



LEYTE STATE UNIVERSITY

6521-A Visca, Baybay, Leyte, Philippines

Office of the Secretary of the University
and of the Board of Regents

EXCERPT FROM THE APPROVED MINUTES OF THE
14th LSU Board of Regents Meeting
2 December 2003 * CHED Central Office, Pasig City

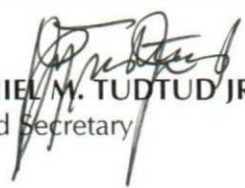
Internal Procedures in Resolving
Administrative Cases in the University

BOR RESOLUTION NO. 85, s. 2003

Approving the proposed Internal Procedures in Resolving
Administrative Cases in the University, as presented.

BOARD ACTION: **APPROVED**
Date : 2 December 2003
ATTACHMENT: 1

Certified True and Correct:


DANIEL M. TUDTUD JR.
Board Secretary

cc: OP - gml 2/23/04
OVPAF - ds 2/23/04
OVPA - N 2/23/04
OVPRE - sharon 2/23/04
Legal Office - m 2/23/04

INTERNAL PROCEDURES IN RESOLVING ADMINISTRATIVE CASES OF THE LEYTE STATE UNIVERSITY

RATIONALE:

When MC No. 19, series of 1999 of the Civil Service Commission otherwise entitled REVISED UNIFORM RULES ON ADMINISTRATIVE CASE IN THE CIVIL SERVICE was issued, the Leyte State University (LSU), upon instructions of the Board of Regents, used the same in resolving complaints. We noted, however, some inconveniences because following *in toto* its provisions delay the process and sometimes counterproductive. Instead of encouraging staff and employees to report violations committed by their co-employees in order to institute corrective measures, they tend to shy away because of the hassles of preparing formal and sworn complaints.

The above situation calls for a simpler procedure in handling LSU administrative cases, thus, this internal procedures of resolving administrative cases is thereby prepared.

Section 1. These procedures shall be known as the **LSU Internal Procedures in Resolving Administrative Cases.**

Section 2. Coverage and Definition of Terms. These procedures shall be applicable to all cases against LSU faculty, staff and employees holding positions of regular, casual and contractual status of employment. Although job contract workers and part time teachers don't have employer-employee relationship with LSU, resolution of administrative cases involving them may still use this internal procedures.

The following terms shall be construed as follows:

a. **University** – refers to the Leyte State University (LSU) formerly the Visayas State College of Agriculture or ViSCA.

b. **University President** – refers to the head of the university who is authorized by the Board of Regents (BOR) to execute its decisions and policies to appoint and discipline employees, subject to BOR confirmation.

c. **Board of Regents** – is the governing body of Leyte State University who has the power to appoint and dismiss employees for cause.

d. **Respondent** – refers to the person who is formally charged for specific violations of CSC rules and regulations including the internal rules and regulations of the university.

e. **Person Complained of** – refers to the person who is the subject of a complaint but has not been charged formally yet.

f. **Party adversely affected** refers to the person against whom a decision in a disciplinary case has been rendered.

g. **Forum shopping** refers to the filing of an administrative action or complaint before another agency or any tribunal against the same party involving the same acts or causes of action and relief.

h. **Fact Finding Committee** refers to a committee of five (5) members to be chaired by a university designated Prosecutor to conduct fact finding investigations of a complaint or report of violation. The members shall be occupying permanent positions and shall be selected by the University President.

i. **Formal Investigation Committee** refers to a committee of five (5) members to be chaired either by the employee occupying the highest administrative officer position in the university or any other senior faculty position as designated by the University President, two members of which shall designated by the employee organization concerned who should be occupying positions with the same level as that of the respondent. The two other members shall be selected by the University President. The chairman and members of this committee should be occupying permanent positions.

j. **Grievance** refers to a work-related discontentment or dissatisfaction which had been expressed verbally or in writing and which, in the aggrieved employee's opinion, has been ignored or dropped without due consideration.

k. **Complaint** refers to a sworn statement that an employee committed acts or omissions in violation of civil service rules and regulations.

l. **Report of violation** is submitted by any official of the university to inform the University President of any possible violation committed by an employee for his appropriate action and further verification/investigation.

Section 3. Administrative investigations. Investigations in LSU both in the preliminary and formal stages conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Jurisdiction of the Board of Regents. The LSU Board of Regents (BOR) shall have the final authority to remove, separate and suspend LSU faculty, staff and employees subject to due process of law.

Section 5. Jurisdiction of the University President. The University President shall have original concurrent jurisdiction over all faculty, staff and employees of the university. Her decision shall be final in case the penalty imposed is suspension for less than 30 days or fine in an amount not exceeding thirty (30) days salary. For penalties beyond 30 days suspension, the University President submits recommendation to the Board of Regents for final action and approval.

Section 6. Complaint. Any person may file an administrative complaint with the University President against any faculty or staff of the university for various violations or offenses. The complaint must be in writing and under oath. It shall contain the following:

- a. full name and address of the complainant;
- b. full name and address of the person complained of as well as his position;
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed by said faculty or employee;
- d. certified true copies of documentary evidence and affidavits of his witnesses, if any; and
- e. certification of non-forum shopping.

A head of a unit/department/office, center director, college dean or any college official of the university may also submit an official report of any violations committed by a faculty or staff. Said report shall be acted upon by the University President by creating a fact finding committee to conduct fact-finding investigation of said report.

a. **Section 7. Administrative Proceedings.** Unless initiated *moto proprio* by the University President, subject to the provisions of section 9 of this rules, all complaints must be under oath

Section 8. Action to undertake on sworn complaint.

- a. Upon receipt of a sworn complaint which is sufficient in form and substance following the provisions of Section 6 hereof, the University President shall require the person complained of to submit his counter-affidavit or Comment under oath within three (3) days from receipt.
- b. The complaint and counter-affidavit/comment under oath shall be forwarded to the committee created to conduct preliminary investigation.
- c. The committee may require the parties to appear to a conference where the committee may propound clarificatory questions. The committee may also conduct fact-finding investigation for the purpose of ascertaining the truth. A preliminary investigation shall include a fact-finding investigation.
- d. A preliminary investigation shall commence five (5) days from receipt by the committee of the complaint together with the counter-affidavits, if any, and if possible, should be terminated within thirty (30) days thereafter.
- e. The stenographer prepares the transcript of stenographic notes (TSN) of the investigation and within five (5) days from receipt of the TSN, the committee shall submit its investigation report and the complete records of the case to the University President.
- f. The committee shall indicate in its report their findings and a recommendation either to dismiss the complaint if no prima facie evidence or to formally charge the person complained of.
- g. If the committee finds prima facie case against the person complained of, a formal charge shall be issued by the University President.
- h. In the formal charge, the respondent is informed of his right to counsel and he is required to indicate whether or not he elects a formal investigation.

Copies of the complaint and supporting documents shall be attached to the formal charge.

- i. The respondent is given 72 hours from receipt to submit his written answer under oath to the charge.
- j. If the University President finds the respondent's answer satisfactory, he dismiss the case.
- k. If the answer is unsatisfactory, the University President forwards the case records to the Formal Investigation Committee for conduct of formal investigation.

Section 9. Action to undertake on Official Report of Violations.

- a. Any faculty, staff and officials may submit written report of violations committed by his co-employees to the University President.
- b. Upon receipt of the report, the University President evaluates whether said complaint is a form of a grievance or disciplinary in nature.
- c. If the report is a form of a grievance, said complaint shall be forwarded to the grievance committee for mediation and resolution.
- d. If the report is more of a disciplinary matter, he creates a committee to conduct fact finding investigation. In said investigation, the person complained of is given the chance to answer the report and defend his side. The committee is given 30 days to terminate the investigation.
- e. The committee submits its report to the University President within five (5) days from completion of the transcript of stenographic notes.
- f. The Investigation Report highlights the committee findings and recommendations.
- g. If the committee finds no prima facie case against the person complained of, the report is dismissed. If prima facie case is established against the person complained of, the University President *moto proprio* formally charge the respondent. In the formal charge, the respondent is informed of his right to counsel and he is required to indicate whether or not he elects a formal investigation. Copies of the complaint and supporting documents shall be attached to the formal charge.
- h. The respondent is given 72 hours from receipt to submit his written answer under oath to the charge.
- i. If the University President finds the respondent's answer satisfactory, he dismiss the case.
- j. If the answer is unsatisfactory, the University President forwards the case records to the Formal Investigation Committee for conduct of formal investigation.

Section 10. Answer to the Charge. The answer, which should be in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence, sworn statements of witnesses, if any, in support of his case. It should also indicate a statement indicating whether or not he elects a formal investigation.

Section 11. Failure to File an Answer. If the respondent fails or refuses to file his answer to the formal charge within five (5) days from receipt thereof, he shall be considered to have waived his right thereto and formal investigation may commence.

Section 12. Preventive Suspension. Upon request or petition by complainant or *motu proprio*, the University President may issue an order of preventive suspension upon service of the Formal Charge or immediately thereafter to respondent pending investigation, if the charge involves:

- a. dishonesty
- b. oppression
- c. grave misconduct
- d. neglect in the performance of duty; or
- e. if there are reasons to believe that the respondent is guilty of the charges that would warrant his removal from the service.

The preventive suspension shall be issued to preclude the possibility of exerting undue influence or pressure on the witnesses against him and/or tampering of documentary evidence on file with his office.

The University President, in the alternative, may reassign respondent to another unit of the university during the formal investigation stage.

Section 13. Duration of Preventive Suspension. When the administrative case against any faculty, staff or employee under preventive suspension is not finally decided by the University President within the period of ninety (90) days after the date of his preventive suspension, he shall be automatically reinstated in the service; provided that when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the 90 calendar days period of preventive suspension. Provided further that should the respondent be on Maternity/Paternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

Section 14. Remedies from the Order of Preventive Suspension. The respondent may file a motion for reconsideration with the University President or may elevate the same to the Board of Regents by way of an appeal within fifteen (15) days from receipt thereof.

Section 15. Conduct of Formal Investigation. Although the respondent does not request a formal investigation, one shall nevertheless be conducted where from the allegations of the complaint and the answer of the respondent, including the supporting

documents of both parties, the merits of the case cannot be decided judiciously without conducting such investigation.

The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) days from the receipt of the answer unless the period is extended by the University President.

Section 16. Pre-hearing Conference. At the commencement of the formal investigation, the Formal Investigating Committee may conduct a pre-hearing conference for the parties to appear, 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 admissibility of evidence;
- e. Limiting the number of witnesses, and their names;
- f. Dates of subsequent hearings; and
- g. Such other matters as may aid in the prompt and just resolution of the case.

The parties may submit position paper/memoranda and submit the case for resolution based on the result of the pre-hearing conference without any need for further hearings.

Section 17. Continuous Hearing Until Terminated; Postponement. – Hearings shall be conducted on the hearing dates set by the Formal Investigating Committee or as agreed upon during the pre-hearing conference.

A party shall be granted only three (3) postponements upon oral or written requests. A fourth postponement may be granted only upon written request and subject to the discretion of the Formal Investigation Committee.

If the respondent fails or refuses to appear during the scheduled hearings despite due notice, the investigation shall proceed *ex parte* and the respondent is deemed to have waived his right to be present and to submit evidence in his favor during those hearings. The Formal Investigation Committee, is however, not precluded from requiring the respondent to submit position paper instead.

Section 18. Preliminary Matters. At the start of the hearing, the Chairman of the Formal Investigation Committee shall note the appearances of the parties and shall proceed with the reception of the evidence for the prosecution. The University Prosecutor shall first present the formal charge and presentation of his evidence follows.

If the respondent appears without the aid of a counsel, he shall be deemed to have waived his right thereto.

Before taking the testimony of the witness, the Secretary of the Formal Investigating Committee shall place him under oath and then take his name, address, civil status, age, position and unit where he is assigned at the university.

To simplify matters, the University Prosecutor shall require his witnesses to execute a sworn statement and merely require his witness to identify his sworn statement and affirm the contents thereof during the direct testimony. The other party should be furnished copy of said sworn statement.

Clarificatory questions from the formal investigation committee may also be asked.

Section 19. Appearance of Counsel. Any counsel appearing before any hearing or investigation in the university shall manifest orally or in writing, his appearance for either the respondent or complainant, stating his full name, IBP receipt and exact address where he can be served with notices and other pleadings. His telephone and fax number, if any should also be submitted to the committee for communication purposes.

Section 20. Order of Hearing. Unless the Chairman of the Formal Investigation Committee directs otherwise, the order of hearing shall be as follows:

- a. The prosecutor presents his evidence subject to the pre-hearing agreement. For facility, in the direct testimony of the witness, he will only be required to identify and affirm his sworn statement which the other party has been duly furnished;
- b. Cross-examination follows.
- c. Redirect and re-cross, if any.
- d. The respondent shall then offer evidence in support of his defense following the same order. Also, respondent shall only be allowed to identify and confirm his sworn answer. He may also be allowed to submit additional evidence not included in his answer through a sworn statement which he will just identify and confirm.
- e. Rebuttal and sur-rebuttal, if any.
- f. Committee members may also profound clarificatory questions.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond ten (10) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 21. Objections. – All objections raised during the hearing shall be resolved by the Chairman of the Formal Investigation Committee. However, objections that cannot be ruled upon shall be noted with the information that the same shall be included in the memorandum of the parties to be ruled upon by the University President.

The chairman shall accept all evidence deemed material and relevant to the case. In case of doubt, he shall allow the admission of evidence subject to the objection interposed against its admission.

Section 22. Markings. All documentary evidences or exhibits shall be properly marked as letters (A, B, C, etc.) if presented by the complainant or prosecutor and by numbers (1, 2, 3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 23. Request for subpoena. If a party desires the attendance of a witness or the production of documents, he shall make a request for the issuance of the necessary *subpoena ad testificandum* and/or *subpoena duces tecum*, at least three (3) days before the scheduled hearing.

Section 24. Issuance of subpoena. The Chairman of the Formal Investigation Committee may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or things. Failure to comply with the subpoena will subject the person complained of to disciplinary action for insubordination.

Section 25. Records of Proceedings. Records of the proceedings during the formal investigation may be taken in shorthand and duly tape recorded.

Section 26. Filing of Motions and Other Pleadings. Any motion and other pleadings sent by 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 Secretary of the Formal Investigation Committee or the University President, as the case may be.

Section 27. Effect of the Pendency of an Administrative Case. Pendency of an administrative case shall not disqualify respondent for promotion or from claiming maternity/paternity benefits.

For this purpose, an employee shall be construed to have a pending administrative case when the University President has issued a formal charge against him.

Section 28. Formal Investigation Report. Within fifteen days after the conclusion of the formal investigation and completion of the Transcript of the Stenographic Notes (TSN), the committee shall prepare its Formal Investigation Report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the committee recommendations, and shall submit the same to the University President. The complete records of the case shall be kept on file at the Legal Office and shall be transmitted to higher office during appeal.

The records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared.

Section 29. When Case is Decided. The University President shall render his decision on the case within thirty (30) days from receipt of the Report of Investigation. His decision shall be either the respondent is NOT guilty and thus, he dismisses the case. If the respondent is GUILTY and the penalty recommended is suspension for not more

than 30 days or fine in an amount not exceeding 30 days salary, he decides the case with finality. If the suspension is more than 30 days suspension or fine exceeding 30 days salary, he submits his recommendation to the Board of Regents who makes the final decision of the case.

Section 30. Finality of Decision. A decision rendered by the University President finding the respondent NOT guilty or if the respondent is guilty with a penalty of suspension not exceeding thirty (30) days or a fine in an amount not exceeding thirty (30) days salary is imposed, shall be final and executory. However, penalties imposed by the Board of Regents exceeding thirty (30) days suspension, or a fine in an amount exceeding thirty (30) days salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

Section 31. Filing of Motion for Reconsideration. The party adversely affected by the decision may file a motion for reconsideration with the University President or the BOR as the case may be within fifteen (15) days from receipt thereof.

Section 32. When deemed filed. A motion for reconsideration 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 Office of the University President.

Section 33. Grounds for Motion for Reconsideration. The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered, or
- b. The decision is not supported by evidence on records, or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 34. Number of Motion for Reconsideration. Only one motion for reconsideration shall be entertained.

Section 35. Effect of Filing. The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Section 36. Filing of Appeals. Decision of the Board of Regents imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Civil Service Commission within a period of fifteen (15) days from receipt thereof. Pending appeal, the same shall be executory.

A notice of appeal including the appeal memorandum shall be filed with the Civil Service Commission Regional Office, copy furnished the Board of Regents thru its Board Secretary and the University President. The Legal Consultant and/or the Office of the Solicitor General, shall prepare the Comments or Appellee's Memorandum for and in

behalf of the Board of Regents on the appeal and transmit the records of the case together with the Comments, within fifteen (15) days to the Civil Service Commission Regional Office. If the BOR's Comments cannot be completed within fifteen (15) days, the Legal Consultant shall file a motion seeking for an extension of time to file the BOR Comments on the appeal.

Section 37. Effect of Filing. An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal, in the event he wins the appeal.

Section 38. Classification of Offenses. The university adopts the classification of offenses of the Civil Service Commission for the grave, less grave and light offenses.

The university, however, has an addition to the list of less grave offense as follows:

a. Violation of existing university rules and regulations:

1st Offense – Suspension
1 month 1 day to 6 months

2nd Offense - Dismissal

Section 39. Extenuating, Mitigating, Aggravating or Alternative Circumstances. In the determination of penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

- a. Physical illness
- b. Good faith
- c. Taking undue advantage of official position
- d. Taking undue advantage of subordinate
- e. Undue disclosure of confidential information
- f. Use of government property in the commission of the offense
- g. Habituality
- h. Offense is committed during office hours and within the premises of the office or building
- i. Employment of fraudulent means to commit or conceal the offense
- j. Length of service in the government
- k. Education, or
- l. Other analogous circumstances

Section 40. Penalty for the Most Serious Offense. 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.

Section 41. Duration and effect of administrative penalties. The university follows the CSC rules on the duration and effect of administrative penalties.

Section 42. Guidelines in the payment of fines. The university adopts the CSC rules and guidelines in the payment of fines.

Section 43. Effect of Exoneration on Certain Penalties. The university adopts the CSC rules and guidelines regarding effect of exoneration on certain penalties.

Section 44. Execution of Decision. The decisions of the University President or the Board of Regents, as the case may be, shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

Section 45. Non-Execution of Decision. Any employee who willfully refuses or fails to implement the final resolution, decision, order or ruling to the prejudice of public service and the party affected, he shall be administratively charged with conduct prejudicial to the best interest of the service or neglect of duty.

Section 46. Computation of Period. In computing any period of time prescribed by these internal procedures, the first day shall be excluded and the last included unless it be a Saturday, Sunday or a legal holiday, in which case the period shall run until the end of the next working day which is neither a Saturday or Sunday, or a legal holiday.

Copies of the decisions and other communications shall be served on counsel but receipt either counsel or party shall be deemed a valid service. The period to perfect an appeal or motion shall be reckoned from the date of receipt of counsel or party, whichever is later.

Section 47. Effectivity. This procedures shall take effect upon approval of the Board of Regents.

APPROVED BY THE BOARD OF REGENTS DURING ITS _____
meeting held at _____ on _____.

file

INTERNAL PROCEDURES IN RESOLVING ADMINISTRATIVE CASES OF THE LEYTE STATE UNIVERSITY

(As approved by the Board of Regents per
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- f. Committee members may also profound clarificatory questions.

When the presentation of evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond ten (10) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 21. Objections. – All objections raised during the hearing shall be resolved by the Chairman of the Formal Investigation Committee. However, objections that cannot be ruled upon shall be noted with the information that the same shall be included in the memorandum of the parties to be ruled upon by the University President.

Section 29. When Case is Decided. The University President shall render his decision on the case within thirty (30) days from receipt of the Report of Investigation. His decision shall be either the respondent is NOT guilty and thus, he dismisses the case. If the respondent is GUILTY and the penalty recommended is suspension for not more than 30 days or fine in an amount not exceeding 30 days salary, he decides the case with finality. If the suspension is more than 30 days suspension or fine exceeding 30 days salary, he submits his recommendation to the Board of Regents who makes the final decision of the case.

Section 30. Finality of Decision. A decision rendered by the University President finding the respondent NOT guilty or if the respondent is guilty with a penalty of suspension not exceeding thirty (30) days or a fine in an amount not exceeding thirty (30) days salary is imposed, shall be final and executory. However, penalties imposed by the Board of Regents exceeding thirty (30) days suspension, or a fine in an amount exceeding thirty (30) days salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

Section 31. Filing of Motion for Reconsideration. The party adversely affected by the decision may file a motion for reconsideration with the University President or the BOR as the case may be within fifteen (15) days from receipt thereof.

Section 32. When deemed filed. A motion for reconsideration 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 Office of the University President.

Section 33. Grounds for Motion for Reconsideration. The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered, or
- b. The decision is not supported by evidence on records, or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 34. Number of Motion for Reconsideration. Only one motion for reconsideration shall be entertained.

Section 35. Effect of Filing. The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

Section 36. Filing of Appeals. Decision of the Board of Regents imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Civil Service Commission within a period of fifteen (15) days from receipt thereof. Pending appeal, the same shall be executory.

*Section 40. **Penalty for the Most Serious Offense.*** 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.

*Section 41. **Duration and effect of administrative penalties.*** The university follows the CSC rules on the duration and effect of administrative penalties.

*Section 42. **Guidelines in the payment of fines.*** The university adopts the CSC rules and guidelines in the payment of fines.

*Section 43. **Effect of Exoneration on Certain Penalties.*** The university adopts the CSC rules and guidelines regarding effect of exoneration on certain penalties.

*Section 44. **Execution of Decision.*** The decisions of the University President or the Board of Regents, as the case may be, shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

*Section 45. **Non-Execution of Decision.*** Any employee who willfully refuses or fails to implement the final resolution, decision, order or ruling to the prejudice of public service and the party affected, he shall be administratively charged with conduct prejudicial to the best interest of the service or neglect of duty.

*Section 46. **Computation of Period.*** In computing any period of time prescribed by these internal procedures, the first day shall be excluded and the last included unless it be a Saturday, Sunday or a legal holiday, in which case the period shall run until the end of the next working day which is neither a Saturday or Sunday, or a legal holiday.

Copies of the decisions and other communications shall be served on counsel but receipt either counsel or party shall be deemed a valid service. The period to perfect an appeal or motion shall be reckoned from the date of receipt of counsel or party, whichever is later.

*Section 47. **Effectivity.*** This procedures shall take effect upon approval of the Board of Regents.

APPROVED BY THE BOARD OF REGENTS during its 14th BOR meeting held at CHED Central Office, DAP Bldg., San Miguel Avenue, Pasig City on December 02, 2003.