

Department of Transportation and Communications
PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
139 25th Street, Port Area
1018 Manila

CG-1/CGA

12 January 2000

C I R C U L A R)

N U M B E R 02)

**CREATION OF AN ADJUDICATION BOARD
IN THE PHILIPPINE COAST GUARD**

1. **PURPOSE:** This Circular provides for the establishment and organization of an Adjudication Board in the Philippine Coast Guard which shall primarily aid the O/CGPM in the speedy disposition of administrative cases pending before the latter.
2. **FUNCTIONS:** The Adjudication Board shall:
 - a. Deliberate on the legal merits of cases referred to it for adjudication and recommend the imposition of the appropriate administrative sanction.
 - b. Recommend further investigation of cases whenever necessary.
 - c. Recommend the filing of the appropriate civil and/or criminal case(s) whenever warranted.
3. **COMPOSITION/MEMBERSHIP OF THE BOARD:**
 - a. An Adjudication Board shall be constituted upon written orders issued by the PCG Adjutant as approved by the Commandant, PCG.
 - b. The Adjudication Board shall be composed of seven (7) Officers-members to be designated by the Commandant, PCG and shall represent the following:
 - 1) Deputy Commandant as Chairman
 - 2) Chief of Staff as Vice-Chairman
 - 3) Assistant Chief of Staff for Personnel, CG-1 as member

- 4) Assistant Chief of Staff for Intelligence, CG-2 as member
- 5) Coast Guard Judge Advocate (CGJA) as member
- 6) Coast Guard Inspector General (CGIG) as member
- 7) Counter-Intelligence/Investigation Branch, CG-2 as Secretary/Member-recorder as member

4. PROCEDURES:

a. Jurisdiction:

The Adjudication Board shall have exclusive jurisdiction over:

- 1) Unresolved administrative cases involving PCG personnel.
- 2) Acts committed by PCG personnel which are punishable under Administrative Laws that were committed prior to the PCG's transfer to the DOTC.
- 3) Cases brought before its attention by the Commandant, PCG.

b. Matters Taken Into Consideration in Adjudicating Cases:

- 1) The seriousness of the derogatory information
- 2) The powers, duties and responsibilities of the position involved
- 3) The effect(s) of the derogatory information on the individual's performance or lack of performance while in the service of the PCG

c. Adjudication:

- 1) Place and Frequency of Meetings: Meetings of the Adjudication Board shall be held at HPCG on the third Wednesday of each month or as may be deemed necessary by the Chairman. Whenever the Board convenes, deliberations shall continue until the case shall have been adjudicated.
- 2) Quorum: The presence of five (5) members of the Board shall constitute a quorum. Deliberations shall be presided over by the Chairman or by the designated Acting Chairman.
- 3) Voting: All cases brought before the Board shall be decided by a majority vote. Opinions of the dissenting members shall be included in the records of the cases.

- 4) ~~All activities/proceeding of the Board shall be duly recorded. Records/files shall be under the custody of the Secretary/Member-Recorder.~~
- 5) The subject of the case under consideration may, at the discretion of the Adjudication Board, be required to come before the Board for the purpose of enlightening the administrative body on the adverse or derogatory information against him.
- 6) The Adjudication Board shall submit within three (3) working days a report of its findings and recommendation(s) to the Commandant, PCG.
- 7) The subject of the inquiry may file a motion for reconsideration within fifteen (15) days from receipt of an adverse decision to the Commandant, PCG.
- 8) The decision of the Commandant, PCG shall be final and executory.

5. RECIPROCAL ACCEPTANCE OF PREVIOUSLY ADJUDICATED CASES:

- a. Results of Adjudication issued by any administrative or legal body may be accepted considered by the Adjudication Board on a Reciprocal Basis.
- b. The above provision shall not be construed as a limitation on the prerogative of the Commandant to review records/files of cases and to conduct additional investigation before considering any reciprocal acceptance on the adjudicated cases.

6. **EFFECTIVITY:** This Circular shall take effect upon publication.

BY COMMAND OF COMMODORE FAJARDO PCG:

OFFICIAL:


VIRGILIO N GARCIA JR
LTJG PCG
Coast Guard Adjutant

DAMIAN L CARLOS
CAPT PCG (GSC)
Chief of Staff, PCG

PROCEDURE IN THE DISPOSITION OF ADMINISTRATIVE CASES

