

**[ DSWD DEPARTMENT ORDER NO. 6, s. 2001,  
March 23, 2001 ]**

**RULES AND PROCEDURES IN THE CONDUCT OF  
ADMINISTRATIVE INVESTIGATION AND DISPOSITION OF CASES  
IN THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

Pursuant to and in accordance with Bk. V, Title I, Subtitle A, Chapter 6, Section 47 (2); and Bk. IV Chapter II Section 7 (3,4,5) of the Revised Administrative Code of 1987 and the implementing Rules and Regulations promulgated by the Civil Service Commission implementing the provisions of Executive Order No. 292, the following rules and procedures are hereby adopted.

*SECTION 1. Title* — These Rules shall be known as the Rules and Procedure in the conduct of Administrative Investigations in the Department of Social Welfare and Development.

*SECTION 2. Definition of Terms* — As used in these rules, the following terms shall be defined as follows:

2.1 Administrative case — one wherein an official or employee of the Department is formally investigated for an act or omission punishable as an offense under Civil Service Laws, the Administrative Code, and other laws pertaining to Public Officers and employees.

2.2 Complaint — is a pleading alleging the plaintiff's cause or causes of action.

2.3 Person Complained of — refers to the person who is the subject of a complaint but who is not as yet formally charged by the disciplining authority.

2.5 Investigating Officer/Body — Any official, employee or committee duly constituted and authorized to conduct the preliminary investigation for the purpose of filing the appropriate formal charges or any other appropriate actions as may be necessary.

2.6 Hearing Officer/Body — Any official or employee or committee duly constituted and authorized to conduct the Formal Investigation, or the hearing of the case.

2.7 Ex-parte — taken or granted at the instance and for the benefit of one party only, and without notice to or contestation by any person adversely affected.

*SECTION 3. Declaration of Policy* — The Department hereby adopts the policy of speedy disposition of cases in accordance with the 1987 Constitution and the Rules of Court.

*SECTION 4. Coverage* — These rules shall apply to all administrative cases brought before the Department of Social Welfare and Development involving its officers and employees except presidential appointees whose cases shall be referred to the Presidential Anti-Graft and Anti-Corruption Committee for appropriate action.

4.1 The Uniform Rules of Procedure adopted by the Civil Service Commission, and the Rules of Court shall be suppletory to the Rules adopted by the Department.

*SECTION 5. Technical Rules in Administrative Investigations* — Administrative investigations shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

*SECTION 6. General Jurisdiction* — Pursuant to Bk. IV, Chapter II, Section 7 (5,8) of the Revised Administrative Code, the Secretary of the Department of Social Welfare and Development or his/her representative(s) shall hear and decide administrative cases instituted by, or brought before it against rank and file employees of the Department.

SECTION 6.1 The Central Office shall have exclusive and original jurisdiction over cases involving regional employees regardless of the offense involved.

6.1.1. The Central Office shall also have original jurisdiction over cases involving regional employees formally charged with a grave offense, or if the penalty warrants dismissal from the service.

6.1.2 In cases wherein two or more charges are filed against an employee, jurisdiction shall be determined based on the most serious offense involved.

SECTION 6.2 Jurisdiction of the Regional Offices — The Regional/Field Offices, shall have jurisdiction over cases involving its employees wherein the charge/s involved are light and/or less grave offenses, except if the penalty imposable is dismissal from the service.

## B. The Complaint

*SECTION 7. Complaint* — The Department may investigate on its own or on complaint by any person any act or omission of any of its employees when such act or omission appears to be illegal, unjust, or inefficient.

7.1 Anonymous complaints may be entertained if there is obvious truth or merit to the allegations therein, or supported by documentary or direct evidence, as verified by the fact finding committee concerned.

7.2 All complaints by private parties shall be made in writing and subscribed and sworn to by the complainant otherwise it shall not be given due course.

7.3 The complaint shall be written in clear, simple and concise language to apprise the official/employee concerned of the nature and cause of such accusation.

7.4 The same shall contain the following:

- 7.4.1(a) full name and address of the complainant;
- 7.4.2(b) the full name and address of the respondent as well as his position and office of employment
- 7.4.3(c) a narration of the relevant and material facts which shows the acts or omission allegedly committed by said employees;
- 7.4.4(d) a certification or statement of non-forum shopping
- 7.4.5(e) The complainant shall also submit certified true copies of documentary evidence and affidavits of witnesses, if any.

7.5 The disciplining authority shall refer all complaints to the investigating officer or body for appropriate action.

*SECTION 8. Action on the Complaint* — Upon receipt of the complaint, the investigating officer/body shall require the person complained of to submit a Counter/Affidavit/Comment under oath within three (3) days from receipt thereof. Non-submission of a counter-affidavit/comment shall be considered waiver on the part of the person complained of.

8.1 The investigating officer/body then shall evaluate and determine the sufficiency of the evidences presented. He/They shall decide whether a fact/finding or preliminary investigation is still needed, or if the evidence is sufficient, then he/they shall recommend to the proper disciplining authority the immediate issuance of the formal charge.

8.2 In cases under the jurisdiction of the Central Office, the Administrative Director, or any other official/s designated by the Secretary shall act as the investigating officer/s. In cases under the jurisdiction of the Regional/Field Offices, the Anti-Graft and Anti-Corruption Committee concerned shall perform such function.

*SECTION 9. Duration of the Investigation* — The fact-finding/preliminary investigation shall be terminated within a period of thirty (30) days from receipt of the complaint by the investigating officer/body, unless a longer period is warranted which should be justified, and with the approval of the disciplining authority.

*SECTION 10. Effect of Withdrawal of the Complaint* — The withdrawal of the complaint does not result in its outright dismissal nor necessarily discharge the concerned employee from any administrative liability. The case may still be given due course when the charges are obviously meritorious and can be substantiated by evidence.

### C. Formal Investigation

*SECTION 11. Formal Charge* — When a prima facie case is established, a formal charge shall be issued against the respondent by the disciplining officer, and the same shall be forwarded to the hearing officer. He shall be furnished with copies of the complaint, sworn statements and other documents submitted by the

complainant.

11.1 The disciplining authority shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceedings. If any of these pleadings are interposed by the respondent, the same shall be considered as an answer and shall be evaluated as such.

*SECTION 12. Time within which to file an answer; failure thereof* — The respondent shall file the formal answer within (5) five working days, from receipt of the formal charges. The answer shall be under oath, accompanied by affidavits and other evidences supporting his claims and defenses.

12.1 Failure on the part of the respondent to file an answer shall be construed as a waiver of such right and the formal investigation shall proceed accordingly.

*SECTION 13. Hearing Officers* — The Director of the Legal Services of the Department of Social Welfare and Development, his duly authorized representative(s), or anybody duly authorized by the disciplining authority shall act as hearing officer(s) in cases falling under the jurisdiction of the Central Office.

13.1 In the case of the Regional/Field Offices, the Assistant Regional Director, or any of the regional officers, not being a member of the Regional Anti-Graft and Anti-Corruption Committee (AGAC), duly authorized by the disciplining authority shall act as hearing officer(s).

*SECTION 14. Conduct of Formal Investigation* — The Formal Investigation shall be held not later than (10) ten days from receipt of the respondent's answer or after the period for filing his answer has expired. It shall be completed within sixty (60) days from the receipt of the answer or after the expiration of the period within which the answer should have been filed, unless the period is extended by the disciplining authority in meritorious cases.

#### D. Initiatory Proceedings

*SECTION 15. Notice of Pre-Hearing conference* — The notice of pre-hearing conference shall be served to the counsel, the parties and the immediate supervisor of the respondent.

*SECTION 16. Pre-Hearing Conference* — At the commencement of the formal investigation, the Hearing Officers, shall direct the parties to appear for a pre-hearing conference to consider and agree on the following:

- 16.1.a. Dates of subsequent hearings;
- 16.2.b. Simplification of issues;
- 16.3.c. Stipulation of facts;
- 16.4.d. Limiting the number of witnesses, and their names;
- 16.5.e. Identification and marking of evidence of the parties;
- 16.6.f. Waiver of objections to admissibility of evidence; and
- 16.7.g. Such other matters as may aid in the prompt and just resolution of the case;