



July 17, 2017

PhilFIDA

Circular No. 003

SUBJECT : Disciplinary Actions for Fiber Inspectors and Regional Directors

This Circular is issued pursuant to the Philippine Council of Agriculture and Fisheries (PCAF) Committee on Commercial Crops Fiber Crops Industry Development Sub-Committee Resolution No. 11 Series of 2017 and the recommended actions discussed in the PhilFIDA National Regulatory Conference held last July 4-5, 2017.

Grandes Males, Grandes Remedios. Great big problems require great big solutions. PhilFIDA is facing a crisis. The lack of quality fibers being produced in the country must be stopped while the quantity must meet the demand. Among the solutions to stop this crisis is the imposition of sanctions for the violation of PhilFIDA issuances, orders, and fiber standards.

This agency has recognized that the Philippine Abaca Industry is facing a crisis due to the low quality and quantity of abaca fibers being produced in the country for the last decade. Among the factors identified as culprit for the present abaca crisis is the improper implementation by PhilFIDA officials and personnel of the Philippine National Standards for abaca fibers.

I. STATEMENT OF POLICIES

1. An organization is only as strong as its weakest link. This agency shall pursue all measures that would lead to the proper and strict implementation of all policies for the propagation of quality abaca fibers.
2. Measures that will revive and stop the alarming drop of quality and quantity of fibers being produced, processed and/or exported by the Philippines shall be implemented.
3. Measures aimed at lifting a person's vision to higher sights, the raising of a person's performance to a higher standard, the building of a personality beyond its normal limitations are

constantly being devised by the agency to better fulfill its mission and vision.

II. PUNISHABLE OFFENSES AND SANCTIONS

A. **FIBER INSPECTORS** - are under the direct control and supervision of the Regional Director. Thus, erring Fiber Inspectors will be disciplined by the Regional Director.

1. Punishable Offenses - The following acts shall be punishable, *viz:*

- i. Allowing a Licensee (GBE, Trader-Exporter, Class A Trader, Processor and Classifier as the case may be) to operate without the required identification signboard and/or the necessary partition to separate the fiber from other commodities;
- ii. Allowing a Licensee to operate without the minimum facilities, equipment, and personnel necessary to carry out the proper grading and bailing of fibers;
- iii. Allowing another person to operate the licensed grading establishment except under Chapter III, Section 5 of FIDA A.O. No. 1;
- iv. Allowing a Licensee to change, obliterate, counterfeit or tamper, in whole or in part, the official mark or the establishment's registered mark, or the letter designation of any grade, or the tag of any bale of fiber which has been duly inspected and approved;
- v. Allowing a Licensee to tamper with or alter the quality and/or quantity of fibers contained in any bale already inspected, approved and duly stamped as such;
- vi. Allowing a Licensee to counterfeit the official grade, ICN stamps of the government, or the use of official government grade and ICN stamps without proper authority;
- vii. Allowing a Licensee to employ classifiers in the licensee's establishment without the required license;
- viii. Allowing a Licensee to 'misdeclare' the province of production of fibers;
- ix. Allowing a GBE to deliver/sell fibers that have not been inspected and approved;
- x. Allowing a Licensee to misclassify or misgrade fibers, or consenting to do the same;

- x. Allowing a Licensee to transport/ship fibers without Permit to Transport Fibers;
 - xii. Allowing the non-submission of fibers for inspection (for GBE and Class A Traders) as prescribed in Chapter III, Section 7 of FIDA A.O. No. 1;
 - xiii. Allowing a Licensee to operate, grade, bale, trade, process and classify with an expired license; and
 - xiv. Allowing industrial firms to process/manufacture fibers that have not been officially inspected and/or certified;
 - xv. Absenteeism; and
 - xvi. Committing red-tape when using regulatory documents.
2. Fiber Inspectors will be evaluated by the Regional Director on a monthly basis. A Fiber Inspector who has failed in the evaluation and committed a punishable offense shall be penalized by the disciplining authority with:
 - i. First Offense – Written Reprimand;
 - ii. Second Offense – Suspension for Fifteen (15) Days;
 - iii. Third Offense – Suspension for not more than (30) Days;
 - iv. Fourth Offense – Transfer/Reassignment to other Region thru an Order from the Executive Director or dismissal from service depending on the gravity of the offense;
3. Before the imposition of any sanction, the disciplining authority **shall** observe due process. An erring Fiber Inspector shall be provided by the disciplining authority a written notice explaining therein the reason/s why said inspector failed the evaluation. Such written notice must be accompanied by all evidence available to the disciplining authority that would justify the action taken.
4. The written notice shall be personally served by the Regional Director to the erring inspector within ten (10) days after the evaluation report.
5. An inspector aggrieved by the Decision of the Regional Director may appeal to PhilFIDA Central Office – Office of the Executive Director within Fifteen (15) Days from receipt of the said Decision. The Office of the Executive Director may form an *Ad Hoc* Committee that will investigate the charges against the inspector, except in cases where the

imposable penalty is reassignment or dismissal from service wherein the formation of *Ad Hoc* Committee is mandatory. The inspector will be allowed to submit his Answer Under Oath explaining why the Decision of the Regional Director should not be upheld. Thereafter, the Executive Director may hold a formal hearing if the inspector elects to do so.

6. The Decision of the Executive Director shall be Final. No motion for reconsideration shall be entertained thereon, except when the Decision carries a penalty of reassignment or dismissal from service.

7. The Decision of the Executive Director shall be appealable to the Office of the Civil Service Commission.

8. The erring inspector shall be allowed have the services of counsel in all stages of the proceedings, if he elects to do so.

B. REGIONAL DIRECTORS - are under the direct control and supervision of the PhilFIDA Office of the Executive Director. Thus, Regional Directors are under the disciplining authority of the Executive Director.

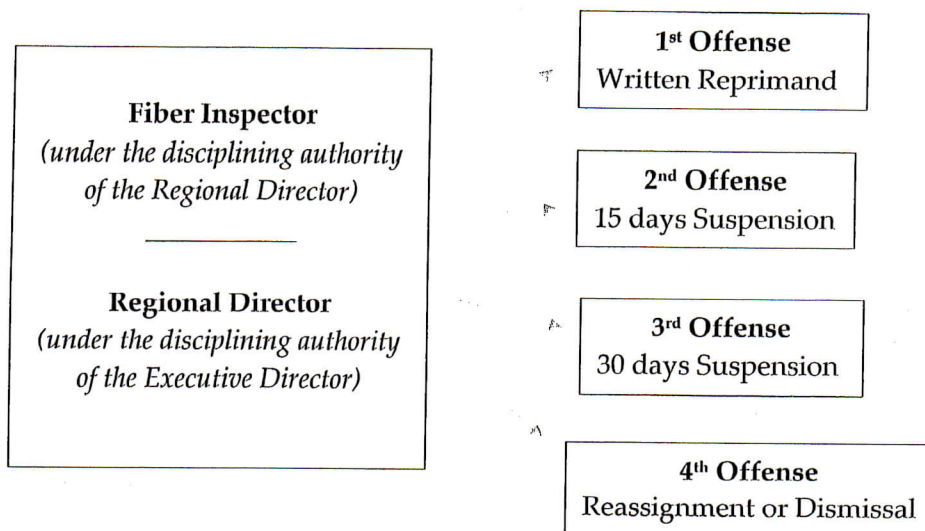
1. Punishable Offense – Any Regional Director who consents to the punishable offenses for Fiber Inspectors under this Circular or who fails to take any corrective actions/sanctions to an erring Fiber Inspector who commits the punishable acts, shall be considered to have committed a punishable offense under this Circular.

2. Compliance of PhilFIDA Regional Directors to the Regulatory Policies shall be evaluated by the PhilFIDA Office of the Executive Director, thru the PhilFIDA Regulatory Division – Central Office, on a monthly basis. A Regional Director who has failed in the evaluation and committed a punishable offense shall be penalized by the disciplining authority with:

- i. First Offense – Written Reprimand;
- ii. Second Offense – Suspension for Fifteen (15) Days;
- iii. Third Offense – Suspension for not more than (30) Days;
- iv. Fourth Offense – Transfer/Reassignment to other Region thru an Order from the Executive Director or dismissal from service depending on the gravity of the offense;

3. Before the imposition of any sanction, the disciplining authority **shall** observe due process. A non-performing Regional Director shall be provided by the disciplining authority a written notice explaining therein the reason/s why said Regional Director failed the evaluation. Such written notice must be accompanied by all evidence available to the disciplining authority that would justify the action taken.
4. The written notice shall be personally served by the disciplining authority to the non-performing Regional Director within ten (10) days after the evaluation report.
5. A Regional Director aggrieved by the Decision/Findings/Evaluation Report of the disciplining authority (thru the PhilFIDA Regulatory Division – Central Office) may appeal to PhilFIDA Office of the Executive Director within Fifteen (15) Days from receipt of the said Decision. The Office of the Executive Director may form an *Ad Hoc* Committee that will investigate the charges against the Regional Director. The Regional Director will be allowed to submit his Answer Under Oath explaining why the Decision/Findings/Evaluation Report of the disciplining authority should not be upheld. Thereafter, the Executive Director may hold a formal hearing if the Regional Director elects to do so.
6. The Decision of the Executive Director, after all issues have been joined and after the hearing, shall be Final. No motion for reconsideration shall be entertained thereon, except when the Decision carries a penalty of reassignment or dismissal from service.
7. The Decision of the Executive Director shall be appealable to the Office of the Civil Service Commission.
8. The non-performing Regional Director shall be allowed have the services of counsel in all stages of the proceedings, if he elects to do so.

III. General Diagram of Penalties



IV. DUE PROCESS:

1. Written Notice

- Supported by facts and the reason/s why the Inspector/Regional Director failed the evaluation.
- Accompanied by evidence/s (reports, photographs, videos, sworn statements, etc.) supporting the charge/s.
- A Written Notice not accompanied by sufficient evidence shall be considered null and void.

2. Personal Service of Written Notice

- Personally served to the Inspector/Regional Director.
- Within ten (10) days after the disciplining authority files his/her evaluation report.

3. Appeal to the Executive Director

- Inspector/Regional Director files an appeal to the Executive Director within Fifteen (15) Days from receipt of the Decision/Findings/Evaluation Report of the Regional Director/Office of the Executive Director thru the Regulatory Division-Central Office.
- Office of the Executive Director **may** form an *Ad Hoc* Committee that will investigate the charges against the Inspector/Regional Director, except in cases where the imposable penalty is transfer/reassignment or dismissal from the service wherein the

formation of *Ad Hoc* Committee is mandatory. The Inspector/Regional Director will be allowed to submit his Answer Under Oath to the *Ad Hoc* Committee explaining why the Decision of the disciplining authority (thru the Regulatory Division) should be reversed.

- After the issues are joined, the Executive Director **may** hold a formal hearing if the Inspector/Regional Director elects to do so. In cases where the impossible penalty is reassignment or dismissal from the service, the conduct of a formal hearing is mandatory.

4. Decision of the Executive Director

- The Decision of the Executive Director shall be Final. No motion for reconsideration shall be entertained thereon, except when the penalty imposed is reassignment or dismissal from the service.
- The Decision of the Executive Director shall be appealable to the Office of the Civil Service Commission.

5. Right to Counsel

- At any stage of the proceedings, the Inspector/Regional Director shall be allowed have the services of counsel of his own choice.

V. EFFECTIVITY

This shall take effect on August 1, 2017 and shall supersede all other issuances inconsistent with this Circular.


KENNEDY T. COSTALES
Executive Director III *pb*