



19 August 2009

(Date)

DCS-HRM

CIRCULAR NUMBER 07-09

### PCG GRIEVANCE SYSTEM

I **GENERAL:** The Philippine Coast Guard shall adopt a new system to address PCG personnel grievances under an atmosphere of mutual confidence and respect characterized by speedy, direct and professional disposition of such grievances. It is designed to strengthen or complement the gaps or inadequacies in the existing PCG grievance mechanism.

II. **PURPOSE:** To establish a grievance system to promptly deal with individual grievances involving uniformed personnel of the Philippine Coast Guard in all units in order to maintain organizational cohesion and strengthen the morale of personnel.

#### III. **DEFINITION OF TERMS:**

a) **Grievance** - refers to the contentious issues such as decisions, acts and omissions that occur in the course of administrations of the affairs of the PCG insofar as they affect the personal rights or situations of any PCG personnel.

b) **Griever** - refers to aggrieved PCG personnel who file a grievance for resolution by the PCG Grievance Board.

c) **Primary Authority (PA)** - is the direct and immediate unit Commander who determines and evaluates the issues whether same falls within the jurisdiction of the grievance system or otherwise under the established grievance machinery of the PCG. The PA is the griever's Commanding Officer (CO) who can grant the redress sought. Otherwise, the PA is the next superior Commander who is responsible to deal with the issues and can grant the redress sought.

d) **Final Authority (FA)** - refers to the head of the agency, who is the Commandant, PCG or any of his duly authorize/designated Officer, who can grant the redress sought for the griever.

IV. **CONCEPT:** The PCG Grievance System is designed to encourage or allow PCG Uniformed personnel, especially those assigned in the field units, to bring their grievances to the highest echelon of the PCG without necessarily violating the normal channel of communications in the chain of command.

## V. THE PHILIPPINE COAST GUARD GRIEVANCE BOARD (PCGGB)

**A) COMPOSITION:** The PCG Grievance Board is an independent, non-disciplinary fact-finding body task to look into the complaints, gripes or grievances of uniformed personnel, either individually or collectively, as referred to it by the Commandant, PCG and to recommend actions or measures necessary to bring into closure and settlement the issue/s or controversy subject of the proceeding. It shall be composed of the following, to wit:

VCO, PCG	-	Chairman
VCA, PCG	-	Vice Chairman
CG-1	-	Member
CG-3	-	Member
CG-4	-	Member
CG-6	-	Member
CGLS	-	Member
CGMed	-	Member
Dep CGIAS	-	Member
FMCPD	-	Member

**B) BOARD SECRETARIAT:** The PCG Grievance Board Shall have Secretariat, with duties and responsibilities as follows:

1. To provide the administrative requirements of the Board;
2. To receive and process all the reports of grievances referred to the Board for actions;
3. To schedule meetings or hearings of the Board;
4. To monitor compliance to Board actions.

**VI. POWERS OF THE PCG GRIEVANCE BOARD:** The Board shall have the following powers and authority:

1. To conduct inquiry through executive sessions or hearings on the grievance submitted to it for consideration, evaluation, and determination;
2. To issue subpoena or summons to PCG personnel including experts and resource persons;
3. To issue subpoena duces tecum to compel unit commanders and chief of offices who are in possession of documentary evidence;
4. To recommend actions and measures necessary to bring into termination or closure the issue or controversy;
5. To recommend preventive or remedial actions to avoid the occurrence or repetition of the issue/controversy subject of the grievance proceedings;
6. To perform such other functions essentially necessary to carry out the mandate of the Board.

**VII. POLICIES:**

A) The following matters shall be the subject of grievance mechanisms:

1. Matters affecting the personal rights and situations of individual PCG uniformed personnel pertaining to administration;

2. Implementation of PCG policies;
3. Training and educational opportunities;
4. Fairness of promotion;
5. Reasonableness of placements, assignments and designation;
6. Damage or injury sustained arising from medical and dental treatment
7. Application of rating system
8. Rationality of pay, allowances and other benefits.
9. Gender sensitivity issues

B) The following concerns and issues shall not be the subject of grievance mechanism:

1. Decision of Court Martial or ESB;
2. The finding and recommendation of BMI;
3. Matters which another process for redress is required;

C) Any personnel believing to have been aggrieved by the decisions, act or omission in the administration of the affairs of the PCG and those matters falling under Section VII (a) hereof, has the right to file or submit a grievance. However, the person filing a grievance is prohibited to divulge or disclose to anybody or media any information relating to his grievance.

D) A complaint for grievance shall be in writing, duly signed by the griever, containing a clear and concise statement of the issue, and filed within thirty (30) days from date of knowledge of the decision, act or omission requiring redress through grievance. Otherwise, it shall be considered as not filed or filed out of time.

E) Any complaint or request for grievance shall not contain language, remarks, statements or words that were insubordinate, disrespectful, vulgar or offensive, or otherwise violation of good order and decency.

F) A griever shall not be entitled to engage the legal services or representation of PCG as counsel, but may tap civilian legal counsel of choice at his/her expense which shall be manifested in writing informing the Board three (3) days prior to the scheduled hearing:

G) A griever shall not be sanctioned or punished in any proceeding arising out of the act of filing of a grievance. Documentation of the grievance process shall be confidential and for the purpose of monitoring and implementing the redress being sought.

## **VIII. GRIEVANCE PROCEDURE:**

### **A. PRIMARY AUTHORITY (PA) LEVEL**

1. The immediate Commanding Officer of the griever in his capacity as the Primary Authority (PA) shall be required to receive and act on all grievances filed in writing provided he has the capacity to grant the

solution thereto. Otherwise, the PA is the next Superior Commander who is responsible to deal with the issue/s to be grieved.

2. It is the responsibility of the PA to determine within ten (10) days from receipt of a grievance complaint whether the same satisfies the requirement as to form and substance.
3. If the grievance complaint is in accordance with form and substance, the PA should notify the grievor and/or parties concerned of the scheduled hearing requiring them to appear before him to explore possible solution on the matter or issue subject of the grievance proceeding. This informal disposition includes counseling, reconciliation and mediation.
4. Failure or refusal of the grievor to appear in the informal disposition hearings on two (2) consecutive occasions without valid reason and despite reasonable notice shall be ground for dismissal of grievance complaint due to lack of interest.
5. In case of appearances by the grievor and/or parties summoned during the scheduled hearing, the PA shall endeavor to explore all possible means to resolve the issue or controversy necessary to bring the matter to closure.
6. When an agreement is reached and accepted by the grievor, a letter of acceptance shall be executed and signed by the grievor, and thereafter, a resolution terminating the grievance process shall be prepared and signed by the PA within seven (7) days from the date of last hearing, copy of which forwarded to HPCG (Attn: DCS-HRM, O/CG-1) for documentation purposes.
7. In the instances where there is an appearance by the grievor in the initial hearing, but no agreement or settlement of controversy is reached, the PA shall conduct succeeding hearing. In no case that the proceeding of the PA to exceed sixty (60) days from the date of the initial hearing.
8. The PA is duty bound to terminate the grievance process within sixty (60) days and to submit his grievance resolution to HPCG, (Attn: DCS-HRM, O/CG-1) copy furnished the grievor and/or parties concerned.
9. A grievor who is not satisfied with the decision or action taken by the PA may appeal within ten (10) days from receipt of a copy of said decision to HPCG, (Attn: DCS-HRM, O/CG-1). Otherwise, no appeal can be had for being barred and the decision of the PA becomes final.

**B. FINAL AUTHORITY (FA) LEVEL:**

1. The Commandant, PCG shall be the final authority in the administration of grievance process elevated to its level for approval by the PCG Grievance Board.

2. The Board shall take cognizance of the matters in issues referred by the Chief Discipline Law and Order Division in the ODCS-HRM who shall act as Adjudicator.

The following matters are the proper subject of grievance proceedings by the PCG Grievance Board:

- a) A grievance filed by PCG personnel assigned in HPCG Staff/Offices at the time of the acts or omissions complained of;
  - b) A decision or resolution of the grievance in the PA level duly endorsed by major unit commanders;
  - c) An appeal made by the griever from the decision or resolution of the PA.
3. Upon receipt of the grievance or appeal, the DCS-HRM shall refer the same to its Head, Discipline Law and Order Division, who shall act as the Adjudicator to conduct preliminary determination or whether or not the issues or controversy raised are referable to the PCG Grievance Board.
  4. In the event the Adjudicator had determined that there is a valid reason to refer the grievance complaint in appeal to the Board, it shall submit a report with all the pertinent records duly endorsed by DCS-HRM to the Secretariat PCG Grievance Board, which shall calendar the same for the hearing.
  5. The Board shall conduct hearings/deliberations in the most expeditious and fair manner with due regard to the right of the griever and/or other parties to be heard.
  6. The Board shall resolve the grievance issues or appeal not later than sixty (60) days from the date of its initial hearing.
  7. The actual presence of the majority of all the members of the Board shall constitute a quorum to conduct a valid proceeding. The decision of the majority votes of all the members of the Board cast in a secret ballot is necessary to resolve or terminate the proceeding with finality. In case of a deadlock, the Chairman shall vote to break the tie.
  8. No members of the Board shall sit in the grievance proceeding in cases where the griever is his/her subordinate personnel. A member shall as far as practicable inhibit himself/herself from the Board proceeding for ethical or personal reasons when his impartiality to participate and vote in the proceedings would be of compromise or put into serious question.
  9. A member of the Board who fails to attend in all of the scheduled hearings of the Board shall not be allowed to participate in the votation to close and terminate the grievance.
  10. The Board shall submit its findings and recommendations to the Commandant, PCG thru the DCS-HRM for approval

**IX RESPONSIBILITY:**

All unit Commanders and head of offices shall be responsible in the dissemination and implementation of this policy to their subordinate personnel.

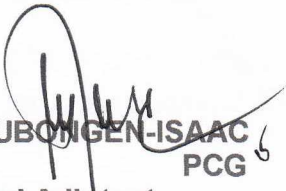
**X EFFECTIVITY:**

This policy shall take effect upon approval and one (1) month after publication.

**BY COMMAND OF ADMIRAL TAMAYO:**

**OFFICIAL:**

**ENRICO EFREN A EVANGELISTA  
CAPT PCG  
Chief of Coast Guard Staff**

  
**MARIFEM UBONGEN-ISAAC  
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