

National Power Corporation

CODE OF CONDUCT AND DISCIPLINE



Handy

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Prepared by:

Industrial Relations Division
Human Resource Management Department

With the assistance of

Atty. Comie P. Doromal
Atty. Wilfredo J. Collado
Atty. Maharlika Ramon C. Oaferina
Atty. Grace A. Lagadia
Atty. Lamberto P. Melencio
Mr. Abner P. Eleria
Mr. Armando SJ. Javier
Mr. William R. Dolatre

NATIONAL POWER CORPORATION

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TABLE OF CONTENTS

Preface	i
Message from the President	ii
Article I Title	1
Article II Declaration of Policies	1
Article III Norms of Conduct	2
Article IV Coverage	3
Article V Definition of Terms	3
Article VI Classification of Offenses	8
Article VII Delegation of Authority to Investigate Cases and Impose Penalty Therefore	22
Article VIII Administrative Procedures and Due Process and Process Flow Chart	27
Article IX Penalties	37
Article X Circumstances and Rules to Consider in the Imposition of Penalties	38
Article XI Administrative Disabilities Inherent in Certain Penalties	41
Article XII Decision, Reconsideration and Appeals	43
Article XIII Effects of Filing Formal Administrative Charge	45
Article XIV Repealing Clause	45
Article XV Separability Clause	46
Article XVI Effectivity Clause	46
Appendices (Forms on Administrative Procedures and Due Process)	

PREFACE

Oftentimes, change is difficult because it requires new goals, discipline and commitment.

For NPC, however, a new business life has to be lived with the implementation of R.A. 9136, otherwise known as the Electric Power Industry Reform Act of 2001.

The NPC management has recognized the need for a shift in its vision and mission – both as individuals and as a corporate body.

With this change, we feel there is a need to re-issue this Code that will reinforce the existing rules and regulations governing the behavior of NPC personnel in the performance of their duties. Also, there is a need to reiterate in the handbook the existing civil service laws and regulations so NPC employees can be guided in performing critical tasks and functions as public servants.

Thus, this handbook, which also contains a set of simplified and standardized internal procedures and forms or requirements, will serve as a handy reference to all NPC employees, officials and rank-and-file- in the performance of their duties and responsibilities.

MESSAGE FROM THE PRESIDENT

The National Power Corporation has become tough and dynamic, as it is today, because of its most important asset – its *human resource*.

Important as they are, however, NPC employees, as public servants, are bound to comply with the constitutional provision that a "*public office is a public trust and public officials and employees shall, at all times, discharge their duties with utmost responsibility, integrity, competence and loyalty; act with patriotism and justice; lead modest lives and uphold public interest over personal interest*".

To be more effective, as an NPC employee bound to serve the corporation and as a public servant bound to provide quality service to the public, every NPC employee should read this Handbook on the **NPC Code of Conduct and Discipline**.

I believe that this handbook will guide NPC's POWER employees in performing their duties and responsibilities to the corporation and to the public they serve.

On the other hand, this handbook aims to inform NPC employees on the nature of their actions and the consequences of actions they may take. In other words, the purpose of this handbook is to inform for the sake of compliance, not for the sake of threat and reprieve.

More importantly, this code, prepared for us by the Human Resource Group, will guide us in providing quality service to our corporation and to our customers.



ROGELIO M. MURGA

President & Chief Executive Officer

NATIONAL POWER CORPORATION CODE OF CONDUCT AND DISCIPLINE

ARTICLE I

TITLE

Sec.1 - These Rules and Regulations shall be known as the **NPC Code of Conduct and Discipline.**

ARTICLE II

DECLARATION OF POLICIES

Sec.1 - In the management of its human resource, NPC shall be governed by the constitutional mandate that public office is a public trust, and that public officers and employees shall serve with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives and uphold public interests over personal interest.

Sec.2 - Discipline shall be utilized primarily as a positive tool for the development of the character and spiritual strength of the human being. Discipline shall be imposed only as a measure to achieve order and harmony throughout the Corporation.

Sec. 3- In the application of discipline, the employees concerned shall be given the opportunity to be

heard and afforded protection of his rights under the due process of law.

Sec.4 - Consistent with the NPC management values and internal communication policy:

- a. Rendering of official reports or information and/or the airing of grievances shall strictly observe and follow the official channels except where otherwise required by higher authorities or prescribed by administrative procedures.
- b. Grievances and problems shall be discussed and as much as possible settled at the lowest level.

ARTICLE III

NORMS OF CONDUCT

Sec. 1- In adherence to the principle of public office, every employee shall constantly uphold the public trust by observing the highest degree of personal integrity and dignity in the performance of his duties and responsibilities, and shall:

- a. Behave in a manner befitting his stature as a holder of a public trust;
- b. Strive to bring his full potential to the discharge of his tasks and responsibilities as a public servant; and to make his life truly

meaningful and useful to himself, his family, the Corporation, and the country as a whole; and,

- c. Protect the interest of the Corporation and safeguard its assets and resources.

ARTICLE IV

COVERAGE

Sec. 1- This Code shall apply to all NPC personnel.

ARTICLE V

DEFINITION OF TERMS

Sec. 1- As used in this Code, the following terms shall mean:

1. *Administrative Complaint* - A written specification of charge or charges against a public officer or employee subscribed and sworn to by the complainant, or a letter charge duly signed by the disciplining authority, drawn in a clear, simple, and concise language, to apprise the respondent of the nature of the charge or charges against him and to enable him to prepare his defense.
2. *Aggravating Circumstances* - Evidential

conditions, which increase the penalty for the offense.

3. *Board* - National Power Board.
4. *Corporation* - National Power Corporation.
5. *Corporation Premises* - All landholdings, buildings, power plants, projects, and all other properties owned or rented by the National Power Corporation.
6. *Disciplinary Action* - Any action taken by the proper disciplining authority in the regulation of the conduct or behavior of officers and employees in the discharge of their responsibilities, including but not limited to the imposition of penalties therefore.
7. *Disciplining Authority* - Any officer vested with power or authority to hear and decide an administrative case and to enforce the decision thereof.
8. *Discourtesy* - Rude or impolite act or remark.
9. *Disgraceful or Immoral Conduct* - Any act which violates the basic norms of decency and morality.
10. *Dishonesty* - Act of cheating, lying, or

deceiving.

11. *Due Process* - The law which hears before it condemns, proceeds upon inquiry and renders judgment only after trial. It relates chiefly to the mode of procedure which government agencies must follow in the enforcement and application of laws.
12. *Emergency Case* - Any unforeseen event, occurrence or condition such as fire, typhoon, flood, earthquake, natural calamities and other force majeure, serious illness, birth, death or serious accident involving one's self or any immediate member of his family which shall include the legitimate spouse, children and parents.
13. *Employees* - All employees of the Corporation whether permanent, co-terminus, temporary, casual, emergency or contractual with employee-employer relationship.
14. *Falsification* - Altering fraudulently the original object, thing, writing, manuscript, and the like.
15. *Grave Offense* - Grievous act of an official or employee that outrages the moral and social conduct; grievous violation of law, rules and regulations, the penalty for which ranges from one year suspension to dismissal.

16. *Harassment* - Any unjust action by the supervisor towards the subordinate which tends to cause trouble or annoy continually or chronically the latter; thus causing anxieties, burden or misfortune.
17. *Horseplay* - Rough, riotous or boisterous playing or action by an employee to another employee/group of employees or vice versa.
18. *Incompetence* - Lack of ability, knowledge or fitness to discharge satisfactorily the required duty.
19. *Inefficiency* - Inability to produce the desired output with the use of energy, time and/or other corporate resources allotted for the purpose.
20. *Influence Peddling* - An act of an official or employee towards another official or employee through persuasion, motivation, or various means exerted to effect or modify the conduct, thought or decision of the latter.
21. *Intoxicating Liquor* - Beverages, fermented or distilled which when drunk tends to affect adversely the reflexes and/or senses.
22. *Investigating Authority* - Any officer vested with power or authority to hear or investigate an administrative case and/or submit his recommendation(s) thereon.

23. *Less Grave Offense* - Grievous acts committed on a lesser degree, the penalty for which ranges from one (1) month and one (1) day to one (1) year suspension.
24. *Light Offense* - Infraction of laws, rules and regulations, the penalties for which ranges from a written reprimand to thirty days suspension.
25. *Mitigating Circumstances* - Evidential conditions which lessen, reduce/lower the penalty for the offense.
26. *Moral Turpitude* - An act of baseness, vileness or depravity in the private and social duties; conduct contrary to justice, honesty and modesty or good morals.
27. *Narcotic* - Any drug that produces a condition of insensibility and melancholy dullness of mind with delusion and may be habit-forming. Included but not limited in this definition are opium, cocaine, marijuana, hashish, and their derivatives and all preparations made from any of them, and such other drugs as may be so classified by the Dangerous Drugs Act.
28. *Pornographic Materials* - Any obscene or licentious film, drawings, cut-outs, writings, magazines, pictures and the like.
29. *Prejudicial Conduct* - Behavior injurious or

detrimental to the interest of the Corporation and public service.

30. *President* - President and Chief Executive Officer of the National Power Corporation.
31. *Profane Language* - Words, phrases, signs, printings, or any utterances made with malice to degrade or expose to contempt or ridicule a person.
32. *Summary Proceedings* - Procedure in resolving an administrative charge against an officer or employee where the requirement of a formal investigation is no longer necessary.
33. *Tardy/Tardiness* - Failure to arrive at designated work area at the prescribed time.
34. *Undertime* - Leaving the designated work area with proper permission during working hours.

ARTICLE VI

CLASSIFICATION OF OFFENSES

Sec. 1- The following and other analogous acts are considered **light offenses**:

1. Discourtesy in the discharge of official duties.

2. Improper or unauthorized solicitations of contributions from subordinate employees.
3. Violation of reasonable office rules and regulations such as, but not limited to the following:
 - a. Failure to secure permission from supervisor for intended leave as prescribed;
 - b. Leaving assigned work area untidy and disorderly;
 - c. Non-attendance to the flag-raising ceremony;
 - d. Unauthorized personal follow-up of documents;
 - e. Abusive or unauthorized use of NPC vehicles/properties;
 - f. Abusive or unauthorized use of NPC communication facilities;
 - g. Deliberately delaying action on official documents;
 - h. Accepting outside employment without permission;
 - i. Loitering while on duty within the working premises;
 - j. Allowing spouse/relatives to interfere with official functions;
 - k. Failure to submit reports within the prescribed period;
 - l. Failure to report accidents or untoward incidents within the prescribed period;

- m. Failure to exercise proper use and care of NPC property, facility and equipment;
 - n. Negligence in the custody/loss or unauthorized dissemination of official documents/information; and,
 - o. Defacing corporate buildings and property and other acts of vandalism.
4. Frequent unauthorized tardiness (Habitual Tardiness)/Tardiness for ten (10) times, or an accumulated tardiness of 100 minutes, within a 30-day period.
 5. Refusal to render overtime service.
 6. Disgraceful, immoral or dishonest conduct prior to entering the service.
 7. Borrowing money by supervisor or lending by subordinates to his supervisor.
 8. Lending money at usurious rates of interest.
 9. Willful failure to pay just debts.

The term "just debts" shall apply only to:

- a. Claims adjudicated by a court of law, or
- b. Claims the existence and justness of which are admitted by the debtor

10. Willful refusal to pay taxes due to the government.
11. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations.
12. Lobbying for personal interest or gain in legislative halls and offices without authority.
13. Promoting the sale of tickets on behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority.
14. Failure to act promptly on letters and request within fifteen days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees.
15. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees.
16. Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public

transactions.

Sec. 2 - The following and other analogous acts are considered **less grave offenses**:

1. Simple neglect of duty such as, but not limited to the following:
 - a. Reading during office hours of newspaper, magazines and other periodicals not related to official functions; and
 - b. Failure to turn over documents/work assignment before going on leave or reporting for new assignment.

2. Simple misconduct such as, but not limited to the following:
 - a. Horseplaying.
 - b. Engaging subordinates/co-employees for personal errands during working hours;
 - c. Threat against another employee;
 - d. Intriguing another employee, which tends to cast dishonor upon or discredit his person;
 - e. Prolonging or early observance of break period;
 - f. Loitering while off-duty within premises;
 - g. Refusal or neglect to wear prescribed uniforms or ID;

- h. Wearing of slippers/wooden shoes/sandals during working time;
 - i. Refusal to submit to reasonable search or inspections by NPC authorized representative within NPC premises;
 - j. Peddling items or engaging in personal business within NPC premises; and
 - k. Display of pornographic materials.
3. Insubordination.
 4. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his office.
 5. Unfair discrimination in rendering public service due to party affiliation or preference.
 6. Failure to file Sworn Statements of Assets, Liabilities and Net Worth, and Disclosure of Business Interest and Financial Connections including those of their spouses and unmarried children under eighteen years of age living in their households.

7. Failure to resign from his position in the private business enterprise within thirty days from assumption of public office when conflict of interest arises, and/or failure to divest himself of his shareholdings or interest in private business enterprise within sixty days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must neither resign or divest himself of said interest within the periods herein above; provided, reckoned from the date when the conflict of interest had arisen.
8. Soliciting from persons other than the employee's supervisor, oral or written recommendation for promotion in the competitive service.
9. Requiring a person to sign any paper or document waiving any right or rights accruing to him under the Civil Service Law and Rules.
10. Receiving additional or double compensation unless specifically authorized by law.
11. Appointing or employing a person in violation of Civil Service Law and Rules.

12. Paying or causing the payment of a person employed contrary to law or in violation of the Civil Service Law and Rules.
13. Directly or indirectly obstructing, defeating or violating the civil rights and liberties of an individual.
14. Striking for the purpose of securing changes in the terms and conditions of employment.
15. Violation of safety rules and regulations such as, but not limited to the following:
 - a. Failure to maintain fire fighting equipment in its operational capability;
 - b. Failure to provide or require the use of personal protective equipment whenever necessary;
 - c. Improper storage stocking of materials and supplies, posing danger to health or fire hazard;
 - d. Blocking/obstructing emergency exits;
 - e. Failure to provide and maintain adequate equipment and materials for plant housekeeping purposes;
 - f. Failure to initiate and implement proper waste disposal;
 - g. Smoking in prohibited areas;

- h. Unauthorized removal of fire fighting equipment; and
- i. Allowing oneself to be relieved by an employee who is under the influence of liquor or drugs.

Sec. 3 – The following and other analogous acts are considered **grave offenses**:

1. Act of dishonesty such as, but not limited to the following:
 - a. Practicing or attempting to practice any deception or fraud in securing examination, registration, appointment or promotion;
 - b. Manipulation of prices in purchases and contracts;
 - c. Claiming compensation for services not rendered, or in excess of what has been actually rendered;
 - d. Making claims for what has been previously paid or settled;
 - e. Unauthorized collection/receipt of salary/benefits due to others;
 - f. Getting supplies, materials and equipment for personal use;
 - g. Connivance with customers or transacting with the public to the prejudice of the Corporation;
 - h. Taking things belonging to another without the knowledge or consent of

- the owner;
 - i. Malversation of NPC funds and other funds entrusted to an employee by reason of his position;
 - j. Payroll padding;
 - k. Falsification in the accomplishment of daily time record; and
 - l. Misrepresentation of facts.
2. Gross Neglect of Duty.
 3. Disgraceful or immoral conduct.
 4. Habitual Drunkenness.
 5. Grave Misconduct such as, but not limited to, the following:
 - a. Unauthorized carrying/possession of firearms, explosives or any other deadly weapon and/or improper discharge of firearms and explosives within NPC premises;
 - b. Operating of NPC plant equipment without authority;
 - c. Fabrication of information or withholding or concealment of relevant information or material facts during any authorized inquiry or investigation;
 - d. Assault on any NPC official, supervisor or employee;
 - e. Punching of time card of others;

- f. Sleeping while on duty;
 - g. Knowingly accepting poor quality items or short deliveries;
 - h. Requisition of unnecessary items and/or misrepresentation as to stock availability;
 - i. Purchase of materials or equipment not in accordance with approved specifications or its equivalent; and
 - j. Purchasing or attempting to purchase, directly or indirectly, property in one's custody or solely under his authority.
6. Being notoriously undesirable.
 7. Refusal to perform official duty.
 8. Contracting loans of money or other property from persons with whom the office of the employee concerned has business relations.
 9. Gross Insubordination.
 10. Conviction of a crime involving moral turpitude.
 11. Falsification of official documents.
 12. Engaging directly or indirectly in partisan political activities by one holding non-political office.

13. Receiving for personal use a fee, gift, or other valuable thing in the course of official duties or in connection therewith when such fee, gift, or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws.
14. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operations being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship or relationship between giver and receiver and the motivation. A thing of monetary value is one, which is evidently or manifestly excessive by its very nature.
15. Disloyalty to the Republic of the Philippines and to the Filipino people.
16. Nepotism.
17. Oppression or unlawful or excessive exercise of power by any officer or employee so as to harm anyone in his rights, person or property while purporting to act under color of official authority.

18. Frequent unauthorized absences, loafing or frequent unauthorized absences from duty during regular office hours.
19. An officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.
20. Conduct or acts grossly prejudicial to the best interest of the service, such as, but not limited to the following:
 - a. Drinking alcoholic or intoxicating drinks except on official functions, or indulging in prohibited drugs within NPC premises or while on duty; and
 - b. Leaving one's post without being properly relieved.
21. Directly or indirectly having financial and material interest in any transaction requiring the approval of his office. Financial and material is defined as pecuniary or proprietary interest by which a person will gain or lose something.
22. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or

licensed by his office, unless expressly allowed by law.

23. Engaging in the private practice of his profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his official functions.
24. Disclosing or misusing confidential or classified information officially known to him by reason of his office and not made available to the public, to further his private interests or give undue advantage to anyone, or to prejudice the public interest.
25. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public.
26. Allowing to continue in public service any subordinate officer or employee who is inefficient or incompetent, or who is guilty of any of the offenses mentioned in CSC laws and regulations, without undertaking appropriate disciplinary actions.
27. Gambling within NPC premises.
28. Sexual Harassment.

29. Tampering of power plant controls and equipment.
30. Unauthorized alteration or deactivation of plant safety devices.

ARTICLE VII

DELEGATION OF AUTHORITY TO INVESTIGATE CASES AND IMPOSE PENALTY THEREFORE

Sec. 1- AUTHORITY TO INVESTIGATE

The following officials of the Corporation are delegated with the authority to investigate administrative cases:

A. NATIONAL POWER BOARD

For all offenses committed by the Senior Department Managers and above including those assigned at the Internal Audit Department.

B. HEAD OFFICE

1. Light Offenses

Sr. Vice Presidents; Vice Presidents; Department Managers and their equivalents; or persons in acting capacity or Officers-In-Charge for offenses

committed by their immediate subordinates.

2. Less Grave Offenses

Same as above, except that they may request for the assistance of the *Board of Inquiry and Discipline (BID)* of the Office of the General Counsel.

3. Grave Offenses

NPC President, Officer-In-Charge or person in acting capacity thereof, or to whom authority is delegated or at his discretion may delegate with the assistance of *BID* of the Office of the General Counsel.

C. TMS/SPUG/FIELD OFFICES

1. Light Offenses

Department Managers and their equivalents, or persons in acting capacity or Officers-In-Charge.

2. Less Grave Offenses

Same as above, except, that they may request for the assistance of *BID* of the Office of the General Counsel.

3. Grave Offenses

Sr. Vice Presidents; Vice Presidents concerned and their equivalents, or persons in acting capacity or Officers-In-Charge, or upon request, with the assistance of *BID* of the Office of the General Counsel.

D. GENERATION PLANT OFFICES

1. Light Offenses

Department Managers and their equivalents, or persons in acting capacity or Officers-In-Charge.

2. Less Grave Offenses

Same as above, except that they may request for the assistance of *BID* of the Office of the General Counsel.

3. Grave Offenses

Sr. Vice Presidents; Vice Presidents concerned or persons in acting capacity or Officers-In-Charge, or upon requests, with the assistance of *BID* of the Office of the General Counsel.

Sec. 2 - **AUTHORITY TO IMPOSE PENALTY**

The following officials of the Corporation are delegated the authority to impose penalty:

A. NATIONAL POWER BOARD

For all offenses committed by the Senior Department Managers and above including those assigned at the Internal Audit Department.

B. HEAD OFFICE

1. Light Offenses

Sr. Vice Presidents, Vice-Presidents, Department Managers and their equivalents, or persons in acting capacity or Officers-In-Charge.

2. Less Grave Offenses

Sr. Vice Presidents, Vice-Presidents or persons in acting capacity or Officers-In-Charge thereof.

3. Grave Offenses

NPC President, Officer-In-Charge or person in acting capacity thereof.

C. TMS/SPUG FIELD OFFICES

1. Light Offenses

Department Managers and their equivalents, or persons in acting capacity or Officers-In-Charge, for offenses committed by their immediate subordinates.

2. Less Grave Offenses

Sr. Vice Presidents, Vice-Presidents concerned or persons in acting capacity or Officers-In-Charge.

3. Grave Offenses

NPC President, Officer-In-Charge or person in acting capacity thereof.

D. GENERATIONS FIELD OFFICES

1. Light Offenses

Department Managers, and their equivalents, or persons in acting capacity or Officers-In-Charge.

2. Less Grave Offenses

Sr. Vice Presidents, Vice-Presidents concerned, or persons in acting capacity or Officers-In-Charge.

3. Grave Offenses

NPC President, Officer-In-Charge or person in acting capacity thereof.

ARTICLE VIII

ADMINISTRATIVE PROCEDURES AND DUE PROCESS

Sec.1 - Start of Administrative Proceedings -
Administrative proceedings may be started:

- a. Upon submission by any person (employee or private person) of a written complaint made under oath, accompanied by sworn statements covering the testimony and those of the witnesses together with all the available documentary evidence; or
- b. At the instance of the proper disciplining authority.

Sec. 2 - Where to file a Complaint -

Any person may file his complaint with the proper disciplining authority.

Sec. 3 - Contents of the Complaint -

The complaint, which shall be drawn

in a clear, simple and concise language and in a methodical manner, shall contain the following:

- a. Full name and address of the complainant;
- b. The full name, office address and position of the respondent;
- c. Specification of charges; and
- d. A brief statement of relevant and material facts with certified true copies of the documentary evidences, if any, and sworn statements covering the testimony of his witnesses.

Sec. 4 - Actions to be taken by Disciplining Authority upon Receipt of the Complaint-

Upon receipt of the complaint, the proper disciplining authority shall undertake the following steps:

- a. Determine "the cause" of the problem or grievance or the "what" and the "how" thereof without taking the side of either party. This should be done through grievance procedures prescribed under Executive Order No. 895 and its implementing rules, and other administrative issuances that may hereafter be promulgated, and/or through NPC existing policies and procedures on settlement of problems and disputes between and among personnel.

- b. Should the aforementioned procedures fail, the designated or authorized representative shall preliminary evaluate the complaint and its supporting documents to determine if there is reasonable ground to believe that the offense has been committed (prima facie).
- c. If a prima facie case does not exist, the disciplining authority shall dismiss the complaint informing the complainant of the action taken, copy furnished the employee concerned.
- d. If a prima facie case exists, the complainant shall file a formal charge against the employee complained of, attaching therewith the complaint and supporting evidences thereof; and
- e. If the complaint is not signed and made under oath, no action shall be taken thereon by the disciplining authority, except in cases where there is obvious truth to the complaint or the same is meritorious and there is/are reasonable ground(s) to believe that the offense has been committed; and in such cases, the disciplining authority shall initiate the filing of appropriate charges against the employee concerned. In determining whether or not an anonymous complaint should be given due course, the disciplining authority should first bear in mind that, in all justice

and fairness, the interest of government officials and employees should also be safeguarded against undue harassment.

Sec. 5 - Contents of the Formal Charge-

The formal charge shall contain the following:

- a. The specific act or acts allegedly committed by the employee concerned that constitute cause or ground or disciplinary action;
- b. The requirement that respondent shall answer the charge in not less than 72 hours from receipt thereof; and
- c. An advice that respondent has the option to elect a formal investigation of the charge or waive the said investigation; that he shall be entitled to the assistance of a counsel in the preparation of his answer and during investigation, if one shall be held, otherwise, the case will be decided on the basis of the charge and the respondent's answer and the evidences presented; provided that this advice shall not be required in instances where formal investigation is dispensed with as provided for in Sec. 8 of this Article.

Sec. 6 - Purpose of Administrative Investigation -

The investigation shall be conducted only

for the purpose of ascertaining the truth and without necessarily adhering to the technical rules applicable in judicial proceedings.

Sec. 7 - Instances when Formal/Clarificatory Investigation Shall Be Conducted Even If Not Elected by Respondent -

Although a respondent does not request a formal investigation, a formal or clarificatory investigation shall nevertheless be conducted when from the allegations of the complainant and the answer of the respondent, including the supporting documents, the merits of the case cannot be decided judiciously without conducting such an investigation.

Sec. 8 - Instances when Formal Investigation is Dispensed With -

- a. After receipt of respondent's answer, the same is evaluated and found to be satisfactory.
- b. If based on the complaint and its supporting documents and the respondent's answer and its supporting documents, the case can be decided judiciously.
- c. If respondent waives the formal investigation and submits the case for resolution on the basis of his answer and its supporting documents.

Sec. 9- Effect of Withdrawal of Formal Charge by Complainant -

The withdrawal of the charge(s) does not automatically discharge the respondent from any administrative liability, or terminate the case especially when the withdrawal came after the complaint has been given due course by the disciplining authority. The moment the charge is filed, it ceases to be a private matter and becomes an offense against public interest, the complainant being relegated to the status of a mere witness.

Sec. 10 - Preventive Suspension -

The respondent may be preventively suspended in the following instances:

- a. The charge involves dishonesty, oppression, grave misconduct or neglect in the performance of duty; or
- b. There are reasons to believe that the respondent is guilty of the charge(s), which would warrant his removal from the service.

Sec. 11 - Duration of Preventive Suspension -

Preventive suspension shall not exceed ninety days and if after said period, the administrative case against the respondent is

not finally decided by the disciplining authority, the respondent shall be automatically reinstated in the service. However, if there is delay in the disposition of the case due to the fault, negligence or petition of the respondent, such period of delay shall not be counted in computing the ninety-day period.

Sec.12 - Periods for Preliminary Investigation, Formal Investigation, Submission of Report, Decision and Enforcement of Decision -

- a. The complaint and its supporting documents shall be evaluated preliminarily within five (5) days from receipt of the complaint to determine if a prima facie case exists.
- b. If a prima facie case exists, the formal investigation (if deemed necessary) shall be held not earlier than five (5) days nor later than ten (10) days from receipt of respondent's answer.
- c. The formal investigation shall be finished within thirty days from the filing of the complaint, or thirty days from receipt by respondents of complaint or letter charge.
- d. If the investigation is conducted by an investigator or committee designated by the disciplining authority, the report of the investigator or committee shall be

submitted within fifteen days from the conclusion of the investigation.

- e. The decision shall be rendered by the disciplining authority within fifteen days upon receipt of the report of the investigator or committee, or otherwise, if he investigated the case himself, within thirty days from the conclusion of his investigation.
- f. Unless otherwise stated, decision shall be enforced within ten (10) days from its promulgation or receipt thereof by the respondent.

Sec. 13 - Contents of Decision -

The decision in an administrative case shall contain the following:

- a. The full name, office address and position of the respondent.
- b. Brief statement of the offense committed and findings of the material facts.
- c. Penalty imposed.

Sec. 14 - Finality of Decision -

- a. Decision in an administrative case shall be considered final and executory (unappealable) in case the penalty imposed is suspension for not more that thirty days

S

or fine in an amount not exceeding thirty days' salary.

- b. Decision in an administrative case involving imposition of a penalty of suspension for more than thirty days or fine in an amount exceeding thirty days' salary, demotion in rank or salary, transfer, removal or dismissal from office shall become final and unappealable if a petition for reconsideration or an appeal is not filed within fifteen days from receipt of the decision by the party adversely affected.

Sec. 15 - Grounds for a Petition for Reconsideration or Appeal -

Any of the following may be a ground for reconsideration or appeal:

- a. New evidence has been discovered which materially affect the decision rendered;
- b. Decision is not supported by evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the respondent.

Sec. 16- Reconsideration -

Only one petition for reconsideration shall be entertained. A second petition for

reconsideration may be treated as an appeal.

Sec. 17 - Period for Filing of Appeal –

The party adversely affected by the decision of the disciplining authority may file an appeal within fifteen days from receipt of the decision.

Sec. 18 - Procedure on Appeal –

- a. The party adversely affected by the decision shall file a notice of appeal with the disciplining authority.
- b. The disciplining authority shall forward the records of the case, together with the notice of appeal, to the appellate authority within fifteen days from filing of notice of appeal, with his comments, if any.

Sec. 19 - Contents of the Notice of Appeal –

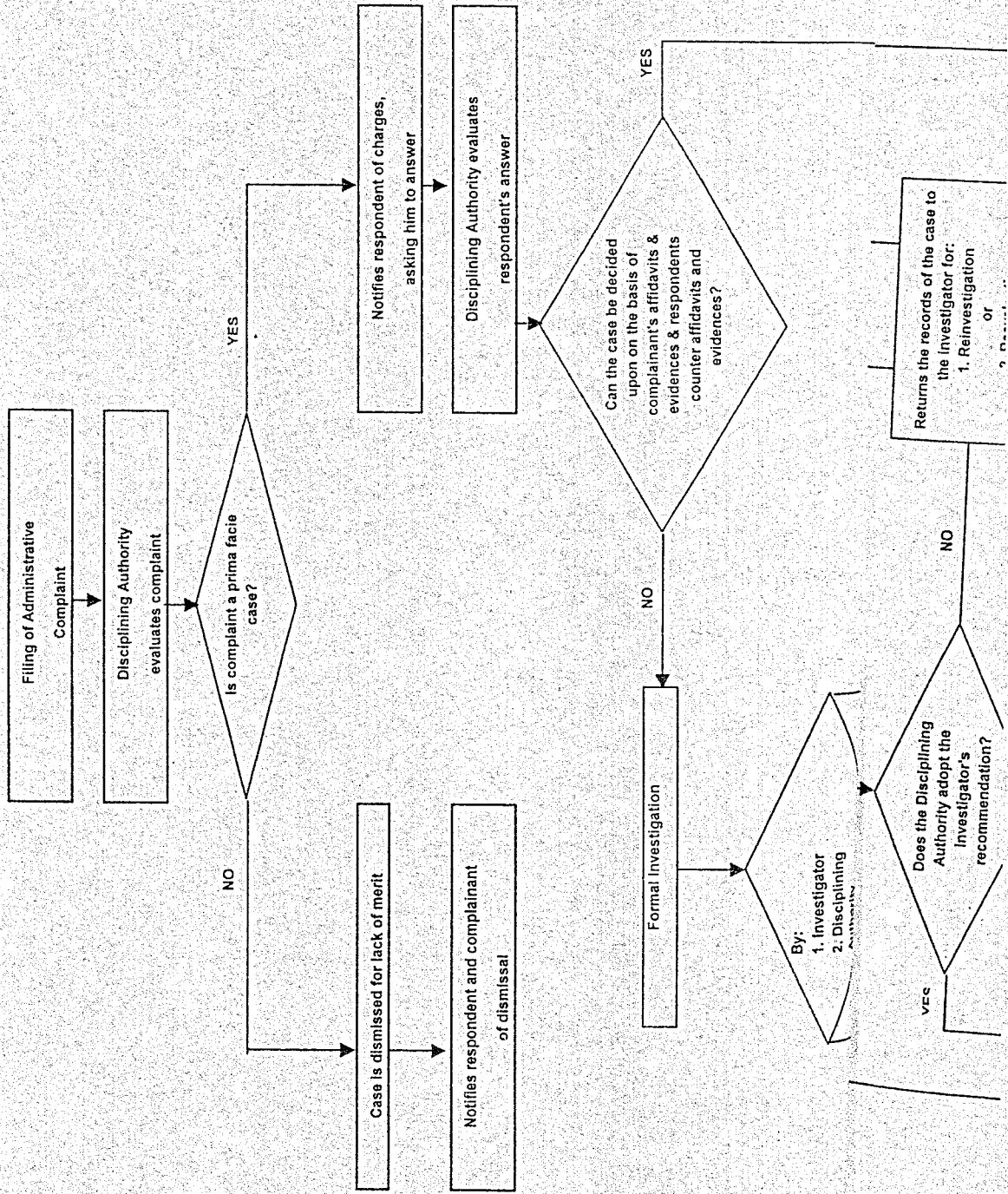
The notice of appeal shall specifically state:

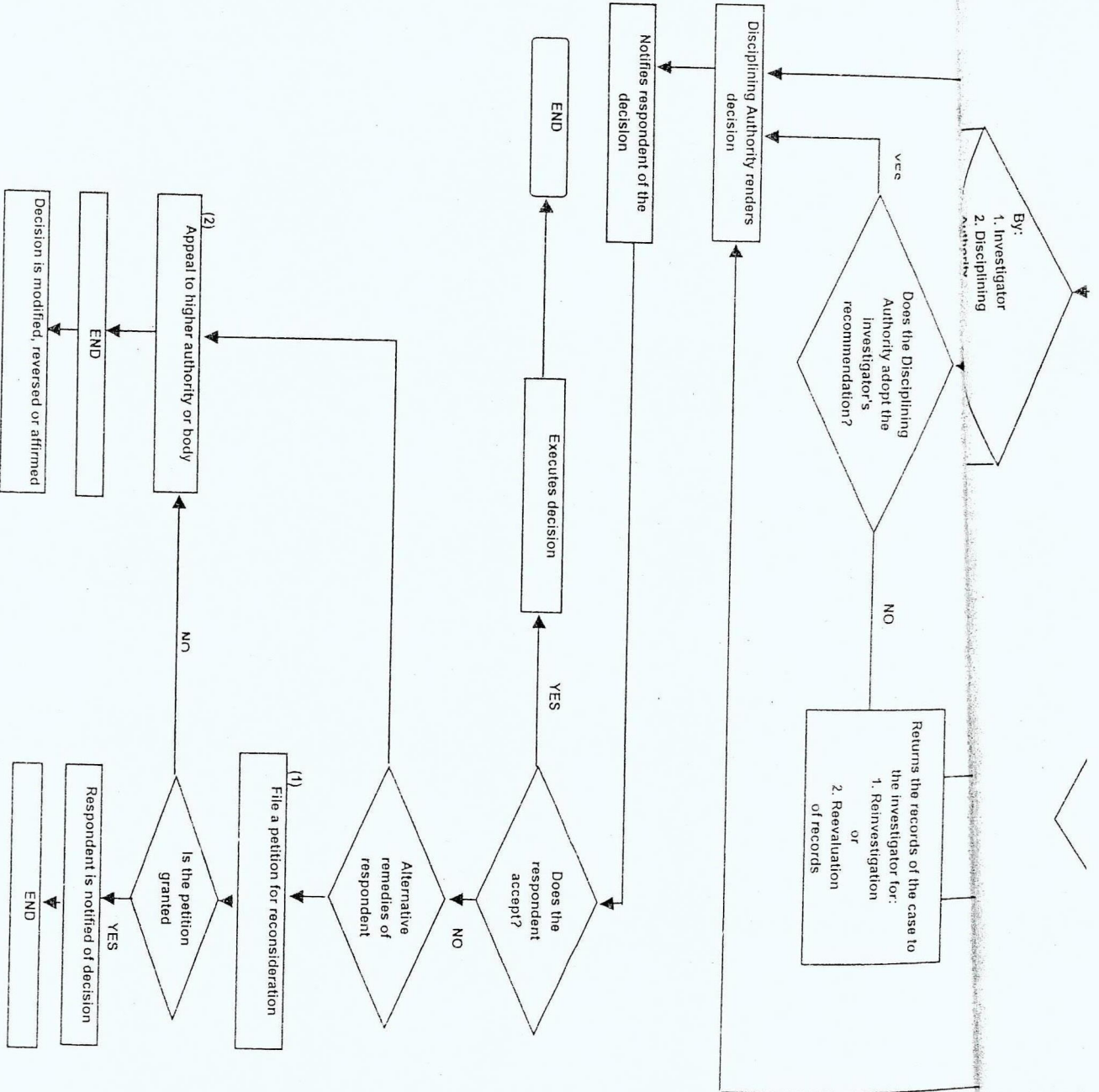
- a. Date of the decision appealed from; and
- b. Date respondent received the decision.

** Please see Appendix A*

APPENDIX A

PROCESS FLOW FOR ADMINISTRATIVE DUE PROCESS





By:
1. Investigator
2. Disciplining Authority

Does the Disciplining Authority adopt the Investigator's recommendation?

YES

NO

Returns the records of the case to the investigator for:
1. Reinvestigation
or
2. Reevaluation of records

Disciplining Authority renders decision

Notifies respondent of the decision

Executes decision

END

YES

NO

Alternative remedies of respondent

File a petition for reconsideration (1)

Appeal to higher authority or body (2)

END

Decision is modified, reversed or affirmed

NO

Is the petition granted?

YES

Respondent is notified of decision

END

ARTICLE IX

PENALTIES

Sec. 1 - The penalties for light, less grave, and grave offenses shall be made in accordance with the following schedule of penalties:

A. For Light Offenses:

1. Reprimand or fine or suspension from one (1) day to ten (10) days in its minimum period;
2. Fine or suspension for eleven days to twenty days in its medium period; and
3. Fine or suspension for twenty-one days to thirty days in its maximum period.

B. For Less Grave Offenses:

1. Transfer or demotion in rank or salary of one (1) grade or fine or suspension from one (1) month and one (1) day to six (6) months in its minimum period;
2. Suspension of six (6) months and one (1) day to eight (8) months in its medium period; and
3. Suspension for eight (8) months and one (1) day to one (1) year or demotion in

rank or salary of not more than three (3) grades in its maximum.

C. For Grave Offenses:

1. Transfer or demotion in rank or salary from two (2) to three (3) grades or suspension for one (1) year in its minimum;
2. Dismissal.

ARTICLE X

CIRCUMSTANCES AND RULES TO CONSIDER IN THE IMPOSITION OF PENALTIES

Sec. 1 - In the determination of the penalties to be imposed, mitigating and aggravating circumstances attendant to the commission of the offense shall be considered.

A. The following and other analogous conditions are mitigating circumstances:

1. Physical illness.
2. Good faith.
3. Length of service in the government.

B. The following and other analogous conditions are aggravating circumstances:

1. Taking advantage of official position.
2. Taking undue advantage of subordinate.
3. Disregard of superior rank or position.
4. Undue disclosure of confidential information.
5. Use of government property in the commission of the offense.
6. Retaliatory action against personally adverse official actions or decisions.
7. Habituality
8. Offense is committed during office hours and within the premises of the working office or building.
9. Employment of fraudulent means to commit or conceal the offense.
10. Injury to persons/loss of life, or damage to/loss of property.
11. Sensitive nature of working premises or place in which the offense is committed.

Sec. 2 - The imposition of the penalty shall be made in accordance with the manner herein below provided:

A. For Light Offenses:

1. The minimum of the penalty shall be imposed where only mitigating and no

aggravating circumstances are present.

2. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
3. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
4. Where mitigating and aggravating circumstances are present, A-1 shall be applied where there are more mitigating circumstances present; A-2 shall be applied when mitigating and aggravating circumstances offset each other; A-3 shall be applied when there are more aggravating circumstances.

B. For Less Grave Offenses:

Same as above.

C. For Grave Offenses: (NO MEDIUM PENALTY)

1. The minimum of the penalty shall be imposed when only mitigating and no aggravating circumstances are present, or when mitigating and aggravating circumstances offset each other.
2. The maximum penalty shall be

imposed when only aggravating and no mitigating circumstances are present, or when there are more aggravating circumstances.

- D. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

ARTICLE XI

ADMINISTRATIVE DISABILITIES INHERENT IN CERTAIN PENALTIES

- Sec. 1 - The penalty of dismissal results in the separation from the service with or without prejudice to criminal or civil liability. It carries with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and disqualification for employment in the government service.
- Sec. 2 - The penalty of transfer shall carry with it that of disqualification for promotion for a period of six (6) months from the date respondent reports to the new position or station. Transfer shall not involve demotion in rank or salary but may involve transfer to a position not involving property or money accountability, or to another station or

assignment in the same office within a specific period.

Sec. 3 - The penalty of demotion shall carry with it that of disqualification for promotion at the rate of two (2) months for every step or rate of salary by which he was reduced or demoted to be computed from the date respondent reports to the new position or station. (Sec. 5, MC No. 32, s. 1963).

Sec. 4 - The penalty of suspension shall carry with it that of disqualification for promotion as follows, the period of which shall be counted from the date the decision becomes final:

<u>Period of Suspension</u>	<u>Period of Disqualification</u>
Less than one (1) month	Two (2) months
One (1) month to less than two (2) months	Four (4) months
Two (2) months to less than three (3) months	Five (5) months
Three (3) months to less than four (4) months	Six (6) months
Four (4) months to less than five (5) months	Seven (7) months
Five (5) months to less than six (6) months	Eight (8) months
Six (6) months to less than seven (7) months	Nine (9) months
Seven (7) months to less than eight (8) months	Ten (10) months
Eight (8) months to less than nine (9) months	Eleven (11) months
Nine (9) months or over (Sec. 2, MC No. 32, s. 1963)	One (1) year

Sec. 5 - The penalty of fine shall carry with it that of disqualification for promotion as follows, to be counted from the date the decision becomes final:

<u>Amount of Fine</u>	<u>Period of Disqualification</u>
Ten (10) days or less	One (1) month
Eleven (11) days to twenty (20) days	Two (2) months
Twenty-one (21) days to less than one (1) month	Three (3) months
One month (1) to less than two (2) months	Four (4) months
Two (2) months to less than three (3) months	Five (5) months
Three (3) months to less than four (4) months	Six (6) months
Four (4) months to less than five (5) months	Seven (7) months
Five (5) months to not exceeding six (6) months	Eight (8) months
(Sec. 2, MC No. 32, s. 1963)	

Sec. 6 - The penalty of reprimand shall not carry with it any administrative liability. (Sec. 1, MC No. 32, s. 1963)

ARTICLE XII

DECISION, RECONSIDERATION AND APPEAL

Sec. 1 - Decisions made by the disciplining authorities involving imposition of penalties prescribed for less grave and grave offenses are appealable directly to the Civil Service

Commission proper.

Sec. 2 - If a petition for reconsideration is filed within the period within which to appeal such petition shall be decided within fifteen days from receipt thereof. The filing of a petition for reconsideration suspends the running of the period within which to appeal and prevents the decision from becoming final.

Sec. 3 - An appeal or a petition for reconsideration shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having under preventive suspension during the pendency of the appeal or petition for reconsideration in the event that he wins an appeal. However, when the penalty imposed is removal, the same shall become executory only after confirmation by the Office of the NPC President.

Sec. 4 - Records of appeal in administrative cases shall be submitted and made in accordance with Memorandum Circular No. 6, s. 1982 of the Civil Service Commission.

Sec. 5 - The report on the investigation and decision thereon shall be forwarded to the Office of the President, copy furnished the Senior Vice-President, Corporate Services and the Office of the General Counsel for their information and reference.

ARTICLE XIII

EFFECTS OF FILING FORMAL ADMINISTRATIVE CHARGE

Sec. 1. - An employee against whom a formal administrative charge is pending shall not be allowed to go on vacation leave of absence. If he is proposed for promotion, such promotion shall be withheld and the person next in rank and qualified shall be temporarily appointed to the position. If the respondent is exonerated, he shall be then appointed and promoted to the position effective as of the date he should have been promoted if no charges were filed against him.

Sec. 2 - If the respondent is exonerated from the charge, he shall be entitled to his back wages/salaries and other benefits unless the disciplining authority so stated otherwise.

ARTICLE XIV

REPEALING CLAUSE

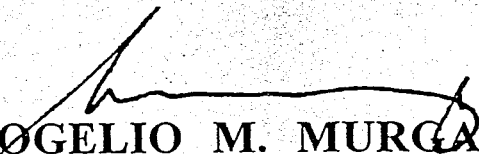
Sec. 1 - Provisions of any existing local orders, rules and regulations of the Corporation which are in conflict or inconsistent with this Code are hereby modified or repealed accordingly.

ARTICLE XV**SEPARABILITY CLAUSE**

Sec. 1 - If any rule or provision of this Code is declared contrary to law, morals or public policy, only such provisions shall be affected thereby.

ARTICLE XVI**EFFECTIVITY CLAUSE**

Sec. 1 - This Code shall take effect upon approval by the President of the Corporation.


ROGELIO M. MURCA
President & CEO

APPROVED: September 2004