

VI. Matters submitted by the President ... (cont'd) --

J. General Administration (cont'd) --

1. Promotional transfer ... (cont'd) --

- b. Promotion in salary of Mr. Francisco Espinosa, Chief, Planning and Programming Section, from ₱3,660 per annum (Item 3, Code 5010) to ₱4,200 per annum (Item 3, Code 5010); The additional amount needed (₱540) is to be taken from the excess in Item 10, Code 5010, formerly occupied by Mr. Nicanor Santos who will be transferred to Item 9, Code 5010.

Board action: Approval (1a-b).

2. Rules and regulations regarding matters of discipline affecting the faculty members and employees of the University, hereinafter to be effective and controlling, any other resolution or regulation to the contrary notwithstanding. (For Memorandum of the President and the rules and regulations in the discipline of U.P. faculty members and employees please see Appendix "P", pages 164 to 168 hereto attached.)

Board action: Approval with certain amendments.

Amendment to Section 17 of the Rules and Regulations in the Discipline of UP Faculty Members and Employees, as follows (amendment by addition in capital letters):

"SECTION 17. - Motion for reconsideration - If the respondent has filed a petition for reconsideration with the President, AND SUCH PETITION FOR RECONSIDERATION IS DENIED BY THE PRESIDENT, he may still file his appeal TO THE BOARD OF REGENTS, provided the same is submitted within the thirty-day period following THE RECEIPT OF A notice of denial of the reconsideration.

3. Acceptance with regret of the resignation of Professor Rex D. D. Drilon as Secretary of the University and of the Board of Regents, effective February 1, 1963. President Romulo read the text of Prof. Drilon's resignation to the Board at the request of Regent Ututalum. (Please see Appendix "Q", page 169 hereto attached.)

Board action: Acceptance.

4. Appointment of Professor Onofre D. Corpuz as Secretary of the University and of the Board of Regents, effective February 1, 1963, vice Prof. Rex D. Drilon.

Board action: Approval.

UNIVERSITY OF THE PHILIPPINES  
QUEZON CITY

OFFICE OF THE PRESIDENT

December 28, 1962

MEMORANDUM for -

The Board of Regents  
University of the Philippines

Gentlemen:

Notwithstanding the far reaching changes introduced by the Civil Service Act of 1959 (R.A. No. 2260), the University of the Philippines continues to be recognized as having plenary power and exclusive authority to deal with matters of discipline affecting its faculty members and employees.

It is the official view of the Department of Justice that the action taken by the University in disciplinary matters is final, whatever it be, and not subject to further review by the Civil Service Commissioner or by the Civil Service Board of Appeals (Op. Sec. of Justice No. 151, s. of 1961).

In the light of this recognition of so pervasive a power, it is the responsibility of the University to exercise the same with the fullest respect for the requirements of due process, justice, and absolute fairness.

It is fundamental, in this regard, that guiding rules be adopted and be made known, to the end that the proceedings be expeditious, just and fair.

Definite rules and regulations will also have the salutary effect of preventing unnecessary misunderstandings, delays and errors in the delicate matter of employee and faculty discipline.

On these considerations, it is recommended that the attached rules and regulations be approved, hereinafter to be effective and controlling, any other resolution or regulation to the contrary notwithstanding.

CARLOS P. ROMULO  
President

RULES AND REGULATIONS IN THE DISCIPLINE  
OF UP FACULTY MEMBERS AND EMPLOYEES

SECTION 1. - Administrative proceedings, how commenced -- Administrative proceedings may be commenced against any member of the teaching staff, officer or employee of the University by filing specific written charges with the President, either directly or through channels.

SECTION 2. - Who may file complaint - Where the charges are made by anyone other than the immediate supervisor of the employee or faculty member concerned, the same must be subscribed under oath by the complainant; Provided, however, that if charges are not or cannot be sworn to by the complainant, the President may, in his discretion, take action thereon if the interest of the University or the special circumstances require.

SECTION 3. - Preliminary investigation - Upon the filing of the charge or charges, the President shall order a preliminary investigation of the offense alleged to have been committed by the respondent to determine if a reasonable ground for the charge or charges exists. Notice to and the attendance of the respondent during the preliminary investigation shall not be necessary.

SECTION 4. - Formal complaint - Should the President find a reasonable ground to believe that the respondent has committed the offense charged, he shall direct the service of the charges against him, as specified in the following sections.

SECTION 5. - Notice and Answer - The respondent must be personally notified in writing of the charges against him and shall be allowed such period as the President may fix from receipt thereof to submit an answer thereto.

SECTION 6. - Hearing - If the respondent denies the charges against him or fails to submit his answer within the period specified in the next preceding section, the President shall direct the holding of a hearing which shall not be later than two weeks after

receipt of the respondent's answer denying the charges against him or after the expiration of the period within which the respondent may answer.

SECTION 7. - Admission by respondent - Should the respondent admit in writing the allegations in the complaint against him, the President shall render his decision accordingly, subject to the right of the respondent to ask for reconsideration or to an appeal with respect to the penalty imposed, as provided for in Sections 15 and 17 hereof.

SECTION 8. - Hearing Committee - A hearing committee shall be organized by the President and shall be composed by three members one of whom shall be designated as chairman by the President. The presence of the chairman and a member shall be sufficient to constitute a quorum.

SECTION 9. - Notice of Hearing - All parties concerned shall be notified of the date set for hearing at least two days before such hearing. The respondent may defend himself personally, or by counsel or representative.

SECTION 10. - Failure to appear at hearing - Should the respondent fail to appear for the hearing after due notice and without sufficient cause, the committee shall note this fact and thereafter proceed to hear the case ex parte.

SECTION 11. - Postponement - The committee, on the application of either the complainant or the respondent, or on its own motion, may in its discretion for good cause postpone the hearing for such period of time as the ends of justice and the right of the respondent to a speedy hearing require.

SECTION 12. - Duration of hearing - In no case shall the hearing last for more than 60 days from its commencement, except with the special approval of the President. After such period, the committee shall make its report and recommendation as specified in

Section 14.

SECTION 13. - Proceedings confidential - All proceedings had before the committee shall be set down in writing by a competent stenographer and shall be confidential. Any disclosure of matters related to the proceedings shall subject the offender to disciplinary action.

SECTION 14. - Comment and recommendation - The complete record of the case, with a report thereon and recommendation signed by at least two of the members of the committee, shall be forwarded to the President within ten days after the termination of the hearing unless the period is specifically extended by the President.

SECTION 15. - Action by the President - The decision of the President shall be rendered within thirty days after receipt of such records, and the same may be appealed within thirty days after the respondent receives a copy of such decision, to the Board of Regents.

SECTION 16. - Action by the Board of Regents - If the Board deems the appeal meritorious, it shall refer the records to a member or a committee of its members for review. Said member or committee shall submit a report thereon with recommendations at the next meeting of the Board. The decision of the Board shall be final.

SECTION 17. - Motion for reconsideration - If the respondent had filed a petition for reconsideration with the President, he may still file his appeal provided the same is submitted within the thirty-day period following notice of denial of the reconsideration.

SECTION 18. - Causes for removal or suspension - No member of the teaching staff, officer or employee of the University shall be removed, suspended or reprimanded except for any of the following offenses: (1) dishonesty, (2) oppression, (3) misconduct, (4) neglect of duty, (5) conviction of a crime involving moral turpitude,

(6) notoriously disgraceful or immoral act, (7) improper or unauthorized solicitation or receipt of contributions from subordinate employees or students, (8) gross incompetence, (9) disloyalty to the Republic of the Philippines, (10) culpable negligence, (11) violation of the Civil Service Act or the laws of the Code or reasonable University regulations; and (12) other acts prejudicial to the service.

SECTION 19. - President's power pending action - Notwithstanding the provisions of the preceding sections, the President may suspend any member of the teaching staff, officer, or employee during the pendency of the administrative charges against him; Provided, however, that in no case shall the suspension last for more than 60 days. After such period, the respondent shall be entitled to reinstatement to his office or position.

SECTION 20. - Penalties - For any of the causes enumerated in Section 18, the respondent may be subjected to removal, reprimand, suspension, public censure, demotion, transfer or fine. He shall likewise forfeit such privileges as shall be determined by the President. All moneys paid out by the respondent as fine shall go to the University's hospitalization fund for employees.

SECTION 21. - Restrictions pending action - No application for retirement, leave of absence with pay, or resignation by the respondent shall be processed or approved pending the final determination of the case.

SECTION 22. - Notification of Civil Service Commission - Where disciplinary action is taken against an administrative or non-academic employee, a written notice of the final action taken on the case shall be forwarded to the Civil Service Commission for record purposes, together with true copies of the papers and documents in the case.