

**[ PCSD RESOLUTION NO. 03-207, January 17, 2003 ]**

**A RESOLUTION RECONSTITUTING THE PCSD LEGAL COMMITTEE, DELEGATING THERETO THE QUASI-JUDICIAL POWER TO ADJUDICATE VIOLATIONS OF PCSD ADMINISTRATIVE ORDER NO. 00-05 AND OTHER SIMILAR OR RELATED ORDERS, AND PROVIDING THE PROCEDURAL GUIDELINES THEREFOR**

WHEREAS, Section 19 of Republic Act No. 7611 empowers the Palawan Council for Sustainable Development, hereinafter referred to as the Council, "to formulate plans and policies as may be necessary to carry out the provisions of the Strategic Environmental Plan (SEP) for Palawan", as well as "to adopt, amend and rescind such rules and regulations and impose penalties therefor for the effective implementation of the SEP";

WHEREAS, pursuant to the above-mentioned mandate, the PCSD adopted Administrative Order No. 5, series of 2000, providing for the "Revised Guidelines for the Accreditation, Regulation and Monitoring of Live Fish Catching, Culture, Transport and Trading in Palawan", including therein the penalty of fine, confiscation and forfeiture;

WHEREAS, there is a need to create a smaller body clothed with the quasi-judicial power for the purpose of providing the administrative machinery leading to the imposition of such penalties as fine, confiscation and forfeiture as mandated under paragraph 8, Section 19 of Republic Act No. 7611 for violations of Administrative Order No. 00-05 and other similar or related orders emanating from the Council;

WHEREAS, while the PCSD Legal Committee, which was reactivated on June 19, 2002 through PCSD Resolution No. 02-202, is one such body that could perform the quasi-judicial function for and in behalf of the Council, its present membership consists of only two (2) members from the PCSD while the rest are not;

WHEREAS, there is a need to reconstitute the said Committee to increase the number of the PCSD members thereof and to exclude therefrom non-PCSD members when the said Committee is so convened as a quasi-judicial body;

WHEREAS, there is likewise a need to adopt a uniform procedure in the administrative adjudication of cases for violations of Administrative Order No. 00-05 and other similar or related orders of the Council, all falling within the jurisdiction of the PCSD Legal Committee.

NOW, THEREFORE, for and in consideration of the above premises, be it resolved as it is hereby resolved, that the following uniform procedure for the adjudication of cases for violation of Administrative Order No. 00-05 and other similar or related orders of the Council be adopted, as it is hereby adopted:

**PART I**  
**Creation of Quasi-Judicial Body**

**SECTION 1. The PCSD Legal Committee.** — The PCSD Legal Committee reactivated pursuant to PCSD Resolution No. 02-202, is hereby reconstituted to increase the PCSD membership therein from two (2) to five members as follows:

a. the most senior lawyer-member of the PCSD as Chairperson; for the term 2003-2004, the Vice Governor David A. Ponce de Leon is the most senior lawyer-member of the PCSD and shall serve as the Chairperson of the Legal Committee for the duration of the said term;

b. the following shall serve as members:

- i. the PCSD Executive Director;
- ii. any member of the PCSD, preferably a lawyer;
- iii. the NGO representative, and
- iv. the business sector representative.

**SECTION 2. The PCSD Legal Committee as a Quasi-Judicial Body.** — The five PCSD members in the Legal Committee as enumerated in the immediately preceding section is hereby constituted as the quasi-judicial body and hereby authorized to exercise quasi-judicial functions pursuant to the PCSD mandate as enumerated under paragraph 8 of Section 19, Republic Act No. 7611;

**SECTION 3. Jurisdiction.** — The PCSD Legal Committee shall have jurisdiction over all administrative cases for violation of Administrative Order No. 00-05 and other similar or related orders issued by the PCSD, wherever committed, which carry the penalty of fine, confiscation and forfeiture as provided in the pertinent order or issuance.

**SECTION 4. Powers.** — The PCSD Legal Committee when assembled as a quasi-judicial body shall have the following powers and functions:

- a. Issue summons and/or subpoenae duces tecum and ad testificandum to respondents in connection with the exercise of its functions;
- b. Conduct summary hearings in compliance with the requirements of administrative due process;
- c. Issue orders as may be necessary in the performance of its functions;
- d. Promulgate decision and issue orders for the enforcement of the same; and
- e. Perform such other powers and functions as may be relevant and necessary in adjudication of administrative cases brought before it for resolution.

**PART II**  
**Procedural Guidelines for Adjudication of Administrative Cases**

**SECTION 5. Scope of Application.** — These guidelines shall apply to all cases involving violation of PCSD Administrative Order No. 00-05 and other PCSD administrative orders that may be adopted for the effective implementation of Republic Act No. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan Act.

**SECTION 6. Original Jurisdiction.** — The PCSD Legal Committee shall have exclusive and original jurisdiction over all complaints pertaining to violations of PCSD Administrative Order No. 00-05 and other similar or related orders. The PCSD en banc shall entertain only appealed cases from the decision of the PCSD Legal Committee.

**SECTION 7. Form and Filing of Complaint.** — A complaint for violation of Administrative Order No. 00-05 and other similar or related orders of the Council may be oral or in writing. A written complaint must be under oath and signed by the complainant(s), specifically stating therein the name(s) of the respondent(s), their known address(es) and the specific acts committed by the said respondent(s) which constitute a violation(s) of Administrative Order No. 00-05 or similar or related orders issued by the PCSD.

In case of an oral complaint made directly before any officer or employee of the PCSDS, said officer or employee of the PCSDS shall reduce the same into writing in the form of an affidavit, to be signed and sworn to by the complainant(s).

**SECTION 8. Who May File Complaint.** — Any person who has personal knowledge of facts and circumstances constituting a violation of Administrative Order No. 00-05 and other similar or related orders of the Council may file a complaint against any person or persons, natural or juridical, involved in such violation(s).

**SECTION 9. Where to File Complaint.** — A complaint may be filed with any of the PCSDS District Management Offices; or at the main office at Puerto Princesa City or at the Manila Liaison Office, at the convenience of the complainant.

**SECTION 10. Recording of the Complaint.** — The receiving officer or employee of the PCSDS shall record the receipt of any complaint and shall immediately forward the same to the Executive Director in Puerto Princesa City, where the complaint shall be docketed and assigned a specific identification number for reference purposes.

**SECTION 11. Notice of Respondent.** — The Executive Director shall immediately issue a notice to the respondent(s) named in the complaint, stating therein the specific alleged violations and the specific provision of the rules or order allegedly violated, including the applicable penalty. The respondent(s) shall be furnished a copy of the complaint and other supporting documents for his information.

The notice shall likewise indicate the period of time within which the respondent shall file his answer or response to the complaint, which period of time shall not be more than fifteen (15) days from receipt of such notice.

**SECTION 12. Waiver.** — The respondent(s) shall file his answer within the aforesaid period. The failure of the respondent(s) to answer within such period shall be taken as a waiver of his right to refute the allegations in the complaint.

**SECTION 13. Hearing.** — No administrative penalty may be imposed by the PCSD Legal Committee without the conduct of a hearing for the purpose.

**SECTION 14. Assistance of Counsel.** — The respondent(s) may be assisted by legal counsel of his own choice, for purposes of the proceedings before the PCSD Legal Committee.

**SECTION 15. Technical Rules in Administrative Investigations.** — Administrative proceedings before the PCSD Legal Committee shall be conducted