



THE PHILIPPINE CANINE CLUB, INC.

MEMBER:

FEDERATION CYNOLOGIQUE INTERNATIONALE (FCI)
ASIA KENNEL UNION (AKU)

RECIPROCAL AGREEMENT with:

AMERICAN KENNEL CLUB (AKC)
CANADIAN KENNEL CLUB (CKC)
THE KENNEL CLUB, U.K. (KC)

RM A206 HILLCREST CONDOMINIUM, E RODRIGUEZ SR. BOULEVARD,
CUBAO, QUEZON CITY 1100 PHILIPPINES
TEL NOS. 721-8345 * 412-4105 * FAX NO. (632) 721-7152
E-mail: info@pcci.org.ph
Website: pcci.org.ph



PCCI P.O. BOX 2681 Quezon City Central Post Office

Philippine Canine Club, Inc.
Trial Board

A.M. _____

2017 RULES OF PROCEDURE

RESOLUTION

Whereas, under Section 8.14 of the 2017 Philippine Canine Club, Inc.'s ("PCCI") Amended By-Laws ("By-Laws"), the Board of Directors shall appoint members of the Trial Board who shall "hear and decide on disciplinary matters affecting all members";

Whereas, pursuant to Section 14.5 of the By-Laws, the Trial Board "shall have the power to draft, adopt, modify, revise and fully implement its own rules of procedure and regulations subject to the majority approval of the Board, to enforce, execute and administer its rules of procedure and regulations relative to the conduct of its hearing, investigation and recommendation";

NOW, THEREFORE, the undersigned members of the Trial Board resolves to duly **APPROVE** the 2017 RULES OF PROCEDURE.

The 2017 RULES OF PROCEDURE shall be submitted for approval to the Board of Directors. Thereafter, the same shall take effect ten (10) days following its publication in the PCCI's website.

18 October 2017.

RICO PAOLO R. QUICHO
Chairman, PCCI Trial Board

JAYBEE S. HIZON
Member, PCCI Trial Board

PHILLIP DON G. RECENTES
Member, PCCI Trial Board

Noted by:

MAUREEN Z. MACARAEG
Secretary, PCCI Trial Board

2017 RULES OF PROCEDURE

Rule I

Scope, Construction of Terms and Nature of Proceedings

SEC. 1. Title – These Rules shall be known and cited as the “2017 Rules of Procedure”.

SEC. 2. Scope – These Rules shall apply to any complaint for disciplinary action or dispute referred by the Board of Directors to the Trial Board concerning or involving any of the following:

- a) the status, rights, and conditions of a person’s membership with the PCCI;
- b) the contravention of the provisions of the By-Laws, rules and regulations, policies and procedure of the PCCI as promulgated by the Board of Directors;
- c) conduct considered prejudicial to the best interest of the PCCI, its members and/or the purebred dog sport; and
- d) any other complaint or dispute duly referred by the Board of Directors to the Trial Board.

SEC. 3. Definition of Terms – As used in this 2017 Rules of Procedure, the term:

- a) *Board of Directors* – shall refer to the duly constituted Board of Directors of the PCCI.
- b) *By-Laws* – shall refer to the latest amended By-Laws of the PCCI.
- c) *PCCI* – shall refer to the Philippine Canine Club, Inc.
- d) *Prejudicial conduct* – refers to conduct that violates the By-Laws, rules and regulations and policies of PCCI.
- e) *President* - shall refer to the duly elected President of the PCCI.
- f) *Rules* – shall refer to the 2017 Rules of Procedure.
- g) *Secretary* - shall refer to the duly appointed secretary of the Trial Board.
- h) *Secretary of PCCI* – shall refer to the duly elected Corporate Secretary of the PCCI.
- i) *Trial Board* – shall refer to the members of the PCCI Trial Board duly appointed by the Board of Directors.

- j) *Violation* - shall refer to any violation, infraction or breach of the rules and procedures of PCCI as stated in its By-Laws as well as policies promulgated by the Board of Directors.

SEC. 3. *Construction of Rules* – These Rules shall be liberally construed to promote a timely, fair, transparent, effective, and efficient proceeding in accordance with the declared policy of the 2017 Rules of Procedure and the PCCI By-Laws.

SEC. 4. *Nature of Proceedings* – The proceedings under these Rules are non-adversarial for the determination of whether or not By-Laws, rules and, procedures and resolutions promulgated by the Board of Directors are violated in relation to the membership of a person to the PCCI and to impose the necessary sanctions or penalties or to recommend the suspension or termination of a member of the PCCI, as the case may be.

Rule II **The Trial Board**

SEC. 5. *Composition* – Members of the Trial Board shall be appointed by majority vote of the Board of Directors and whose term shall be prescribed by the Board of Directors to exclusively hear and decide on disciplinary matters affecting all the members of the PCCI and PCCI-affiliated organizations, which are duly referred to it by the Board of Directors.

The Trial Board shall consist of three (3) members, two (2) of whom, if practicable, should be members of the Philippine Bar. In case one (1) or more members of the Trial Board shall be unable to participate in a given case, the Chairperson of the Trial Board may appoint a temporary substitute as a member of the Trial Board for a particular matter.

The Secretary of the Trial Board shall be duly appointed by the Chairperson and must be a member of the Philippine Bar. Should the Trial Board Secretary be not available for a meeting/hearing, the Chairperson of the Trial Board may appoint the remaining member of the Trial Board as the *Ad Hoc* Secretary of the Trial Board for the particular meeting/hearing.

No member of the Trial Board shall be a Director of the PCCI, or shall have served as a Director of the PCCI in the preceding three (3) years.

SEC. 6. *Quorum* – A majority of the Trial Board shall constitute a quorum to do official business. A Trial Board member may participate through teleconferencing or videoconferencing (i.e. conferences or meetings through electronic medium or telecommunications where the Trial Board member who is not physically present are located at different local or international places) to expedite the proceedings. When the required attendance is not obtained in cases of inhibition of any or all members of the Trial Board, the case or matter shall be referred back to the Board of Directors for proper disposition.

SEC. 7. *Voting* – Cases or matters heard by the Trial Board shall be decided or resolved with the concurrence of the majority of the members who actually took part in the deliberation on the issues and voted thereon.

SEC. 8. *Regular Meetings/Hearings* – The Chairperson of the Trial Board shall preside at any meeting or hearing. If and when the Chairperson is absent, then the next most senior member of the Trial Board shall preside in the meeting or hearing. The Secretary of the Trial Board shall keep and record the minutes of its proceedings.

It shall be the duty of the Secretary of the Trial Board to deliver to the Trial Board all the notes and transcription he/she has taken, so that the same may be attached to the record of the case or matter.

SEC. 9. *Inhibition* – A member of the Trial Board may, in the exercise of his/her sound discretion, inhibit himself/herself from participating in a case or matter, for just or valid reasons, with or without motion from any party.

Rule III **Filing of Complaint**

SEC. 10. *Who May File* - Any member of the PCCI, or person or persons not a member of the PCCI or PCCI-affiliated club or association may file a complaint against any member of the PCCI or other person or persons or PCCI-affiliated club or association for violations of the By-Laws and of the rules and procedures, policies and any decisions/resolutions promulgated by the Board of Directors not otherwise contrary to law or the By-Laws, or for conduct been prejudicial to the best interests of the purebred dog sport, purebred dog events or the PCCI.

SEC. 11. *Form of Complaint* - The complaint shall be made in writing setting forth the allegations and circumstances of the alleged violation or prejudicial conduct. It shall be signed by the complainant and supported by any documents, if available. The complaint with its attachments, if any, shall then be sent to the Board of Directors with attention to the President and Corporate Secretary of the PCCI. The complaint may be filed either by personal delivery, registered mail, private courier or by electronic mail.

A complaint sent electronically shall be sent by email to **info@pcci.org.ph** with the subject heading labeled as “Complaint” and shall contain as attachment the scanned copy of the signed written complaint with all its supporting documents, if any in one single electronic file.

SEC. 12. *Referral for Investigation and Hearing* - Upon receipt of a duly filed complaint, the Board of Directors shall either refer the matter to the Trial Board for investigation, and/or hearing or decide immediately that the complaint be dismissed for lack of merit.

Rule IV **Investigation and Hearing**

SEC. 13. *Determination of Jurisdiction* – Within ten (10) days from the endorsement of the Board of Directors, the Trial Board shall convene and determine whether or not the case or matter is within its jurisdiction to hear and decide.

If the case or matter is within its jurisdiction, the Trial Board shall issue a resolution to the same effect and order the Secretary of the Trial Board to notify the parties for a preliminary hearing. Otherwise, the Trial Board shall dismiss the complaint outright and order the Secretary of the Trial Board to notify the Board of Directors of its recommendation.

SEC. 14. *Notice of Investigation and Hearing* – The Notice shall state that a complaint has been filed against the PCCI member or other person or persons or PCCI-affiliated club or association and shall set a period of not less than ten (10) days within which the party may file a written answer addressed to the Chairperson of the Trial Board. The person or persons, who shall have filed the complaint leading to the charges shall be called the complainant and the person or persons against whom the complaint has been filed shall be called the defendant. The Notice may also set forth a time and place of the preliminary hearing at which the defendant may attend and present his or her defense. The time and place shall be determined by the Chairperson of the Trial Board as soon as possible. A copy of the complaint and its supporting documents shall be attached to the notice.

SEC. 15. *Evidence at the Hearing* - The complainant/s and the defendant/s may wish to be heard in person at the preliminary hearing before the Trial Board. Both complainant/s and defendant/s may, at their own expense, produce such documents and witnesses as they may desire and may be accompanied by or represented by a representative of their choice. Any supporting document produced by the parties must be delivered either personally, by means of registered mail, electronic mail, or by private courier to the Secretary of the Trial Board.

SEC. 16. *Action at the Initial Hearing* – During the preliminary hearing, the Trial Board may admit the verbal explanation or written answer of the party concerned together with any supporting document, if any.

SEC. 17. *Clarificatory Hearing* – The Trial Board may conduct additional clarificatory hearing if after the filing of the parties’ respective documents, there are material facts to the case which the Trial Board may need to be clarified. The parties must be personally present during the preliminary hearing conducted by the Trial Board, unless their absence is based on justifiable and reasonable grounds.

SEC. 18. *Default of Defendant* – A party who despite proper notice and without justifiable reason fails to appear during the preliminary hearing and/or fails to present any required paper or documents shall be deemed in default.

SEC. 19. *Failure/Refusal of Complainant* - If the complainant shall fail or refuse to cooperate with the Trial Board in the hearing of the said charges, without giving justifiable reasons for such failure or refusal, the Trial Board may recommend the suspension of said complaint for a period of six (6) months or until such time as the complainant is prepared to cooperate in the investigation or hearing or immediately terminate the proceedings.

Rule V **Decision**

SEC. 20. *Submission for Decision* – The case or matter shall be deemed submitted for decision upon the filing of the last relevant paper, or with the failure of any of the parties to appear after

three (3) consecutive hearings. Thereafter, the Trial Board shall decide the case or matter within thirty (30) days.

SEC. 21. *Decision* – The decision of the Trial Board in any matter shall be reached in consultation before the writing of the decision. Any member of the Trial Board who took no part, or dissented, inhibited, or abstained from a decision or resolution must state the reason thereof.

No decision shall be rendered by the Trial Board without expressing therein clearly and distinctly the facts, documents submitted, By-Laws, and the law on which it is based.

The Trial Board may recommend for a penalty greater or lesser than what is provided for in the By-Laws to be promulgated and approved by the Board of Directors for final action.

The decision of Trial Board shall be in writing signed by all members who participated in the deliberations. Each decision, together with complete copies of the minutes and testimony taken, shall be given to the Corporate Secretary of the PCCI within thirty (30) days from the date of the rendering of the decision. The Trial Board may file with its decision within thirty (30) days thereafter or in the event of an appeal within thirty (30) days of entertaining an appeal, an opinion or expanded statement in detail of the reasons for its findings. Within five (5) business days of receipt of the Trial Board's report, the Corporate Secretary of the PCCI shall notify all parties in interest of the Trial Board's decision.

SEC. 22. *Notice and Effectivity of Decision* - No decision reached by the Trial Board and submitted to the Board of Directors shall be effective unless the same is adopted and approved by majority of the Board of Directors and a notice the decision is sent to the parties involved. A copy of the decision shall be attached to the notice.

If the Trial Board recommends the suspension of the privileges of the PCCI member, the suspension shall take effect immediately when the defendant has been so notified in person or after five (5) days from the date of receipt of the written notice.

SEC. 23. *Motion for Reconsideration* – Within a period of five (5) days from actual receipt of the notice of decision and copy furnished to the other party, the aggrieved party may file a motion for reconsideration of the decision with the Board of Directors upon the grounds that the penalty is excessive, that the documents are insufficient to justify the decision, or that the decision is contrary to the PCCI By-Laws.

No motion for reconsideration of a decision of the Trial Board shall be refused due course or denied without stating the basis thereof. No party shall be allowed a second motion for reconsideration of the decision.

SEC. 24. *Action on the Motion for Reconsideration.* The Board of Directors shall refer the duly filed motion for reconsideration to the Trial Board. Thereafter, the Trial Board shall render its resolution in writing on the motion for reconsideration within a period of thirty (30) days from receipt of the notice of referral from the Board of Directors.

No resolution on the motion for reconsideration by the Trial Board shall be effective unless the same is adopted and approved by the majority of the Board of Directors. A copy of the notice of the resolution shall be sent to the parties involved. A copy of the resolution shall be attached to the notice.

All resolutions by the Trial Board on any motion for reconsideration, which are adopted and approved by the Board of Directors are deemed final and executory.

SEC. 25. *Motion for Stay of Execution* - The motion for reconsideration may include a prayer seeking a stay of such decision pending disposition of the motion for reconsideration, and the Trial Board may, without deciding on the merits of the case, issue an order of stay or may dismiss the motion for a stay, on such terms as may be just.

SEC. 26. *Finality of Decision* - If within a period of five (5) days, no motion for reconsideration is made, the decision of the Trial Board shall be deemed final and executory.

Rule VI
Report of Finality of Decision

SEC. 27. *Finality and Transmittal* – The Secretary of the Trial Board shall within ten (10) days from finality of the decision transmit the same and the records of the case in its entirety to the Board of Directors of the PCCI, in accordance with its By-Laws.