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SUBJECT: **Addendum/Supplemental Guidelines on TESDA Circular No. 95, Series of 2020 entitled "Guidelines on the Adoption of Video-conferencing Hearings in the Administrative Proceedings"**		Page 1 of 4 page Number 128 series of 2020
Date Issued: 05 November 2020	**Effectivity:** As indicated	Supersedes:

In the interest of justice and speedy disposition of cases, the following amendments to TESDA Circular No. 95, Series of 2020, entitled "Guidelines on the Adoption of Video-conferencing Hearings in the Administrative Proceedings" are hereby issued:

A. Definition of Terms

Electronic Mail - messages distributed by electronic means from one computer user to one or more recipients via a network.

Pleadings – shall include, but not limited to, position papers, memoranda, notices, motions, and manifestations.

B. Guidelines on the Filing and Submission of Pleadings

1. The filing of pleadings and other submissions shall be made by:

   a) Submitting personally the original thereof, plainly indicated as such to the Interim Internal Affairs Service (IIAS);

   b) Sending them by registered mail;

   c) Sending them by private courier; or

   d) Transmitting them by electronic mail.

2. For the first mode, the IIAS Technical Staff shall indicate on the pleading the date and hour of submission. With regard to the second and third modes, the date of the mailing, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their submission. The envelope shall be attached to the record of the case.

3. **Filing through Electronic Mail**

   a) The filing of pleadings and other submissions, in Portable Document Format (PDF) File, before the IIAS shall be done by the parties through electronic mail (E-mail) to the official IIAS email. The date of E-mail shall be considered as date of filing.

b) Immediately after filing through E-mail, the party shall send, through the fastest means available, including registered mail or any courier service, all pleadings and other submission, with complete annexes in four (4) hard copies, to the IIAS. The said four (4) original copies of pleadings and other submissions shall be given to: (1) the Hearing Office, (2) the Legal Compliance, and the two (2) remaining copies to the IIAS, being the custodian of the records of administrative cases.

c) Upon receipt of the submission via electronic mail, the IIAS Technical Staff shall immediately acknowledge receipt of such and endorse it to the Hearing Officer.

d) In case of variance between the hard copy sent through registered mail or any courier service and that filed through E-mail, the latter shall prevail.

e) Marking of exhibits shall be done on the original copy sent through registered mail or any courier service.

f) The filing of pleadings and all other submissions shall be sent to **iias@tesda.gov.ph**. The subject of the electronic mail must follow the prescribed format:

Case Number, Case Title, and Document Title.

g) The title of each electronically-submitted paper or other document shall contain sufficient information to enable the Hearing Officer to ascertain from the title the party or parties submitting the pleadings or other submission, the nature of the paper, the party or parties against whom relief, if any, is sought; and the nature of the relief sought.

C. Furnishing of copies of pleadings

A party is also allowed to furnish copies of his/her pleadings to the other party through electronic mail. For such purpose, all parties to the case are required to inform the IIAS or the Hearing Officer of their respective official TESDA email addresses for copy furnishing purposes at the beginning of the formal investigation proceedings.

If a party is represented by a counsel, the said counsel shall indicate his email address when entering his or her appearance. All pleadings filed by counsels shall likewise include therein their respective email addresses.

Notwithstanding the furnishing of copies of pleadings through electronic mail, parties are required to furnish the other party with a hard copy of the said pleading through the fastest means available, including registered mail and mail through private courier. In case of conflict between the pleading furnished through email and the hard copy of the pleading, the former shall prevail.

D. Issuances of Orders

a) The Hearing Officer may electronically serve orders and other submissions to all the parties. A paper copy of the order or other document electronically served shall be retained and attached to the record of the case.

b) The counsel, or parties if not represented by counsel, who change his or her E-mail address while the administrative case is pending must promptly file, within five (5) calendar days from such change, a notice of change of E-mail address with the Hearing Officer and serve the notice to all other parties.

c) Service through the E-mail address of the counsel, or parties if not represented by counsel, shall be presumed valid unless such party notifies the Hearing Officer of any change, as aforementioned.

E. Schedule of Filing through E-mail

a) The schedule of filing of pleadings and other submissions though E-mail shall be from Monday to Friday, 8:00 am to 5:00 pm, excluding holidays. E-mails received beyond 5:00 pm shall be considered filed at 8:00 am of the next working day.

b) Where a deadline falls on a Saturday, a Sunday, or a legal holiday, official transaction shall be done on the next working day.

F. Acknowledgement of Receipt

Upon receipt of pleadings and other submission through their respective official E-mail addresses, the IIAS shall send acknowledgement receipt to the sender via E-mail and shall proceed to evaluate the same in accordance with applicable rules and regulations. The printed hard copy

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of the E-mail sent by the parties shall then form part of the records of the case.

For Notices, Orders and other issuances of the Hearing Officer which may be electronically serve by IIAS to all the official email of the party/ies, the latter shall send an Acknowledgement Receipt to the sender via E-mail. The printed hard copy of the E-mail sent by the parties shall form part of the records of the case. In the event that the party/ies failed to send an Acknowledgement Receipt and the IIAS did not received "Failure Notice" in sending the email, the electronic service is deemed completed and the due process requirement is deemed complied with.

G. Proof and Completeness of Service by a Party

Electronic service is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.

Proof shall be made by an Affidavit of Service executed by the person who sent the E-mail, together with a printed proof of transmittal, copies of which shall be attached to the Pleadings and other submissions filed pursuant to Section H of TESDA Circular No. 95 S. 2020.

This Circular shall supplement Section C and amend Section H of TESDA Circular No. 95 S. 2020 and all issuances inconsistent herewith. This Circular shall take effect as indicated. Wide dissemination of this Circular by all concerned is hereby enjoined.

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Director General