



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

March 18, 1992

CUSTOMS MEMORANDUM ORDER
NO. 36-92

TO: ALL COLLECTORS OF CUSTOMS
ALL SERVICES/DIVISION CHIEFS
ALL OTHERS CONCERNED

Subject: Guidelines in the implementation of CSC No. 45, Series of 1989, mandating the reinstallation of a Grievance Machinery in all government offices.

Pursuant to MC 45, series 1989 of the Civil Service Commission and in accordance with Section 35 of PD 807, the following guidelines are hereto issued for the information and guidance of all concerned.

I. Objectives:

A. General: To help promote working relationships between and among officials and rank and file employees, thereby fostering office harmony and productivity.

B. Specific:

- B.1. To establish an orderly method of handling employee complaints and grievances;
- B.2. To resolve at the lowest possible level in the service/collection district/division/unit/section within the Bureau all complaints or grievances;
- B.3. To give employees the right to present their complaints or grievances to management;
- B.4. To prevent disenchantment and discontentment between and among the employees and officials;

- B.5. To allow the aggrieved parties to appeal from the results of the grievance negotiation step by step until a final, binding and executory decision is reached.

II. Definition of Terms

1. **Complaint** - means an employee's expressed feelings of dissatisfaction with some aspects of his working condition, relationships or status which are outside his control. (CSR Rule XIII, Sec. 1).
2. **Grievance** - is a complaint, that has, in the first instance and in the employees opinion, been ignored, overridden, or dropped without due consideration. (CSR Rule XIII, Sec. 1)
3. **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. (CSR Rule XIII, Sec. 1) It is intended to help promote wholesome and desirable employee relations within an office and to prevent employee discontent and dissatisfaction and to have the complaints or grievance adjudicated as expeditiously as possible. (GSC MC No. 9, s. 1963)

III. Modes of Settling Employee-Management Disputes

1. **Conciliation** - process whereby a third party (conciliator) brings the parties together, encourages them to discuss their differences and assists them in developing their non proposed solutions.
2. **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 can even submit his non proposal/s for the settlement of disputes.
3. **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.

3.a. Voluntary - a method of settling dispute/s by submitting the "controversy" before an arbitrator or panel of arbitrator that compose the Grievance Committee. The arbitrator/s/committee shall render a decision after proper hearing of the issues. The decision of the arbitrator/s/committee shall be final and binding on the contending parties.

3.b. Compulsory- a method resorted to when the dispute has become irreconcilable and remains unresolved after exhausting all the available remedies under existing laws and procedures.

IV. Scope of Grievance Mechanism

4.1. The Grievance Procedure may be applied on all complaints and grievances arising from day-to-day working relationships between and among officials and employees.

4.2. Subject of complaints and grievances may be any of the following:

4.2.1 Physical working conditions.

4.2.2 Policies, practices and procedures which affect employees including personnel actions such as promotion, transfer, designation, etc.

4.2.3 Any and all other matters that may give rise to employee dissatisfaction.

V. The Grievance Procedure

Except in protests against appointments, either promotional or original, as hereinafter provided for under ~~M~~A the procedures for seeking redress of complaints and grievances shall be as follows:

5.1. Oral discussion - A complaint shall present orally his complaints to his immediate supervisor who shall, within three (3) working days from the date of presentation inform the employee orally of the decision.

5.2. Grievance in Writing

5.2.1 If the employee is not satisfied with the oral decision, he may submit his grievances in

CMO-36-92

writing within five (5) working days from receipt of the oral decision of his immediate supervisor to the higher supervisor. The grievance shall pass through his immediate supervisor, who shall forward the grievance with his comments within five (5) working days to the next higher supervisor, as the case may be, who shall within five (5) working days from receipt thereof inform the employee in writing through the immediate supervisor of his decision. PROVIDED, HOWEVER, that where the object of the grievance is the immediate supervisor, the complainant may bring the grievance to the next higher supervisor who shall take proper action within five (5) working days from receipt of the complaint.

- 5.2.2. If the complaint ^{is} is not satisfied with the decision of the higher supervisor, he may appeal his grievance to the Grievance Committee within five (5) working days from receipt of the decision through the higher supervisor. The higher supervisor shall make the necessary comments and forward the grievance within five (5) days to the Grievance Committee who shall, within ten (10) working days from receipt of the grievance, conduct an investigation and hearing. The Grievance Committee shall furnish the complainant with a copy of its decision within five (5) working days after the investigation and hearing, through the higher supervisor and immediate supervisor; PROVIDED, HOWEVER, that where the object of the complaint is the higher supervisor, the complainant may bring his case directly to the Grievance Committee.
- 5.2.3. If the complainant is not satisfied with the decision of the Grievance Committee, he may elevate his grievance through the Committee to top management within five (5) working days from receipt of the decision, who shall make the decision within ten (10) working days after the receipt of the grievance; PROVIDED, HOWEVER, that where the object of the complaint is the top management, the complainant may bring his grievance directly to the Civil Service Commission.
- 5.2.4. If the complainant is not satisfied with the decision of top management, he may appeal or elevate his grievance to the Commission. The Commission, shall, if necessary, conduct an investigation and hearing and render a decision within fifteen (15) working days from receipt thereof.

CMO-36-94

- 5.2.5. The aggrieved party may file a petition for reconsideration with the Commission within five (5) working days from receipt of the decision. Such petition shall be resolved within five (5) working days from receipt thereof.
- 5.2.6. The Commission's decision is final, and executory unless said decision is brought to the proper courts.
- 5.2.7. Appeal to the Courts by either party shall be in accordance with the Rules of Court.
- 5.2.8. Contents of written complaint or grievance:
 1. Name of complainant
 2. Position Title
 3. Designation, if any
 4. Immediate supervisor
 5. Present section or division
 6. Division Chief or next higher supervisor
 7. Nature of complaint
 8. Solution desired
 9. Signature of complaint
 10. Date of filing of complaint from the lowest level in the agency

VI. Composition of the Grievance Committee

A. Membership:

1. Deputy Commissioner or his representative who will act as chairman;
2. Division Chief of complainant;
3. Two higher supervisors;
4. Two representatives for the rank and file and
5. Two alternates for higher supervisor and employee in case the complaint concerns any of the member of the committee.

B. Duties and responsibilities of Committee Members

1. Chairman - shall preside over all meetings.
2. Immediate supervisor - shall take action within five (5) working days from receipt of the complaint.

CMO-36-92

3. Division Chief or next higher supervisor - is tasked to review the action of the immediate supervisor on the complaint in case the complainant is not satisfied with the action of the immediate supervisor.

VII. Decision Implementation

Unless appealed, the decision of the concerned authorities shall take effect immediately and/or upon receipt of the decision of all the parties involved.

VIII. The Secretariat and Records Officer/keeper

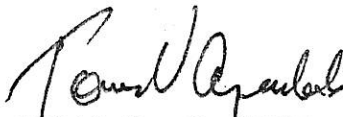

All records involving complaints and grievance shall be kept by the records officer/keeper and submit copies of decisions made to the personnel officer for 201 file.

The Secretariat shall be composed of the following:

1. Chief, Central Records Division - Head
2. Personnel Officer or representative - Member
3. One Management Analyst - Member
4. One Legal Stenographer - Member

All issuances inconsistent with this Memorandum Circular are deemed revoked/amended or modified accordingly.

This order shall take effect immediately and shall last until revoked.


TOMAS V. APACIBLE
Commissioner 



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CMO-36-92

ANNEX A-FLOW CHART OF GRIEVANCE PROCEDURE

