

[DECS ORDER NO. 33, S. 1999, March 30, 1999]

THE DECS RULES OF PROCEDURE

1. Inclosed is a copy of the DECS Rules of Procedures as promulgated pursuant to Section 7, Chapter II, Book IV of the Administrative Code of 1987.
2. The abovementioned Administrative Code empowers the Secretary to:
 - a. promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs, and projects; and
 - b. promulgate administrative issuances necessary for the efficient administration of the offices under the Secretary and for execution of the laws relative thereto.
3. The DECS Rules of Procedure is addressed to the urgent need to rationalize and systematize the conduct of the proceedings to expedite the resolution of complaints and grievances involving officials and employees of the DECS.
4. Immediate dissemination of and strict compliance with this Order is hereby directed.

Adopted: 30 March 1999

(SGD.) ANDREW GONZALEZ, FSC
Secretary

THE DECS RULES OF PROCEDURE

WHEREAS, Section 7(3) Chapter II, Book IV of the Administrative Code of 1987 empowers the Secretary to promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs and projects;

WHEREAS, Section 7 (4), Chapter II, Book IV of the Administrative Code of 1987 empowers the Secretary to promulgate administrative issuances necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto;

WHEREAS, there is an urgent need to rationalize and systematize the conduct of the proceedings to expedite the resolution of complaints and grievances involving officials and employees of the Department of Education, Culture and Sports;

NOW, THEREFORE, I, the Secretary of the Department of Education, Culture and

Sports, hereby resolve to promulgate and adopt the following Rules of Procedure.

Chapter I

Title and Construction

SECTION 1. Title of the Rules — These Rules shall be known as the DECS Rules of Procedure.

SECTION 2. Construction — These rules shall be liberally construed in order to effect an expeditious and just settlement of disputes.

SECTION 3. Applicability of the Rules of Court — Administrative investigations shall be conducted without necessarily adhering to the technical rules of procedure applicable to judicial proceedings.

In the absence of any applicable provision in these Rules, the pertinent provisions of the Rules of Court, rules and issuance of the Civil Service Commission and prevailing jurisprudence, in the interest of expeditious and just settlement of disputes, whenever practicable and convenient, may be applied by analogy or in a suppletory character and effect.

Chapter II

Grievance Procedure

SECTION 1. Definition of Grievance — Grievance refers to dissatisfactions that arise in the working conditions, relationships or status among co-workers that is believed to be wrong, unfair, ignored, or dropped without due consideration.

SECTION 2. Definition of Grievance Procedure — Grievance Procedure refers to a workable procedure for determining or providing the best way to remedy the specific cause or causes of the Grievance. The Grievance Procedure within the DECS shall be in accordance with this Chapter.

SECTION 3. When Grievance Procedure is not applicable — When the dissatisfaction calls for disciplinary action, it shall not be considered as a Grievance. It shall be brought as an administrative disciplinary case in accordance with Chapter III.

SECTION 4. Proper subjects/objects of grievances — The following may be the proper subject/object of grievances:

- a. Unsatisfactory working conditions;
- b. Improper, tedious or laborious work assignments;
- c. Faulty tools or equipment;
- d. Unsatisfactory personnel and/or work processes;
- e. Improper placement and selection of personnel;
- f. Improper appreciation of the factors relative to lay-offs, promotions, salary increases and transfers;
- g. Arbitrary exercise of discretion;
- h. Inter-personal relationships;
- i. Any and all matters giving rise to employee dissatisfaction.

SECTION 5. Oral Discussion — A Grievance shall be presented orally in the first instance to the employee's immediate superior who shall, within three (3) days from the date of presentation, inform the employee orally of his or her decision.

In the oral discussion, the following shall be observed:

- a. Both parties shall be put at ease — Every effort shall be exerted to make them feel at ease during the oral discussion.
- b. Both parties shall be encouraged to talk — The employee shall be allowed to tell or explain his or her side during the oral discussion.
- c. Privacy in discussion — Oral discussion shall be held in a quiet and secluded spot where the conversation cannot be interrupted or overheard.
- d. The case shall be heard fully — The superior shall seek to keep his or her views and opinions entirely to him/her self until after the employee has explained his or her side.
- e. A definite decision shall be reached — At the end of the discussion, the superior must be prepared to state his or her position clearly and accurately based on the merits of the grievance. He or she need not immediately give a definite decision, but the decision shall be rendered within three (3) days from the presentation of the complaint.

SECTION 6. Grievance in Writing — If the employee is not satisfied with the oral decision, he or she may submit his or her grievance in writing to the Grievance Committee having appellate jurisdiction over the previous one.

SECTION 7. Jurisdiction of Grievance Committees —

- a. The School Grievance Committee shall have original jurisdiction over grievances of teachers and non-teaching personnel in the school that were not orally resolved;
- b. The District Grievance Committee shall have original jurisdiction over grievances of employees in the district that were not orally resolved. It shall also have appellate jurisdiction over grievances that were not resolved in the School Grievance Committee.
- c. The Schools Division Grievance Committee shall have original jurisdiction over grievances of employees in the division that were not orally resolved. It shall also have appellate jurisdiction over grievances that were not resolved in the District Grievance Committee;
- d. The Regional Grievance Committee shall have original jurisdiction over grievances of employees in the region that were not orally resolved. It shall also have appellate jurisdiction over grievances that were not resolved in the Schools Division Grievance Committee.
- e. The Division Grievance Committee shall have original Jurisdiction over grievances in the Division in the Central Office that were not orally resolved;

- f. The Bureau Grievance Committee shall have original jurisdiction over grievances in the Bureau in the Central Office that were not orally resolved; and
- g. The Agency Grievance Committee shall have original jurisdiction over grievances in the Agency that were not orally resolved.

SECTION 8. Decision of the Grievance Committee — The Grievance Committee shall render its Decision within five (5) days from receipt of the grievance in writing. The Decision shall be in writing and shall contain all relevant facts and circumstances as well as the law or rule that was applied, if any.

SECTION 9. Final Appeal to the Secretary — The decisions of the Regional Grievance Committee, Division/Service Grievance Committee, Bureau Grievance Committee and Agency Grievance Committee shall be appealed to the Office of the Secretary through the Office of the Undersecretary for Legal Affairs. The Undersecretary for Legal Affairs within ten (10) days from receipt of the decision or resolution shall forward his or her findings and recommendations to the Secretary. The Secretary shall render the Decision and the same shall be final and executory.

SECTION 10. Composition of the Grievance Committee — The different Grievance Committees shall be composed as follows:

a. School Grievance Committee -

- 1. The Principal or Head Teacher;
- 2. The President of the Faculty Club; and
- 3. A teacher who is acceptable to both parties to be appointed by the Principal or Head Teacher.

b. District Grievance Committee -

- 1. The District Supervisor/Chair/Coordinator or his or her designated representative;
- 2. The Principal of the school where the grievance originated; and
- 3. The President of the District teachers Association or his or her designated representative.

c. Schools Division Grievance Committee -

- 1. The Schools Division Superintendent or his or her designated representative;
- 2. The District Supervisor/Chair/Coordinator of the district where the grievance originated; and
- 3. The President of the Schools Division Teachers Association or his or her designated representative

d. Regional Grievance Committee -

1. The Regional Director or his or her designated representative;
2. The Schools Division Superintendent of the schools division where the grievance originated; and
3. The President of the Regional Teachers Association or his or her designated representative.

e. Division/Service Grievance Committee

1. The Chief of the Division/Service or his or her designated representative;
2. The President of the Employees Union; and
3. A representative from the Human Resources Development Service.

f. Bureau Grievance Committee

1. The Director or his or her designated representative ;
2. The President of the Employees Union; and
3. A representative from the Human Resources Development Service.

g. Agency Grievance Committee

1. The Executive Director or head of the agency or his or her representative.
2. The President of the Employees Union; and
3. An officer or employee in charge with human resources development.

SECTION 11. Procedure in the Grievance Committee — Each Grievance Committee shall create its own rules of procedure that is deemed most appropriate in the settlement of grievances in its respective level.

Chapter III

Administrative Disciplinary Cases

SECTION 1. Administrative Disciplinary Case, Defined — An Administrative Disciplinary Case is one wherein an official or employee of the government is prosecuted for an act or omission punishable as a non-penal offense as provided for in the Civil Service Law, Administrative Code, and other laws pertaining to public Officers and Civil Service employees. Non-penal offenses are also known as administrative offenses.

SECTION 2. How Commenced — An Administrative Disciplinary Case may be commenced either by the Disciplining Authority of the DECS with a motu proprio