



Kaagapay ng Komunidad sa Maginhawang Pamumuhay



CERTIFICATION

This is to certify that the **REVISIONS TO THE 2021 AMENDED RULES OF PROCEDURE ON THE DISCIPLINARY AND ADMINISTRATIVE CASES IN SOCIAL HOUSING FINANCE CORPORATION** has been published on 25 April 2022 in the “Manila Times” newspaper.

Issued this 28th day of April 2022 for whatever legal purpose it may serve.

A handwritten signature in blue ink, appearing to read 'Florencio R. Carandang, Jr.'.

FLORENCIO R. CARANDANG, JR.

OIC-Vice President

Corporate Planning and Communications Group



Kaagapay ng Komunidad sa Maginhawang Pamumuhay



28 March 2022

**OFFICE OF THE NATIONAL
ADMINISTRATIVE REGISTER
(ONAR)**

Room 208, Second Floor,
Bocobo Hall, UP Law Center
UP Diliman, Quezon City


Sir/Madam:

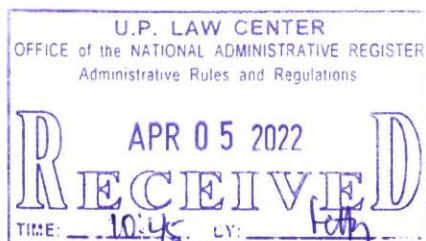
Greetings!

Pursuant to Section 3 of Book VII of the Administrative Code, which requires every agency in the Government to file with the University of the Philippines Law Center certified copies of every rule adopted by it, we are hereby transmitting three (3) certified True Copies of the Social Housing Finance Corporation's (SHFC) "REVISION TO THE 2021 AMENDED RULES OF PROCEDURE ON THE DISCIPLINARY AND ADMINISTRATIVE CASES IN SOCIAL HOUSING FINANCE CORPORATION".

Thank you.

Very truly yours,


ATTY. MELANIE B. VALENCIANO
Acting Board Secretary
Office of the Board Secretary





Kaagapay ng Komunidad sa Maginhawang Pamumuhay



REVISIONS TO THE 2021 AMENDED RULES OF PROCEDURE ON THE DISCIPLINARY AND ADMINISTRATIVE CASES IN SOCIAL HOUSING FINANCE CORPORATION

RULE 5

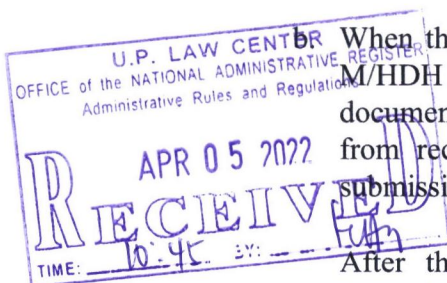
PROCEEDINGS BEFORE THE ENFORCEMENT COMMITTEE

Section 1. Nature of Proceedings. – The proceedings before the Enforcement Committee shall be non-litigious in nature. The Enforcement Committee shall not be bound by strict technical rules of procedure and evidence, and may opt, in the absence of any applicable rule herein, to apply such modes of proceedings consistent with the requirements of fair play, administrative due process, and the efficient disposition of cases.

Section 2. Cases filed against CMP-M/HDH Partners. – For cases formally recommended and submitted for decision by the Investigation and Enforcement Division (IED) involving CMP-Ms or HDH Partners, whether applicants or accredited, builders, contractors, as well as partner-LGUs, the following procedure will apply:

Section 2.1. Submission of Position Paper. – The Parties shall submit a Position Paper depending on the nature of the administrative case as follows:

- a. When the penalty for the act complained of is not disaccreditation of the CMP-M/HDH-Partners, the parties shall submit a position paper within fifteen (15) days from receipt of the Order of the Enforcement Committee requiring their submission. There will be no clarificatory conference and the case will be submitted for resolution thereafter.



When the penalty for the act complained of is disaccreditation of the CMP-M/HDH Partners, the parties shall submit their position papers with supporting documents and judicial affidavits, if any, within fifteen (15) calendar days from receipt of the Order of the Enforcement Committee requiring their submission.

After the submission by the parties, the Enforcement Committee shall determine whether there is a need for a clarificatory conference.

Section 2.2. Failure to Submit a Position Paper. – The failure of the parties/respondent to file a position paper within the reglementary period of fifteen (15) days shall be deemed a waiver of the right to be heard and to adduce evidence.

The Enforcement Committee shall then proceed to hear the case ex parte or consider the case as submitted for resolution based on available evidence.

Section 2.3. Determination of Necessity of a Clarificatory Conference. – After the submission by the parties of their position paper, the Enforcement Committee may, at its discretion, conduct one (1) Clarificatory Conference, in which case, subpoenas may be issued for the purpose. Should a Clarificatory Conference be conducted, all parties to the case shall be notified at least five (5) days before the date thereof.

During a Clarificatory Conference, the Enforcement Committee shall ask clarificatory questions to further elicit facts or information. The parties shall be afforded the opportunity to be present and shall be allowed the assistance of counsel, but without the right to examine or cross-examine the party/witness being questioned.

If the Enforcement Committee finds no necessity for a Clarificatory Conference, the case shall be deemed submitted for decision.

Section 2.4. Postponement. – Clarificatory Conference shall be conducted on the hearing date set by the Enforcement Committee.

Postponement shall not be allowed by the Enforcement Committee, except upon meritorious grounds and subject to the expeditious disposition of the case.

Failure of a party to appear at the Clarificatory Conference is not necessarily a cause for the dismissal of the complaint. In the absence of the adverse party who was duly notified of the hearing, the Enforcement Committee will hear the case ex parte.

Section 3. Cases filed against SHFC Employees. - For cases formally recommended and submitted for decision by the IED involving rank and file and managerial employees, including the Officer-in-Charge (OIC) Vice Presidents of SHFC, the following procedure will be conducted:

Section 3.1. Submission of Position Paper. The Parties shall submit a Position Paper depending on the nature of the administrative case as follows:

- a. When the penalty for the act complained of is reprimand or suspension of one (1) to thirty (30) days for employees, the parties shall submit a position paper within fifteen (15) days from receipt of the Order of the Enforcement Committee requiring for their submission. There will be no administrative hearing and the case will be submitted for resolution thereafter.
- b. For cases with a penalty for dismissal of employees or suspension of one (1) month and one (1) day to one (1) year, the parties may, based on their mutual consent and agreement during the preliminary conference, elect to conduct a formal administrative hearing or submit a position paper to the Enforcement Committee and thereafter submit the case for resolution without any need of formal administrative hearings.

Section 3.2. Preliminary Conference- In case the Enforcement Committee continues with the proceedings, it shall summon the parties to a preliminary conference to consider whether:

- a. the parties desire a formal administrative hearing; or
- b. the parties are willing to submit position paper /memoranda and submit the case for resolution on the basis of the evidence on record and such other evidence they present at such conference;

In the event that the parties chose (a) above, the parties shall consider and agree on any of the following:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties;
- d. Waiver of objections to the admissibility of evidence;
- e. Dates of submission of Judicial Affidavits from the parties' witnesses;
- f. Dates of hearings for each party; and
- g. Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the preliminary conference is binding on both parties unless, in the interest of justice, the Enforcement Committee may allow a deviation from the same.

The conduct of a preliminary conference is mandatory. The failure of the respondent to attend the preliminary conference constitutes a waiver to participate in the preliminary conference but they may still participate in the proceedings before the Enforcement Committee upon appropriate motion.

Section 3.3. Formal Administrative Hearing – In the event that the parties in Section 3.1 (b) above did not elect the submission of the position paper, the parties shall be notified at least five (5) days from the date of the administrative hearing. The conduct of the administrative hearing shall be limited to one (1) for each party.

Postponement shall not be allowed by the Enforcement Committee, except upon meritorious grounds and subject to the expeditious disposition of cases.

If the respondent fails or refuses to appear during the scheduled hearings despite due notice, the respondent shall be deemed to have waived his/her right to due process.

Section 3.4. Markings. – All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.) if presented by the complainant and by numbers (1,2,3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 3.5. Submission of Judicial Affidavits and Exhibits in lieu of Direct Testimonies. – The judicial affidavits of the parties' witnesses, which shall take place

the witnesses' direct testimonies, shall be submitted to the Enforcement Committee not later than five days before the scheduled hearing. The parties' evidence, if any, shall be attached to the judicial affidavits and marked accordingly as stated in Section 3.4. Copies thereof should be furnished to the other party.

A party who fails to submit the required judicial affidavits and exhibits on time shall be deemed to have waived their submission.

Section 3.6. Examination of the witnesses on their Judicial Affidavits. - The adverse party shall have the right to cross-examine the witness on his/her judicial affidavit and the exhibits attached to the same. The party who presents the witness may also examine him/her as on re-direct.

Section 3.7. Formal Offer of Evidence. - When the examination of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing subject to objections orally made during the hearing.

Section 3.8. Submission of Memorandum. - Both parties shall submit a memorandum within fifteen (15) days from receipt of the Order of the Enforcement Committee requiring for their submission. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 4. Order of Hearing. - The Enforcement Committee will adopt its own rules and procedures for the order of the administrative hearings and clarificatory conference.

Section 5. Representation - For cases initiated or referred to the IED, the hearing officer or any lawyer from the IED shall present the evidence against the Respondent before the Enforcement Committee. The parties may be accompanied and assisted by legal counsel but the latter will not be allowed to represent the former in any of the proceedings before the Enforcement Committee. It shall be the duty of the Presiding Committee Chairperson to exercise complete control of the proceedings at all stages.

Section 6. Issuance of Subpoena. - The Enforcement Committee may issue subpoena ad testificandum for the execution of judicial affidavits from witnesses and subpoena duces tecum for the production of documents or things.

Section 7. Record of Proceedings. - Records of the proceedings during the formal investigation may be taken by any other means of recording.

Section 8. Filing of Pleadings. - All pleadings filed by the parties with the Enforcement Committee shall be copy furnished to the other party with proof of service. Any pleadings sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the disciplining office.

Section 9. Effects of the Pendency of an Administrative Case. - Pendency of an administrative case shall not disqualify the respondent from promotion and other personnel actions or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as such when the IED has issued a formal charge to the respondent and the case is referred to the Enforcement Committee.

RULE 9

DECISION

Section 10. Resolution/Decision. – Within thirty (30) days after the submission of the position paper in Sections 2.1 (a) and 3.1 (a), after the conclusion of the clarificatory conference in Section 2.3, or after the submission of memorandum in Section 3.8, a resolution/decision containing a narration of the material facts established during the hearing, the findings and the evidence supporting said findings, shall be issued by the Enforcement Committee.

Section 11. Finality of Decisions. – A decision rendered by the Enforcement Committee shall be final and executory unless a Motion for Reconsideration is filed.

RULE 12

OTHER MATTERS

Section 12. Repealing Clause. – These Revisions repeal the Rules 5, 9, and 12 on the 2021 Amended Rules of Procedure on Disciplinary and Administrative Cases in SHFC. All other provisions shall remain in full force and effect. Any provision inconsistent with the foregoing provisions shall be deemed revoked or repealed.

Section 13. Effectivity. – These Revisions on the 2021 Amended Rules of Procedure on Disciplinary and Administrative Cases in SHFC shall be effective fifteen (15) days after publication in a newspaper of general circulation and filing with the UP Law Center.


Approved by:



ATTY. ARNOLFO RICARDO B. CABLING
President



ATTY. JUNEFFE G. PAYOT
Executive Vice President



ATTY. LEO B. DEOCAMPO
OIC-Senior Vice President, Legal, Asset Management and Partners



ATTY. RONALDO B. SACO
OIC-Senior Vice President, Operations

Date: March 11, 2022