

[MCIAA OFFICE ORDER NO. 064-04, September 13, 2004]

GUIDELINES IN THE FILING AND DISPOSITION OF ADMINISTRATIVE CASES

Pursuant to Section 8, paragraph (d) of Republic Act No. 6958, the following guidelines are hereby adopted to govern the procedure in the filing and disposition of administrative disciplinary cases:

Rule I. General Provisions

SEC. 1. Coverage and Definition of Terms - These rules shall apply to all administrative disciplinary cases brought before the Investigating Committee against all MCIAA officials and employees, whether permanent, casual or temporary, except where a special law provides otherwise.

The terms hereunder shall mean as follows:

- a) MCIAA - Mactan-Cebu International Airport Authority;
- b) Board - MCIAA Board of Directors;
- c) Investigating Committee - the committee created by the disciplining authority vested with power and authority to investigate administrative disciplinary cases and recommend appropriate penalties;
- d) Respondent - person who is formally charged with an administrative offense by the disciplining authority;
- e) Person Complained Of - person who is subject of a complaint but who is not yet formally charged by the disciplining authority;
- f) Disciplining Authority - MCIAA General Manager;
- g) Commission - Civil Service Commission, Regional Office No. 7, Cebu City

SEC. 2. Technical Rules - The administrative proceedings conducted pursuant to these guidelines may not adhere strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

Rule II - Complaint

SEC. 3. Complaint - a complaint against any MCIAA official or employee shall not be given due course unless it is in writing and subscribed and sworn to by the complainant. However, in cases initiated by the disciplining authority, the complaint need not be under oath.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.

SEC. 4. When and Where to File a Complaint - A complaint, in accordance with the abovementioned prescribed form, may be filed anytime with the disciplining authority.

SEC. 5. Withdrawal of the Complaint - The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person complained of, the same shall be given due course.

SEC. 6. Action on the Complaint - Upon receipt of a complaint, the disciplining authority shall require the person complained of to submit a Counter-Affidavit/Comment under oath within seventy two (72) hours from receipt of the notice.

The disciplining authority or his duly authorized personnel shall conduct a preliminary investigation to determine whether a prima facie case exists to warrant the issuance of a formal charge.

Rule III - Preliminary Investigation

SEC. 7. Preliminary Investigation - A preliminary investigation involves the ex parte examination of records and documents submitted by the complainant and the person complained of. During said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits. Failure of the person complained of to submit his counter-affidavit shall be considered as a waiver thereof.

SEC. 8. Duration of the Investigation - A preliminary investigation shall commence not later than three (3) days from receipt of the complaint by the disciplining authority and shall be terminated within fifteen (15) days thereafter.

SEC. 9. Decision or Resolution After Preliminary Investigation - If a prima facie case is established during the investigation, a formal charge shall be issued by the disciplining authority. In the absence of a prima facie case, the complaint shall be dismissed.

Rule IV - Formal Charge

SEC. 10. Formal Charge - After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain the following:

- a. Specification of charge(s);
- b. A brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses;
- c. A directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof;
- d. An advice for the respondent to indicate in his answer whether or not he