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SUBJECT: Guidelines on the Adoption of Video-conferencing Hearings in the Administrative Proceedings		Page 1 of 5 page Number 095 series of 2020
Date Issued: September 22, 2020	**Effectivity:** As indicated	Supersedes:

In the interest of justice and speedy disposition of cases, the following guidelines are hereby issued and shall be observed relative to the adoption of video conferencing as a means of conducting Pre-hearing Conferences and Formal Investigations in Administrative Proceedings.

A. Rationale/Legal Basis

The declaration of a public health emergency and the imposition of various community quarantine measures has caused a significant delay in the disposition of administrative cases filed before the Authority. This compromises not only the interest of the Authority but also of the respondents in administrative cases.

The use of video-conferencing technology has been widely accepted for the remote appearance of the parties in court and quasi-judicial proceedings as well as in administrative cases. Allowing the remote appearance of the parties in administrative cases through video-conferencing will eliminate the risks posed by personal appearance of those considered to be high-risk or afflicted with highly-contagious diseases, guarantee their rights to be present and confront witnesses against them, and ensure the continuity of proceedings in administrative cases as required in 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

Section 2, Rule I of the 2017 RACCS authorizes the Authority to formulate rules on all disciplinary and non-disciplinary administrative cases brought before the government agency, in so far as the said rules are not contrary to the provisions of the 2017 RACCS.

In light of the foregoing, there is a need to issue guidelines on the adoption of video-conferencing as a mode to conduct pre-hearing conferences and formal investigations during the imposition of community quarantine measures.

B. Applicability of the Guidelines

The Guidelines on the Adoption of Video-conferencing Hearings in the Administrative Proceedings shall apply to all disciplinary proceedings in administrative cases in TESDA.

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C. Definition of Terms

1. Video-conferencing refers to the use of video, audio and data transmission devices to allow parties in different physical locations to simultaneously communicate by seeing and hearing each other.

2. Community-quarantine refers to the restriction of movement within, into, or out of the area of quarantine of individuals, large groups of people, or communities, designed to reduce the likelihood of transmission of COVID-19 among persons in and to persons outside the affected area.

D. Notice of Holding Hearings via Video-conferencing

1. Video-conferencing hearings shall be scheduled by the Interim Internal Affairs Service (IIAS). The parties shall be notified by the IIAS through their respective TESDA email addresses.

2. Notification emails shall indicate the following:

   a. The time and date of the scheduled hearing;

   b. A link to join the hearing and the password thereto;

   c. A reminder that all details and information used to gain access to the proceedings shall be treated with strict confidentiality; and

   d. Rules to be observed during the conduct of the hearing.

3. Any unauthorized sharing of the said details and any information shall be dealt with accordingly.

4. Proof of receipt of the notification emails shall be properly recorded.

E. Conduct of Video-Conferencing Hearings

1. Video-conferencing hearings shall include pre-hearing conferences and formal investigations.

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2. Video-conferencing hearings shall only use the officially provided online platform and the IIAS shall host the said hearings. Further, parties shall use only their official TESDA e-mail accounts.

3. The host shall ensure that prior to the commencement of hearing via video-conferencing, the following officials shall be present:

   a. The Hearing Officer;

   b. Representative of the Legal Compliance Division;

   c. The Respondent;

   d. The counsel for the Respondent, if any;

   e. Witness/es called to testify, if applicable;

   f. A representative from the TESDA Association of Concerned Employees; and

   g. The Technical Assistant from the IIAS.

4. After the determination that the foregoing persons are present, the Hearing Officer shall now call the hearing to order. As far as practical, the participants shall be visible at any time during the proceedings.

5. Hearings held via video-conferencing shall closely mirror hearings held under normal circumstances. The dignity and solemnity of the proceedings shall be observed at all times. All participants shall be in appropriate attire. Once the videoconferencing hearings are done, the hearing office shall instruct the host to immediately end it.

6. Parties must notify IIAS the names and email addresses of counsel and their witnesses at least three (3) days before the scheduled hearing in order for them to gain access on the said hearing.

7. The allowed participant during the hearing via video conferencing may access the same from either their respective offices in TESDA or from their respective places of residence.

8. When the parties intend to present witnesses or testimony, the Hearing Officer shall order their remote appearances via video conferencing. The Hearing Officer may require the parties to use multiple cameras and angles or a single camera supplying a full view of said witnesses' surroundings in order to prevent any coaching from occurring. During the testimony, the Hearing Officer may ask clarificatory questions and may allow the other party to confront the witness.

9. In the event that the video-conferencing platform is unavailable or that technical issues arise and the same cannot be resolved immediately, the Hearing Officer shall suspend the proceedings. The IIAS shall set the new dates and time of hearing via video-conferencing and notify the parties via electronic mail for the continuation of the proceedings. The said suspension shall be properly recorded.

10. Objections to or motions for reconsideration of the order of the Authority to conduct hearings via video conferencing shall be resolved immediately after giving the other party an opportunity to comment on the same.

F. Recording of Hearings via Video-conferencing

1. The proceedings of the hearings shall be recorded by the IIAS using the appropriate video-conferencing tool. The IIAS shall store and file these video recordings and the same shall form part of the records of the case. The consent of the parties to the hearing shall be obtained prior to the recording.

2. The Hearing Officer may request for a copy of the recordings of the hearings.

3. Proceedings shall be transcribed by the IIAS personnel.

4. The IIAS records shall indicate that all hearings via video-conferencing were held in such manner.

G. Pertinent Documents

1. All TESDA issuances related to the hearings shall be distributed via email or any other means as far as practicable. A Certified True Copy of said issuances in hard copy form shall be issued only upon the request of the parties.

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2. Submissions of documents by the parties which are to be presented during the scheduled hearings shall be sent to the official accounts of the IIAS at least three (3) days before the hearing, copy furnished the other parties via email or by any other means.

H. Effectivity

This Circular shall take effect immediately. Wide dissemination of this Circular by all concerned is hereby enjoined.

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Director General