

Annex B

Article V

ADJUDICATORY COUNCIL

SECTION 1. Nature. – The authority to redress grievances shall be vested in the Supreme Adjudicatory Council and as many Regional Adjudicatory Councils as there are Administrative Regions.

SECTION 2. Supreme Adjudicatory Council. –

(a) The Supreme Adjudicatory Council shall be composed of one (1) Adjudicator-General, who shall be a member of the Philippine Bar, and six (6) Associate Adjudicator-Generals, all of whom shall hold office during good behavior unless otherwise incapacitated, removed or resigned from office.

(b) The members of the Supreme Adjudicatory Council shall be appointed by the President, and confirmed by the Board of Directors: to serve for a term of seven (7) years unless otherwise resigned, removed from office or incapacitated. Of those first appointed, the Adjudicator-General and two (2) Associate Adjudicator-Generals shall hold office for seven (7) years, two (2) Associate Adjudicator-Generals for five (5) years and the remaining Associate Adjudicator-Generals for three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.

(c) In the exercise of its original and/or appellate jurisdiction, the Supreme Adjudicatory Council shall sit *en banc*.

(d) The Supreme Adjudicatory Council shall hold office in Metro Manila, Philippines, *Provided that* the deliberation and resolution of cases pending before it may be held in its office or elsewhere in the Philippines.

SECTION 3. Jurisdiction of the Supreme Adjudicatory Council. – The Supreme Adjudicatory Council shall have the following powers:

(a) Exercise primary and original jurisdiction in all disputes and controversies involving actual rights which are demandable and enforceable, including –

[1] The interpretation of the provisions of the Code of By-Laws, and the allocation of powers as therein set forth;

[2] The validity of any contract entered into by the Executive Council, and/or any policy, rule or regulation of the Board of Directors ~~and/or the General Assembly~~;

[3] Controversies between two or more Regions, and between members of different Regions affecting their membership; and,

[4] The validity of the election or appointment and removal of any Executive Officer.

(b) Review, revise, reverse, modify, or affirm on appeal the judgments and orders of the Regional Adjudicatory Councils.

Decisions and/or resolutions of the Supreme Adjudicatory Council may be reviewed by the General Assembly whose decision is final. The review shall be by way of petition and shall be coursed through the Board of Directors, *Provided that* the only issue that may be brought to the General Assembly by way of petition for review shall be “grave abuse of discretion amounting to lack of jurisdiction”. The petition shall set forth the act or acts constituting the grave abuse of discretion, *Provided that* the Board of Directors may decline the submission of the petition to the General Assembly if the same is not sufficient in form and substance, *Provided finally, that* any petition submitted to the General Assembly shall contain a recommendation from the Board relative to the disposition of the matter.

(c) Promulgate rules of procedure, including compulsory processes to compel compliance with its processes, which shall provide for a simplified Just, equitable and inexpensive procedure for the speedy disposition of cases, and shall be uniform for all Adjudicatory Councils and shall not diminish, increase or modify the substantive rights of the members, *Provided that*, the rules of procedure shall observe the basic requirements of procedural due process, *Provided finally, that*, the rules of procedure shall have force and effect 30 days after it is published in the organization’s official printed publication and the official website.

(d) Appoint such personnel and staff as will insure the speedy and inexpensive resolution of all cases brought for adjudication.

SECTION 4. Regional Adjudicatory Council. –

(a) The Regional Adjudicatory Council shall be composed of a Regional Adjudicator and as many Associate Regional Adjudicators as there are Sections in the Administrative Region, all of whom shall hold office during good behavior unless otherwise incapacitated, removed or resigned from office.

(b) The members of the Regional Adjudicatory Council shall be appointed by the President, upon the recommendation of the Regional Director, and confirmed by the Board of Directors: Provided, that if the appointment is made during the period when the Board of Directors is in adjournment, the appointee shall exercise his powers and authority as hereinbelow set forth in an acting capacity until confirmation thereof; and, Provided, finally, that in case of the failure of the Board of Directors to confirm the appointment during its regular or special session, the appointee shall exercise his functions in an acting capacity unless such appointment is withdrawn by the President.

SECTION 5. Original Jurisdiction of the Regional Adjudicatory Council. – The Regional Adjudicatory Council shall have original jurisdiction over disputes and controversies involving:

(a) The interpretation of the provisions of the Code of By-Laws, and the allocation of powers as therein set forth insofar as these refer to the Administrative Region;

(b) The validity of any contract entered into by the Regional Directorate, and/or any policy, rule or regulation of the Regional Conference;

(c) Two or more Sections, and between members of different and the same Sections affecting their membership;

(d) The suspension and expulsion of any member, in accordance with its internal rules and for causes as hereinabove set forth, provided that in cases of revocation of membership, the judgment of the Regional Adjudicatory Council shall be automatically appealed to the Supreme Adjudicatory Council whose judgment of expulsion shall be final only upon confirmation by the General Assembly, *Provided further, that the determination of whether a person is a member of the Organization shall be within the exclusive jurisdiction of the Commission on Membership and its decision and/or resolution shall be appealable directly to the Supreme Adjudicatory Council;* and,

(e) The validity of the election or appointment and removal of any Regional Officer.

SECTION 6. Finality of Judgments. – The decisions of the Adjudicatory Councils shall be final and executory unless a motion for reconsideration shall have been duly filed within a period of fifteen (15) days from notice thereof by the party affected. The Resolutions of the Regional Adjudicatory Council on any motion for reconsideration shall be final after fifteen (15) days from notice thereof, unless appealed to the Supreme Adjudicatory Council within the same period. No second or subsequent motions for reconsideration shall be entertained unless for clearly meritorious grounds.

Section 7. Office of the Chief Legal Counsel. - There shall be established an Office of the Chief Legal Counsel, which shall be adjunct to the Supreme Adjudicatory Council. The Office shall be composed of the Chief Legal Counsel who shall be a member of the bar at least 10 years from his appointment by the President, and such other members of the bar as the President may deem fit to appoint, *Provided that* the appointments in the Office made by the President shall be subject to confirmation by the Board. *Provided, however,* that if the appointment is made during the period when the Board is in adjournment, the appointee shall exercise his powers and authority as provided herein in an acting capacity until confirmation by the Board of Directors; and, *Provided, finally,* that in case of the failure of the Board of Directors to confirm the appointment during its regular sessions, the appointee shall exercise his functions in an acting capacity unless such appointment is withdrawn by the President.

The Office of the Chief Legal Counsel shall provide legal advice to issues and cases filed or to be filed by or against the organization as well as legal matters arising from within the organization. The Office may represent the Organization as counsel in any court or administrative agency exercising judicial or quasi-judicial powers. *Provided that,* the Board may, in any particular case and for that purpose only, extend the authority of the Office to represent the Organization in any court or administrative agency exercising judicial or quasi-judicial powers.