

RULES ON IMPEACHMENT OF A MEMBER OF THE BOARD OF DIRECTORS

GENERAL PROVISIONS

SECTION 1. In accordance with the provisions of the Constitution and By-laws of the New Capitol Estates Homeowners' Association Inc., a member of the Board of Directors can be removed on the following grounds:

"a) Three (3) consecutive absences in the regular meetings of the Board without meritorious excuse or any violation of the (NCEHAI) Constitution and By-law's by a majority vote of the Board after due notice and hearing; or

b) By a petition signed by two-thirds of all the members of the Zone which the Director represents."

SEC. 2. The removal of a Director is not automatic. There must be a formal complaint filed and a corresponding resolution to be approved by a majority vote of the members of the Board. For this purpose, "majority vote" means one-half (1/2) plus one of all the incumbent or sitting members of the Board, not the majority of a quorum present during the voting nor the majority of the 15 total membership of the Board.

SEC. 3. In relation to the grounds under Section 1 (a) hereof, the resolution must be based on a formal complaint or petition filed by an Association member in good standing or any member of the Board of Directors, and on the deliberations of the Board thereon.

In relation to Section 1 (b) hereof, the petition filed by the zone members and the deliberations of the Board thereon shall be the basis of the resolution.

DUE PROCESS AND HEARING

SEC. 4. An impeachment is initiated by the filing of a formal complaint or petition mentioned in Section 3 hereof, officially received by the NCEHAI office or by the Board itself.

SEC. 5. A simple majority of the members present shall determine the sufficiency in form and substance of the complaint or petition.

Sufficiency in form means that it is duly signed by the complainant/s and sworn before a Notary Public. Sufficiency in substance means that the charge/s pertain to a violation of any of the provisions of the NCEHAI Constitution and By-laws.

SEC. 6. The respondent be duly notified of such complaint and shall be given five (5) days, or a reasonable period of time to be determined by the Board, to answer the complaint in writing, or verbally during a meeting of the Board called for the purpose.

SEC. 7. The meeting of the Board to hear an impeachment complaint shall be presided by the President or any officer or member of the Board whom the President may designate according to the order of precedence stated in the By-laws.

The impeachment complaint can be heard in a regular Board meeting or special meeting, provided it is included in the agenda of the meeting. A complainant who is not a member of the Board shall be allowed to speak in the Board meeting within the time provided in the next Section hereof.

SEC. 8. If the respondent opts to appear or defend himself/herself before the Board, the general charge/s in the complaint shall be read by the Secretary of the Board. The complainant shall be given a maximum uninterrupted time of thirty (30) minutes to support his/her complaint. The respondent shall then be given a maximum uninterrupted time of thirty (30) minutes to answer the charge/s. An extension of time for each may be allowed by the majority of the Directors present.

Thereafter, each member of the Board shall be given a maximum of fifteen (15) minutes to ask questions. The Presiding Officer will set the order of interpellators. Any member may waive his/her right to ask questions or give his/her allotted time to another member.

After all the members of the Board have taken their turn to propound questions, the complainant and respondent shall each be given ten (10) minutes to close their arguments. If there are two or more complainants in a common complaint, only one will be allowed to speak. But if there are separate complaints, each complainant shall be given the opportunity to speak.

SEC. 9. If the respondent fails to answer in writing or appear before the Board hearing set for the impeachment complaint, the members of the Board shall decide on the basis of the complaint and other records available to the Board.

SEC. 10. The Director/s who find cause for removal shall forthwith file a resolution for the impeachment of the Director-

respondent, which resolution shall be voted upon by the members of the; Board in accordance with Section 2 hereof.

If the complainant is a member of the Board, he/she shall have the right to vote or abstain from voting on the resolution or on any matter or issue brought before the Board for voting. The respondent-Director shall also have the similar right to vote or abstain from voting.

EFFECTIVITY OF REMOVAL

SEC. 11. The resolution on the impeachment of a Director shall be effective on the same day of approval by a majority vote of all the incumbent members of the Board.

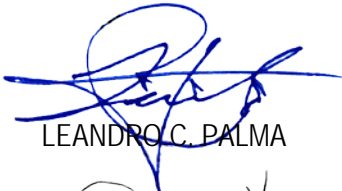
SUPPLEMENTARY RULES

SEC. 12. In the absence of any rule herein provided, the Internal Rules and Procedure Governing the Board of Directors, and the pertinent rules in Robert's Rules of Order, Riddick's Precedents and Practices, Hind's Precedents and Jefferson's Manual may be resorted to. In case of irreconcilable conflict on matters of procedure, the desire of the majority of the members present shall always prevail.

EFFECTIVITY OF THE IMPEACHMENT RULES

These rules on impeachment of a member of the Board of Directors shall be effective upon adoption by a majority of all the incumbent members of the Board and shall be in force and effect until amended or repealed.

Adopted, March 29 2015



LEANDRO C. PALMA

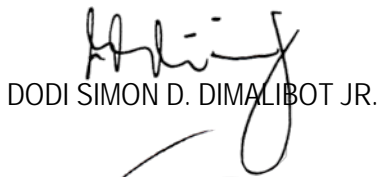


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