

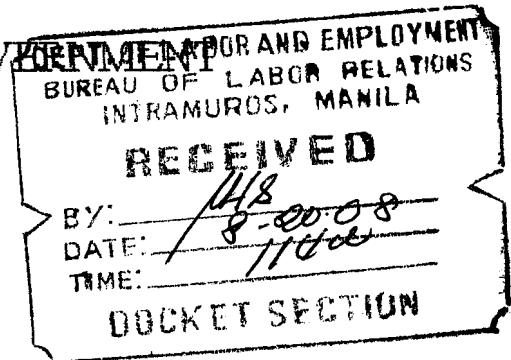
CONSTITUTION AND BY-LAWS

OF THE

PASTRANA ASSOCIATION OF GOVERNMENT

EMPLOYEES

PREAMBLE



We, the employees of the Local Government Unit of Pastrana, Leyte, Region VIII, conscious of our potentialities and our duties to God, country and people, having seen the need to unite ourselves in an organization composed of dedicated men and women of firm resolve and good will in order to enhance mutual help and support, enhance its members efficiency and effectiveness in public service, serve as a competent forum for communication and much closer relationship and camaraderie between the organization and management, as well as among its members, do hereby constitute ourselves into an association and establish for our governance this Constitution and By Laws.

ARTICLE I

NAME AND ADDRESS OF THE ASSOCIATION

Section 1. The name of the association shall be "PASTRANA ASSOCIATION OF GOVERNMENT EMPLOYEES" (PASSGE).

Section 2. Its Address shall be: Municipal Hall, Barangay Dist. IV Pastrana, Leyte, 6514.

ARTICLE II

STATEMENT OF BELIEFS, PRINCIPLES AND POLICIES

Section 1. The Association shall be non-partisan in nature.

Section 2. The Association shall adhere to democratic ideals and principles in its operation.

Section 3. The Association values mutual and supportive linkages with other organizations whose objectives do not, in any way, contradict with that of the association.

Section 4. The Association believes in moral and spiritual foundation as basic elements of its lasting existence.

Section 5. The Association believes that high moral and social consciousness of its members are vital towards efficiency and effectiveness in the government service.

Section 6. The Association believes on the strength of collective actions as an effective instrument in seeking just, legal and moral demands and redress of grievances.

Section 7. The association shall adopt peaceful dialogue as the first and primary means of resolving problems arising within the Association and the Pastrana Municipal Government management.

ARTICLE III

OBJECTIVES

Section 1. General. The Association shall protect and promote the general welfare, rights and common interest of all its members.

Section 2. Specific. Its objectives shall be:

- 2.1 To advise, propose and execute plans and programs geared towards dynamic and healthy growth and development of its members as public servants.
- 2.2 To encourage and develop active and meaningful involvement in planning and implementation of programs and projects affecting the members.
- 2.3 To undertake studies to improve the delivery of basic services of the PASTRANA MUNICIPAL GOVERNMENT to its clients.

ARTICLE IV

NAME OF EMPLOYER AND PLACE OF OPERATION

Section 1. For collective negotiation purposes, the definite employer of the association is PASTRANA MUNICIPAL GOVERNMENT, represented by the Municipal Mayor.

Section 2. The principal place of operation is at Municipal Hall, Barangay District IV, Pastrana, Leyte, 6514.

ARTICLE V

MEMBERSHIP

Section 1. Qualification. All rank and file Municipal Government employees of PASTRANA, LEYTE shall be qualified to become members of the Association.

Section 2. Members in good standing. Any member who is not under penalty of any provision hereof.

Information Officer, and two Peace Officers. The officers herein elected shall hold office for two (2) years until, their successors shall have been duly elected and qualified.

-No officer shall hold an office for more than two (2) consecutive terms.

Section 2. Power of the Officers/Executive Officers (EXECOM).

2.1 To prepare annual programs, plans and budget of the association for the approval of the members during the General Assembly Meeting, and enforce discipline among all members.

2.2 As members of the EXECOM, to execute or implement plans and programs approved by the members of the General Assembly.

Section 3. Functions of the Officers/Execom.

3.1 President. The president shall be the Chief Executive of the Association who shall sit as Chairman of the EXECOM, and shall preside in all regular and special meetings of the General Assembly or EXECOM., as the case maybe. He/She shall directly supervise the functions of all other officers and committees, execute all resolutions and/or decisions of the General Assembly, review and approve expenditures, and shall act as the Official representative of the association in all functions and transactions pertaining to the affairs of the association.

3.2 Vice-President. The Vice-President shall preside in all meetings of the general membership or the EXECOM in the absence of the President and assume that remaining portion of the term of the president in case of the latter's resignation, retirement, transfer, permanent incapacity or death.

3.3 Secretary. The secretary shall take records and minutes of all meetings, prepare resolutions, correspondences, notice of meetings, directory of members and perform all other duties assigned him/her by the president.

3.4 Treasurer. The treasurer shall be the custodian of the Association's properties which include cash, records, books, documents, equipment and other valuables. He/she deposit all cash and other valuables in such bank or depository and in such manner as the EXECOM may authorize, and shall withdraw, disburse and or dispose the same in accordance with standard operating procedures and systems which the General Assembly shall establish. He/She render reports during meetings which shall be posted at the Association's Bulletin Board.

3.5 Auditor. The auditor is responsible in examining and recommending approval or disapproval of any business transactions which involve receipts and disbursement or disposal of cash and valuables of the Association in accordance with approved procedures, rules and regulations. He/She shall render audit reports.

3.6 Public Information Officer. The public information officer shall be responsible for press release to the media regarding the affairs and activities of the Association and he/she shall maintain records of the documents and press releases on file with the Association.

3.7 Peace Officer. The peace officer shall be responsible for maintaining the proper decorum during meetings of the Association and shall render any other duties and functions as maybe assigned to them by the President/Executive Committee.

ARTICLE IX

MEETINGS

Section 1. Annual General Assembly Meeting. An annual assembly meeting of the Association shall be held on the 7th day of March of each year, which shall also serve as the Foundation Day of the Association as well as the time for holding elections of officers for the succeeding term.

Section 2. Mid-year Assembly Meeting. There shall be a mid-year assembly meeting of this Association to be held every 7th day of June of each year at the Municipal Hall Barangay Dist. IV, Pastrana, Leyte or at any designated area.

Section 3. Officers Meeting. The officers shall hold a regular meeting every first Friday of the beginning month of every quarter, or as need arises, the minutes of which shall be posted at the Association's bulletin board.

Section 4. Special Meeting. Special meetings of the officers may be called by the President whenever deemed necessary, due notice having been given to all members concerned, or upon written and signed request/petition addressed to the secretary of at least twenty five percent (25%) of all members in good standing of the Association.

ARTICLE X

QUORUM AND RULES OF ORDER

Section 1. A simple majority of 25% of the respective membership shall constitute a quorum to all meetings of the Association whether Annual, Mid-year, Officer meeting to be able to officially transact business.

Section 2. Except when a greater proportion is required herein or by law, a majority vote shall prevail at all meetings and deliberations of the Associations.

Section 3. The meetings of the Association whenever practicable be governed by the Parliamentary Rules of Order.

ARTICLE XI

MANNER OF ELECTION AND VOTATION

Section 1. The manner of Election and Votation of officers shall be by secret balloting.

Section 2. COMELEC. At the mid-year assembly meeting, on the second year of the incumbent officers, the officers shall create a commission on election to be composed of three (3) members which shall be responsible for orderly conduct of the elections, the canvassing of ballots and the proclamation of winners. It shall promulgate the rules and regulations governing the election.

The COMELEC's composition and functions shall automatically cease after the induction to office of the duly elected/qualified officers.

Section 3. Election of Officers. The election of officers shall be held during the General Assembly set for the purpose and shall be open to all members in good standing unless otherwise disqualified under Section 1 (1.5), Article VI. The election shall be held every 7th day of March and the term of office of the duly elected officer shall be two years.

Section 4. Assumption into Office. The new set of officers shall assume office on the 15th day of March of the year following after the election.

Section 5. Vacancy. Temporary and permanent vacancies may be filled up by appointment by the president upon recommendation by the officers. The appointed person shall assume his/her official duties/functions and shall serve in such capacity for only the unexpired portion of the term of the replaced officer.

ARTICLE XII

FEES AND DUES

Section 1. Membership Fee. Upon admission, a member shall pay an admission fee of one hundred pesos (P 100.00) to become a full-pledged member of the association an official receipt of which shall be issued by the treasurer.

Section 2. Monthly Dues. A monthly dues of twenty pesos (P20.00) shall be collected from each member and payable to and official receipt shall be issued by the treasurer.

Section 3. Payment of fees and/or dues may be changed only upon approval of the majority of members.

Section 4. All amount collected pursuant to the association such as may be fixed by the officer or General membership through a written resolution adopted at a meeting convened or called for the purpose to be applied to or expended for any call of the following objects:

- a. labor education programs
- b. CBA negotiations
- c. Such other plans and programs that will promote the interest and welfare of the association and the members.

Section 6. Failure to attend regular meetings of the General Assembly shall be penalized by a fine of twenty (P20.00) pesos, through salary deduction upon prior authorization of the erring officer/member concerned. An absence may be considered justifiable only if the officers/members is either on approved vacation leave, sick leave, maternity or on official travel or similar causes.

Section 7. Every payment of fees, dues, fines or other contributions shall be evidenced by a receipt signed by the treasurer and entered into the records of the Association to be kept and maintained for the purpose.

Section 8. Every disbursement of funds of the Association shall be evidenced by a receipt from the person to whom payment was made stating the date, place and purpose of such payment. Such receipt shall form part of the financial records of the Association.

Section 9. The books of accounts and other records of the financial activities of the Association shall be open for inspection by any officer or member anytime during office hours.

ARTICLE XIII

FINANCE

Section 1. Funds. The treasurer shall deposit the funds of the Association in the official depository bank of the Association. All withdrawals in the name of the Association shall be made by both the President and Treasurer.

Section 2. Payments. All monetary obligations of the Association in cash upon vouchers duly processed by the treasurer shall be audited by the auditor, and approved by the President.

Section 3. Financial Records. The Association shall maintain the necessary book of accounts to be kept by the treasurer.

Section 4. Petty Cash Fund. The Association shall authorize the treasurer to maintain a petty cash in his/her possession which shall be determined by the officers to answer the daily operations of the Association subject to the accounting and auditing rules and regulations of the Association.

Section 5. Monthly Cash Flow Report. A monthly cash flow report duly audited by the auditor and approved by the President shall be read by the Treasurer during meeting.

Section 6. Fiscal Year. The fiscal year of this Association shall be from the first day of March to the last day of February.

Section 7. Budget. At the last month of each fiscal year, the officers shall prepare or cause the preparation of the budget of estimated income and expenditures of the following year which shall be submitted to the year-end General Assembly for approval, after which, it shall serve as basis and justification for every expenditures.

ARTICLE XIV

DISPOSITION OF ASSOCIATION'S FUNDS

Section 1. In case of voluntary dissolution of the Association or final cancellation of its registration certificate, the members of the Association shall enjoy the Association's properties provided, however, that in case of sale of the Association's properties shall first be sold to the members before the same are offered to non-members of the Association and provided further, that proceeds from sale of said property, together with the balance of the Association's funds, shall be distributed, pro-rata to its members, depending on the amount of membership dues to the Association. The general membership may be consulted to settle differences of opinion.

ARTICLE XV

COMMITTEES

Section 1. Standing Committee. To ensure coordination and efficiency in the transaction of the Association matters and in order to realize the objectives of this Constitution and By-Laws, there is hereby created three standing committees to wit:

- 1.1 Committee on Membership. This committee shall receive and Process application for membership and make recommendation therein to the officers. It shall implement rules, regulations and decisions as maybe promulgated by the officers or the General Membership for the admission of members in the Association.
- 1.2 Committee on Grievance/Welfare. This committee is task to investigate internal association disputes in accordance with ARTICLE XVIII of this Constitution and By-Laws. It shall assist in the presentation and settlement of the Association grievance with the management subject to the provision of the collective negotiation agreement (CNA) that will be concluded by the Association and the management. The committee shall be responsible for the adoption and implementation of programs, projects and activities that will promote and protect the general welfare of the Association members.
- 1.3 Committee on Labor , Education and Research. This committee shall prepare, adopt and implement labor education programs, and activities that will promote the enlightenment of the Association members in regard to the prevailing labor relation system, the provision of the Constitution and By-Laws. The CNA and all labor legislations, rules, issuance and policies that affect the Association members direct or indirect.

Section 2. Special Committees. The president may create/form special committees as may be necessary on a temporary basis as the need arises not in conflict with the preceding section. Its function shall be determined/defined by the officers by way of resolution during meeting called for the purpose.

Section 3. Composition. Each committee shall consist of a chairman to be chosen from the Membership of the Officers and not less that (2) two other volunteers or appointees from the General Membership.

Section 4. Term of Office. The term of office of the standing Committees is coterminous with that of the elected officers while that of the Special Committees, the term shall be coterminous with the purpose to which they are created.

ARTICLE XVI

COLLECTIVE NEGOTIATION

Section 1. Collective negotiation for and in behalf of the general membership shall be undertaken by the Executive Committee (EXECOM) and shall act as the Negotiating Panel.

Section 2. The Collective Negotiation Agreement (CAN) resulting from the negotiation(s) shall be subject to ratification and approval by the majority vote of the Association General Membership at a meeting called for the purpose.

ARTICLE XVII

EXPULSION/SUSPENSION

Section 1. Any member of the Association shall be automatically expelled from the Association upon final conviction by a court of justice involving moral turpitude without need of an approval vote of the Officers.

Section 2. Any member who absents himself for three (3) consecutive times from any regular or special meetings of the general membership without justifiable grounds as defined in Section 6, Article XII of this Constitution and By-Laws may be expelled or suspended from the Association by a vote of the majority of the officer.

Section 3. Any member who fails to pay the dues for three (3) months or one (1) quarter installment schedule as prescribed in Section 2, Article XII hereof or fails to pay the fine for three (3) consecutive times may be suspended for three (3) months and shall forfeit all benefits due the member/officer during the period of suspension subject to the vote of the majority of the officers at a meeting called for the purpose.

Section 4. A member expelled other than by final conviction by a court of justice may apply for re-admission to the membership of the association in which case, a two-thirds (2/3) vote of the officers during meeting shall be required for approval.

A re-admitted member shall pay the usual admission fee to become a legal member and shall pay monthly dues for the period covered as prescribed in Section 2, Article XII of this Constitution and By-laws.

Section 5. Any member committing or causing the commission directly or indirectly, of any act prejudicial or inimical to the interest and welfare of the Association or who willfully refuses to comply with one's duties and responsibilities as a member may be expelled or suspended from the Association by a vote of the majority of the officers.

ARTICLE XVIII

SETTLEMENT OF INTERNAL DISPUTES

Section 1. Dispute involving the Association member or its officers shall be made in writing and submitted to the officer through the Secretary who shall undertake to have them settle their differences amicably.

Section 2. In case of failure to reach an amicable settlement, the Officers shall cause the creation of the Committee on Grievance/Welfare, pursuant to Parag. (1.1) Article XV hereof, who shall undertake to investigate or hear the case of merits.

Section 3. The committee on Grievance/Welfare shall require the respondent(s) within five (5) days from the date of the scheduled confrontation of both parties to submit their answer in writing. Thereafter, both sides shall be entitled to a hearing.

Section 4. After proper evaluation of evidence submitted, the committee on Grievance/Welfare shall render its written decision on the dispute within five (5) working days from termination of the hearing.

Section 5. The decision of the committee on Grievance/Welfare shall become final unless appealed to the General Members within three (3) days upon receipt of a copy of the decision of the committee on Grievance/welfare.

ARTICLE XIX

IMPEACHMENT AND RECALL

Section 1. Any of the following acts shall be a ground for the impeachment or recall of the Association officers:

- 1.1 Committing or causing the commission directly of acts against the interest and welfare of the association.
- 1.2 Malicious act inimical to the interest of the Association its officers or against the fellow association officer or member.
- 1.3 Failure to comply with the obligation to turn over and return to the Treasurer of the Association within three (3) days any unexpected sums of money received from the Association funds to answer for unauthorized purpose
- 1.4 Gross misconduct unbecoming of an Association officer.
- 1.5 Misappropriation of the association funds and property. This is without prejudice to the filing of appropriate criminal or civil action in proper court against the responsible officer or officers by any interested party.
- 1.6 Willful violation of any provision of this Constitution and Bay-Laws or rules, regulations, policies, resolutions and decisions of the association.

Section. 2. The following procedures shall govern the impeachment and recall proceedings.

2.1. Impeachment or recall proceedings shall be initiated by a formal petition or resolution signed by at least twenty five percent (25%) of all bona-fide members of the Association and submitted to the Officers through the Association Secretary.

2.2. The Officers shall then cause to convene a general membership meeting to consider the impeachment or recall of an officer or a group of officers, whether elective or appointive.

2.3. The Association officers against whom the impeachment or recall charges have been filed shall be given ample opportunity and time within to defend himself/themselves before any impeachment or recall vote shall be finally taken.

2.4. A majority of all members of the Association shall be required to impeach or recall Association officers.

ARTICLE XX

AMENDMENTS

Section 1. Any proposed amendments to this Constitution and By-Laws shall be presented to the general membership during any assembly meeting called for the purpose and shall be approved by a two-thirds (2/3) affirmative votes of all members present constituting a quorum.

ARTICLE XXI

TRANSITORY PROVISIONS

Section 1. The interim officer shall hold office until regular officers shall have been duly elected and qualified.

Section 2. The first election under this constitution shall be held on the 7th day of March, 2009.

Section 3. The newly-elected regular officers of the Association shall assume upon induction into office on the 3rd Monday of 2009.

ARTICLE XXII

EFFECTIVITY

Section 1. This Constitution and Bay-Laws shall take effect immediately after its ratification and signing by the majority members of Pastrana Association of Government Employees.

Adopted and ratified this 7th day of at March 2008 at Pastrana, Leyte with the list of members, together with their signatures, who ratified the same appearing in Annex "A" hereof.

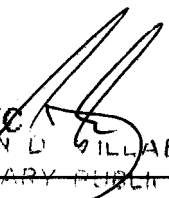
CERTIFIED CORRECT:


JUVILLA A. DEPAUDHON
SECRETARY

ATTESTED:


RANDOLPH A. CAPATOY
PRESIDENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS June 15, 2008
day of Pastrana at _____
Residence Certificate No. 12329940
issued at PASTRANA, LEYTE on JANUARY 15, 2008


NOTARY PUBLIC
Until RYAN D. VILLARANO
PTR No. UNTIL DEC 31 2009
Issued at STR NO 9550486
On _____

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