

[**GTEB, July 23, 1987**]

RULES OF PROCEDURE IN THE GARMENTS AND TEXTILE EXPORT BOARD

To effectively carry out and otherwise implement the provisions of Executive Order No 537, as amended by Executive Order Nos. 823 and 952, and pursuant to the authority vested upon the Garments & Textile Export Board thereunder, the following Rules and Procedure in actions/proceedings before said Board are hereby adopted:

RULE I

DEFINITION OF TERMS, CONSTRUCTION AND SCOPE

SECTION 1. Definition of Terms . —

- a. **Board and GTEB** — shall refer interchangeably, to the Garments and Textile Export Board.
- b. **Hearing Panel or Investigating Panel** — shall refer to the committee duly designated and authorized by the Board to hear and evaluate cases before the Board.
- c. **Respondent** — shall refer to the garment exporter against whom a case is filed before the Board for violation of the rules and regulations promulgated by the Board.
- d. **Order** — shall refer to any directive of the Board/Hearing Panel which is not included in the final decision.

SECTION 2. Construction . — These Rules shall be liberally construed in order to attain and carry out the objectives of Executive Order No. 537, as amended, as well as the rules and regulations promulgated by the Board.

SECTION 3. Scope . — These Rules shall govern hearings in cases involving violations of the rules and regulations promulgated by the Board.

RULE II

NATURE OF PROCEEDINGS

SECTION 1. Nature . — The proceedings herein provided shall be summary in character without necessarily adhering to or following the technical rules of evidence/procedure under the Rules of Court. Due regard shall, however, be given to the merits of the case and the substantial requirements of due process of law.

RULE III

COMMENCEMENT OF ACTIONS

SECTION 1. How commenced. — An action may be commenced by the GTEB upon its own initiative, or upon the recommendation of any other government agency for alleged violation of the rules and regulations of the Board.

RULE IV SHOW CAUSE ORDER

SECTION 1. Show Cause Order. — Upon any report or findings for possible violation(s) of the GTEB rules and regulations, the Board shall direct the respondent to show cause why no action should be taken by the Board against the respondent for such violation.

SECTION 2. Respondent's Answer/Explanation. — The answer/explanation of the respondent to the show cause order must be in writing under oath, and submitted within five (5) days from receipt of the Board's directive. Said period is non-extendible.

SECTION 3. Respondent's Admission. — If from the answer/explanation submitted, the respondent admits having committed the violations stated in the show cause order, the Board shall render judgment based on the aforesaid report or findings of violation by the respondent.

RULE V HEARINGS

SECTION 1. Who Conducts Hearings . — Hearings shall be conducted by the Hearing Panel duly constituted by the Board. The Hearing Panel shall be composed of a Chairman and two (2) members. All decisions, orders, or recommendations of the Hearing Panel shall be approved by a majority vote.

SECTION 2. Notice of Hearing . — If the respondent fails to file an answer/explanation in accordance with Section 2, **Rule IV** hereof, or should the Board find the respondent's answer/explanation, unsatisfactory, the Board shall order that the respondent and its witnesses be called to an administrative hearing. Whereupon, the Hearing Panel shall set the case for hearing and the corresponding subpoena and/or subpoena duces tecum shall be sent to the respondent and all its witnesses concerned, directing them to personally attend and testify at the hearing to be conducted by the Hearing Panel or at any meeting thereof, or for the taking of their deposition, or to bring or produce any books, papers, correspondence, memoranda, and other records under their supervision and control; provided that the appearance of counsel in such hearing shall not exempt the respondent or witnesses from the duty to personally appear before the Hearing Panel when so directed.

SECTION 3. Ex- Parte Hearing . — Upon failure to appear by the respondent and the principal officers and directors thereof, whom the Board may specifically require to be personally present to represent the respondent, said hearings may proceed ex parte which shall consist in the presentation of the reports on the investigation/inquiry ordered by