



2017 Grievance Machinery of Eastern Visayas State University

(EVSU-2017 GM)
MANUAL

Approved per Board Resolution
No. 32, s. 2018 on March 21, 2018
by the EVSU Board of Regents.



Preface

This 2017 Grievance Machinery of Eastern Visayas State University Manual (2017 University Grievance Machinery Manual) is comprehensively crafted with the ultimate goal of making it consistent with and contributory to the proper, effective and efficient implementation of the mandates under Section 37, Chapter 5, Subtitle A, Title I, Book V of Executive Order No. 292, CSC Resolution No. 010113 promulgated on January 10, 2001 circularized per MC No. 2, s. 2001 dated January 26, 2001, Section 7 of R.A. No. 9311, Section 6 of R.A. No. 8292 and its IRR, 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 and such policies issued by Civil Service Commission, Commission on Higher Education, Department of Budget and Management, Commission on Audit and related laws, rules and regulations promulgated by the President of the Philippines, Congress of the Philippines, and such government agencies concerned including the jurisprudence or doctrines enunciated by the Supreme Court of the Philippines.

The 2017 University Grievance Machinery Manual is organized according to the relevance and similarity of the provisions, and is comprised of 6 Chapters, 25 Articles and 69 Sections. These parts were organized according to the nature and purposes of the provisions with the end view of facilitating the understanding and interpretation by the students, officials and employees of the University.

This 2017 University Grievance Machinery Manual clearly embodies the noble resolve of the EVSU Board of Regents to give the officials, faculty members and non-teaching personnel due recognition for their suggestions, inventions, superior accomplishment, and other personal efforts contributory to attain the efficiency, economy, or other improvement of University operations and such other extraordinary acts or services in the public interest in connection with, or in relation to, their official employment, along with the mandates, four-fold functions, vision, mission, objectives, goals and continuing improvement of the University.

Indeed, this 2017 University Grievance Machinery Manual is a potent mechanism promoting harmony, cooperation and understanding among the officials, faculty members, academic non-teaching personnel, administrative or non-teaching personnel of the University.

BY THE AUTHORITY OF THE EVSU BOARD OF REGENTS:

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chairperson, EVSU Board of Regents
Chairperson, EVSU- Administrative Council

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner and Officer-in-Charge
Commission on Higher Education
Chairperson and Presiding Officer
EVSU Board of Regents



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Resolution No. 32
Series of 2018

**RESOLUTION APPROVING/ADOPTING THE 2017 GRIEVANCE
MACHINERY OF EASTERN VISAYAS STATE UNIVERSITY MANUAL (COPY
HERETO ATTACHED AS INTEGRAL PART HEREOF), EFFECTIVE
IMMEDIATELY UPON APPROVAL SUBJECT TO APPLICABLE LAWS, RULES
AND REGULATIONS**

Adopted this 21st day of March 2018 pursuant to Board Resolution No. 30, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

J. PROSPERO E. DE VERA III, D.P.A.
CHED Commissioner
Chair, EVSU Board of Regents

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chair, EVSU Board of Regents

FRANCIS JOSEPH G. ESCUDERO
Chair, Committee on Education
Senate of the Philippines
Member

ANN K. HOFER
Chair, Committee on Higher & Technical Education
House of Representatives
Member

Represented by:

Represented by:

FRANCES ANN BASILIO PETILLA

FLORENCIO "BEM" GABRIEL NOEL

EDGARDO M. ESPERANCILLA, CESO II
Regional Director, DOST-Region VIII
Member

BONIFACIO G. UY, CESO IV
Regional Director, NEDA-Region VIII
Member

ROGELIO D. BASAS
President, Federation of EVSU Faculty
Association, Inc.
Member

MICHAEL L. MUZONES
President, Federation of Supreme Student
Governments of EVSU
Member

RAUL S. SOLIVA
President, Federation of Alumni Associations
of EVSU, Inc.
Member

PACIENTE A. CORDERO, JR., D.Sc.
Private Sector Representative
Member

Certified Correct:

DANIEL A. ARIASO SR., CESO II
Private Sector Representative
Member

ANALYN C. ESPAÑO, M.A.
Board/University Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on Finance

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report

FROM: Board Committee on Finance

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The Board Committee on Finance, to which the **2017 Grievance Machinery of Eastern Visayas State University Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **EVSU-2017 Grievance Machinery Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
2. The Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 Grievance Machinery Manual**.

Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

BONIFACIO G. UY, CESO IV

*Regional Director, NEDA-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.
*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

EDGARDO M. ESPERANCILLA, CESO II
*Regional Director, DOST-Region VIII
Member, EVSU Board of Regents
Member, Board Committee*

ROGELIO D. BASAS

President, Federation of EVSU Faculty
Association, Inc.
Member, Board Committee

MICHAEL L. MUZONES

President, Federation of Student
Governments of EVSU
Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III
Board/University Secretary
Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

Board Committee on Academic and Administration

FOR: THE HONORABLE CHAIR AND MEMBERS
EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.
University President III

SUBJECT: Committee Report

FROM: Board Committee on Academic and Administration

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The Board Committee on Academic and Administration, to which the **2017 Grievance Machinery of Eastern Visayas State University Manual** (*copy hereto attached as integral part hereof*) has been referred to for further review and evaluation, and after presentation by the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., hereby respectfully submits its findings and recommendations, to wit:

1. The provisions of the subject **EVSU-2017 Grievance Machinery Manual** were found to be consistent and compliant to applicable laws, rules and regulations; and
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Adopted this 3rd day of December 2017 during the Committee Meeting held at the Office of the Regional Director, DOST-Regional Office No. VIII, Candahug, Palo, Leyte.

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*Regional Director, DOST-Region VIII/Member, EVSU Board of Regents
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.

*University President III
Vice Chair, EVSU Board of Regents
Committee Vice Chair*

BONIFACIO G. UY, CESO IV

*Regional Director, NEDA-Region VIII
Member, EVSU-Board of Regents
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Governments of EVSU
Member, Board Committee

Certified Correct:

ANALYN C. ESPAÑO, M.A.

Associate Professor III
Board/University Secretary
Committee Secretary



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

BOARD OF REGENTS

**Board Committee on Draft Writing and Review of Policies and Rules
(PWRPR)**

**(formerly Board Committee on Review of Policies, Fees, Incentives
and Assistance for Students and Employees)**

FOR: THE HONORABLE CHAIR AND MEMBERS

EVSU Board of Regents, Tacloban City

THRU: DR. DOMINADOR O. AGUIRRE, JR.

University President III

SUBJECT: Committee Report No. 3, s. 2018

**FROM: Board Committee on Draft Writing and Review of Policies and
Rules (formerly Board Committee on Review of Policies, Fees,
Incentives and Assistance for Students & Employees)**

=====

The Board Committee on Draft Writing and Review of Policies and Rules (formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees), to which the **2017 Grievance Machinery of Eastern Visayas State University Manual** (copy hereto attached as integral part hereof) has been referred to for drafting, study, review and evaluation, hereby submit its report and recommendations, to wit:

1. The draft **EVSU-2017 Grievance Machinery Manual** has been submitted to and discussed with the stakeholders or sectors on the schedules and venues, as follows:

1.1. Stakeholders' Consultations and Committee Meetings:

Dates	Time	Campuses	Number of Participants
May 18, 2017	9:00AM-12:30PM	EVSU Tanauan Campus	26
May 24, 2017	9:00AM-3:00PM	EVSU Ormoc Campus	53
May 27, 2017	9:00AM-3:00PM	EVSU Main campus	90
June 8, 2017	8:20AM-12:20PM	EVSU Tanauan Campus	70
June 9, 2017	9:00AM-12:30PM	EVSU Carigara Campus	72
June 13, 2017	8:00AM-12:00NN	EVSU Main Campus	35
June 24, 2017	9:30AM-5:30PM	EVSU Main Campus	140
June 28, 2017	8:00AM-10:00AM	EVSU Burauen Campus	26
	11:00AM-2:00PM	EVSU Carigara Campus	39
	3:00PM-6:00PM	EVSU Ormoc Campus	86
August 23, 2017	3:00PM-5:00PM	EVSU Main Campus	74
September 6, 2017	8:00AM-10:00AM	EVSU Main Campus	78

November 2, 2017	8:00AM-12:00NN	EVSU Main Campus	46
	11:00AM-1:00PM	EVSU Burauen Campus	47
	3:30PM-5:30PM	EVSU Carigara Campus	49
November 3, 2017	8:00AM-5:00PM	EVSU Ormoc Campus	76
November 4, 2017	8:30AM-4:00PM	EVSU Main Campus	67

1.2. Sectoral Focus Group Discussions (FGD) and Committee Meetings:

Sector/s	Dates	Time	Venue	Number of Participants
Student	August 22, 2017	9:00AM-12:00NN	Executive House, EVSU Main Campus	88
Vice Presidents, College Deans, Campus Directors	August 22, 2017	1:30PM-4:00PM	Executive House, EVSU Main Campus	68
Academic Department Heads, Non-Teaching Personnel	September 6, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	70
Alumni and Industry	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	30
Students and Parents	August 22, 2017	4:00PM-5:30PM	Executive House, EVSU Main Campus	49
	September 6, 2017	8:00AM-12:00NN	Graduate School, Function Room, EVSU Main Campus	35

The participants in the foregoing activities were selected by their respective officials or associations' officers, as the case may be.

2. The draft of the **EVSU-2017 Grievance Machinery Manual** was submitted to the Civil Service Commission (CSC) Regional Office No. VIII for evaluation pursuant to the provisions of CSC Resolution No. 010113 dated January 10, 2001 circularized per CSC Circular No. 2, s. 2001;
3. The draft of the **EVSU-2017 Grievance Machinery Manual** was published in the EVSU website for wide dissemination to and solicitation of inputs, comments and refinements to thereof;
4. The Committee presented the foregoing draft Manual to the EVSU BOR during its 73rd Regular (Fourth Quarter) Board Meeting, held on December 8, 2017 at Granda Manor, Juan Luna cor. Gomez St., Tacloban City, with the following manifestations:
 - 4.1. The draft Manual was endorsed by the EVSU-Administrative Council, and EVSU-Academic Council on November 22, 2017; and

- 4.2. Following the process done by the EVSU BOR to the 2017 Revised University Code¹, 2017 Program on Awards and Incentives for Service Excellence (PRAISE) System of the University Manual² and 2017 Peoples' Freedom of Information of the University Manual³, the Committee strongly recommended to give the Regents, officials, faculty members, non-teaching personnel, students and stakeholders to submit their individual or collective comments, inputs to suggestions to the draft Manual and the same be submitted to the Office of the University President and/or University/Board Secretary and to the Committee for consolidation on or before December 31, 2017;
5. In view of the manifestations in item 4 above, the EVSU BOR passed Resolution No. 174, s. 2017 and duly executed by the University President per Memorandum Order No. 12-02, s. 2017 issued on December 11, 2017⁴;
6. Due to a series of tropical storms namely, Urduja, Vinta and Agaton, had struck Eastern Visayas Region from December 18, 2017-January 2, 2018 which limited or prevented the Regents, officials, faculty members, non-teaching personnel and stakeholders from preparing and submitting their individual or collective comments, inputs or suggestions on or before December 31, 2017, the Committee passed Resolution No. 01, s. 2018 on January 4, 2018⁵;
7. The Committee did not receive any opposition to the final draft of the **EVSU-2017 Grievance Machinery Manual**, whether in whole or in part/s; and
8. The comments and inputs provided by the CSC Regional Office No. VIII and submitted individually or collectively by the Board Committee Members, the Regents, officials, faculty members, non-teaching personnel, students and stakeholders were carefully studied, enhanced and integrated to the final and clean copy of the Manual subject to their applicability, except those comments or inputs which the Committee found them irrelevant and inconsistent with the purposes and intents of the Manual as well as existing laws, rules and regulations.

Premises considered, the Committee strongly recommends for the immediate approval/adoption and implementation of the said **EVSU-2017 Grievance Machinery Manual**.

¹ Approved per Board Resolution No. 115, s. 2017 on April 19, 2017 during the 2017 Second Special Board Meeting held at the 5th Floor, Conference Room, Ironwood Hotel, P. Burgos St., cor. Juan Luna St., Barangay 34, Tacloban City.

² Approved per Board Resolution No. 116, s. 2017 on April 19, 2017.

³ Approved per Board Resolution No. 118, s. 2017 on April 19, 2017.

⁴ "Request for Inputs, Comments, Suggestions and Recommendations to the 2017 Revised University Students' Handbook and Nine (9) Services Manuals."

⁵ "Resolution Most Respectfully and Strongly Recommending to the EVSU Board of Regents for the Extension of Submission of Comments, Inputs or Suggestions by the Regents, Faculty Members, Non-Teaching Personnel and Stakeholders to the Ten (10) Service Manuals as Provided Herein from December 31, 2017 to January 15, 2018, and For Other Purposes."

Adopted this 3rd day of February 2018 during the Committee Meeting held at Executive House, EVSU-Main Campus, Tacloban City.

DANIEL A. ARIASO SR., MEcon., CESO II
*Member, EVSU Board of Regents
(Private Sector Representative)
Committee Chair & Presiding Officer*

DOMINADOR O. AGUIRRE, JR., D.M.
*University President III
Vice Chair, EVSU Board of Regents
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MICHAEL L. MUZONES
*President, Federation of Student Governments of EVSU
Member, Board Committee*

Certified Correct:

ANALYN C. ESPAÑO, M.A.
*Associate Professor III
Board/University Secretary
Committee Secretary*



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ADMINISTRATIVE COUNCIL

Resolution No. _____
Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE 2017 GRIEVANCE MACHINERY OF EASTERN VISAYAS STATE
UNIVERSITY MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART
HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL SUBJECT TO
APPLICABLE LAWS, RULES AND REGULATIONS**

After presentation and thorough discussion by the Members, the EVSU-Administrative Council, on motion of _____ duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of the 2017 Grievance Machinery of Eastern Visayas State University Manual (copy hereto attached as integral part hereof), effective immediately upon approval subject to applicable laws, rules and regulations.

Adopted this 22nd day of November 2017 during the Council Meeting of the EVSU-Administrative Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

ATTESTED/APPROVED:

DOMINADOR O. AGUIRRE, JR., DM
University President III
Chair & Presiding Officer, EVSU-Administrative Council

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Board/University Secretary
Secretary, Administrative Council



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

ACADEMIC COUNCIL

Resolution No. _____
Series of 2017

**RESOLUTION RECOMMENDING TO THE EVSU BOARD OF REGENTS,
THROUGH THE UNIVERSITY PRESIDENT, FOR APPROVAL/ADOPTION OF
THE 2017 GRIEVANCE MACHINERY OF EASTERN VISAYAS STATE
UNIVERSITY MANUAL (COPY HERETO ATTACHED AS INTEGRAL PART
HEREOF), EFFECTIVE IMMEDIATELY UPON APPROVAL SUBJECT TO
APPLICABLE LAWS, RULES AND REGULATIONS**

After presentation and thorough discussion by the Members, the EVSU-Academic Council, on motion of _____ duly seconded by _____, hereby recommends EVSU Board of Regents, through the University President, for Approval/Adoption of the 2017 Grievance Machinery of Eastern Visayas State University Manual (copy hereto attached as integral part hereof), effective immediately upon approval subject to applicable laws, rules and regulations.

Adopted this 22nd day of November 2017 during the Council Meeting of the EVSU-Academic Council held at Office of the University President, EVSU-Main Campus, Tacloban City.

ATTESTED/APPROVED:

DOMINADOR O. AGUIRRE, JR., DM
University President III
Chair & Presiding Officer, EVSU-Academic Council

Certified Correct:

GREGORIA C. DE LA CRUZ, MAIS
University Registrar III
Secretary, Academic Council

Brief History of the University

The Eastern Visayas State University had its humble beginnings in 1907, as a part of the Provincial school. It became a separate educational entity in 1915 and was renamed as the Leyte Trade School funded by the Provincial government. In 1953, after thirty-eight years, it was renamed as the National Provincial Trade School by virtue of R.A. 406 funded jointly by the National and Provincial Government to cover a wider curricular area. In 1961, the Congress of the Philippines passed Republic Act 1516 converting it into the Leyte Regional Arts and Trades and authorizing it to become a training institution, for vocational and industrial education in Eastern Visayas. Finally, Republic Act 4572 enacted by the congress of the Philippines which took effect in the school year 1965-1966 further converting the school into a chartered college. It was renamed the Leyte Institute of Technology, an institute of higher learning committed to the service of a larger academic area of responsibility.

For SY 1999-2000, LIT has its satellite campus, the Ormoc satellite Campus. In 1999, pursuant to the provisions of RA 7722, 8292 and 8745 and Board Resolutions No. 59, Series of 1999, two CHED Supervised institutions (CSIs) in Leyte, namely the Leyte College of Arts and Trades and the Burauen Polytechnic College were integrated to LIT. The LIT Dulag Campus started in SY 2000-2001. The Carigara School of Fisheries was integrated to LIT, the second phase of CSIs institution to SUCs.

In 2002-2003, LIT had continued accomplishing its significant role and responsibility to the people in the region. The introduction of new programs, technological and business, the realignment of courses, and high-passing percentage of the engineering and other professional programs established a great challenge and gigantic responsibility to the institution.

Finally, in 2004, Republic Act 9311 converted the Leyte Institute of Technology, into Eastern Visayas State University, a challenge to serve Eastern Visayas, through academic excellence and technological development.

Vision, Mission, Philosophy of the University

VISION

Leading State University in Technological and Professional Education

MISSION

Develop a Strong Technologically and Professionally Competent Productive
Human Resource Imbued with Positive Values Needed to Propel
Sustainable Development

PHILOSOPHY

EVSU addresses its academic endeavors towards the development of the socio economic condition of region VIII by emphasizing the development of human resources and necessary input to production and growth. It plays a major role in providing the human resources for industrial agri-business enterprises as well as for the small, medium, and large-scale industries, which are the components for regional development

The University Hymn

Lyrics: BELINDA C. LORA

Music: BIATO C. AMBE, JR.

There's a dawn of a new day breaking
There's a ray of light reaching
Every corner of the land
It's radiance keeps on spreading
Bringing hope and strength and life

There's a flame that keeps on burning
Touching the mind, the heart and the soul
Sending Knowledge truth, love, and wisdom
abundant blessings from GOD above

Refrain:

Beloved Eastern Visayas State University
Your blessed flame shall forever burn in our hearts
We give you outmost commitment and dedication
You shall shine with pride throughout the nation

Coda:

Shine with gladsome light
Oh alma mater dear
Lead our steps to path of excellence
Success, fulfillment and glory awaits.

The EVSU March

You're the shining glory of love,
You're the light that comes from above,
You're the precious gift I have,
I will treasure you in my heart.

You're an utmost shelter of mind,
You're the greatest pride of mankind,
You have the golden fruits to reap,
You're the sweetest hope of land.

Oh dear Alma Mater,
Eastern Visayas State University,
Your name is ringing in my heart,
There is love and joy from the start,
The abundance of your foundation,
Is a great help of our nation,
For in you is the fountain of wisdom
And your light is our shining freedom.

You're the precious gift from heaven,
You're the sweetest hope of land.

The ASEAN Hymn

ASEAN, Oh ASEAN
Our voices rise as one
From land to land
From sea to sea
Reach out for everyone

ASEAN, Oh ASEAN
Let's link our arms and stand
Behold the sun has risen to
The level of our eyes

Behold the sun has risen to
The level of our eyes

Acknowledgement

The Eastern Visayas State University (EVSU), through its Board of Regents and the University President, wishes to extend its deepest appreciation and thanks to all persons, who in one way or another, helped craft, review, evaluate and polish this noble 2017 Grievance Machinery of Eastern Visayas State University Manual (2017 University Grievance Machinery Manual).

Special thanks to the Department of Civil Service Commission (CSC) Regional Office No. VIII under the leadership of Hon. Victoria F. Esber, Director IV and her staff, for painstakingly reviewing or evaluating, and immediate submission of inputs which were integrated to and surely made this Manual compliant to the provisions CSC Resolution No. 010113 dated January 10, 2001 circularized per CSC Circular No. 2, s. 2001 and applicable laws, rules and regulations.

The EVSU Family is also grateful to the Board Committee on Draft Writing and Review of Policies and Rules (*formerly Board Committee on Review of Policies, Fees, Incentives and Assistance for Students & Employees*) Chaired by Regent Daniel A. Ariaso Sr., for drafting the first ever 2017 Grievance Machinery of Eastern Visayas State University Manual and for steering the Stakeholders' Consultation and Sectoral Focus Group Discussion (FGD); the Board Committee on Finance Chaired by Director Bonifacio G. Uy, and Board Committee on Academic and Administration Chaired by Director Edgardo M. Esperancilla for their immediate review and providing inputs which further strengthened this Manual.

It is just proper and fitting to acknowledge all the Vice Presidents, Campus Directors, College Deans, Heads, Chiefs, Chairpersons and Coordinators as well as Faculty Members, Non-Teaching Personnel, Students, Alumni, and Industry and Community Partners for their active participation during the Stakeholders' Consultation and Sectoral Focus Group Discussion, indeed, their inputs had contributed in shaping this Manual to be responsive and embodying the ideals and aspirations of the EVSU Family.

May the God Almighty Bless you all!

EVSU Family

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Chapter I
PRELIMINARY PROVISIONS

Article 1
Short Title, Legal Bases of Promulgation and Coverage

Section 1. **Short Title.** – This shall be known as 2017 Grievance Machinery of Eastern Visayas State University Manual, hereinafter referred to, as the EVSU-2017 Grievance Machinery Manual, or 2017 Grievance Machinery of the University Manual, *for brevity*.

Section 2. **Legal Bases of Promulgation.** – This 2017 Grievance Machinery of Eastern Visayas State University Manual is promulgated for guidance and compliance of all concerned pursuant to the following laws, rules, regulations, and jurisprudence:

- 2.1. Section 37, Chapter 5, Subtitle A, Title I, Book V of Executive Order No. 292¹:

“**SECTION 37.** Complaints and Grievances. – Employees shall have the right to present their complaints or grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the department or agency, as the case may be, and the employee shall have the right to appeal such decision to higher authorities.

Each department or agency shall promulgate rules and regulations governing expeditious, fair and equitable adjustment of employees’ complaints or grievances in accordance with the policies enunciated by the Commission.

In case any dispute remains unresolved after exhausting all the available remedies under existing laws and procedures, the parties may jointly refer the dispute to the Public Sector Labor Management Council constituted under section 46, for appropriate action.

- 2.2. CSC Resolution No. 010113 promulgated on January 10, 2001 circularized per MC No. 2, s. 2001 dated January 26, 2001²:

“2. All agencies shall establish a grievance machinery that is the best way to address grievance between or among government officials and employees.

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19. The agency Grievance Machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval.

¹ Instituting the Administrative Code of the Philippines signed on July 25, 1987.

² Revised Policies on the Settlement of Grievances in the Public Sector.

Subsequent amendments shall be subject to CSC approval and shall take effect immediately.”

2.3. Section 7 of R.A. No. 9311³:

Section 7. **Powers and Duties of the Board of Regents**⁴. – Pursuant to Section 7 of R. A. 9311, the Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under the Corporation Code⁵ and existing laws:

- (a) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University.

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- (k) To establish policy guidelines and procedures for participative decision-making and transparency within the University.

2.4. Section 6 of R.A. No. 8292⁶ and its IRR⁷:

Section 7. **Powers and Duties of the Board of Regents**⁸. – Pursuant to Section 7 of R. A. 9311, the Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under the Corporation Code⁹ and existing laws:

- (a) To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University.

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- (l) To establish policy guidelines and procedures for participative decision-making and transparency within the University.

2.5. 2017 Revised University Code approved per Board Resolution No. 115, s. 2017¹⁰:

³ “An Act Converting the Leyte Institute of Technology (LIT) in the Province of Leyte Into a State University to be Known as the Eastern Visayas State University and Appropriating Funds Therefor.”

⁴ Section 19, Article 7, Chapter IV, Title IV, Book II of the 2017 Revised University Code .

⁵ Batas Pambansa Blg. 68.

⁶ “An Providing for the Uniform Composition and Powers of the Governing Boards, the manner of Appointment and Term Office of the President of Chartered State Universities and Colleges, and for Other Purposes”, otherwise known as the “Higher Education Modernization Act of 1997.”

⁷ CHED Memorandum Order No. 03, s. 2011 entitled, Implementing Rules and Regulations of Republic Act No. 8292.

⁸ Section 19, Article 7, Chapter IV, Title IV, Book II of the 2017 Revised University Code.

⁹ Batas Pambansa Blg. 68.

¹⁰ Section 481, Article 112, Chapter XLV of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

- a. Section 19. **Powers and Duties of the Board of Regents**¹¹. – Pursuant to Section 7 of R. A. 9311, the Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under the Corporation Code¹² and existing laws:

19.1. To promulgate rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the University.

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19.11. To establish policy guidelines and procedures for participative decision-making and transparency within the University.

- b. Section 687. **Classifications of the Services' Manuals of the University**¹³. – The University shall have the following services' manuals:

687. xxxxxxxxxxxx

687.29. Grievance Machinery and Alternative Disputes Resolution Manual;

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Provided, That the University Code and all manuals provided above shall be applied of ISSN/ISBN at the National Library in accordance with existing laws, rules and regulations.

- c. Section 688. **Formulation and Promulgation**. – The services' manuals of the University shall be prepared by the Committee/s duly constituted by the University President. *Provided*, That all proposals of the services' manuals shall be submitted to the appropriate government agencies for comments and to the Committee on Draft Writing and Review of Policies, Fees, Incentives and Assistance of Students Employees or its equivalent Board Committee, for further review and conduct of consultations with the stakeholders, duly created under this Code and/or by the EVSU Board of Regents.

Provided, further, That after the proper consultations, the services' manuals shall be submitted to the Academic Council and/or Administrative Council for deliberation and endorsements to the appropriate Board Committees created by the EVSU Board of Regents. *Provided, furthermore*, that the EVSU Board of Regents shall approve all the services' manual upon the recommendation by the University President. *Provided, finally*, that all approved services' manuals shall be posted or displayed in the bulletin boards of the University Campuses

¹¹ Section 19, Article 7, Chapter IV, Title IV, Book II of the 2017 Revised University Code.

¹² Batas Pambansa Blg. 68.

¹³ Section 687, Article 163, Chapter LVIII, Title XII, Book VIII

and distributed to the concerned offices, departments, units or sections of the University for their proper guidance and execution.

2.6. Other pertinent laws, rules and regulations.

Further, this 2017 Grievance Machinery of the University Manual shall be considered or recognized as a consequence of the elevation of then Leyte Institute of Technology (LIT) into a State University and henceforth, the nature of LIT has completely changed when it became 30 EVSU pursuant to R.A. No. 9311. LIT did not just changed its name. The law created a university which, in effect, a new entity that is the EVSU¹⁴.

Section 3. **Scope and Uniform Implementation.** – This 2017 Grievance Machinery of the University Manual shall apply and be implemented uniformly to all levels of officials and employees the Eastern Visayas State University (EVSU) comprised of its Main Campus located in Tacloban City and its Integrated/External Campuses located in the City of Ormoc and Municipalities of Burauen, Carigara and Tanauan, and a Community Satellite Campus in the Municipality of Dulag, all in the Province of Leyte. It may also apply to non-career employees whenever applicable.

Article 2

**Construction and Interpretation, Definition of Terms, and
Suppletory Application of Relevant Laws, Rules and
Regulations Promulgated by Competent Authorities**

Section 4. **Construction and Interpretation of the 2017 Grievance Machinery of the University Manual.** – All doubts in the implementation of any of the provisions of this 2017 Grievance Machinery of the University Manual shall be interpreted and resolved in favor of the University.

Provided, that in matters affecting the welfare of a faculty member or teaching, academic staff, and non-teaching personnel, all doubts in the implementation and interpretation of pertinent provisions of this 2017 Grievance Machinery of the University Manual shall be resolved in favor of the faculty member or personnel, as the case may be, subject to applicable laws, rules and regulations.

Section 5. **Definition of Terms.** – Notwithstanding as may be provided in relevant laws, rules and regulations, the following terms are hereby defined as used in this 2017 Grievance Machinery of the University Manual:

- 5.1. *Academic Officers* – refer to the University President, Vice President for Academic Affairs, Deans of Colleges, Principal, Department Head, Director, and their Heads or Chairpersons or Coordinators of various academic departments or units.

¹⁴ PSLMC Resolution No. 02, s. 2009 dated June 11, 2009.

- 5.2. *Accredited or Recognized Employee Union* – an employee union accredited pursuant to Executive Order No. 180 and its implementing rules and regulations.
- 5.3. *Administrative Services* – refer to the functions of the University which directly relates to the supervision and control of administration of the University other than academic in nature.
- 5.4. *Administrative Officials* – refer to the Chief Administrative Officer, Directors for Finance, Administration, Human Resource Development, IGP, research, extension and such other offices or units of the University.
- 5.5. *Appointment* – refers to the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office. It is essentially an executive in nature¹⁵.
- 5.6. *Bilis Aksyon Partner* – is the counterpart Action Office of the Civil Service Commission under Mamayan Muna Program in every Campus of the University pursuant to CSC mc No. 3, s. 1994 and as provided under this Manual.
- 5.7. *Board* – refers to the Board of Regents of Eastern Visayas State University which is the highest policy-making body of the University.
- 5.8. *Campuses* – refer to the Main Campus of the University located in Tacloban City, integrated Campuses in the City of Ormoc and Municipalities of Burauen, Carigara, and Tanauan, and an Extension Campus in the Municipality of Dulag, all in the Province of Leyte.
- 5.9. *Community Laboratory* – refers to a community adopted by the University as part of its extension program where research and civic services are conducted by its students and/or faculty.
- 5.10. *Community Satellite Campus* – refers to a Campus established and funded by a Local Government Unit (LGU) and the responsibility of the University is limited to academic administration and management services only.
- 5.11. *Complaint* – means an employee's expressed (written, spoken) feelings of dissatisfaction with some aspects of his working conditions, relationships or status which are outside his or her control.

¹⁵ **Tapispisan v. Court of Appeals** (G.R. No. 157950, June 8, 2005).

- 5.12. *Congress of the Philippines* – refers to the legislative branch of the Republic of the Philippines created under Article X of the 1987 Philippine Constitution.
- 5.13. *CSC* – refers to Civil Service Commission created pursuant to Article IX-B of the 1987 Philippine Constitution.
- 5.14. *Designation* – is an imposition by law of additional duties of an incumbent official. It is essentially a legislative in nature. It may also be loosely defined as an appointment because it, likewise, involves the naming of a particular person to a specified public office. That is the common understanding of the term. However, where the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named¹⁶.
- 5.15. *EVSU* –refers to the Eastern Visayas State University.
- 5.16. *EVSU-BOR* – refers to the Board of Regents of Eastern Visayas State University.
- 5.17. *Executive Officials* – refers to the University President, Vice Presidents and Campuses Directors whose primary duties and functions to ensure proper, effective and efficient execution of policies and directions laid down by the Board and such competent authorities.
- 5.18. *Extension Campus* – is the Campus that responds to special needs/demand (i.e. instruction, research or extension) with no administrative structure duly created by the EVSU Board of Regents or enabling law.
- 5.19. *Extension Services* – refers to a function of the University and the faculty members and non-teaching personnel comprised of programs, projects, studies or activities conducted in accordance with the policies of the University directed towards the improvement on the quality of life and target clients and further expand the social contributions of the University to the constituents in various localities of Leyte or its nearby localities.

Provided, that for this purpose, the University shall, after the occurrence of a disaster or calamity and upon declaration of the State of Calamity by the President of the Philippines and/or invitation by the DDRMC national, regional or local levels, or by Local Government Unit (LGU) concerned or any organization, mobilize its personnel and students to constitute as volunteers in disaster or calamity hit area/s

¹⁶ **Tapispisan v. Court of Appeals**, G.R. No. 157950, June 8, 2005, citing *Sevilla v. Court of Appeals*, G.R. No. 88498, 9 June 1992, 209 SCRA 637.

pursuant to the provisions of R.A No. 10121¹⁷ and its IRR and the provisions of the 2017 Revised University.

- 5.20. *External Campus* – is a campus classified as CHED-Supervised Institution integrated to the University pursuant to the provisions of Republic Act No. 9311 and pertinent laws, rules and regulations.
- 5.21. *Faculty Member* – is an employee or personnel of the University who is hired with the primary duties and functions include instruction, research, extension services and production.
- 5.22. *Grievance*- a work-related discontentment or dissatisfaction which has been expressed verbally or in writing and which, in the aggrieved employee’s opinion, has been ignored or dropped without due consideration.
- 5.23. *Grievance Procedure* – refers to the method of determining and finding the best way to remedy the specific cause or causes of the complaint or grievance.
- 5.24. *Governing Board* – refers to the EVSU Board of Regents.
- 5.25. *Head of the University* – refers to the President of the University or University President.
- 5.26. *Head of the Campus* – refers to the Campus Director who is authorized to manage the administrative operations of the Campus. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University¹⁸.
- 5.27. *Head of the College* – refers to the Dean who is authorized to manage the administrative operations of the College. He/She is also tasked to coordinate the plans, programs, projects and activities of the campus in accordance with the overall vision, mission, goals and objectives of the University.
- 5.28. *Head of the Department, Unit or Section* – refers to the Director or head, chairperson or coordinator, as the case may be.
- 5.29. *Hold-over Capacity (Principle)* – refers to the preservation of continuity in the transaction of official business and prevents a hiatus in government or in any office of the University pending the assumption of a successor into office¹⁹.

¹⁷ An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefor and for Other Purposes.

¹⁸ Section 3(b), Article I of CHED Memorandum Order No. 20, s. 2011.

¹⁹ **Adap, etal vs. Commission on Elections** (G.R. No. 161984, February 21, 2007), citing *Nueno, etal. vs. Angeles, etal.* (G.R. No. L-89, February 1, 1946), the Supreme Court ruled:

- 5.30. *Immediate Supervisor* – refers to the duly appointed or designated official of the University who has supervision and control over a faculty member or non-teaching personnel or official of the different academic or instructional and administrative branches or offices of the University Campuses.
- 5.31. *Instructional Staff* – refers to faculty members who are employed on temporary basis and who are not Part-time faculty members of the University.
- 5.32. *IRR* – refers to Implementing Rules and Regulations of any law or statute enacted by the Congress of the Philippines or issued by the President of the Philippines and such competent authority/ies.
- 5.33. *Main Campus* – is the Campus located in Tacloban City where the administrative services of the University are located and/or where the University President holds office permanently.
- 5.34. *Manual* – refers to the 2017 Grievance Machinery of the University Manual approved per Board Resolution No. 32, s. 2018.
- 5.35. *Personnel* – refers to executive officials, officers, faculty members and non-teaching personnel of the University which they are also called as employees.
- 5.36. *Public Sector-Management Council (PSMLC)* – the Council responsible for the promulgation, implementation and administration of the guidelines for the exercise of the right of the University faculty members and non-teaching personnel to organize pursuant to Executive Order No. 180.
- 5.37. *R.A. or RA* – refers to Republic Act duly enacted by the Congress of the Philippines and approved by the President of the Philippines or lapse into law as provided under the 1987 Philippine Constitution.
- 5.38. *Regent* – refers to the Chairperson or Vice Chairperson or any Member of the Board.
- 5.39. *Term of Office* – refers to the time during which the officer may claim to hold the office as of right, and fixes the interval after which the several incumbents shall succeed one another. The term of office is not affected by the holdover. The term is fixed by statute and it does not change simply because the office may have become vacant, nor because the incumbent holds over in office beyond the end of the term

“The application of the hold-over principle preserves continuity in the transaction of official business and prevents a hiatus in government pending the assumption of a successor into office. As held in *Topacio Nueno v. Angeles*, cases of extreme necessity justify the application of the hold-over principle.”

due to the fact that a successor has not been elected and has failed to qualify²⁰.

- 5.40. *Top Management/Management* – refers to a person or group of persons vested with recommendatory powers or prerogatives to a) lay down and execute management policies and/or b) hire, transfer, suspend, lay-off, recall, discharge, assign, or discipline employees.
- 5.41. *University* – refers to Eastern Visayas State University or EVSU.
- 5.42. *University Code* –refers to the 2017 Revised Code of the Eastern Visayas State University or 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.
- 5.43. *Vacancy* – a condition or situation “when there is no person lawfully authorized to assume and exercise at present the duties of the office”²¹.

Provided, that all terms defined under Section 5 of the 2017 Revised University Code²² and subsequent issuances thereof, and such terms provided under existing laws, rules and regulations adopted by the EVSU Board of Regents are hereby deemed integrated to and shall be applied accordingly in this 2017 Grievance Machinery of the University Manual.

Section 6. ***Suppletory Application of Laws, Rules and Regulations.*** – Notwithstanding as explicitly adopted or provided under this 2017 Grievance Machinery of the University Manual, all laws, rules and regulations promulgated by competent authorities such as, but not limited to, the President of the Republic of the Philippines, Congress of the Philippines, Civil Service Commission (CSC), Commission on Higher Education (CHED), and such government agencies concerned, shall apply suppletorily and serve as governing guidelines to this Code, in so far as expressly determined and duly adopted by the EVSU Board of Regents.

Chapter II **OBJECTIVES, BASIC FEATURES AND POLICIES, COVERAGE AND EXCLUSION OF THE GRIEVANCE MACHINERY**

Article 3 **Objectives**

²⁰ ***Valle Verde Country Club, Inc. v. Africa***, G.R. No. 151969, September 4, 2009 citing *Topacio Nueno v. Angeles*, 76 Phil. 12, 21-22 (1946); *Alba v. Evangelista*, 100 Phil. 683, 694 (1957); *Paredes v. Abad*, 155 Phil. 494 (1974); *Aparri v. Court of Appeals*, No. L-30057, January 31, 1984, 127 SCRA 231., and *Gaminde v. Commission on Audit*, G.R. No. 140335, December 13, 2000, 347 SCRA 655.

²¹ In ***Gamboa vs. Augiree, et al.***, G.R. No. 134213, July 20, 1999, citing, *Stocking v. State*, 7 Ind. 326 cited in Mechem. A Treatise on the Law on Public Offices and Officers, p. 61 cited in *Menzon v. Petilla*, 197 SCRA 251, the Supreme Court ruled that:

“A *sensu contrario*, there is a vacancy when there is no person lawfully authorized to assume and exercise at present the duties of the office.”

²² Approved per Board Resolution No. 115, s. 2017 on April 19, 2017.

Section 7. **General Objectives.** – This grievance machinery to create a work atmosphere conducive to good supervisor-employee relations and improve employee morale.

Section 8. **Specific Objectives.** – The specific objectives of this grievance machinery are as follows:

- 8.1. Activate and strengthen the University's existing grievance machinery;
- 8.2. Settle grievances at the lowest possible level in the University²³; and
- 8.3. Serve as a catalyst for the development of capabilities of personnel on dispute settlement, especially among supervisors in the University.

Article 4

Basic Features and Policies

Section 9. **Basic Features.** – The University shall conform to the guidelines set forth under CSC MC No. 02, s. 2001 dated January 26, 2001²⁴ and its subsequent issuances. As such, the grievance machinery refers to the system or method of determining and finding the best way to address the specific cause or cause of conflicts, to help promote wholesome and desirable personnel relations within the University, to prevent personnel discontentment and dissatisfaction and to have the complaint or grievance resolved as expeditiously as possible at the lowest possible level²⁵.

Section 10. **Basic Policies**²⁶. – The University shall provide for amicable internal procedures or remedies, including provisions for voluntary arbitration, as a preferable measure in the settlement of any issue, dispute, or grievance arising from employment relations pursuant to Civil Service laws, rules and regulations.

Article 5

Coverage and Exclusion

²³ **Duty Free Philippines v. Rossano J. Mojica**, G.R. No. 166365, September 30, 2005, the Supreme Court ruled:

"EO No. 292 provided that civil service employees have the right to present their complaints or grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the department or agency, as the case may be, and the employee shall have the right to appeal such decision to higher authorities. In case any dispute remains unresolved after exhausting all the available remedies under existing laws and procedure, the parties may jointly refer the dispute in the Public Sector Labor Management Council for appropriate action."

²⁴ "Revised Policies on the Settlement of Grievances in the Public Sector."

²⁵ Section 476, Article 112, Chapter XLV of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

²⁶ Section 477, Article 112, Chapter XLV of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

Section 11. **Coverage**²⁷. – The following instances shall be acted upon through the grievance machinery:

- 11.1. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law, including salaries, incentives, working hours, leave benefits such as delay in the processing of overtime pay, unreasonable withholding of salaries and inaction on application for leave;
- 11.2. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them such as failure to observe selection process in appointment, and undue delaying the processing of retirement papers;
- 11.3. Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another;
- 11.4. Inadequate physical working conditions such as lack of proper ventilation in the workplace, and insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous;
- 11.5. Protest on appointments; and
- 11.6. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

Section 12. **Exclusion**²⁸. – The following cases shall not be acted upon through the grievance machinery:

- 12.1. Disciplinary cases which shall be resolved pursuant to the uniform rules on administrative cases;
- 12.2. Sexual harassment cases as provided for in R. A. No. 7877; and
- 12.3. Union-related issues and concerns.

Chapter III **THE UNIVERSITY GRIEVANCE COMMITTEE (UGC)**

Article 6 **General Provisions**

Section 13. **General Guidelines**. – The following guidelines shall strictly be implemented:

²⁷ Section 478, Article 112, Chapter XLV of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

²⁸ Section 480, Article 112, Chapter XLV of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

- 13.1. *Qualifications.* – Only permanent officials and personnel shall be appointed or elected as members of the Grievance Committee to be constituted by the University President.
- 13.2. *Gender Equality.* – The University President shall ensure equal opportunity for men and women to be represented in the Grievance Committee.
- 13.3. *Essential Qualities.* – In the appointment or designation or election of the UGC Chairperson, Vice Chairperson and Members, their integrity, probity, sincerity and credibility shall be considered.
- 13.4. *Inhibition Due to Conflict of Interest.* – To avoid conflict of interest, the UGC Chairperson or Vice Chairperson or Member shall immediately if the grievance relates to him/herself or any of the party who shall be related to him or her by consanguinity or affinity.
- 13.5. *Prioritization to Perform Duty and Credit Equivalency of Membership to the University Grievance Committee.* – Membership in the University Grievance Committee shall be considered part of the members' regular duties²⁹ and shall be given utmost priority over their respective activities.

Provided, further, that the Chairperson, Vice Chairperson and Members of the University Grievance Committee shall be entitled to credit equivalency of not more than six (6) units teaching workload or administrative function which shall be deloaded and be integrated in their semestral or annual regular workload or duties and responsibilities, as the case may be, as determined by the University President.

Article 7

Composition, Duties and Functions

Section 14. ***Composition and Designation.*** – The University Grievance Committee shall be composed of a Chairperson, who shall be any of the Vice Presidents, a Vice Chairperson who shall not be lower than a Dean or Director, a Secretary and at least two (2) Members with equal representation from the Faculty and Non-Teaching personnel.

Provided, that the Chairperson and Vice Chairperson shall be designated by the University President while the representatives of the Faculty and Non-teaching personnel shall be recommended to the University President by their respective duly recognized union officers or general assembly, subject to the provisions of the duly approved Collective Negotiation Agreement (CNA).

Provided, further, that the University may create Grievance Committee in the External or Integrated Campuses of the University upon the recommendation of the

²⁹ Item 16 of CSC MC No. 02, s. 2001 dated January 26, 2001.

duly constituted University Grievance Committee with all the duties and functions as provided under Section 15, Article 4, Chapter III of this Manual.

Provided, furthermore, that of the two (2) members from the rank-and-file; one from the first level and another from the second level who shall participate in the resolution of the grievance of first level employees and second level employees, respectively.

Section 15. **Duties and Responsibilities.** – In addition to finding the best way to address specific grievance, the University Grievance Committee shall have the following duties and responsibilities:

- 15.1. Establishes its own internal procedures and strategies. Members in the University Grievance Committee shall be considered part of the members' regular duties as provided for under this Manual;
- 15.2. Develops and implement pro-active and positive measures or activities to prevent grievance such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling and other Human Resource Development (HRD) interventions. Minutes of the proceedings of these activities shall be documented for audit purposes;
- 15.3. Conducts continuing information drive on Grievance Machinery among officials and employees in collaboration with the Human Resource Development Offices of the University Campuses;
- 15.4. Conducts dialogue between and among the parties involved;
- 15.5. Conducts an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. *Provided, however,* that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to the University President;
- 15.6. Adopts any of the modes of settling employee-management disputes as provided under this Manual;
- 15.7. Documents the grievance including the preparation and signing of written agreements reached by the parties involved;
- 15.8. Issues Certification on the Final Action on the Grievance (CFAG) which shall contain, among other things, the following information: history and final action taken by the University on the grievance;
- 15.9. Conducts periodic review of any and/or all provisions of this Manual and recommend the same to the University President or EVSU BOR for approval;
- 15.10. Submits a quarterly report of its accomplishments and status of unresolved grievances to the CSC Regional Office No. VIII;

- 15.11. Ensures proper, effective and efficient the provisions of this Manual and its subsequent issuances; and
- 15.12. Discharge such duties as expressly provided under this Manual and/or as may be authorized by the University President from time to time.

Article 8

Term of Office, Hold-over Capacity and Filling-Up of Vacancy

Section 16. **Term of Office.** – The Chairperson, Vice Chairperson and Members of the UGC shall serve for a period of two (2) years qualified for another term as the University President may determine.

Section 17. **Hold Over Capacity**³⁰. – In order to ensure continuity of services and avoid hiatus, the Chairperson, Vice Chairperson and Members of the UGC shall exercise their respective duties and responsibilities upon expiration of their respective terms of office, on hold over capacity, with all the duties and benefits enjoyed by a *de jure* or regular Chairperson, Vice Chairperson or Member, as the case may be, until their respective replacements are duly designated or appointed by the University President, or elected by their respective sectors, as the case may be.

Section 18. **Vacancy.** – Vacancies, by reasons of resignation, death, incapacity, retirement or disqualification of the Chairperson, Vice Chairperson or Members of the University Grievance Committee shall be filed within fifteen (15) days from actual occurrence of the vacancy by designation of qualified official or personnel of the University subject to the provisions of this 2017 Grievance Machinery of the University Manual.

Article 9

Meetings, Attendance, and Quorum

Section 19. **Meetings.** – The duly constituted Grievance Committee shall hold meetings as herein provided:

- 19.1. **Regular Meeting.** – The duly constituted Grievance Committee shall hold regular meeting at least once a month on the date, time and venue determined by a majority of the committee members.
- 19.2. **Special Meeting.** – A special meeting may be called by the Committee Chairperson or a position of at least three (3) of the total membership.

Section 20. **Attendance.** – The Chairperson, Vice Chairperson and Members shall regularly attend the committee meetings.

Provided, that failure to attend at least three (3) meetings per year, whether consecutive or not, shall be a valid ground for the suspension of the credit

³⁰ Section 114, Article 18 of the 2017 Revised University Code

equivalency and revocation of committee membership and disqualification for renewal of the designation.

Provided, further, that all persons, identified by both the aggrieved party and subject of the grievance who can help facilitate the settlement, shall attend in a particular meeting called by the UGC or upon invitation by its Chairperson.

Section 21. **Notice of Meeting.** – The Committee Secretary shall be responsible in preparing and issuing the notice of every meeting upon the direction of the Committee Chairperson. The notice of meeting shall be distributed at least two (2) days prior to the conduct of the meeting.

Section 22. **Quorum.** – The quorum of every meeting shall be 50+1 of the total membership of the UGC.

Article 10

Secretariat, Internal Procedures and Strategies

Section 23. **Secretariat.** – The Human Resource Development Offices through the Directors/Heads thereof shall serve as the Secretariat of the University Grievance Committee.

Section 24. **Internal Procedures and Strategies.** – The duly constituted University Grievance Committee shall establish its own internal procedures and strategies deemed necessary in ensuring efficient, effective and productive discharge of its mandates and duties subject to the approval by the University President.

Article 11

Administrative Office, Forms and Custody of Documents

Section 25. **Designation of a Space for Administrative Office.** – The University President shall designate an office space to serve as the administrative office of the UGC and where it shall conduct committee meetings and functions.

Section 26. **Forms and Custody of Documents.** – The forms provided under the Annexes of this Manual shall be used by all concerned. These shall be reproduced to adequate copies and distributed to the offices of the different immediate supervisors as identified under Section 33, Article 15, Chapter IV of this 2017 Grievance Machinery of the University Manual to ensure access and immediate use by the aggrieved parties and officials concerned.

Further, relevant documents of the UGC shall be under the direct custody of the Committee Chairperson to be stored or kept at the administrative office specifically allocated to and designated for use by the UGC.

Article 12

**Modes of Settling Employee-Management Disputes, Pro-Active
and Positive Measures, Information Drive, and Continuing Enhancement
Capability Trainings**

Section 27. **Modes of Settling Employee-Management Disputes.** – Disputes among officials and employees in the University may be settled by the process of conciliation, mediation or arbitration as the University Grievance Committee adopt from time to time, to wit:

- 27.1. A **conciliator** shall be tasked with bringing the contending parties together, encouraging them to talk to each other about their differences in a non-adversarial manner, and assist them in arriving at a mutually acceptable solution.
- 27.2. A **mediator** shall come in after conciliation fails. He/She shall take a more active role in helping the parties arrive at a mutually acceptable solution to their problem; failing which, he/she shall recommend his/her own solutions for the settlement of disputes.
- 27.3. An **arbitrator** may be an individual or a board of three, either of whom is empowered to make a decision to resolve the dispute. An arbitrator may be chosen by both parties who shall be known as a voluntary arbitrator and whose decision shall be final and binding on both parties.

Where voluntary arbitration fails, a compulsory arbitrator shall be appointed by the Chairperson of the University Grievance Committee, whose decision after due hearing shall be appealable subject to the provision of this Manual.

- 27.4. **Conciliation** – process whereby a third party (conciliator) brings the parties together encourages them to discuss their difference and assists them in developing their own proposed solutions.
- 27.5. **Mediation** – process whereby a third party (mediator) is more active in assisting the parties reach acceptable solutions to the problem/s and help the disputing parties develop or come out with an acceptable solution. He/She can even submit his/her own proposal/s for the settlement of disputes.
- 27.6. **Arbitration** – process whereby a third party (individual arbitrator), a board of arbitrators, or an arbitration court not acting as a court, is empowered to make a decision which disposes of the dispute.
- 27.7. **Voluntary** – a method of settling dispute/s by submitting the “controversy” before an arbitrator chosen by both parties. The voluntary arbitrator shall render a decision after proper hearing of the issues. The decision of the arbitrator shall be final and binding on the contending parties.

27.8. **Compulsory** – a method resorted to when the dispute has become hardened and irreconcilable and remains unresolved after exhausting all the available remedies under existing laws and procedures. The dispute is thus submitted to the Public Sector Labor Management Council (PSLMC), which shall render a decision after proper hearing of the issues. The decision of the Council shall be final and binding on the contending parties.

Section 28. **Development and Implementation of Pro-active and Positive Measures.** – The University Grievance Committee (UGC) shall develop and implement pro-active and positive measures that would prevent grievance such as, but not limited to, employee assembly which shall be conducted at least once every quarter, “talakayan”, counseling, Human Resource Development (HRD) interventions and other similar activities.

Section 29. **Continuing Information Drive.** – The Human Resource Management Offices of the University Campuses, in collaboration with the University Grievance Committee (UGC), shall conduct a continuing information drive on grievance machinery among its officials and employees.

Section 30. **Continuing Enhancement Capability Trainings.** – The Chairperson, Vice Chairperson and Members of the University Grievance Committee including the conciliators, mediators, and arbiters shall undertake continuing enhancement capability for them to effectively, efficiently, productively and meaningfully discharge their respective duties and functions.

Article 13

Decisions or Agreements

Section 31. **Finality and Execution of the Decisions or Agreements.** – Unless appealed, or otherwise provided, the decision of the concerned authorities shall take effect immediately and/or upon receipt of the decision of all parties involved.

Section 32. **Appeal.** – Any party may appeal of any decision as provided under Article 11 of this Manual.

Article 14

Submission of Reports and Technical Assistance

Section 33. **Submission of Reports.** – The University Grievance Committee, through its Chairperson, shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office No. VIII.

The Secretariat shall prepare the report for review by the UGC Chairperson and to the University President for appropriate action or transmittal to the CSC Regional Office No. VIII.

Section 34. **Technical Assistance.** – As much as practicable, the CSC Regional Office No. VIII shall provide technical assistance to the duly constituted University Grievance Committee.

Chapter IV
**FORM AND SUBSTANCE, PROCEDURES AND
REQUIREMENTS OF A GRIEVANCE**

Article 15
Form and Substance

Section 35. **Form and Substance of a Grievance.** - A grievance shall be presented verbally or in writing in the first instance by the aggrieved party to his or her immediate supervisor. The latter shall, within three (3) working days from the date of presentation, inform verbally the aggrieved party of the corresponding action.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

For this purpose, an immediate supervisor shall be as follows:

Aggrieved Party	Immediate Supervisor (Academic/Instructional and Administrative)
Faculty Member or Non-teaching Personnel	Program Chair or Coordinator or its equivalent
Program Chair or Coordinator/Section Chief	Center/Department Head or its equivalent
Center/Department Head	Department Director/Division Chief or Dean as the case may be
Department Director/Division Chief	Campus Director or Vice President
College Dean	Vice President for Academic Affairs
Campus Director	University President
Vice President	University President
University President and Regent	Chairperson of the EVSU BOR
Chairperson of the EVSU BOR	Executive Secretary if the Chairperson is a CHED Commissioner, or President of the Philippines if the Chairperson is the CHED Chairperson

Article 16
Procedures and Requirements

Section 36. **Grievance Procedures.** – The procedures for seeking redress of grievances shall be as follows:

- 36.1. *Discussion with Immediate Supervisor.* – At the first instance, a grievance shall be presented verbally or in writing by the aggrieved party to his or her immediate supervisor.

The supervisor shall inform the aggrieved party of the corresponding action within three (3) working days from the date of presentation.

Provided, however, that where the object of the grievance is the immediate supervisor, the aggrieved party may bring the grievance to the next higher supervisor.

- 36.2. *Appeal to the Higher Supervisor.* – If the aggrieved party is not satisfied with the verbal decision, he or she may submit the grievance in writing, within five (5) days to the next higher supervisor who shall render his or her decision within (5) working days from receipt of the grievance.

- 36.3. *Appeal to the University Grievance Committee.* – The decision of the next higher supervisor may be elevated to the University Grievance Committee within five (5) working days from receipt of the decision of the next higher supervisor.

The University Grievance Committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render within five (5) working days after the investigation. *Provided, however,* that where the object of the grievance is the University Grievance Committee or University President or top management, the aggrieved party may submit the grievance to the University President or EVSU BOR, respectively.

- 36.4. *Appeal to the University President or EVSU Board of Regents.* – If the aggrieved party is not satisfied with the decision of the University Grievance Committee, he or she may elevate his or her grievance within five (5) working days from receipt of the decision through the University Grievance Committee who shall make the decision within ten (10) working days after the receipt of the grievance.

Provided, however, that where the object of the grievance is the University President or top management or the EVSU BOR, the aggrieved party may bring his or her grievance directly to the EVSU BOR or to the CSC Regional Office No. VIII, respectively.

- 36.5. *Appeal to the EVSU Board of Regents or CSC Regional Office No. VIII.* – If the aggrieved party is not satisfied with the decision of the University President or EVSU Board of Regents, he or she may appeal or elevate to EVSU Board of Regents or CSC Regional Office No. VIII

within fifteen (15) working days from the receipt of such decision. Together with the appeal, the aggrieved party shall submit a Certification on the Final Action on the Grievance (CFAG). The CSC Regional Office No. VIII shall rule on the appeal in accordance with existing civil service laws, rules and regulations.

Section 37. **Period of Grievance Investigation.** – The University Grievance Committee may conduct an investigation and hearing within ten (10) working days from receipt of the grievance and render a decision within five (5) working days after the investigation. *Provided, however,* that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to the University President or top management.

Section 38. **Non-Application of the Rules of Court and Technicalities.** – The Rules of Court shall not apply in settling grievances as provided under this Manual. The University Grievance Committee and the parties involved shall not be allowed to use or resort to technicalities in order to achieve the objectives of the grievance machinery of the University.

Section 39. **Elevation to and Assumption of Jurisdiction on Grievances or Complaints by the Civil Service Commission.** – A grievance may be elevated to and assumed jurisdiction by the CSC Central Office and/or CSC Regional Office No. VIII only upon submission of a Certification on the Final Action on the Grievance (CFAG) issued by the University Grievance Committee. The CFAG shall contain, among others things, the following information: history and final action taken by the University on the grievance.

Chapter V

APPLICATION OF THE FREEDOM OF INFORMATION

Article 17

Exemptions and Documents Which Can Be Secured or Disclosed on Grievance Matters

Section 40. **Exemptions of Disclosures.** – All duly accomplished grievance forms, proceedings, minutes, resolutions and orders emanating or generated by the University Grievance Committee in the performance of its duties and functions shall be exempted from public disclosures pursuant to the provisions of the University People’s Freedom of Information (UPFOI) approved per Board Resolution No. 116, s. 2017.

Section 41. **Documents Which Can Be Secured and Disclosed.** – Quarterly reports, in its final form, may be secured or disclosed from the Secretariat duly approved by the Committee Chairperson, subject to the procedures and requirements under the University People’s Freedom of Information (UPFOI) approved per Board Resolution No. 116, s. 2017.

Section 42. **Suppletory Application of the University People's Freedom of Information (UPFOI).** – The University People's Freedom of Information (UPFOI) approved per Board Resolution No. 116, s. 2017 shall be applied suppletorily to this Manual.

Chapter VI **MISCELLANEOUS PROVISIONS**

Article 18 **Budgetary Requirements**

Section 43. **Funding Requirements.** – The amounts necessary for the implementation of this Manual shall be charged against the Human Resource Development (HRD) fund and its equivalent and/or income of the University subject to usual accounting and auditing rules and regulations.

Section 44. **Fund Allocations.** – Each University Campus shall allocate the necessary fund in their respective annual budgets in accordance with the annual expenditure program formulated by the University Grievance Committee duly approved by the University President and the Board.

Section 45. **Management of the Funds.** – The funds allocated for the implementation of programs and activities including the conduct of meetings and official functions of the grievance machinery shall be managed by the duly constituted University Grievance Committee.

Article 19 **Declaration of Accountability of the Officials and Employees of the University**

Section 46. **Accountability of the Officials and Employees of the University.** – Public Office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and just, and lead modest lives.³¹ These constitutionally-enshrined principles, oft-repeated in our case law, are not mere rhetorical flourishes or idealistic sentiments. They should be taken as working standards by all in the public service³². Public office therefore is given utmost regard, and the highest standards of service are expected from it³³.

Further, the University shall adhere to the policies laid down under Republic Act No. 9485³⁴ and its IRR³⁵ and subsequent issuances thereof. Relatedly, all

³¹ Section 1, Article XI of the 1987 Philippine Constitution.

³² **GSIS v. Mayordom**, G.R. No. 191218, May 31, 2011.

³³ **Palecpec v. Davis**, G.R. No. 171048, July 31, 2007 citing *Bernardo v. Court of Appeals*, G.R. No. 124261, 27 May 2004, 429 SCRA 285, 298-299.

³⁴ "An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption, and Providing Penalties Thereof" or the Anti-Red Tape Act of 2007."

³⁵ Implementing Rules and Regulations of Republic Act No. 9485.

Offices, Centers, Units and Sections of the University Campuses shall strictly observe the “no noon break” policy and ensure that frontline services must at all times be complemented with adequate staff by adopting mechanisms such as rotation system among office personnel, sliding flexi-time, reliever system especially in peak times of the transaction, or providing skeletal personnel during lunch and snack time³⁶.

Section 47. **Norms of Conduct of the Executive Officials, Officers or Managers of Administrative Offices, Faculty Members, and Non-Teaching Personnel of the University**, – Pursuant to Section 4 of R.A. No. 6713³⁷ and its IRR, every Regent, Executive Official, Officer or Director/Head/Manager of Administrative Offices, Faculty Member and Non-Teaching Personnel of the University, shall observe the following as standards of personal conduct in the discharge and execution of official duties:

- 47.1. *Commitment to public interest*. – University officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in University funds and revenues.
- 47.2. *Professionalism*. – University officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.
- 47.3. *Justness and sincerity*. – University officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.
- 47.4. *Political neutrality*. – University officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.

³⁶ Section 3, Rule VI of CSC MC No. 12, s. 2008.

³⁷ “An Act Establishing a Code of Conduct and Ethnical Standards for Public Officials and employees, To Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Example Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations thereof and for Other Purposes.”

- 47.5. *Responsiveness to the public.* – University officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, University officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed and rural and urban areas.
- 47.6. *Nationalism and patriotism.* – University officials and employees shall at all times be loyal to the Republic and to the Filipino people, promote the use of locally-produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.
- 47.7. *Commitment to democracy.* – University officials and employees shall commit themselves to the democratic way of life and values, maintain the principles of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.
- 47.8. *Simple living.* – University officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

Section 48. ***Duties of Conduct of the Executive Officials, Officers or Directors/Heads/Managers of Administrative Offices, Faculty Members, and Non-Teaching Personnel of the University***³⁸. – In the performance of their duties, all Regents, Executive Officials, Officers or Directors/Heads/Managers of Administrative Offices, Faculty Members and Non-Teaching Personnel of the University hereinafter referred to as employees of the University, *for brevity*, are under obligation to:

- 48.1. *Act promptly on letters and requests.* – All University officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.
- 48.2. *Submit annual performance reports.* – All University officials and other responsible officers and offices of the University shall, within forty-five

³⁸ Section 9, Article 3, Chapter II, Preliminary Title, Book I of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017.

(45) working days from the end of the year, render a performance report of the University or office. Such report shall be open and available to the public within regular office hours.

- 48.3. *Process documents and papers expeditiously.* – All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence duly authorized signatories, the official next-in-rank or officer-in-charge shall sign for and in their behalf.
- 48.4. *Act immediately on the public's personal transactions.* – All University officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.
- 48.5. *Make documents accessible to the public.* – All public documents must be made accessible to and readily available for inspection by the public within reasonable working hours.

Section 49. **Membership to the EVSU Board of Regents as a Public Office.** – As enunciated in *Serana*³⁹ and *Javier*⁴⁰ doctrines, Membership in the EVSU Board of Regents is a public office and therefore, Regents are public officers during their incumbency.

Article 20 Data Privacy and Protection

³⁹ *Serana vs. Sandiganbayan*, G.R. No. 162059, January 22, 2008 citing, G.R. No. 125296, July 20, 2006, 495 SCRA 452, 458-459, G.R. No. L-30057, January 31, 1984, 127 SCRA 231, 237-238, 430 Phil. 658 (2002), *Laurel v. Desierto*, citing F.R. Mechem, A Treatise on the Law of Public Offices and Officers, Sec. 1., G.R. No. 158187, February 11, 2005, 451 SCRA 187, Presidential Decree No. 1606, Sec. 4(A)(1)(g), *University of the Philippines v. Court of Industrial Relations*, 107 Phil. 848 (1960), the Supreme Court held:

"Petitioner UP student regent is a public officer.

X X X

In *Aparri v. Court of Appeals*, the Court held that:

"A public office is the right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public (*[Mechem Public Offices and Officers,]* Sec. 1).

X X X.

In *Laurel v. Desierto*, the Court adopted the definition of Mechem of a public office:

"The individual so invested is a public officer.

X X X

Petitioner claims that she is not a public officer with Salary Grade 27; she is, in fact, a regular tuition fee-paying student. This is likewise bereft of merit. It is not only the salary grade that determines the jurisdiction of the Sandiganbayan. x x x.

X X X

Moreover, it is well established that compensation is not an essential element of public office. At most, it is merely incidental to the public office."

⁴⁰ *Javier vs. Sandiganbayan*, G.R. Nos. 147026-27, September 11, 2009, the Supreme Court enunciated as follows:

"A perusal of the above powers and functions leads us to conclude that they partake of the nature of public functions. A public office is the right, authority and duty, created and conferred by law, by which, for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public." (*Italics supplied*).

Section 50. **Declaration of Policy.** – The University shall conform to the declared State policies under Section 2 of Republic Act No. 10173⁴¹, to wit:

“It is hereby the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The state recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

Section 51. **Scope**⁴². – This Article shall, in conformity with Republic Act No. 10173, apply to the processing of all types of personal information to any natural and juridical person involved in personal information processing including those personal controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines or those who maintain an office, branch or agency in the Philippines subject ,to the immediately succeeding paragraph: *Provided*, that the requirements of Section of R.A. No. 10173 are complied with.

Section 52. **Rights of the Data Subject**⁴³. – The data subject⁴⁴ is entitled to:

- 52.1. Be informed whether personal information pertaining to him or her shall be, are being or have been processed;
- 52.2. Be furnished the information indicated hereunder before the entry of his or personal information into the processing system of the personal information controller, or at the next practical opportunity;
 - a. Description of the personal information to be entered into the system;
 - b. Purposes for which they are being or are to be processed;
 - c. Scope and method of the personal information processing;
 - d. The recipients or classes of recipients to whom they are or may be disclosed;
 - e. Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;

⁴¹ An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes.”

⁴² Section 4 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.”

⁴³ Section 16, Chapter IV of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012.”

⁴⁴ Refers to an individual whose personal information is processed as provided under Section 3(c) of Republic Act No. 10173. In the University, it shall refer to officials, faculty members or non-teaching personnel or employees and students.

- f. The identity and contact details of the personal information controller or its representative;
- g. The period for which the information will be stored; and
- h. The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission⁴⁵.

Any information supplied or declaration made to the data subjects on these matters shall not be amended without prior notification of data subject: Provided, That the notification under subsection (b) shall not apply should the personal information be needed pursuant to a subpoena or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

- 52.3. Reasonable access to, upon demand, the following:
 - a. Contents of his or her personal information that were processed;
 - b. Sources from which personal information were obtained;
 - c. Names and addresses of recipients of the personal information;
 - d. Manner by which such data were processed;
 - e. Reasons for the disclosure of the personal information to recipients;
 - f. Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;
 - g. Date when his or her personal information concerning the data subject were last accessed and modified; and
 - h. The designation, or name or identity and address of the personal information controller.
- 52.4. Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt

⁴⁵ Refers to the National Privacy Commission created pursuant to Chapter II of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012."

of the new and the retracted information by recipients thereof; Provided, That the third parties who have previously received such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;

- 52.5. Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information;
- 52.6. Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

Section 53. **Right to Data Portability**⁴⁶. – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

Section 54. **Non-Applicability**. – The immediately preceding sections are not applicable if the processed personal information as used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject.

Provided, that the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable.

Section 55. **Adoption and Suppletorily Application of Republic Act No. 10173 and Relevant Laws, Rules and Regulations**. – The pertinent provisions of R.A. No. 10173 and such relevant laws, rules and regulations duly approved by the EVSU Board of Regents are hereby adopted and shall apply suppletorily and serve as the governing guidelines of this Article.

Article 21

Suppletory Application of the Rules and Jurisprudence on Administrative and Disciplinary Cases and Resolution in Case the Provisions of this Manual in Conflict Thereof

Section 56. **General Policy**. – The rules and jurisprudence on administrative

⁴⁶ Section 18 of Republic Act No. 10173 otherwise known as the Data Privacy Act of 2012.

and disciplinary Cases pursuant to the Revised Rules on Administrative Cases in the Civil Service approved per CSC Resolution No. 1701077 promulgated on July 3, 2017⁴⁷, Rules on Administrative and Disciplinary Cases of the Officials and Employees of the Eastern Visayas State University approved per Board Resolution No. 29, s. 2018 and their subsequent amendments/revisions or issuances thereof and existing jurisprudence shall be applied suppletorily to this 2017 Grievance Machinery of the University Manual on matters to protest of appointment or promotions and such non-disciplinary actions or cases that are subject to grievance machinery as provided under this 2017 Grievance Machinery of the University Manual.

Section 57. **Resolution in Case of Conflict Between CSC Rules and Jurisprudence and this Manual and Other Policies Approved by the EVSU Board of Regents.** – The provision of this 2017 Grievance Machinery of the University Manual and other policies approved by the EVSU Board of Regents must yield to the CSC rules and jurisprudence laid down by the Supreme Court of the Philippines should conflict occurs.

Chapter VI **TRANSITORY AND FINAL PROVISIONS**

Article 22 **Transition Provisions**

Section 58. **Transition Measures.** – The following transition measures:

- 58.1. *Re-organization and Filling of the University Grievance Committee (UGC).* – The University President shall, within fifteen (15) days from the approval of this Manual, cause the reo-organization and filling of the University Grievance Committee in accordance with the provisions hereof. Should the duly recognized union/s fails to elect or recommend their respective representatives, the University President may designate the union’s representatives on acting capacity with all the duties and entitlements until their respective replacements are duly elected or named and qualified to assume office in accordance with the provisions of this Manual.
- 58.2. *Reproduction and Distribution of the Forms.* – Within fifteen (15) days from the constitution of the UGC and thereafter, the forms provided under this Manual shall be reproduced to the number of copies as may be deemed necessary and shall be distributed in accordance to the provisions of this Manual.
- 58.3. *Reproduction, Distribution and Dissemination of the Manual.* – Within fifteen (15) days upon the approval and thereafter, this Manual shall be reproduced and distributed to all immediate supervisors and

⁴⁷ “2017 Rules on Administrative Cases in the Civil Services (2017 RACCS).”

officers of the recognized unions of the University for their reference and the same be displayed in their respective Offices and in the different Transparency and Freedom of Information bulleting Boards of the different Campuses and Colleges for wide dissemination to and use by the faculty members and non-teaching personnel of the University.

- 58.4. *Processing of Existing Grievances.* – All existing grievances shall be processed in accordance with the provisions of this 2017 Grievance Machinery of the University Manual.

Article 23

Penal, Parity, and Prohibition Against Diminution and/or Elimination

Section 59. **Penal Provision.** – Supervisors or officials who refuse to take action on a grievance brought to their attention including those who will refuse or fail to attend committee meeting shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations, and jurisprudence.

Section 60. **Parity Clause.** – All other powers, functions and privileges, responsibilities and limitations to state universities and/or their officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials or officers, faculty members, non-teaching personnel or employees and students whenever appropriate.

Section 61. **Prohibition Against Diminution and/or Elimination.** – Nothing in this 2017 Grievance Machinery of the University Manual shall be construed to eliminate or in any way diminish rights, benefits, privileges, powers, duties and functions, as the case may be, being enjoyed by the officials or officers, faculty members, non-teaching personnel or employees of the University at the time of the effectivity of this 2017 Grievance Machinery of the University Manual.

Article 24

Rule-Making, Review or Updating, Amendment and Revision

Section 62. **Rule-Making Authority.** – The University President shall, upon recommendation by the University Grievance Committee or proper Council or committee duly constituted for the purpose, and stakeholders of the University, formulate such implementing guidelines deemed necessary and incidental to ensure proper, effective and efficient implementation or execution of the provisions of this Manual. *Provided,* that the failure of the University President and/or EVSU Board of Regents to promulgate the guidelines shall not prevent or delay the effectivity and implementation of this 2017 Grievance Machinery of the University Manual in accordance with effectivity date provided under Section 69 hereof.

Section 63. **Review and Ratification of Implementing Guidelines.** – The implementing guidelines of any and/or all of the provisions of this 2017 Grievance Machinery of the University Manual shall be submitted to the Board and CSC Regional Office No VIII for review and ratification.

Section 64. **Amendment.** – Any provision/s or part/s of this Manual may be amended by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee and duly approved by the CSC Regional Office No. VIII.

Provided, that the UGC and stakeholders of the University concerned are properly consulted.

Section 65. **Revision.** – This 2017 Grievance Machinery of the University Manual may be revised by the EVSU Board of Regents upon the recommendation of the University President and the appropriate Board Committee and duly approved by the CSC Regional Office No. VIII.

Provided, that the UGC and stakeholders of the University concerned are properly consulted.

Section 66. **Updating and Review of the Manual.** – It shall be the responsibility of the University President, upon the recommendation by the duly constituted University Grievance Committee, with the assistance of the Board and University Secretary, to ensure periodic updating of this Manual taking into account the subsequent policies approved by the EVSU Board of Regents and such rules and regulations promulgated by competent authorities in so far as expressly adopted or authorized by the Board and CSC Regional Office No. VIII.

Provided, that any and/or all provisions of this 2017 Grievance Machinery of the University Manual shall be reviewed by the EVSU Board of Regents every three (3) years after its approval based on the rules it may promulgate subject to the approval by the CSC Regional Office No. VIII.

Article 25

Repealing, Separability and Effectivity

Section 67. **Repealing, Supplementary, Clarificatory and Modification Clause.** – Pertinent provisions of this 2017 Grievance Machinery of the University Manual shall supplement to, clarify or amend or modify pertinent provisions of the 2017 Revised University Code approved per Board Resolution No. 115, s. 2017 as the case may be. In case of conflict, the pertinent provisions of this 2017 Grievance Machinery of the University Manual shall prevail over the pertinent provisions of previous policies or issuances as enunciated under **Mecano v. COA**⁴⁸.

⁴⁸ **Antonio A. Mecano v. Commission on Audit**, G.R. No. G.R. No. 103982 December 11, 1992 citing *Posadas vs. National City Bank*, 296 U.S. 497, 80 L. Ed. 351 (1935); *Maceda vs. Macaraig*, 197 SCRA 771 (1991); and *Villegas vs. Subido*, 41 SCRA 190 (1971) , the Supreme Court clearly rules:

“Repeal by implication proceeds on the premise that where a statute of later date clearly reveals an intention on the part of the legislature to abrogate a prior act on the subject, that intention must be given effect. Hence, before there can be a repeal, there must be a clear showing on the part of the lawmaker that the intent in enacting the new law was to abrogate the old one. The intention to repeal must be clear and manifest; otherwise, at least, as a general rule, the later act is to be construed as a continuation of, and not a substitute for, the first act and will continue so far as the two acts are the same from the time of the first enactment.

There are two categories of repeal by implication. The first is where provisions in the two acts on the same subject matter are in an irreconcilable conflict, the later act to the extent of the

Further, all Board Resolutions, manuals, orders, issuances, rules and regulations and policies of the University, or parts thereof, inconsistent with the provisions of this 2017 Grievance Machinery of the University Manual are hereby amended or repealed accordingly.

Section 68. **Separability Clause.** – The provisions of this 2017 Grievance Machinery of the University Manual are hereby declared separable. In the event that any provision hereof is rendered unconstitutional, those that are not affected shall remain valid and effective.

Section 69. **Effectivity.** – This 2017 Grievance Machinery of the Eastern Visayas State University Manual shall take effect immediately upon approval by the Board of Regents of the Eastern Visayas State University and by the CSC Regional Office No. VIII.

Adopted/Approved this 21st day of March 2018 pursuant to Board Resolution No. 32, s. 2018 approved during the 74th Regular Board Meeting (First Quarter, CY 2018) held at the at the Commission on Higher Education, Conference Room, 4th Floor, Higher Education Development Center Building, C.P. Garcia Ave., UP Campus, Diliman, Quezon City.

APPROVED:

J. PROSPERO E. DE VERA III, D.P.A.
Commissioner
Commission on Higher Education
Chairperson, EVSU-Board of Regents

DOMINADOR O. AGUIRRE, JR., D.M.
University President III
Vice Chair, EVSU-Board of Regents

FRANCIS JOSEPH G. ESCUDERO
Chair, Committee on Education
Senate of the Philippines
Member

Represented by:

ANN K. HOFER
Chair, Committee on Higher & Tech. Education
House of Representatives
Member

Represented by:

FRANCES ANN BASILIO PETILLA

FLORENCIO "BEM" GABRIEL NOEL

conflict constitutes an implied repeal of the earlier one. The second is if the later act covers the whole subject of the earlier one and is clearly intended as a substitute, it will operate to repeal the earlier law.

Implied repeal by irreconcilable inconsistency takes place when the two statutes cover the same subject matter; they are so clearly inconsistent and incompatible with each other that they cannot be reconciled or harmonized; and both cannot be given effect, that is, that one law cannot be enforced without nullifying the other.

EDGARDO M. ESPERANCILLA, CESO II
Regional Director, DOST-Region VIII
Member

BONIFACIO G. UY, CESO IV
Regional Director, NEDA-Region VIII
Member

ROGELIO D. BASAS
President, Federation of EVSU Faculty
Association, Inc.
Member

MICHAEL L. MUZONES
President, Federation of Student
Governments of EVSU
Member

RAUL S. SOLIVA
President, Federation of Alumni
Associations of EVSU, Inc.
Member

PACIENTE A. CORDERO, JR., D.Sc.
Private Sector Representative
Member

DANIEL A. ARIASO SR., CESO II
Private Sector Representative
Member

I hereby certify to the correctness of the foregoing Resolution No. 32, s. 2018 as duly adopted by unanimous/affirmative vote by the EVSU Board of Regents during the 74th Regular Board Meeting (First Quarter, CY 2018) held on March 21, 2018, as indicated above.

Certified Correct:

ANALYN C. ESPAÑO, M.A.
Associate Professor II
Board/University Secretary

COMMITMENT

I hereby commit to implement and abide by the provisions of this 2017 Grievance Machinery of Eastern Visayas State University Manual and take necessary action in accordance with existing civil service law and rules against supervisors or officials or employees who refuse to act on a grievance brought before their attention.

DOMINADOR O. AGUIRRE, JR., DM
University President III

(Date)

CIVIL SERVICE COMMISSION (CSC) ACTION:

I have evaluated the herein 2017 Grievance Machinery of Eastern Visayas State University Manual and found it to be in accordance with the provisions of CSC Resolution No. 010113 dated January 10, 2001 circularized pursuant to MC No. 2, s. 2001 dated January 26, 2001, and may now be implemented as having approved by the CSC.

APPROVED:

VICTORIA F. ESBER
Director IV
Civil Service Commission
Regional Office No. VIII

(Date)
ANNEX A

Grievance Form No. 1
Approved per Board Reso. No. 32, s. 2018
Approval Date: March 21, 2018
Revision No. 0

GRIEVANCE FORM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

Instruction: Please accomplish this form legibly and submit the same to the immediate supervisor and/or Secretariat of the University Grievance Committee

(Date filed)

(Dated received by)

Name of Aggrieved Party

Section/Division/Office

Position Title/Designation (if any)

Aggrieved Party's Higher Supervisor

Nature/Subject of Grievance (Please tick or check as may be applicable):

- () Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law: salaries; incentives; working hours; leave benefits such as. delay in the processing of overtime pay; unreasonable withholding of salaries; inaction on application for leave; others, please specify: _____
- () Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs; failure to observe selection process in appointment, undue delaying the processing of retirement papers; others, please specify: _____
- () Poor interpersonal relationships and linkages such as unreasonable refusal to give official information by one employee to another.
- () Inadequate physical working conditions: lack of proper ventilation in the workplace; insufficient facilities and equipment necessary for the safety and protection of employees whose nature and place of work are classified as high risk or hazardous; others, please specify: _____
- () Protest on appointments, please specify: _____
- () Other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above, please specify: _____

Action Desired:

Signature over printed name of the
Aggrieved Party

ANNEX B

Grievance Form No. 2
Approved per Board Reso. No. 32, s. 2018
Approval Date: March 21, 2018
Revision No. 0

GRIEVANCE AGREEMENT FORM



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

GRIEVANCE AGREEMENT

This AGREEMENT is entered into and remains binding from signing this
_____ day of _____ 20____:

Name of the Parties to a Grievance:

_____ Aggrieved Party

_____ Subject of the Grievance

Nature of the Grievance: _____

Steps toward Settlement: _____

Agreements Reached: _____

WE PROMISE TO ABIDE BY THE ABOVE-STATED AGREEMENT:

*Signature over printed name of
Aggrieved Party*

*Signature over printed name of
Subject of the Grievance*

ATTESTED:

*Signature over printed name of the
Secretary of the University Grievance Committee*

*Signature over printed name of the
Chairperson of the University Grievance Committee*

ANNEX C

Grievance Form No. 3
Approved per Board Reso. No. 32, s. 2018
Approval Date: March 21, 2018
Revision No. 0

CERTIFICATE OF FINAL ACTION ON THE GRIEVANCE (CFAG)



Republic of the Philippines
EASTERN VISAYAS STATE UNIVERSITY
Tacloban City

CERTIFICATE OF FINAL ACTION ON THE GRIEVANCE (CFAG)

This CERTIFIES that the grievance filed by _____
(Aggrieved Party)
on _____ has been acted upon the University
Grievance Committee on _____.

Final Action: _____

ISSUED this _____ day _____ 20____.

*Signature over printed name of the
Chairperson of the University Grievance Committee*