

**MEMORANDUM CIRCULAR NO. 72**  
Series of 2007

**Subject : CREATION OF A GRIEVANCE MACHINERY**

In line with the Revised Policies on the Settlement of Grievance in the Public Sector contained in CSC Resolution No. 010113 dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, s. 2001, the herein Grievance Machinery is hereby adopted:

**Section 1. Objectives**

**1. General**

To create a work atmosphere conducive to harmonious supervisor-employee relations and improved employee morale.

**2. Specific**

- 2.1 To activate and strengthen the Philippine Coconut Authority's existing grievance machinery;
- 2.2 To settle grievances at the lowest level possible in the organization; and
- 2.3 To serve as a catalyst for the development of capabilities of personnel on dispute settlement, especially among supervisors in the agency.

**Section 2. Definition of terms**

**Accredited or Recognized Employee Union** - an employee union accredited pursuant to Executive Order No. 180 and its implementing rules and regulations.

**Bilis Aksyon Partner** - is the counterpart Action Officer of the Civil Service Commission under the Mamamayan Muna program in every agency pursuant to CSC MC No. 3, s. 1994.

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



**Grievance Machinery** - a system or method of finding the specific cause or causes of a grievance and determining the best way to address the same.

**Public Sector Labor-Management Council (PSLMC)** - the Council responsible for the promulgation, implementation and administration of the guidelines for the exercise of the right of government employees to organize pursuant to Executive Order No. 180.

### **Section 3. Scope**

This Machinery applies to all levels of officials and employees in the Philippine Coconut Authority. This may also apply to non-career employees whenever applicable.

### **Section 4. Basic Policies**

1. A grievance shall be resolved expeditiously at all times at the lowest level possible in the agency. However, if not settled at the lowest level possible, an aggrieved party shall present his or her grievance step by step following the hierarchy of authority.
2. The agency shall establish a grievance machinery with the end in view of finding the best way to address grievance between or among officials and employees in the Authority.
3. The aggrieved party shall be assured freedom from coercion, discrimination, harassment, reprisal and biased action on the grievance.
4. Grievance proceedings shall not be bound by the Rules of Court or technicalities of evidence. Even verbal grievance must be acted upon expeditiously. The services of a legal counsel shall not be allowed.
5. 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.



6. Grievance refers to work related issues giving rise to employee dissatisfaction. The following cases shall be acted upon through the grievance machinery:

- a. 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, and other related terms and conditions;
- b. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-off, and other related issues that affect them;
- c. Physical working conditions;
- d. Interpersonal relationships and linkages;
- e. Protest on appointments and other personnel actions; and
- f. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated in Item No. 6.

7. The following cases shall not be acted upon through the grievance machinery.

- a. Disciplinary cases which shall be resolved pursuant to the Uniform rules on Administrative Cases.
- b. Sexual harassment cases as provided for in RA 7877; and
- c. Union-related issues and concerns
- d. Issues and problems related to the Performance Evaluation System which shall be handled by the PERC.

8. Only permanent officials and employees, whenever applicable shall be appointed or elected as members of the grievance committee.

*In the appointment or election of the committee members, their integrity, probity, sincerity and credibility shall be considered.*

9. Agencies with regional offices shall establish separate grievance committees in their head and regional offices. The composition is as follows:

- a. In the central office, the highest official responsible for Human Resource Management (HRM) shall act as chairperson. In the regional offices, the chairperson shall be the chief or head of Administrative Division.

The Committee shall elect among themselves the vice-chairman who will act as the chairman in case the chair is the object of the grievance.

In addition, if any of the member inhibits himself because he is the subject of the complaint, a replacement shall be chosen from among their respective level. Such that, election of alternate shall be simultaneously done during election thereof.

- b. Two (2) Division Chiefs or their equivalent positions chosen from among themselves;
  - c. Two (2) representatives from the career rank-and-file employees to be designated by the accredited employee's association/union, if there is any or to be elected at large by the rank and file employees in a general assembly called for such purpose;
  - d. The Bilis Aksyon Partner (BAP) duly designated.
10. The Agency head shall ensure equal opportunity for men and women to be represented in the grievance committee.
11. The Agency grievance committee shall develop and implement proactive measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan", counseling, HRD interventions and other similar activities.
12. The personnel unit, in collaboration with the agency grievance committee, shall conduct a continuing information drive on grievance machinery among its officials and employees.
13. The grievance committee shall 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 there where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.
14. A grievance may be elevated to the Civil Service Commission Regional Office concerned only upon submission of a Certification of the Final Action on the Grievance (CFAG) issued by the grievance committee. The CFAG shall contain, among other things, the following information: history and final action taken by the agency on the grievance.



15. The Personnel Unit of the agency shall extend secretariat services to the committee.
16. The grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the member's regular duties.
17. The grievance committee shall submit a quarterly report of its accomplishments and status of unresolved grievances to the Civil Service Commission Regional Office.
18. Supervisors or officials who refuse to take action on a grievance brought to their attention shall be liable for neglect of duty in accordance with existing Civil Service law, rules and regulations.
19. The agency grievance machinery shall be submitted to the Civil Service Commission Regional Office concerned for approval. Subsequent amendments shall be subject to CSC approval and shall take effect immediately.

#### **Section 5. Grievance Procedure**

The procedure for seeking redress of grievances shall be as follows:

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.

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 five (5) working days from receipt of the grievance.
3. *Appeal to the Grievance Committee.* The decision of the next higher supervisor may be elevated to the grievance committee within five (5) working days from receipt of the decision of the next higher supervisor.

The grievance committee may conduct an inquiry within ten (10) working days from receipt of the duly accomplished Grievance Form No. 1, clearly identifying the aggrieved party and his position title in the agency, the nature of grievance, and the action desired. The form must be signed by the complaining party. The grievance committee shall render a decision within five (5) working days after the inquiry. All agreements and steps made to resolve the grievance shall be reflected in the Grievance Form 2. The decision of the grievance committee must take effect immediately upon receipt by both parties of the Grievance Form 3 containing the committee's final action. Provided, however, that where the object of the grievance is the grievance committee, the aggrieved party may submit the grievance to top management.

4. ***Appeal to Top Management.*** If the aggrieved party is not satisfied with the decision of the grievance committee, he or she may elevate his or her grievance within five (5) working days to top management who shall make a decision within ten (10) working days from receipt of the grievance. Provided, however, that where the object of the grievance is the top management, the aggrieved party may bring his or her grievance directly to the Civil Service Commission, Regional Office.
5. ***Appeal to the Civil Service Commission Regional Office.*** If the aggrieved Party is not satisfied with the decision of the top management, he or she may appeal or elevate his or her grievance to the Civil Service Commission Regional Office concerned within fifteen (15) working days from receipt of such decision. Together with the appeal, the aggrieved party shall submit a Certification of the Final Action on the Grievance. The Civil Service Commission Regional Office shall rule on the appeal in accordance with the existing civil service law, rules and regulations.


#### **Section 6. Effectivity**

This Memorandum Circular shall take effect immediately upon approval by the Civil Service Commission Regional Office. Any subsequent amendments related hereto shall be submitted to the CSC for approval and implementation shall take effect immediately.

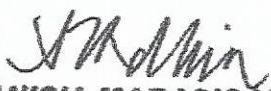


**Section 7. Commitment**

I hereby commit to implement the provisions of this Grievance Machinery and take necessary action in accordance with existing civil service law and rules against supervisors or officials who refuse to act on grievance brought before their attention.

  
**OSCAR G. GARIN**  
Administrator

APPROVED BY:

  
**Atty. ANICIA MARASIGAN-DE LIMA**  
Assistant Commissioner  
CSC Regional Director-NCR)

February 2, 2009  
Date