

[EXECUTIVE ORDER NO. 26, October 07, 1992]

PRESCRIBING PROCEDURE AND SANCTIONS TO ENSURE SPEEDY DISPOSITION OF ADMINISTRATIVE CASES

WHEREAS, the Constitution guarantees the speedy disposition of cases, including those brought before administrative and quasi-judicial bodies;

WHEREAS, Book VII of the Administrative Code of 1987 (Executive Order No. 292) prescribes the Administrative Procedure to be observed by all government agencies, including departments, bureaus, boards, offices, commissions, and similar bodies;

WHEREAS, Section 14, Chapter 3, of said Administrative Procedure mandates that all government agencies "shall decide each case within thirty (30) days following its submission" for resolution;

WHEREAS, the same Administrative Procedure was prescribed in the interest of speedy and inexpensive disposition of cases;

WHEREAS, it is necessary to issue regulations to government agencies to fully implement the said Administrative Procedure;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order all government agencies to strictly observe the following regulations in the disposition of cases;

1. Period For Deciding Cases or Incidents

1.1 Unless a different period is fixed by special law, all contested cases or incidents shall be decided within thirty (30) days from the date of submission for resolution pursuant to Section 14, Chapter 3, Book VII of the Administrative Code of 1987.

1.2 Where the officer's action is only recommendatory to his immediate superior or head of office, he shall submit his recommendation within twenty (20) days from date of submission of the case or incident for resolution. The approving officer shall have ten (10) days from submission of the recommendation to decide the case or incident.

1.3 A case or incident is deemed submitted for resolution upon expiration of the period for filing the memorandum, position paper or last pleading required of the parties.

1.4 Every officer charged with the resolution of cases or incidents shall submit to his immediate superior, head of office, or officer exercising administrative supervision over him, within ten (10) days following the end of every month, a sworn Statement of Disposition of Cases (Annex "A")* declaring that all cases or incidents submitted

to him for resolution have been decided within the prescribed period.

1.5 Only one motion for reconsideration shall be allowed, which shall be decided within fifteen (15) days from date of submission for resolution. No other pleading shall be allowed other than the motion for reconsideration and opposition thereto.

1.6 Cases and incidents pending resolution upon the effectivity of this Executive Order shall be decided within thirty (30) days from effectivity of this Executive Order.

1.7 The salary of any officer who fails to submit the *Statement of Disposition of Cases* within the prescribe period shall be, or cause to be, withheld by the head of office or immediate supervisor until the said officer complies with paragraph 1.4 above. This is without prejudice to the imposition of other appropriate penalties as may be provided by law, rules and regulations.

2. *Abbreviation of Proceedings* — All administrative agencies are hereby directed to adopt and include in their respective Rules of Procedure the following provisions:

2.1 Rules encouraging the parties and their counsels to enter into amicable settlement, compromise and arbitration in accordance with Section 10, Chapter 3, Book VII of the Administrative Code of 1987;

2.2 Rules adopting, unless otherwise provided by special laws and without prejudice to section 12, Chapter 3, Book VII of the Administrative Code of 1987, the mandatory use of affidavits in lieu of direct testimonies and the preferred use of depositions whenever practicable and convenient;

2.3 Rules requiring the parties, unless otherwise provided by special laws, to submit in addition to the memorandum, position paper, or last pleading required of them, a draft of the decision they seek, stating clearly and distinctly the facts and the law upon which it is based. Following the termination of the hearing or trial, the officer, board or commission charged with resolving the case may, after considering and appreciating the applicable laws, rules and regulations and the evidence submitted, adopt, in whole or in part, either of the parties' draft decisions, or reject both. This requirement shall likewise be applied to motions or applications for orders other than the final judgment; and

2.4 Rules avoiding postponements of hearings or trials and other dilatory tactics which the parties or their counsels might employ.

Administrative agencies shall adopt the foregoing rules not later than forty-five (45) days from the effectivity of this Executive Order.

3. *Applicability* — In accordance with Section 2, Chapter 1, Book VII of the Administrative Code, these regulations shall, unless otherwise provided by special laws, apply to government agencies, including any department, bureau, board, office, commission, authority or officer of the National Government authorized by law or executive order to adjudicate cases.

These regulations shall not apply to the Congress, the Judiciary, the Constitutional Commission, military establishments in all matters relating exclusively to Armed