

**PSYCHOLOGICAL ASSOCIATION OF THE PHILIPPINES
RULES AND PROCEDURES FOR THE INVESTIGATION AND ADJUDICATION OF
SHOW-CAUSE AND CODE- OF -ETHICS-VIOLATION COMPLAINTS**

RULE I. GENERAL PROVISIONS

Section 1. Title. — These Rules and Procedures shall be known and cited as “PAP Rules and Procedures for the Investigation and Adjudication of Show-Cause and Code- of -Ethics -Violation Complaints”.

Section 2. PAP and Code of Ethics. “PAP” refers to the Psychological Association of the Philippines; whereas, “Code of Ethics” refers to the Code of Ethics and Professional Standards for the Psychology Practitioners.

Section 3. Objectives, Authority, and Coverage. — These Rules and Procedures are formulated and adopted by PAP, through its Committee on Ethics and Professional Standards, referred to as the “Ethics Committee” and Board of Trustees

Section 3.1 Objectives. To aid PAP, through its Ethics Committee and the Board of Trustees in the exercise of its power to conduct an investigation, hear, and decide complaints and appeals brought before it involving any PAP members; to maintain lawful and ethical conduct by psychologists and psychometricians at the highest professional level; to endeavor to protect the public against harmful conduct by psychologists and psychometricians, and to help in achieving the objectives of PAP and the Code of Ethics.

Section 3.2 Authority to Formulate Rules and Procedures. PAP, through its Ethics Committee and the Board of Trustees, is authorized to:

- (a) Formulate and adopt rules and procedures as well as principles of ethics for application to its members;
- (b) Investigate and resolve allegations or complaints against any of its members and/or impose such actions as are necessary to achieve the objectives of PAP and the Code of Ethics;
- (c) Adopt rules and procedures governing the conduct of all the matters within its jurisdiction; and
- (d) Take such other actions as are necessary and appropriate to achieve the objectives of these Rules and Procedures, PAP, as well as the Code of Ethics

Section 3.3 Coverage. These Rules and Procedures cover complaints against any PAP member:

- (a) who has been found to have committed a criminal offense by a court of law, or who has been expelled or suspended by another professional organization or association; or who has been decertified, unlicensed, or deregistered, or who had a certificate, license, or registration revoked or suspended by a professional licensing board, or professional organization/association, or similar entity; or
- (b) who has committed any of the unethical acts stated and described under the Code of Ethics or under Rule III, Section 1 of these Rules and Procedures.

Section 4. Construction. — These Rules and Procedures shall be liberally construed to promote the objective of a just, speedy resolution of complaints. PAP, through its Ethics Committee and the Board of Trustees, shall not be bound by the strict application of the rules on evidence, but shall investigate, hear, and decide cases in the most expeditious manner.

PAP, however, may suspend the application of these Rules and Procedures in the interest of justice and general welfare of PAP and its members.

Section 5. Nature of the Investigation and Adjudication — The investigations and adjudications under these Rules and Procedures shall be fact-finding and summary in nature.

Section 6. Suppletory Application of the Rules of Court. — Unless otherwise provided in these Rules and Procedures, the Rules of Court shall be suppletorily applicable herein.

Section 7. Pendency of a case in another body or entity. — The filing or pendency of a criminal, civil, administrative or any other case before another body, court of law, or quasi-judicial entity against any party shall neither suspend nor bar the proceedings of the case herein.

RULE II. JURISDICTION AND VENUE

Section 1. Jurisdiction. The Ethics Committee has the jurisdiction to investigate and adjudicate any complaint filed before it; and the Board of Trustees has the power to investigate and adjudicate any appeal from the decision of the Ethics Committee that has been filed before it.

Section 2. Venue. — Any complaint or appeal shall be filed with the Secretariat of the Committee on Ethics and Professional Standards.

RULE III.COMPLAINT

Section 1. Kinds of complaint:

(a) Show-Cause Complaint

This is a complaint against any PAP member

- (i) who has been convicted by a court of law of a crime or offense as defined by law with a term of imprisonment of a minimum of six (6) months and such conviction has reached finality; or
- (ii) who has been expelled or suspended, decertified, unlicensed, or deregistered, or who has a certificate, license, or registration revoked or suspended by a government body, professional licensing board, or another professional organization.

(b) Code-of -Ethics-Violation Complaint

This is a complaint against any PAP member who has committed an unethical conduct as stated and described under the Code of Ethics such as but not limited to the following:

- (i) Human Relations-Based Unethical Conduct
 - (a) Unfair Discrimination
 - (b) Sexual Harassment
 - (c) Other acts of Harassment
 - (d) Failure to take reasonable steps to avoid harm
 - (e) Multiple Relationships
 - (f) Conflict of Interest
 - (g) Deliberate non-clarification/explanation of the nature and coverage of services requested by and extended to a third party
 - (h) Exploitative Relationships
 - (j) Refusal to cooperate with other professionals to serve our clients/patients effectively and appropriately
 - (k) Non-obtaining of Informed Consent
 - (l) Inexcusable interruption of psychological services
- (ii) False or deceptive advertisements and public statements
- (iii) Unethical research
- (iv) Plagiarism

- (v) Not crediting authors of the publication
- (vi) Analogous unethical conduct

Section 2. Who May File. A complaint may be filed by any person (natural or juridical) against any PAP member who has committed any of the acts mentioned in the preceding section.

Section 3. Where to File a Complaint. — A complaint may be filed with the Secretariat of the Committee on Ethics and Professional Standards, Psychological Association of the Philippines, Room 208, Philippine Social Science Center, Commonwealth Ave., Diliman, Quezon City 1101

Section 4. Form and Contents of Complaint. —

(a) Show-Cause Complaint

A Show -Cause Complaint shall be written in a clear, simple, and concise language to inform the respondent of the nature and cause of the charge against him or her. The complaint shall contain the following:

- (i) Full name and complete current address of the complainant and the respondent;
- (ii) Respondent's profession, together with his Certificate of Registration or special temporary permit number and date of issuance, if known; or the type of accreditation
or registration, its number and validity, if respondent is a holder of an accreditation or registration;
- (iii) A brief narration of the material facts stating the action of another body or entity as stated under Section 1 of this Rule.
- (iv) The disciplinary action prayed for; and
- (v) Certified true copy of the final action, order, decision, or resolution of a court of law finding the respondent liable of a criminal or offense, or of any other government body, licensing board, professional organization, or similar entity decertifying or suspending the respondent, or denying him or her a license, certificate, or registration.

(b) Code-of-Conduct-Violation Complaint

The complaint shall contain the following:

- (i) Full name and complete current address of the complainant and the respondent;
- (ii) Respondent's profession, together with his Certificate of Registration or special temporary permit number and date of issuance, if known; or the type of accreditation or registration, its number and validity, if respondent is a holder of an accreditation or registration;
- (iii) A brief narration of the material facts showing the acts or omissions allegedly committed by the respondent constituting the charge, offense or cause of action and
stating the provisions of the Code of Ethics violated;
- (iv) The disciplinary action prayed for; and
- (v) Copies of documentary evidence and the affidavit/s of witness/es, if any.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its re-filing upon compliance with the said requirements.

Section 5. Number of Copies. — The duly signed complaint, together with the documentary evidence, shall be filed in three (3) legible copies.

Section 6. Withdrawal of the Complaint. — A complaint may be withdrawn by the complainant in writing any time before the case is submitted for decision. The Ethics Committee shall forthwith dismiss the case unless it is necessary to disregard such withdrawal and to investigate and adjudicate the case in the interest of the public, for the protection of the standards of the profession, or in view of the evident merit of the case warranting its continuation.

Section 7. Consecutive Complaints. When a complaint is lodged against any PAP member who is involved in another case previously decided by the Ethics Committee regarding a similar alleged action or conduct, the materials in the prior case may be considered evidence in connection with the new case as long as the Ethics Committee is informed of the final disposition of the prior case.

Section 8. Simultaneous Complaints. When more than one complaint is simultaneously pending against the same PAP member, the Ethics Committee may consolidate the cases or keep them separate. In the event the cases are consolidated, the Ethics Committee shall inform the various complainants about the decision/s.

Section 9. Prescriptive Periods in Filing A Complaint.

(a) A Show-Cause Complaint should be filed within less than one (1) year after any of the following actions became final, and less than four (4) years after the alleged action or conduct occurred:

- (i) a criminal conviction by a court of law
- (ii) a finding of malpractice by a duly authorized government body or licensing entity,
- (iii) revocation, suspension of license or decertification, or deregistration for violation of a law or rule by a government board, licensing entity or a similar entity.

(b) A Code-of-Ethics-Violation Complaint should be filed within four (4) years from the discovery of the alleged conduct.

RULE IV. PRELIMINARY DETERMINATION

Section 1. Evaluation of the Complaint. — Upon receipt of the complaint, the Ethics Committee shall determine whether:

- (a) PAP has jurisdiction over the subject matter of the complaint;
- (b) The complaint has been filed within the prescriptive period;
- (c) A cause of action exists; or
- (d) The complaint is sufficient in form and substance.

Section 2. Action on the Complaint. — After conducting a preliminary determination, the Ethics Committee may take any of the following actions:

- (a) Dismiss the complaint for lack of jurisdiction over the subject matter;
- (b) Dismiss for filing it beyond the prescriptive period;
- (c) Dismiss the complaint for lack of legal capacity of the complainant to file a complaint against the respondent based on the allegations therein; or
- (d) Request complainant to supplement the complaint with allegations and/or evidence to be sufficient in form and substance, and failure of the complainant to do so within the required period, the Ethics Committee shall dismiss the complaint without prejudice to its re-filing.

RULE V. SUMMONS

Section 1. Issuance of Summons. — Upon finding jurisdiction over the complaint and it is sufficient in form and substance, the Ethics Committee shall issue a summons, with a copy of the complaint, as well as its annexes/documentary evidence, requiring the respondent to file with the

Ethics Committee Secretariat, within 30 days from receipt of the documents, his or her duly signed answer in three (3) legible copies, and to furnish the respondent with another copy by personal or substituted service or by registered mail or private courier.

Section 2. Service of Summons. — Summons, together with a copy of complaint as well its annexes/documentary evidence, shall be served to the respondent at the address indicated in the complaint, or if that is lacking, at the permanent address as appearing in the records of PAP.

At the discretion of the Ethics Committee, service can be made personally or substituted or by registered mail or private court.

If service cannot be made personally, it may be effected by leaving a copy thereof at the respondent's address with some person of suitable age and discretion therein.

Service by registered mail or through private courier shall be complete upon actual receipt by the respondent; provided, however, that if he or she fails or refuses to claim his or her mail from the post office or from the private courier, service shall be considered to have taken effect upon the expiration of five (5) days from the date he or she first received the notice of the postmaster or the private courier.

Section 3. Failure to Serve Summons. — When the summons is returned without being served, the complainant shall be notified thereof and shall provide another address wherein an alias summons, at the instance of the complainant, will be sent. Upon the second unsuccessful attempt to serve the summons at the addresses provided by the complainant or at the permanent address as appearing in the records of PAP, the complaint shall be dismissed without prejudice to re-file it.

RULE VI. PROHIBITED PLEADINGS AND ACTIONS

Section 1. The following pleadings and actions shall not be allowed:

- (a) Anonymous Complaint
- (b) Counter-complaint (It may be filed by respondent as a separate complaint, but the Ethics Committee shall proceed with the hearing and adjudication of it only after it has reached a final decision on the prior complaint).
- (c) Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter or over the person of the respondent, or of filing the complaint beyond the prescriptive period;
- (d) Motion for a bill of particulars;
- (e) Motion for extension of time to file an answer in excess of fifteen (15) days; and
- (f) Motion for reconsideration.

Section 2. Resignation Not a Bar to the Investigation and Adjudication. If the respondent during the pendency of the complaint against him or her resigned from PAP, the Ethics Committee may still proceed with the investigation and adjudication of the complaint, and any decision issued by the Ethics Committee shall form part of his or her PAP membership records.

RULE VII. ANSWER

Section 1. Contents of Answer. — The answer shall be specific and contain material facts, including documentary evidence and affidavit/s of witness/es, if any.

Section 2. Number of Copies. — The answer shall be filed by the respondent in three (3) legible duly signed copies, and another copy thereof shall be furnished by the respondent to the complainant by personal or substituted service or by registered mail or private courier.

Section 3. Order of Default. — A notice of default shall be issued by the Ethics Committee for failure of the respondent to file his or her answer within thirty (30) days from receipt of summons, together with the complaint and its annexes/documentary evidence.

Thereafter, the Ethics Committee shall submit the complaint for decision.

The respondent shall be entitled to notice of subsequent proceedings but shall not be allowed to take part therein.

RULE VIII. PRELIMINARY CONFERENCE

Section 1. Preliminary Conference. — A mandatory preliminary conference shall be set within 30 days from receipt by the Ethics Committee of the respondent's answer. The notice of preliminary conference shall be served upon the parties.

Section 2. Filing of Preliminary Conference Brief. — The parties shall file their preliminary conference briefs not less than three (3) days before the date of the preliminary conference, which shall contain, among other things:

- (a) A summary of admitted facts and proposed stipulation of facts;
- (b) Issues to be tried or resolved;
- (c) Documents or exhibits to be presented, stating the purpose and the corresponding markings thereof;
- (d) Number, names and complete address of the witnesses, and the substance of their respective testimonies;
- (e) Date of the simultaneous submission of position;
- (f) Such other matters as may aid in the prompt disposition of the case.

Any reservation made by either party to present additional witness/es or documents shall be subject to the discretion of the Ethics Committee.

Failure to file the preliminary conference brief within the period prescribed in the first paragraph of this Section shall have the same effect as failure to appear at the preliminary conference.

Section 3. Failure to Appear at Preliminary Conference. — It shall be the duty of the parties to appear at the preliminary conference.

Failure of the complainant to appear at the preliminary conference shall cause the dismissal of the case. On the other hand, failure of the respondent to appear shall allow the complainant to present evidence ex parte and a decision of the complaint to be rendered on the basis thereof.

Section 4. Matters to be Considered. — During the preliminary conference, the parties shall consider the following:

- (a) Stipulation of facts;
- (c) Simplification of issues;
- (d) Identification and marking of Evidence;
- (e) Limitation of the number of witnesses, their names, and the substance of their respective testimonies;
- (f) Date for the simultaneous submission of position paper; and
- (g) Such other matters for the prompt disposition of the case.

Section 5. Preliminary Conference Order. — The Ethics Committee, taking into account the submissions of the parties, shall issue the preliminary conference order containing the following:

- (a) Matters taken up in the conference;

- (b) Actions taken thereon;
- (c) Amendments allowed to the pleadings; and
- (d) Agreements or admissions made by the parties as to any of the matters considered.

The preliminary conference order shall explicitly define and limit the issues to be tried should the action proceed, and the contents thereof shall govern the subsequent proceedings of the case unless modified to prevent manifest injustice.

Section 6. Summary Judgment/Decision. — In lieu of a hearing, the Ethics Committee may require the parties to submit their duly signed position papers furnishing each other with copies thereof, and the Ethics Committee with three (3) legible copies thereof, within 30 days from the receipt of the order of the Ethics Committee.

The position paper shall contain only those charges, defenses, and other claims contained in the pleadings and/or affidavits filed and submitted by the parties. Any additional relevant affidavit and/or documentary evidence may be attached by the parties to their position papers. Thereafter, based on the position papers, affidavits, and other pleadings filed, the complaint can be considered submitted for decision.

Failure or any party to submit his or her signed position paper as required shall be deemed a waiver thereof. The complaint shall then be deemed submitted for decision,

RULE IX. DECISION

Section 1. The decision shall be in writing and duly signed by at least the majority of the members of the Ethics Committee. It shall contain clearly and distinctly the finding of facts and the basis for the finding.

Section 2. The decision of the Ethics Committee shall become final and executory, unless, in accordance with Rule XI. Appeal, has been appealed to the Board of Trustees within fifteen (15) days from receipt thereof

Section 3. Entry of Judgment. — Upon the expiration of the period to appeal as prescribed by these Rules and Procedures, the Ethics Committee shall cause the entry of judgment or final order in the Book of Entries of Decisions. The date of finality of the decision shall be deemed to be the date of its entry. The record shall contain the dispositive part of the decision, with a certificate that such decision has become final and executory.

RULE X. SANCTIONS

Section 1. Imposable Sanctions. The Ethics Committee may take any of the following actions described below:

(a) Dismiss the complaint for:

(i) No Violation. The Ethics Committee may dismiss the complaint if none of the grounds under Rule III, Section 1 exists.

(ii) Violation Would Not Warrant Further Sanction. The Ethics Committee may dismiss the complaint if it concludes that the existence of any of the grounds under Rule III, Section 1 would constitute only a minor or technical violation that would not warrant further sanction.

(iii) Insufficient Evidence. The Ethics Committee may dismiss a complaint if it finds insufficient evidence to support the charge.

(b) Reprimand. It is to be imposed if any of the grounds under Rule III, Section 1 existed but was not of a kind likely to cause harm to another person or to cause substantial harm to PAP or to the profession and was not otherwise of sufficient gravity as to warrant a more severe sanction.

(c) Censure. It is the appropriate sanction if any of the grounds under Rule III, Section 1 existed but was of a kind likely to cause substantial harm to another person or to PAP or to the profession and was not otherwise of sufficient gravity as to warrant a more severe sanction.

(d) Expulsion. Expulsion from membership is to be imposed if any of the grounds under Rule III, Section 1 existed and was of a kind likely to cause substantial harm to another person or to PAP or to the profession or was otherwise of sufficient gravity as to warrant such action.

Section 2. Directives. In addition to any action or sanction stated in the preceding section, the Ethics Committee, based on its sound discretion and whenever it finds proper, may impose any or some of these directives and their duration, when applicable:

- (a) Cease and Desist Order. This directive requires the respondent to cease and desist from a specified action. It may also be imposed during the pendency of the case in order to prevent greater harm or injury to any person.
- (b) Other Corrective Actions. The Ethics Committee may require such other corrective actions as may be necessary to protect the interests of PAP, the profession, or the public.
- (c) Supervision Requirement. This directive requires the respondent to engage in or undergo supervision.
- (d) Education or Training Requirement. This directive requires the respondent to engage in or undergo education or training.
- (e) Evaluation and/or Treatment Requirement. This directive requires the respondent to be evaluated to determine the possible need for treatment and/or, if dysfunction has been established, obtain treatment appropriate to that dysfunction.
- (f) Probation. This directive requires monitoring by the Ethics Committee of the respondent to ensure compliance with the mandated directives during the period of those directives.

RULE XI. APPEAL

Section 1. Appeal; Period Non-Extendible. — The decision of the Ethics Committee that completely disposes of the case shall be final and executory after the lapse of fifteen (15) days from receipt thereof without an appeal being undertaken by either party.

The aggrieved party may file a duly signed appeal in three (three) legible copies, consisting of a certified true copy of the questioned decision of the Ethics Committee to the Board of Trustees, copy furnished the adverse party and the Ethics Committee, within a non-extendible period of fifteen (15) days from receipt of the decision

Section 2. Comment/Opposition to the Appeal. — Within fifteen (15) days from receipt of a copy of the appeal, the appellee may file a comment/opposition about it with service of a copy of the pleading upon the appellee.

Section 3. Pleadings Allowed on Appeal. — The only pleadings allowed on appeal are the appeal and the comment/opposition. Unless otherwise directed by the Board of Trustees, no other pleadings shall be allowed, and the filing thereof shall not stay the period for the resolution of the appeal.

Section 4. When Appeal Deemed Filed. — An appeal personally submitted shall be deemed filed on the date stamped thereon, or if sent by registered mail or through a private courier on the date shown by the postmark on the envelope or registry receipt.

Section 5. Requirements for Perfection of Appeal. — An appeal shall be deemed perfected upon compliance with the following requirements:

- (a) Filing of the duly signed appeal, in three (3) legible copies, setting forth concisely a statement of the matters involved, the issues raised, the specification of errors, and the arguments relied upon in order that the appeal may be allowed.
- (b) Proof of service of copies of the appeal to the appellee and to the Ethics Committee.

Section 6. Failure to comply with any of the foregoing requirements shall be a ground for the dismissal of the appeal.

Section 7. Evaluation and Action on Appeal. — Before a decision of Ethics Committee is elevated on appeal, the Board of Trustees shall first ascertain whether the requirements for perfecting an appeal have been complied with. Thereafter, the Board of Trustees shall notify in writing the parties that the appeal is given due course, and after receiving a copy of comment/opposition from the appellee, or after the lapse of the period within which the appellee may file a comment/opposition but the appellee failed to file, it may submit the appeal for resolution.

Section 8. Resolution of Appeal. — The resolution of the Board of Trustees shall become final and executory within fifteen (15) days from receipt by the parties and Ethics Committee thereof.

Section 9. Records on Appeal. — After the finality of its resolution of the appeal, the Board of Trustees shall return to the Ethics Committee the case records for its custody and safekeeping.

RULE XII EXECUTION OF DECISION OR RESOLUTION

Section 1. Execution. — Any decision of the Ethics Committee or Resolution of the Board of Trustees that has become final and executory shall be immediately enforced and executed by the Membership Committee of PAP.

Section 2. The Membership Committee must be furnished by the Ethics Committee or the Board of Trustees with a copy of the final and executory decision or resolution. It must keep any records of the case that have come into its possession, particularly the decision of the Ethics Committee or the resolution of the Board of Trustees and the report on the execution thereof.

The Membership Committee shall, on behalf of PAP, furnish Professional Regulation Commission, through its Office of the Legal Service, with a copy of the final and executory decision of the Ethics Committee or the resolution of the Board of Trustees, together with a cover letter signed by the Membership Committee head, stating that the finding in the decision or resolution may constitute a violation of any professional regulation law, as such obligation to report is pursuant to Rule 5, Section 15(f) of the Psychological Association of the Philippines as Psychology's Accredited Integrated Professional Organization, which provides that: It shall be the duty and responsibility of PAP as AIPO:.... To report violations of the professional regulation laws to the Professional Regulation Commission, through the Office of the Legal Service, for possible prosecution or filing of complaint”.

RULE XIII. SEPARABILITY CLAUSE

Section 1. Separability Clause. — If any provision or part of these Rules and Procedures is declared invalid or unconstitutional by a competent authority, the other provisions or parts thereof not affected shall remain in full force and effect.

RULE XIV. EFFECTIVITY

Section 1. Effectivity. — These Rules and Procedures shall take effect upon approval, through a resolution, by the PAP Board of Trustees.