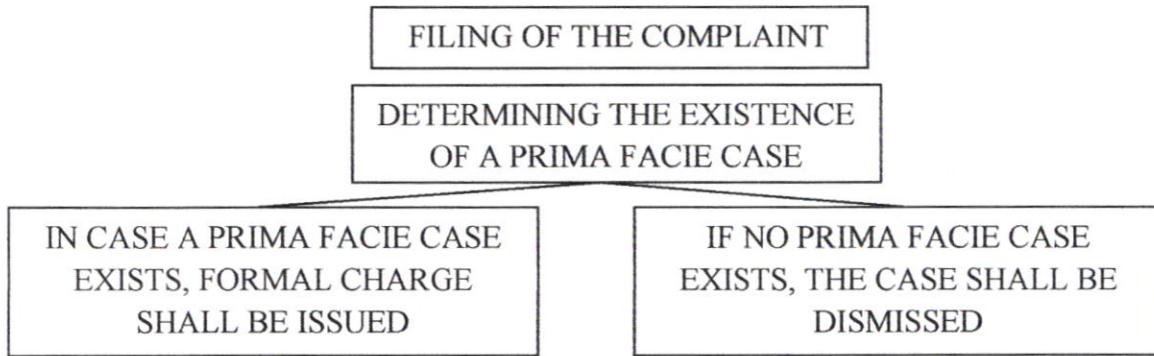
- II. Civil Service issuances shall be suppletory to this Order.
- III. This Order supersedes and revokes previous issuances related thereto. It takes effect immediately and shall remain in effect unless terminated/revoked by competent authority.
- IV. For the information and commitment of all.

Approved by:

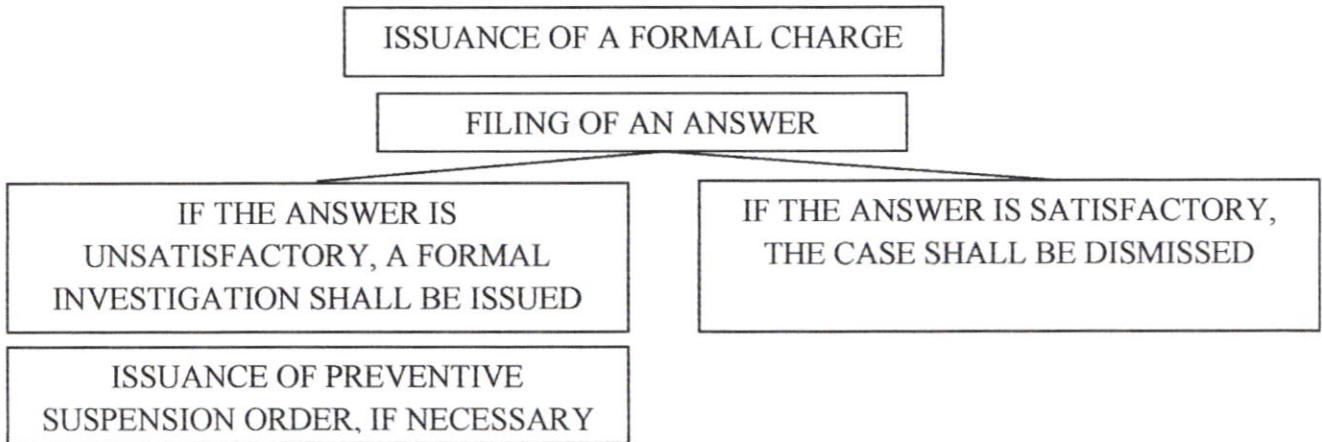
  
**SECRETARY RAUL L. LAMBINO**  
Administrator and Chief Executive Officer

**FLOW CHART:**

**First Stage**



**Second Stage**



**Third Stage**

