

**PHILIPPINE NATIONAL POLICE MANUAL
PNPM - DPRM - 14 - 01**



**COMPENDIUM ON
DISCIPLINARY POLICIES
WITH QUICK GUIDE**

(2014)



Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

MESSAGE

I commend the men and women of the Directorate for Personnel and Records Management for their endeavor of collating and compiling all the disciplinary issuances pertaining to personnel management.

This is a much needed tool in order for our Summary Hearing Officers to perform their functions at the optimal level, as well as to assist the disciplinary authorities in the speedy and judicious resolution of administrative cases.

I have always maintained that Discipline, Law and Order are the key operating concepts to enable us to perform our mission with optimum efficiency. With this compendium, I trust that our objective of fostering and maintaining discipline among our ranks will be achieved.

Again, Congratulations!


ALAN LA MADRID PURISIMA
Police Director General
Chief, PNP



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
Camp Crame, Quezon City



PREFACE

Indeed, the PNP is now gearing up for the realization of its vision which is to become *"a highly capable, effective and credible police force"*, with the recent publication of this volume.

This volume aims to guide not only the Disciplinary Authorities of the PNP but all PNP personnel, Uniformed and Non-Uniformed, with the policies and common provisions concerning Discipline, which are not limited to the rules, regulations and laws. This volume also covers the procedures, administrative offenses and penalties of PNP personnel must undergo and face once a certain rule or regulation was violated.

In line with the PNP Memorandum Circular No. 2013-020 (PATNUBAY III), this volume clearly states every offense and its corresponding penalty. Also, this volume was compiled for the usage of Summary Hearing Officers, Evaluators and Drafters, who face the challenges of finding the right policy, rules and regulations and finding the right offense and penalty. Given the difficulty faced by PNP personnel involve in the conduct of summary hearings, this volume offers a simplified copy of the policies, offenses and penalties, plus the NAPOLCOM Memorandum Circular No. 2007-001 and Revised Rules on the Administrative Cases in the Civil Service (RRACCS), applicable to a certain case.

I would like to acknowledge the men and women behind the publication of this volume, without whose dedication and commitment to service would not have been possible.

Lastly, we lift all praise and glory to our Lord God for the completion of this volume.


JAIME HERMO MORENTE
Police Director

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I. "TAMANG BIHIS"

A. Legal Basis:

1. PNP LOI 06/09 "TAMANG BIHIS ALPHA" dated February 12, 2009; and
2. PNP LOI 2007-50 (Creation of TASK FORCE "BANTAY BIHIS") dated November 21, 2007.

B. Policy Requirement/Compliance:

1. To see to it that all PNP Personnel wears the prescribed and authorized PNP uniforms with the proper insignias and other accoutrements during command activities and while in the performance of duty.
2. The operating units shall conduct inspection of all distributors and outlets of PNP uniforms, insignias and other accoutrements and if necessary confiscate all fake and unauthorized items in accordance with existing police operational procedures.
3. To fully operationalize "Bantay Bihis" Regional Task Groups and NSU Task Groups with the end in view of these units performing properly their assigned functions.
4. To conduct information drive to all criminology students thru the Commission on Higher Education (CHED) and the Philippine Criminology Schools Association to refrain from using similar police uniforms and for the CSG to adopt color coding of uniforms to be used by private detectives, private security guards, armored security personnel and K-9 handlers.

C. Scope/Coverage:

All uniform PNP personnel.

GOA Type "A"

Description		When to Use
pPCSUPT – PDG	PO1-PSSUPT	
Pershing cap	Pershing cap	Daily office attire
Bush coat (star blue) with shoulder loop	Gray blue short sleeves shirt with vertical white pin stripes	Appearances at Malacañang, Senate, Congress, Courts
Rank insignia	Lanyard with whistle	As directed by the higher authority
Star rank lanyard with tubular whistle	Accoutrements	NOTE:
Accoutrements	Awards and decorations	In case of full alert status, the uniform of the day shall

		be worn for the flag raising and flag retreat ceremonies.
Awards and decorations	Pistol belt with accessories and firearm	Policewomen shall wear GOA skirt when performing administrative duties and GOA pants when performing field duties.
Pants for male and skirt for female	Pants for male and skirt for female with side piping	
Black low-cut shoes	Black low-cut shoes	

GOA Type "B"

Description		When to Use
PCSUPT-PDG	PO1-PSSUPT	
Field cap	Field cap	Full Alert
Gray blue short sleeves shirt with vertical white pin stripes	Gray blue short sleeves shirt with vertical white pin stripes	As directed by the higher authority
Star rank lanyard with tubular whistle	Lanyard with whistle	
Accoutrements	Accoutrements	
Pants for male and skirt for female with side piping	Pistol belt with accessories and firearm	
Blue belt with PNP buckle	Pants for both male and female with side piping	
Black low-cut shoes	Black low-cut shoes	

Athletic Uniform	Search and Rescue (SAR)	Camouflage Green
Light blue round neck T-shirt with "PULIS" markings (front/back) as upper garment	Blue round neck T-shirt with "PULIS" markings (front/back) as upper garment	The camouflage Green FSU will be for the exclusive use only of the PNP personnel assigned in Regional Public Safety Battalion involved in counter insurgency operation in rural areas.

<p>Deep blue short pants with back pocket and the "PULIS" markings as lower garment</p>	<p>Camouflage green pants as lower garment</p>	<p>Head Gear Bush Hat made of the same fabric and color of the appropriate FSU with embroidered black thread rank insignia on the black borderline, and the word "POLICE" markings in front.</p>
		<p>Shirt and Accoutrements Tropical fatigue cut, long sleeves reinforced elbows with four oversized pocket flaps.</p>
		<p>Rank Insignia:</p>
		<p>For PCOs – embroidered thread insignia on the collars with olive drab background borderline.</p>
		<p>For PNCOs – embroidered black thread chevron with olive drab background and black borderline on both sleeves.</p>
		<p>Namecloth and "Police" Markings – embroidered black threads with olive drab background and black borderline.</p>
		<p>Patches – subdued patches using colored black.</p> <ul style="list-style-type: none"> - PNP patch on the left sleeve and unit patch on the right sleeve.
		<p>Trousers Tropical fatigue pants with slide/curve side pockets, oversized/expanding side pockets with a flap cover below the slide side pocket and two back pockets with flap.</p>

		Reinforced at the seat and knees.
		Drawstrings adjuster at the bottom.
		Worn tucked-in in the boots.
		Belt and Buckle – black nylon web belt with square
		Foot Wear – All black tropical boots (NAPOLCOM)

Proper Appearance of PNP Uniformed Personnel

A. Haircut

a.1. For Female PNP Personnel:

- a.1.1. Should be kept clean, neatly shaped, conservatively arranged and professionally styled;
- a.1.2. The hair at the back of neck should not touch the collar of the uniform;
- a.1.3. Long hair should be inconspicuously pinned or fastened on the head in an attractive style;
- a.1.4. The use of conspicuous rubber bands, combs and pins is not allowed;
- a.1.5. Hair color should never be faddish or outrageous multicolor, it should appear natural and complimentary; and
- a.1.6. Extreme, eccentric or trendy haircuts or hairstyle are not authorized.

a.2. For Male Personnel:

- a.2.1. Should be kept neat, clean and well-groomed;
- a.2.2. The hair should not touch the ears or collar except for the closely cut hair at the back of the neck or extend below the eyebrows when the headgear is remove;
- a.2.3. The hair should not interfere with the proper wearing of the headgear;
- a.2.4. If hair color is used, it should look natural and complimentary; and
- a.2.5. Faddish or outrageous multicolored hair is unauthorized.

B. Cosmetics

b.1. For Female PNP Personnel:

- b.1.1. When cosmetics is used, it should blend with the natural skin tone to enhance natural features;
- b.1.2. Should use a conservative lipstick color that compliments the uniform; and
- b.1.3. False eyelashes are inappropriate and should not be worn when in uniform.

C. Fingernails

c.1. For Female PNP Personnel:

- c.1.1. Nail Polish should complement with the natural skin tone;
- c.1.2. Fingernails should not extend one-quarter inch past finger tips; and
- c.1.3. Fingernails should be trimmed and kept clean.

c.2. For Male PNP Personnel:

- c.2.1. Fingernails should be trimmed down and kept clean and should not extend past finger tips; and
- c.2.2. Only colorless nail polish is allowed.

D. Mustache

d.1. For Male PNP Personnel:

- d.1.1. Mustache, beard and imperials are absolutely prohibited; and
- d.1.2. The face shall be kept shaved.

Accessories

A. Jewelry

a.1. For Female PNP Personnel:

- a.1.1. While in uniform, earrings with a plain ball design is authorized;
- a.1.2. May wear one watch or one simple bracelet but no wearing of ankle bracelets;
- a.1.3. Necklace when worn should not be visible; and
- a.1.4. May wear one simple ring only.

a.2. For Male PNP Personnel:

- a.2.1. May wear one simple watch or one simple bracelet only;
- a.2.2. Necklace when worn should not be visible; and
- a.2.3. May wear one simple ring only.

B. Eyewear

1. Eyeglasses or sunglasses that are trendy, have lenses or frames with too large initials, designs or other adornments are not authorized;
2. Eyeglasses or sunglasses cases shall not be hanged on the uniform;
3. May wear contact lenses with traditional colors such as: natural, gray and brown only or opaque lenses that are prescribed medically for eye defects;
4. May not wear lenses or frames that are too large or too small that distract the appearance of the uniform; and
5. Clear lenses that have designs which may change the contour of the iris are not authorized for wear with the uniform.

C. PNP Jackets

The design of PNP jackets for PNP personnel authorized to wear them should be made from black polyester.

The use of PNP jacket during the following occasions are authorized provided that the flap bearing the officer's name on the right breast portion and the "POLICE" markings on the left breast flap and at the back flap of the jacket must be displayed for proper identification, to wit:

1. Attending TV interviews in GOA uniform wherein the jacket must be zipped;
2. Performing foot patrol, and mobile patrol using marked vehicles, as well as when riding motorcycles during cold weather conditions;
3. Conducting checkpoint operations during night time and in cold weather condition;
4. When in the office performing administrative functions; and
5. Attending conferences and meetings.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

Subject : PNP LOI 06/09 "TAMANG BIHIS ALPHA"

To : See Distribution

I. REFERENCES:

- a. Chief, PNP's Orders dated September 27, 2008;
- b. PNP LOI 2005 "Tamang Bihis" dated August 21, 2005; and
- c. PNP LOI 2007-50 "Bantay Bihis" dated November 21, 2007

II. PURPOSE:

This LOI prescribes the courses of action that must be carried out by all PNP units and offices in implementing stricter measures of compliance in the proper wearing of authorized and prescribed PNP uniforms, insignias and other accoutrements. Additionally, this LOI provides additional procedures to be undertaken to control the proliferation of unauthorized and substandard police uniforms.

III. SITUATION:

The PNP LOI 2005 "TAMANG BIHIS" and LOI 2007-50 "TASK FORCE BANTAY BIHIS" were conceptualized to run after the illegal manufacture, distribution, sale and unauthorized use of PNP uniforms, insignias and other accoutrements, including the materials for their production. Several guidelines and directives concerning PNP's effort to operate and to implement TAMANG BIHIS were issued and properly disseminated. Yet the PNP's campaign seems in vain on the grounds that unscrupulous individuals are engaged in the manufacture of illegal and substandard PNP uniforms.

Similarly, some PNP personnel patronize these proponents and show less concern on the proper wearing of the prescribed and authorized PNP uniforms, insignias and other accoutrements. And worst of all, various PNP uniforms are being used by criminal elements in pursuing their unlawful intentions. All these things **tarnish the image** of the police which hampers the building up of genuine transformation of the PNP organization as a whole.

Moreover, it has been observed that proponents of police uniforms and individual equipment are not interested to submit prototype of PNP items for test and evaluation wherein its result will be the basis in the formulation of standard specifications. Additionally, while prototypes are still under deliberation by the Uniform and Equipment Standardization Board (UESB) prior to the approval of the NAPOLCOM, similar but substandard items are already being sold in stores and outlet.

Hence, LOI 06/09 "TAMANG BIHIS ALPHA" sets the series of actions to be carried out by the D-Staffs, PROs, NSUs and all other PNP units and offices, to address the illegal manufacture and sale of PNP uniforms, insignias and other accoutrements and to deal with intolerant personnel in the organization.

IV. MISSION:

The PNP concurrent with its mission, implements courses of actions to be undertaken to recognize the significance of TAMANG BIHIS which shall promote the strict compliance of all PNP personnel nationwide. TASK FORCE BANTAY BIHIS shall relentlessly operate against unscrupulous and lawless individuals including PNP personnel who contravene the provisions of the law.

V. EXECUTION:

A. Chief, PNP's Intent:

It is the desire of the Chief, PNP to see to it that all PNP personnel wears the prescribed and authorized PNP uniforms with the proper insignias and other accoutrements during command activities and while in the performance of duty.

Likewise, the PNP Chief has directed operating units to conduct inspection of all distributors and outlets of PNP uniforms, insignias and other accoutrements and if necessary confiscate all fake and unauthorized items in accordance with existing police operational procedures.

Moreover, the PNP Chief wants to fully operationalize "Bantay Bihis" Regional Task Groups and NSU Task Groups with the end in view of these units performing properly their assigned functions.

Finally, the PNP Chief has directed the conduct of information drive to all criminology students thru the Commission on Higher Education (CHED) and the Philippine Criminology Schools Association to refrain from using similar police uniforms and for the CSG to adopt color coding of uniforms to be used by private detectives, private security guards, armored security personnel and K-9 handlers.

B. Courses of Action:

To promote internal reforms and control the proliferation of unauthorized and substandard police uniforms in the market, the acronym I.M.A.G.E. was formulated to intensify the implementation of this LOI.

I - Inform and Disseminate

- a) There must be a continuing conduct of intensified information campaign on the different types of PNP uniforms, insignias and other accoutrements to all uniformed members of the PNP. This includes proper dissemination of information of the provisions of this LOI and other related guidelines and memoranda.
- b) Consultative meetings, dialogues and dissemination campaign with the suppliers, manufacturers and sellers of PNP uniforms, insignias and other accoutrements must be undertaken to properly inform and update them of the provisions of this LOI and other related guidelines especially on matters pertaining to patented PNP items.
- c) Conduct of dialogues, consultative meetings and lateral coordination with the television and film industries must be undertaken to discuss the proper wearing of PNP uniform by actors and actresses portraying the role of police officers.

M - Must Inspect and Recommend Corrective or Punitive Measures

- a) Conduct of regular inspection to PNP personnel is a must to ensure that only authorized and prescribed PNP uniforms, insignias and other accoutrements are being used.
- b) Conduct of ocular visits and inspections of all known suppliers, manufacturers, dealers and sellers must be done to ensure compliance with the rules and regulations concerning PNP uniforms, insignias and other accoutrements.
- c) Outright correction or punitive actions shall be made every after inspection.

A - Apply On-the-Spot Corrections and Law Enforcement

- a) Giving on-the-spot correction is everyone's concern especially if it pertains to the proper wearing and usage of PNP uniforms, insignias and other accoutrements.
- b) Appropriate administrative disciplinary measures must be applied against intolerant and erring PNP personnel for flagrant violations on the provisions of this LOI.
- c) Enforcement of RA 8293 (Patent Law), EO 297, Article 179 of RA 3815 (RPC) and other related laws must be carried out against illegal manufacturers, dealers, suppliers and sellers of unauthorized and substandard PNP uniforms, insignias and other accoutrements.

G - Generate Feedback and Report of Compliance

- a) Compliance to this LOI and other related guidelines must be consolidated to validate the concept that proper implementation of the LOI are disseminated and understood by each uniformed personnel.
- b) Feedbacks or reports, be positive or negative, must be compiled and should be addressed responsively.
- c) Documented reports must be made to record the inspections that will include violation(s) committed by the suppliers, manufacturers, dealers and sellers of PNP uniforms, insignias and other accoutrements. This will serve as reference in the case build-up and filing of appropriate charges against them, if evidence warrant.

E - Exercise Leadership by Example at All Levels

- a) The ability to guide, direct or influence people is thru leadership by example. As leaders, it is a must that all PNP personnel must wear the prescribed and authorized PNP uniforms, insignias and other accoutrements at all times during the performance of duty.
- b) Senior PCOs must abide with the provisions of TAMANG BIHIS to set the example to their subordinates.
- c) Entrepreneurs engaged in selling police uniforms and individual equipment shall be informed to strictly adhere to the guidelines of this LOI and other related PNP guidelines.

C. Tasking:

1. DRD

- a. Office Primarily Responsible (OPR) in the implementation of this LOI;
- b. Issue guidelines to all PNP units and offices particularly on the implementation of NAPOLCOM-approved standard specifications for police uniforms and individual equipment;
- c. Continue the application for patent on various police uniforms, insignias and other accoutrements at the Intellectual Property of the Philippines (IPP) and disseminate the registered patents;
- d. Issue Certificate of Conformity to legitimate manufacturers/suppliers/tailoring shops for the workmanship and fabric composition of police uniforms and individual equipment which have passed the appropriate test and evaluation conducted;
- e. Conduct plant/factory visits at known manufacturers, dealers, suppliers and sellers of police uniforms;
- f. Initiate the regular conduct of consultative meetings between DRD and PNPSSS to ensure high quality and standard of all police items sold to PNP personnel;
- g. Recommend to DPRM the different types of police uniform to be worn during Saturday Inspections;
- h. Require registration of unit patches/logo for National and Regional level at the National Historical Institute (NHI) and evaluate, validate and approve thru the UESB, all patches/logos of Provincial Police Offices (PPOs) down to City/Municipal levels;
- i. Undertake research towards the improvement of security marks to detect substandard and fake police uniforms and individual equipment; and
- j. Perform other tasks as directed.

2. NHQ Task Force "Bantay Bihis"

- a. Identify all PNP recognized manufacturers, dealers and suppliers of PNP uniforms, insignias and other accoutrements and inform them on the salient provisions of this LOI;
- b. Conduct inspection to PNP personnel to ensure that they are all complying with the prescribed PNP uniforms, insignias and accoutrements;
- c. Gather information through intelligence efforts regarding illegal and unauthorized manufacture, distribution, sale and illegal use of PNP uniforms and individual equipment;
- d. Initiate case build-up on Organized Crime Groups (OCGs) or individuals disguising as policemen in the conduct of nefarious activities;

- e. Exercise visitorial powers to all known dealers, manufacturers and sellers of PNP uniforms, insignias and other accoutrements pursuant to the provisions of E.O. 297 and its IRR; and
- f. File administrative, civil and/or criminal charges against violators of R.A. 8293 and related laws then recommend for the immediate closure and cancellation of business permits.

3. **DPRM**

- a. OPR in the conduct of inspections re: compliance of PNP personnel in the proper wearing of PNP uniforms, individual equipment, insignias and accoutrements;
- b. Recommend PNP personnel to undergo schooling on values formation and leadership training program, who are found to have repeated infractions on the provisions of this LOI; and
- c. Perform other tasks as directed.

4. **DI**

- a. Provide intelligence support and case build-up of individuals and establishments engaged in selling fake, sub-standard and unauthorized PNP uniforms;
- b. Initiate intelligence build-up against illegal manufacturers, dealers, sellers and tailoring shops being used by the different threat groups;
- c. Perform other tasks as directed.

5. **DL**

- a. Ensure that all Police Individual Equipment (PIE) items to be procured conform with NAPOLCOM-approved standard specifications; and
- b. Perform other tasks as directed.

6. **DC**

- a. Provide appropriate funds to support the operational and administrative activities of this LOI as well as other related activities; and
- b. Perform other tasks as directed.

7. **DIDM**

- a. Direct subordinate units/offices to conduct pre-charge investigation and file appropriate charges against PNP personnel wearing unauthorized PNP uniforms, insignias and other accoutrements; and
- b. Perform other tasks as directed.

8. **DPCR**

- a. Undertake police information efforts of this LOI by utilizing tri-media practitioners on the PNP's campaign against illegal manufacturers of PNP uniforms;

- b. Coordinate with television and film industries on the proper wearing of PNP uniforms by movie actors/actresses portraying the role of police officers;
- c. Regularly include in the Police Information and Continuing Education (PICE) the topic on the Proper Wearing of PNP Uniforms, Insignias and other Accoutrements and for effective and widest dissemination of this LOI;
- d. Inform Local Government Units (LGUs) especially Barangay Officials, Tanods, Aide and other local personnel to cease from using police uniforms and equipment; and
- e. Perform other tasks as directed.

9. DHRDD

- a. Coordinate with PNP Training Schools to adhere to the provisions of this LOI particularly the wearing of authorized uniforms, insignias and other accoutrements by police recruits, lateral entrants and other PNP personnel undergoing mandatory schooling and specialized courses;
- b. Coordinate with CHED re - colleges and universities, offering criminology courses to refrain from wearing police uniforms and using other similar police items by their respective students while undergoing on-the-job training, and
- c. Perform other tasks as directed.

10. Other D-Staffs

- a. Encourage PNP personnel assigned within their respective offices or units to use and patronize only the authorized PNP uniforms, insignias and other accoutrements; and
- b. Perform other tasks as directed.

11. RDs, PROs 1-13, COR, ARMM & NCRPO

- a. Ensure the strict implementation of this LOI within their respective AORs;
- b. Supervise, orchestrate and direct the conduct of intelligence build-up and active police operations by Regional Task Group "Bantay Bihis" and its Provincial Sub-Task Groups;
- c. Strengthen information campaign against the illegal and unauthorized manufacture, sale and distribution of PNP uniforms, insignias and other accoutrements;
- d. Conduct regular inspection to all PNP Offices to ensure that uniforms being worn by PNP personnel are authorized and conformed with the standard specifications;
- e. File appropriate administrative charges against PNP personnel found to have violated the provisions of this LOI;
- f. Ensure the strict compliance on the provisions of this LOI;
- g. Ensure full support to NSU Task Group "BANTAY BIHIS" in the implementation of this LOI;

- h. Coordinate with Regional and Provincial CHED re - colleges and universities, offering criminology courses to refrain from wearing police uniforms and using other similar police items by their respective students while undergoing on-the-job training; and
- i. Perform other tasks as directed.

12. **CIDG**

- a. Conduct legal offensive on establishments or individuals found to have violated the provisions of Republic Act No. 8293 otherwise known as the Intellectual Property Code of the Philippines;
- b. Perform other tasks as directed.

13. **Legal Service**

- a. Provide legal assistance to critical issues and concerns especially on Patent Issues and in the enforcement of this LOI;
- b. Assist in the filing of appropriate charges against violators of R.A. 8293 and other related laws; and
- c. Perform other tasks as directed.

14. **CSG**

- a. Adopt color coding of uniform to be used by private detectives and private security guards especially K-9 handlers and those who are assigned in armored vehicles to distinguish them from wearing uniforms similar with PNP; and
- b. Perform other tasks as directed.

15. **PCRG**

- a. Advise members of National Government Organization (NGO's) and barangay officials and traffic enforcers from Local Government Units (LGUs) to refrain from using uniforms bearing the word "Police" or "PNP" as well as PNP logo, insignias and other accoutrements; and
- b. Perform other tasks as directed.

16. **PIO**

- a. Regularly include in all PNP radio and TV programs the update on PNP Uniforms, Insignias and other Accoutrements including its proper usage on different occasions;
- b. Prepare press release and tri-media coverage regarding the accomplishments of Task Force Bantay Bihis; and
- c. Perform other tasks as directed.

17. **Directors, NSUs**

- a. Ensure the strict compliance on the provisions of this LOI;

- b. Conduct regular inspection to all PNP Offices to ensure that uniforms being worn by PNP personnel are authorized and conformed with the standard specifications;
- c. Ensure full support to NSU Task Group "BANTAY BIHIS" in the implementation of this LOI; and
- d. Perform other tasks as directed.

18. **IAS**

- a. Implementation of this LOI must be emphasized during the conduct of regular AGI/ORSITE thru the inclusion in the checklist for inspection, copy furnished DRD of the result;
- b. Initiate the filing of administrative case against PNP uniformed personnel for breach of internal discipline; and
- c. Perform other tasks as directed.

VI. COORDINATING INSTRUCTIONS:

- a. Strict adherence to the PNP Operational Procedures (Rules of Engagement) must be emphasized.
- b. Lateral coordination with PNPSSS and other participating units/offices is highly encouraged
- c. All Chiefs of offices/units shall make sure that all the provisions stated in this LOI are strictly implemented.
- d. All RDs and Dirs, NSUs, are directed to submit their respective IMPLAN to DRD (attn: TF Comdr, TF BANTAY BIHIS NLT ten (10) days upon receipt of this LOI. They shall submit their Quarterly Report of Compliance to DRD as required.
- e. This LOI shall take effect immediately.



JESUS A. VERZOSA, CEO VI
Police Director General
Chief, PNP



Copy Furnished:

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TCDS

Distribution:

D-Staff
P-Staff
Dir, NSUs
RDs, PROs
Chiefs, Special Units/Offices
Dir, PNPTS
Administrator, PNP SSS
CESPO

II. DPPAR/FLAG RAISING/FLAG LOWERING

A. **Legal Basis:** PNP Memorandum Circular No. 08-001 dated January 17, 2008

B. Policy Requirement/Compliance

- i. All PNP personnel shall be accounted daily. Any changed affecting the status of PNP personnel shall be entered and described on the DPPAR;
- ii. The following are the abbreviations to designate the different ranks for commissioned and non-commissioned officers of the PNP:

POLICE COMMISSIONED OFFICERS

ABBREVIATED RANK	RANK
PDG	Police Director General
PDDG	Police Deputy Director General
PDIR	Police Director
PCSUPT	Police Chief Superintendent
PSSUPT	Police Senior Superintendent
PSUPT	Police Superintendent
PCINSP	Police Chief Inspector
PSINSP	Police Senior Inspector
PINSP	Police Inspector

POLICE NON-COMMISSIONED OFFICERS

ABBREVIATED RANK	RANK
SPO4	Senior Police Officer 4
SPO3	Senior Police Officer 3
SPO2	Senior Police Officer 2
SPO1	Senior Police Officer 1
PO3	Police Officer 3
PO2	Police Officer 2
PO1	Police Officer 1

- iii. The Non-Uniformed Personnel (NUP) shall be accounted according to their Salary Grades (SG) ranging from SG1 to SG25;
- iv. DPPAR shall be prepared by the following PNP offices/units and such other units as may be activated by appropriate orders:
 - 1) Command Group
 - 2) Directorial Staff
 - 3) National Support Units
 - a) National Office
 - b) Regional Office

- c) Provincial/City Office
 - 4) Police Regional Office
 - a) Regional Command Group
 - b) Regional Staff
 - c) Regional Mobile Groups
 - d) District Office
 - e) District Mobile Groups
 - f) Provincial Office
 - g) Provincial Mobile Groups
 - h) City Police Office
 - i) City Mobile Groups
 - j) City Police Stations
 - k) Numbered Police Stations
 - l) Municipal Police Stations
 - m) Police Precincts
 - 5) PNP Satellite Offices
 - 6) Special Task Forces
- v. Consolidated Monthly Report of the DPPAR shall be submitted to the DPRM not later than the seventh day of the following month;
- vi. The DPPAR covers a 24-hour period, i.e., from 8 AM to 8 AM of the date on which the events to be recorded occurred. The accounting report for the "day" shall be undertaken at 8 o'clock in the morning and shall end at 5 o'clock in the afternoon for offices at the National, Regional, and Provincial Headquarters performing administrative functions. For those on shift schedules, the accounting report of the "day" shall be from the start to the end of shift schedule. All entries therein for the day are made on the line opposite the "Day of Month";
- vii. Gains and Losses: Orders for the appointment, reassignment, promotion, termination from the service, dropping from the rolls, resignation, separation and retirement of personnel assigned in the Command Group and Directorial Staff shall be published at the National Headquarters (Attn: DPRM). Confirmatory orders shall be issued by the National Headquarters for orders issued by PROs/NSUs before the addition or deletion of name of the PNP Roster and Salary File;
- viii. Personnel Awaiting Assignment: Personnel awaiting assignment in the Police Regional Offices shall be carried as attached/unassigned by the Regional Personnel Holding and Accounting Unit (RPHAU) of the Regional Personnel and Human Resource Development Division (RPHRDD) or its counterpart at the National Support Units. The status of attached/unassigned of PNP personnel awaiting assignment should not exceed 30 days;
- ix. Detail of personnel with agencies or offices other than his/her unit assignment shall be governed by the PNP Memorandum Circular No. 2007-004 dated May 8, 2007;

- x. Reassignment Orders: the gaining and losing units shall be informed within five working days on any movement/transfer of PNP personnel;
- xi. The following issuances/documents will be used as basis for personnel accounting:
 - 1) General Orders, Special Orders and Station Orders;
 - 2) Approved Official Leave/Records;
 - 3) Monthly Personnel Roster;
 - 4) Daily Accounting Reports;
 - 5) Monday Flag Raising Attendance Report; and
 - 6) Daily Formation Attendance Report.
- xii. The DPPAR and all other documents in support to the report shall be kept with utmost confidentiality unless ordered to be produced by the court or competent authority.

C. Scope/Coverage:

This shall apply to all PNP personnel (Uniformed and Non-Uniformed), from the officers of the top management level down to the lowest personnel of every PNP office/unit nationwide.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

January 17, 2008

(DPPC)

MEMORANDUM
CIRCULAR NUMBER 08-001

DAILY PNP PERSONNEL ACCOUNTING REPORT (DPPAR) SYSTEM

1. REFERENCES:

- a. PNP Commanders Manual; and
- b. Republic Act No. 6975 as amended by Republic Act No. 8551.

2. PURPOSE:

This Circular prescribes the policies, guidelines and procedures in the daily accounting of personnel from the National Headquarters, National Support Units, Police Regional Offices, Police Provincial/City Offices down to City/Municipal Police Stations/Precincts.

3. DECLARATION OF POLICY:

Consistent with Section 2 of Republic Act No. 8551, the PNP hereby adopts the Daily PNP Personnel Accounting Report (DPPAR) System that shall serve as a tool to promote professionalism among and within the ranks of PNP uniformed and non-uniformed personnel so as to achieve efficiency and effectiveness in the performance of their functions. The DPPAR shall have uniform application in all levels of the PNP organization and it shall reflect accurate timely personnel data that shall be considered in all aspects of police administration and operations.

4. OBJECTIVES:

This Circular aims to:

- a. Improve the current personnel accounting at all levels of the organization; and
- b. Enhance the understanding of personnel of their respective tasks and functions in order that they can be more effective and efficient in undertaking their specific duties at their respective place and time of work.

5. DEFINITION OF TERMS:

For purposes of this Circular, the following terms are hereby defined:

a. *Daily PNP Personnel Accounting Report (DPPAR)* – means the daily history of the PNP offices/units. It is a permanent, statistical, and historical record of personnel and its eventual custody rests with the Directorate for Personnel and Records Management.

b. *Personnel Holding and Accounting Unit (PHAU)* – refers to the office created as functional unit of DPRM in charge of the daily accounting of personnel and custodian of all reports.

c. *PNP personnel* - means the uniformed and non-uniformed personnel of the PNP.

d. *Organic* – refers to PNP personnel rendering actual duties in his/her office/unit assignment as reflected in the roster of personnel.

e. *Duty* – refers to PNP personnel actually rendering police administrative/operation duty in his/her office/unit assignment and carried in the unit/office disposition and location of personnel.

f. *Detail* – refers to personnel of PNP offices/units performing duty with other specific PNP office/unit or other government agency but carried in the roster of personnel of his/her mother unit.

6. POLICIES:

a. All PNP personnel shall be accounted daily. Any change as described in paragraph 8.c. affecting the status of PNP personnel shall be entered and described on the DPPAR;

b. The following are the abbreviations to designate the different ranks for commissioned and non-commissioned officers of the PNP:

POLICE COMMISSIONED OFFICERS

ABBREVIATED RANK	RANK
PDG	Police Director General
PDDG	Police Deputy Director General
PDIR	Police Director
PCSUPT	Police Chief Superintendent
PSSUPT	Police Senior Superintendent
PSUPT	Police Superintendent
PCINSP	Police Chief Inspector
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ABBREVIATED RANK	RANK
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SPO3	Senior Police Officer 3
SPO2	Senior Police Officer 2
SPO1	Senior Police Officer 1
PO3	Police Officer 3
PO2	Police Officer 2
PO1	Police Officer 1

c. The Non-Uniformed Personnel (NUP) shall be accounted according to their Salary Grades (SG) ranging from SG 1 to SG 25;

d. DPPAR shall be prepared by the following PNP offices/units and such other units as may be activated by appropriate orders:

- 1) Command Group
- 2) Directorial Staff
- 3) National Separate Units
 - a) National Office
 - b) Regional Office
 - c) Provincial/City Office
- 4) Police Regional Office
 - a) Regional Command Group
 - b) Regional Staff
 - c) Regional Mobile Groups
 - d) District Office
 - e) District Mobile Groups
 - f) Provincial Office
 - g) Provincial Mobile Groups
 - h) City Police Office
 - i) City Mobile Groups
 - j) City Police Stations
 - k) Numbered Police Stations
 - l) Municipal Police Stations
 - m) Police Precincts
- 5) PNP Satellite Offices
- 6) Special Task Forces

e. Consolidated Monthly Report of the DPPAR shall be submitted to the DPRM not later than the seventh day of the following month;

f. The DPPAR covers a 24-hour period, i.e., from 8 A.M to 8 A.M of the date on which the events to be recorded occurred. The accounting report for the "day" shall be undertaken at 8 o'clock in the morning and shall end at 5 o'clock in the afternoon for offices at the National, Regional, Provincial Headquarters performing administrative functions. For those on shift schedules, the accounting report for the "day" shall be from the start to the end of the shift schedule. All entries therein for that day are made on the line opposite the "Day of Month";

g. **Gains and Losses:** Orders for the appointment, reassignment, promotion, termination from the service, dropping from the rolls, resignation, separation and retirement of personnel assigned in the Command Group and Directorial Staff shall be published at the National Headquarters (Attn: DPRM). Confirmatory orders shall be issued by the National Headquarters for orders issued by PROs/NSUs before the addition or deletion of name in the PNP Roster and Salary File;

h. **Personnel Awaiting Assignment:** Personnel awaiting assignment in the Police Regional Offices shall be carried as attached/unassigned by the Regional Personnel Holding and Accounting Unit (RPHAU) of the Regional

Personnel and Human Resource Development Division (RPHRDD) or its counterpart at the National Support Units. The status of attached/ unassigned of PNP personnel awaiting assignment should not exceed thirty (30) days;

i. Detail of personnel with agencies or offices other than his/her unit assignment shall be governed by PNP Memorandum Circular No. 2007-004 dated May 8, 2007;

j. Reassignment Orders: The gaining and losing units shall be informed within five (5) working days on any movement/transfer of PNP personnel;

k. The following issuances/documents will be used as basis for personnel accounting:

- 1) General Orders, Special Orders and Station Orders;
- 2) Approved Official Leave/Records;
- 3) Monthly Personnel Roster;
- 4) Daily Accounting Reports;
- 5) Monday Flag Raising Attendance Report;
- 6) Daily Formation Attendance Report.

l. The DPPAR and all other documents in support to the report shall be kept with utmost confidentiality unless ordered to be produced by the court or competent authority.

7. PROCEDURES:

a. PREPARATION –

1) The DPPAR shall be prepared at 7:45 in the morning and at least fifteen (15) minutes before the start of the shift schedules. Only in cases of extreme condition will the hour of preparation exceed 8 o'clock in the morning or exceeds the fifteen-minute for those on shift schedules;

2) The DPPAR shall be prepared by the different offices/units enumerated in para 6.c of this circular;

3) For the Command Group and Directorial Staff, the Consolidated Monthly Report shall be submitted to DPRM (Attn: PHAU) NLT the 7th day of the following month;

4) For NSUs, the NSU Provincial/City Offices shall submit the Consolidated Monthly Report to the NSU headquarters on the 30th of the month that shall in turn submit the consolidated report to DPRM (Attn: PHAU) NLT the 7th day of the following month;

5) For Police Stations/Precincts of PROs, the Consolidated Weekly Report shall be submitted to the Police Provincial/City Office every Friday at 4 o'clock in the afternoon using DPPAR Form No. 2. The PPOs/CPOs shall in turn submit its Consolidated Monthly Report to RPHRDD of PROs on the 30th of the month while the Consolidated Monthly Report of the PROs shall be submitted to DPRM (Attn: PHAU) NLT 7th day of the following month;

6) The DPPAR shall be on computer print/typewritten but in case a computer/ typewriter is not immediately available, entries may be made with ballpen provided all copies are completely legible. Red ink shall not be used in preparing reports;

7) Abbreviations as listed above will be used when possible;

8) Punctuation marks shall be used only when necessary for clarification or remarks;

9) If entries for one (1) day exceed the space provided, additional sheets will be attached for "Remarks" and for "Record of Events";

10) It will be noted that a space is provided for name, rank, badge number and designation/position on each line. Reasons affecting the individual will be written on the space provided.

b. CORRECTIONS -

1) No erasure shall be made on the DPPAR. An incorrect entry shall be deleted by typing or drawing a line across the entry and initialed by the personnel making the report. After the DPPAR has been authenticated, corrections may be made only by an appropriate remark on the DPPAR of a succeeding day. The remarks correcting an error, or revoking a remark, or amending a remark of a previous report shall be preceded by the word "CORRECTION" (in capital letters), followed by the date of the DPPAR on which the erroneous remark appeared. The complete erroneous remark shall then be stated, followed by the corrective information, and prefaced by the word "SHOULD BE" (in capital letters);

2) Under no circumstance, except in case of correction of a final report, shall a corrected copy of a DPPAR be forwarded to DPRM to replace a DPPAR previously submitted.

c. DISPOSITION -

1) The consolidated original copy of the DPPAR shall be retained at the office/unit for future reference;

2) The DPPAR may be only disposed of after five (5) years and only upon written clearance from higher authorities.

8. GUIDELINES TO BE OBSERVED IN THE FILLING UP OF ENTRIES

a. HEADING -

1) Office/Unit, day, month, and year shall be entered in the appropriate spaces to indicate the effective date of the report,

2) The rank, name and designation of the reporting personnel shall be written on the appropriate line.

b. REMARKS -

1) The rank, last name, first name, middle initial, position/designation, badge number and reason of absence of a PNP personnel shall be indicated in the spaces provided for the purpose;

2) The status of personnel who is absent shall include the reason/s of his/her absence in the DPPAR;

3) Remarks pertaining to all changes required by these circular shall be reported on the line after each individual's name, rank, badge number. If two or more individuals are affected by the same change requiring a single remark, the full name, rank, position/designation and badge number will be listed for each on consecutive lines. Gains and losses as well as change in rank shall be substantiated by corresponding changes in the strength section;

4) In case of transfer of assignment from one unit to another, the losing unit must indicate said transfer in the REASONS SECTION of its DPPAR. It is likewise the responsibility of the gaining unit to specify in the REASONS SECTION of its DPPAR the date of transfer of subject personnel;

5) A record of the promotion or demotion of each individual personnel shall be indicated in the DPPAR including the date and authority of such change;

6) When there is no change in the status of personnel during the period of accounting, the words " NO CHANGE" shall be entered in the remarks section and strength shall be transcribed from the previous day.

c. RECAPITULATION -

1) *Organic (Org)* – refers to the number of personnel by rank for uniformed personnel and by salary grade for non-uniformed personnel assigned in an office/unit.

2) *Detail (Det)* – refers to the number of personnel carried by an office/unit on detail status.

3) *Total* - refers to the sum of organic personnel and those on detail.

4) *Present (P)* - refers to personnel who reported for office during the day:

a) *Duty (Dy)* – refers to PNP personnel actually rendering police administrative/operation duty on his/her office/unit assignment and carried in the unit/office disposition and location of personnel.

b) *Under Instruction (UI)* – refers to personnel who were sent to accomplish a specific task on a specific period/time.

c) *Conference (Conf)* - refers to official gatherings/meetings in a specific time and place.

d) *Schooling (Sch)* – refers to PNP personnel who are officially sent to undergo schooling local or abroad for a limited period.

e) *Travel (Trav)* - refers to PNP personnel authorized to leave his office/unit on official time for a specific task such as inspections, audit, visit, etc.

5) **Absent** - refers to PNP personnel who wittingly or unwittingly fail to report for office for the day for whatever reason/s.

a) *Leave (Lv)* - the right granted to personnel not to report for work with or without pay as may be provided by law and as the rules prescribe in Rule XVI of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order 292).

The length of leave authorized shall be included in the remarks column and the nature of leave (vacation, sick, mandatory, special privilege, maternity, paternity, Violation Against Women and Children (VAWC), solo parent, etc.) Entries showing an extension of leave shall be made on the date the extension was granted.

b) *Confined in Hospital (Conf Hosp)* - refers to PNP personnel admitted in PNP hospitals and dispensaries and DOH retained hospitals on account of sickness.

The Daily PNP Personnel Accounting Report for hospital shall show a record of personnel wounded in action. The remarks reflecting discharge from the hospital shall indicate the cause of confinement whether in line of duty or on account of sickness. In case of discharge from confinement or death, the same shall be indicated in the DPPAR.

c) *Sick* - refers to PNP personnel who fails to report to work on account of sickness.

d) *Absent Without Official Leave (AWOL)* - refers to the status of any PNP personnel who absents himself/herself from work without approved leave of absence of to any of the circumstances mentioned in Section 3 of NAPOLCOM Memorandum Circular No. 95-017.

Personnel on AWOL status shall be listed in the roster of the unit or office where they are assigned until dropped from the rolls or dismissed from the Police Service. Personnel who shall incur unauthorized absences for a continuous period of thirty (30) days shall be dropped from the rolls by his/her mother unit and the appropriate remarks be made. PNP members on AWOL who shall report back to duty before they could be dropped from the rolls or dismissed from the service shall be accepted subject to disciplinary action for the AWOL committed.

e) *Suspended (Suspd)* - refers to PNP personnel who are not required to report for work due to penalty imposed or as a preventive measure imposed due to a pending administrative or criminal case.

f) *Dropped from rolls (DFR)* - is a non-disciplinary remedy of terminating official relations with the PNP for being on AWOL. If the AWOL is for a continuous period of at least thirty (30) calendar days, no prior notice is required for the issuance of DFR order. However, if the AWOL is less than thirty (30) days, a return to work order is necessary before a DFR order could be issued.

g) Missing (Miss) – refers to PNP uniformed personnel who, while in the performance of duty or by reason of his being a member of the PNP is officially confirmed missing in action, kidnapped or captured by lawless elements. He/She shall, however, be carried in the office/unit roster. His/her absence however, shall be indicated in the "REMARKS" of the DPPAR. When it becomes known or confirmed that subject personnel is dead, he shall be retired/terminated from the PNP Service in accordance with existing laws, rules and regulations.

h) Under detention (Und Dtn) – refers to PNP personnel who is detained by authority of competent court whether during the pendency of a criminal case or as a result of criminal conviction.

6) **Loss/es** - refers to PNP personnel who is/are not required to report for work for reason that his/her employer-employee relationship has been officially terminated.

a) Terminated/Separated (Trmd/Sprtd) - refers to PNP personnel who shall be reported as separated from the Service by resignation, discharge, or dismissal in accordance with existing laws, rules and regulations.

b) Retired (Ret) – refers to PNP personnel whose employee-employer relationship is severed by compulsory or optional retirement.

c) Deceased (Dec) – refers to PNP personnel who passed away whether in line of duty or on account of sickness during the accounting.

PNP personnel who shall be reported to have died shall be indicated in the DPPAR on the date of such death. Circumstances of death shall likewise be indicated whether in line of duty or on account of sickness, etc.

d. AUTHENTICATION

The DPPAR shall be prepared and signed by the Executive Senior Police Officer (ESPO) and authenticated by the Administrative Officer/Personnel Officer (ADMO) of the reporting unit, or, in his/her absence, his/her assistant/deputy. The rank, first name, middle initial and last name of the authenticating officer with his/her signature shall be required. If more than one form is required, each page shall be initialed by the authenticating officer and last page shall bear his/her signature.

9. AMENDING CLAUSE:

All issuances contrary to or inconsistent with this Circular are hereby amended accordingly.

10. PENALTY CLAUSE:

Any violation of this Circular shall be a ground for administrative sanction in accordance with existing laws, rules and regulations.

11. **EFFECTIVITY:**

This Memorandum Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippine Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as *"The Revised Administrative Code of 1987"*, as amended.




AVELINO TRAZON, JR
Police Director General
Chief, PNP



Incls:

- Form 08-01 - Daily Accounting Report
- Form 08-02 - Consolidated Weekly Report (Provincial/City Offices)
- Form 08-03 - Consolidated Monthly Report (PROs/NSUs)

III. POLICE INFORMATION AND CONTINUING EDUCATION (PICE)

A. Legal Basis: PNP LOI 11/05 dated February 21, 2005

B. Policy Requirement/Compliance:

- 1) The traditional Inspection-in-Rank shall be revived and religiously observed.
- 2) PICE shall be Conducted periodically after Inspection and/or after Monday Flag Raising Ceremonies, and other days as required. This shall be an essential activity during daily formations, inspections or visits or even during "Red Alert Status" if practicable.
- 3) The conduct of PICE is a command responsibility. In this regard, Regional Directors, Provincial Directors and Directors of National Support Units are mandated to aggressively pursue its implementation and shall designate a Command PICE Officer to oversee the conduct of the units PICE Program.
- 4) PICE shall be conducted formally unless unit situation demands otherwise. Commanders shall closely supervise the conduct of PICE to ensure the successful implementation. It should be kept in mind that the ultimate goal is value enhancement through character building and acquisition of knowledge as well as spiritual/moral enhancement.
- 5) While direction and supervision of PICE is centralized at ODPCR, the execution and administration is decentralized to the Regional/Provincial Police Offices and the National Support Units.
- 6) To ensure an effective monitoring/reporting system, a feedback mechanism shall be adopted wherein periodic reports (Monthly, Quarterly, Semi-Annual, and Annually) are submitted to NHQ (Attr: DPCR) by the Regional, Provincial, and National Support Units.
- 7) PICE materials should conform to the subjects and scope as indicated in the basic reference materials (attached), although additional topic/issues reinforcing peculiar needs of particular unit may be included. Invited speakers shall be requested to pursue/conduct a one and a half-hour lecture of his/her subject. Copies of his/her lecture/materials shall be submitted as part of the vault file of the PICE Officer. Some short modules of PCR, ISO, Intelligence, Disaster Management, Operations Personnel Management, Investigations, etc. can be serialized and those who completed the module shall be given certificate of completion.
- 8) Cost reduction in the production efforts using inexpensive printing materials as well as systematic distribution of materials should be adopted.

- 9) The involvement by Value Formation implementers, Chaplain Service (CHS), personal staff, CESPOs at all levels, historical offices, religious groups, NGOs, socio-civic groups and other police assets to include civilian resource persons from the civilian government agencies, Criminal Justice Systems and others from the multi-sectoral groups like the clergy, civic, professional, labor, youth, etc. shall be optimized. Once in a month, speakers shall come from the civilian sector.

C. Scope/Coverage:

This shall apply to all PNP Uniformed Personnel.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

FEB 21 2005

**SUBJECT: Letter of Instructions 11/05
(Police Information and Continuing Education (PICE))**

TO : See Distribution

1. REFERENCES:

- a. Revised PCR Thrust on Internal Target.
- b. Code of Professional Conduct & Ethical Standards.
- c. Community Oriented Policing System Philosophy.
- d. O.N.E. PNP and C.A.R.E. Program Thrust.

2. PURPOSE:

This LOI prescribes the guidelines to be observed by all PROs, Police Districts in NCR, PPOs, CPOs and MPSs in conducting Police Information and Continuing Education (PICE) and revive the traditional Inspection-in-Rank.

3. SITUATION:

The PNP considerably succeeded in establishing neighborhood partnership through the Community Oriented Policing System (COPS), however, the organization suffers constantly from the negative perception caused by undesirable attitudes and abuses exacerbated by operational lapses, infidelity in the custody of prisoners, and mishandling of investigations. This is even aggravated by the negative perception report of the Amnesty International and the Commission on Human Rights (CHR) regarding corruption and human rights violations. No less than HEPGMA stated in her inaugural speech of the much needed internal reforms for the PNP. Hence, the Revised PCR Master Plan has focused its efforts to two (2) major directions, the External Target and the Internal Target. There shall be a regular Police Information and Continuing Education (PICE) Program for our personnel and more training shall be undertaken as a command responsibility to develop right police values that complements the emerging philosophy of COPS.

4. MISSION:

The PNP, concurrent with its mission and functions, shall conduct PICE to make the personnel more knowledgeable and responsive of his/her assigned task in the organization, to make him/her aware of the changing social realities that affect his/her capability to perform, and to stimulate him/her towards becoming a professional, a catalyst, community organizer, God-fearing, PCR practitioner, and community-oriented police personnel.

5. OBJECTIVES:

a. Broad Objectives:

PICE under the philosophy of COPS is undertaken to stimulate development amidst the changing role of the police in the community.

The program is intended to enhance police skills and to promote work ethics that shall be in keeping with the mission of the PNP, enrichment of the time-honored customs and traditions, and consciousness of the PNP personnel on the norms of conduct including spiritual/moral enhancement as members of the organization.

To disseminate perpetually to our personnel the "Code of Professional Conduct and Ethical Standards" so that they can be internalized and institutionalized by PNP personnel.

b. Specific Objectives:

1) **Character Building** - Aims to develop/revitalize belief in God; love for country, service to people, loyalty to the organization; uprightness in the enforcement of laws and obedience to rules and regulations. It shall endeavor to develop police values towards developing a professional, catalyst, organizer, PCR practitioner and COPS oriented personnel.

2) **Organizational Knowledge** - The PICE should ensure that an individual personnel must understand the PNP vision, PNP mission, Code of Professional Conduct and Ethical Standards, PNP Program and Thrusts, and Police Operations Procedures (POP).

3. **Environmental Knowledge** - Police personnel must be knowledgeable in the Legislative, Executive and Judicial branches of Government, the workings of CJS and other service agencies, their programs on socio, economic development, and welfare services available to the PNP and his family.

4) **Spiritual Enhancement** - This is designed to achieve a deeper understanding on the morale and spiritual meaning of human life, focused on the universal concept of God. The activities may embody the aspects of the Bible and Koran, the customary morale precepts and indigenous belief in God. This shall be conducted in cooperation with the PNP Chaplain Service, Islamic Center, religious groups, NGOs and concerned government agencies.

6. CONCEPT:

1) The traditional Inspection-in-Rank shall be revived and religiously observed.

2) PICE shall be conducted periodically after Inspection and/or after Monday Flag Raising ceremonies and other days as required. This shall be an essential activity during daily formations, inspections or visits or even during "Red Alert status" if practicable.

3) The conduct of PICE is a command responsibility. In this regard, Regional Directors, Provincial Directors and Directors of National Support Units are mandated to aggressively pursue its implementation and shall designate a Command PICE Officer to oversee the conduct of the units PICE Program.

4) PICE shall be conducted formally unless unit situation demands otherwise. Commanders shall closely supervise the conduct of PICE to ensure successful implementation. It should be kept in mind that the ultimate goal is value enhancement through character building and acquisition of knowledge as well as spiritual/moral enhancement.

5) While direction and supervision of the PICE is centralized at ODPCR, the execution and administration is decentralized to the Regional/Provincial Police Offices and the National Support Units.

6) To ensure an effective monitoring/reporting system, a feedback mechanism shall be adopted wherein periodic reports (Monthly, Quarterly, Semi-annual, and Annually) are submitted to NHQ (Attn: DPCR) by the Regional, Provincial, and National Support Units.

7) PICE materials should conform to the subjects and scope as indicated in the basic reference materials (attached), although additional topics/issues reinforcing peculiar needs of particular unit may be included. Invited speakers shall be requested to pursue/conduct a one and a half-hour (1 ½) lecture of his subject. Copies of his lecture/materials shall be submitted as part of the vault file of the PICE Officer. Some short modules on PCR, ISO, Intelligence, Disaster Management, Operations, Personnel Management, Investigations, etc. can be serialized and those who completed the module shall be given certificate of completion.

8) Cost reduction in the production efforts using inexpensive printing materials as well as systematic distribution of materials should be adopted.

9) The involvement by Value Formation implementers, Chaplain Service (CHS), personal staff, CESPOs at all levels, historical offices, religious groups, NGOs, socio-civic groups and other police assets to include civilian resource persons from the civilian government agencies, Criminal Justice System and others from the multi-sectoral groups like the clergy, civic, professional, labor, youth, etc. shall be optimized. Once in a month, speakers shall come from the civilian sector.

7. TASKS:

a. TDPCR

- 1) OPR of the PICE Program.
- 2) Monitor and evaluate the implementation of the program.
- 3) Coordinate with concerned D-Staffs on the administrative support requirements.
- 4) Perform other tasks as directed.

b. D-Staff

- 1) Provide administrative and operational support to PICE Program pertaining to their respective functional areas.
- 2) Perform other tasks as directed.

c. D, PCRG

- 2) Prepare the overall PNP Annual PICE Program.
- 3) Develop reference materials and secure relevant topics, issues to improve database.
- 4) Continuous liaisoning with other sectors to improve the PICE Program.
- 5) Reproduce and distribute common PICE materials as well as assist the PROs, PPOs and NHQ NSUs in the implementation of the program as requested.
- 6) Secure a database on the list of personnel attending PICE.
- 7) Coordinate with GOs and other NGOs on joint implementation of PICE program and the spiritual enhancement program.
- 8) Perform other tasks as directed.

d. RDs, PROs 1-13, NCR, ARMM and COR

- 1) Assist and supplement efforts of D, PCRG in the production, printing and distribution of common PICE materials for their respective need and augment the reproduction of special information/reference materials particularly those that are peculiar to their areas/mission.
- 2) Develop and train a pool of Speakers for PICE and submit list of speakers to NHQ.
- 3) Conduct in-service training on Methods of Instructions for PICE Instructors/Speakers Bureau in coordination with the Academe and other educational institutions.
- 4) Implement the PICE program religiously as a command responsibility.
- 5) Designate an Action Officer on PICE.
- 6) Submit regular reports to NHQ.
- 7) Perform other tasks as directed.

e. PDs, PPOs

- 1) Designate PICE Officer at all levels of command.
- 2) Coordinate with D, PCRG and RDs, PROs for their respective allocation of common PICE materials and to design their respective materials in keeping with their respective operational situation.
- 3) Perform other tasks as directed.

f. Dirs, NSUs

- 1) Designate PICE Officer.
- 2) Submit periodic report on PICE activities to NHQ (Attn: DPCR).
- 3) Coordinate with D, PCRG for their respective allocation of common PICE materials, and may develop/produce reference/info materials peculiar to their mission.
- 4) Organize and train Speakers Bureau.
- 5) Perform other tasks as directed.

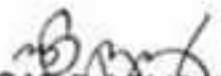
8. COORDINATING INSTRUCTIONS:

- a) Basic Reference Materials (See Attached). These basic mandatory reference materials shall be available at all times in the Unit Headquarters although additional references may be prescribed by the implementing units.
- b) PNP personnel who were graduates of Moral Recovery Program (MRP) and values leadership courses shall be tapped to assist in the Spiritual Enhancement Program.
- c) The PICE lecturers shall be provided with following materials: bulletin board announcements, units publication particularly newsletters/magazines, PNP Journal, Police Digest, and monthly PNP Regional Bulletins and Journals, Office/unit Memoranda/SOPs/Circulars, local, national and international publications such as newspapers, magazines.

- d) Information Technology – The use of PNP Website and other IT facilities available shall be utilized in support of PICE Program.
- e) Reports/feedbacks must be submitted to NHQ PNP (Attn: DPCR) monthly, quarterly, semi-annually and annually three (3) days after the end of the rating period.
- f) A Research Section at DPCR under PID shall be created to institutionalize PICE Program with Research and Production capability and as a component of the Information Operation Research Center in support to PICE and PCR program.

9. EFFECTIVITY:

This Directive takes effect immediately.


EDGAR B. AGLIPAY
Police Director General
Chief, PNP *no Subant*

Enclosure:

Basic Reference Materials

DISTRIBUTION:

RDs, PROs 1-13, COR, ARMM and NCRPO
Directors, National Support Units

Copy furnished:

OCPNP
Command Group
Directorial Staff

IV. PHYSICAL FITNESS TEST (PFT)

A. Legal Basis: LOI 20/09 (PNP Physical Fitness Test)

B. Police Requirement/Compliance:

1). General Guidelines:

- a) The Physical Fitness Test Standard to all PNP personnel shall be conducted according to age group every semester of the year which is scheduled in the first quarter and last quarter, respectively.
- b) Effective 1st Semester CY 2008 and onward, all PNP uniformed personnel, regardless of Gender and Age Category are expected to obtain a passing raw score equivalent to a grade of 70% in each event required in their age category, while exceed 100% or lower than 50% PFT performers who will obtain a failing grade in any of the events shall be allowed to perform the succeeding events to determine the overall average grade of his/her final PFT grade for that particular PFT period. The overall passing grade is 70%.
- c) The Health Service shall adopt the Body Mass Index (BMI) as a basis in determining whether a PNP personnel is obese, overweight, normal with Body Mass Index (BMI) with formula set by the World Health Organization Standard are shown in the following table:

$$\text{BMI} = \frac{\text{Weight Kilograms}}{\text{Height in Meters}^2} \text{ or } \text{BMI} = 703 \times \frac{\text{Weight in Pounds}}{\text{Height in Inches}^2}$$

BMI	Weight Status
Below 18.5	Underweight
18.5 – 24.9	Normal Weight
25 – 29.9	Overweight
30 or higher	Obese

- d) The conduct of electro-cardiogram (ECG) is a must, hence, all PNP personnel whose age is 30 years and above shall submit themselves for electro-cardiogram (ECG) examination prior to the PFT. Regardless of ECG result, designated medical personnel shall conduct physical check-up and other safety measures so that all PNP personnel taking the Physical Fitness Test are all in the position to undergo the test.
- e) Alternate test standard for those who cannot perform any of the specific PFT events is provided. Reasons for not being able to perform such exercise must be validated and certified by appropriate medical officer from the PNP Health Service and to be personally presented during the PFT.

- f) The following test/measurement is recommended to be taken by every personnel before PFT:
- 1) Body Mass Index;
 - 2) ECG (for 30 years old and above);
 - 3) Tread Mill Stress Test (upon physician's recommendation based on ECG results); and
 - 4) Blood Pressure.

Disciplinary Measure:

TDIDM shall investigate personnel who will be absent or will fail to report during their scheduled PFT. Attendance shall be submitted by TDHRDD, TDIDM through TDPRM as the basis in the conduct of pre-charge investigation.

C. Scope/Coverage:

This Letter of Instruction applies to all uniformed personnel of the PNP who still have at least one year of active service prior to their compulsory retirement.

Republic of the Philippines
Department of the Interior and Local Government
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
Camp Crame, Quezon City



FOR : TDHRDD
FROM : TDPRM
SUBJECT : LOI 20/09 (PNP Physical Fitness Test)
DATE : April 13, 2009


1. References:

- a. Implementing Rules and Regulations of NAPOLCOM Memorandum Circular 2008-005 dated August 7, 2008; and
b. NAPOLCOM Memorandum Circular 2008-005 dated March 28, 2008

2. ICOW the above reference, forwarded is a copy of the approved LOI 20/09 (PNP Physical Fitness Test) for publication and immediate implementation. The LOI incorporated outputs of the Technical Working Group (TWG) on Physical Fitness Test (PFT) such as the Creation of Mobile PFT Teams; Alternative PNP Physical Fitness Test (PFT); and, the adoption of Body Mass Index, among others.

3. In this connection, request the incorporation of BMI in the PFT form as a measure to keep PNP personnel informed of their state of health.

4. Request priority action.


ABNER O. CABALQUINTO, CEO VI
Police Chief Superintendent

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crime, Quezon City

Subject : LOI 20/09
(PNP Physical Fitness Test)

To : See Distribution

1. REFERENCES:

- a. DHRDD Action Plan CY 2008;
- b. C, PNP approved Memo re: Conduct of PFT CY 2008 dated February 29, 2008; and
- c. Memo from TADHRDD dated November 24, 2005 re: Revision of PFT Standard and Health Care Program.

2. OBJECTIVES:

- a. To improve and put the state of physical fitness of PNP members at par with the standards of other police forces in the world;
- b. To keep the PNP members physically and mentally fit to readily carry out the rigorous duties and obligations that police officers are called upon to perform; and
- c. To support and contribute to the promotion and enhancement of the National Fitness and Sports Development Program of the government.

3. SCOPE:

This Letter of Instruction applies to all uniformed personnel of the Philippine National Police who still have at least one (1) year of active service prior to their compulsory retirement.

4. DEFINITION OF TERMS:

- a. Body Mass Index (BMI) -- is a measure of body fat based on height and weight that applies to both adult men and women.
- b. Normal Weight -- refers to the standard or typical weight of a person.
- c. Obesity -- is a condition in which excess body fat has accumulated to such an extent that health may be negatively affected.
- d. Overweight -- is generally defined as having more fat than is optimally healthy.

e. **Physical Fitness Test** – refers to the method of evaluating the physical condition of PNP members in terms of stamina, strength, speed, and agility as administered by DHRDD.

f. **PNP personnel** – refers to the uniformed and non-uniformed members of the PNP in the active service.

g. **PNP Uniformed personnel** – refers to PCOs and PNCOs of the PNP in the active service.

h. **Underweight** – refers to a personnel who is considered to be under a healthy weight.

5. SITUATION:

The Philippine National Police (PNP) subscribes to the principle that "A Sound Body Breeds a Sound Mind". Towards this end, the PNP adopted a Physical Fitness and Sports Development Program which is geared towards the promotion and development of sports in the PNP and the implementation of a physical conditioning and physical fitness program for its personnel. Thus, the PFT Standard was made with a program designed to complement the sports activities in the PNP and in developing as well as maintaining the physical fitness of every PNP personnel.

6. MISSION:

The Philippine National Police through the DHRDD shall require all PNP uniformed personnel to undergo the Physical Fitness Test regardless of rank, sex and age. Only those who are due for compulsory retirement within one (1) year or 55 years old at the time of their scheduled Physical Fitness Test are exempted to undergo the PFT. Personnel who availed of optional retirement can only be exempted from the PFT upon approval of the application for retirement by the NAPOLCOM.

All Star Rank Officers shall take the test at the Headquarters in front of the NHQ Grandstand. They shall eventually supervise the conduct of the Physical Fitness Test of all personnel in their respective PROs.

7. EXECUTION:

a) Concept of Operations:

1) General Guidelines

a) The Physical Fitness Test Standard of all PNP personnel shall be conducted according to age group every semester of the year which is scheduled in the first quarter and last quarter, respectively. (Annex "A")

b) Effective 1st Semester CY 2008 and onward, all PNP uniformed personnel regardless of Gender and Age Category are expected to obtain a passing raw score equivalent to a grade of 70% in each event required in their age category, while the lowest grade that could be given is 50%. There shall be no grade that will exceed 100% or lower than 50%. PFT performers who will obtain a failing grade in any of the events shall be allowed to perform the succeeding events to determine the overall average grade of his/her final PFT grade for that particular PFT period. The overall passing grade is 70%.

c) The Health Service shall adopt the Body Mass Index (BMI) as a basis in determining whether a PNP personnel is obese, overweight, normal weight, or underweight (Annex "C"). The standard weight status categories associated with Body Mass Index (BMI) with formula set by the World Health Organization Standard are shown in the following table.

$$\text{BMI} = \frac{\text{Weight in Kilograms}}{\text{Height in Meters}^2} \quad \text{or} \quad \text{BMI} = \frac{703 \times \text{Weight in Pounds}}{\text{Height in Inches}^2}$$

BMI	Weight Status
Below 18.5	Underweight
18.5 - 24.9	Normal Weight
25 - 29.9	Overweight
30 or higher	Obese

d) The conduct of electro-cardiogram (ECG) is a must; hence, all PNP personnel whose age is 30 years and above shall submit themselves for electro-cardiogram (ECG) examination prior to the PFT. Regardless of ECG result, designated medical personnel shall conduct physical check-up and other safety measures so that all PNP personnel taking the Physical Fitness Test are all in the position to undergo the test.

e) Alternate test standard for those who cannot perform any of the specific PFT events is provided. Reasons for not being able to perform such exercise must be validated and certified by appropriate medical officer from the PNP Health Service and to be personally presented during the PFT. (Annex "B")

f) The following test/measurement is recommended to be taken by every personnel before PFT:

- 1) Body Mass Index;
- 2) ECG (for 30 years old and above);
- 3) Tread Mill Stress Test (upon physician's recommendation based on ECG results), and
- 4) Blood Pressure.

2) Specific Guidelines

Additional policy guidelines and procedures which shall be observed/followed by all PNP uniformed personnel assigned in the NHQ PNP down to police stations nationwide in the conduct of Physical Fitness Test (PFT) are as follows:

a) The RPHRDD shall be the Office Primarily Responsible (OPR) in the conduct of the PFT and shall organize a Mobile PFT Officials to monitor, administer, and supervise the conduct of the PFT at the Regional Offices, Provincial Offices, City Police Offices and far-flung Municipal Police Stations on scheduled basis. Prior to the conduct of the PFT, the Chief, RPHRDD shall conduct orientation to PFT Officials. After Weekly Report shall be submitted to TDHRDD during the conduct of PFT. Mobile PFT Officials shall be composed of the following:

- | | | |
|---------------------|---|-----------------------|
| Deputy RPHRDD | - | Team Leader |
| Chief, HRDD Section | - | Assistant Team Leader |
| Dep, RHS | - | Member |
| HRDD's personnel | - | Member |
| RSTU personnel | - | Member |

b) Designated Chief, HRDD's who shall be the overall supervisor in the implementation of the PFT must be physically fit, credible, and can lead by example during the conduct of PFT.

c) A PNP Female performer who is pregnant during the actual conduct of PFT or have just undergone normal/caesarean delivery as determined by the PFT Doctor shall not be marked with NO GO or FAILED but instead her PFT Form shall be marked with DEFERRED. Her PFT grade from the previous PFT shall be carried out as her final grade for that particular PFT period;

d) During the registration, the PFT performer shall be given two PFT forms and shall write his/her complete name legibly, Rank, Sex, Date of Birth, Age, PNP Badge Number, and complete office/unit address without affixing his/her signature provided at the bottom left portion in the PFT Form. Only after performing all the required events/exercises that the performer shall affix his/her signature in the PFT Form;

e) During the actual conduct of PFT, the PFT Official assigned at each station shall write his/her complete name legibly and signature at the scorer's portion provided in the PFT Form and likewise, apprise the performer of his/her result whether passed or failed right after each event;

f) The Chief, HRDSS shall be the Over-all Supervisor and shall write his complete name legibly and affix his signature on the PFT Form before releasing to the performer. One (1) copy shall be retained and the other shall be given to the performer;

g) PFT Report Worksheet and Result/Recapitulation shall be submitted to the DHRDD (Attn: UTPD) after the conclusion of the Physical Fitness Test and

h) PFT performers shall be in PNP Athletic uniform: Blue T-shirt and Blue Shorts or Jogging Pants with "Pulis" markings and shall present the accomplished PFT Clinical Data Sheet with ECG results and PNP ID during the registration.

b. Tasks:

The following Directorial Staff and NSUs or its counterpart in the Region Level shall provide the following tasking:

1) TDHRDD shall be the over-all supervisor of this activity coordination with Dirs, HS, HSS, and TS;

2) TS shall be the Office Primary Responsible (OPR) for this activity coordination with Dirs HS, and HSS;

3) TDPRM shall issue orders for the detail of PFT Teams and direct/inform all PNP personnel to undergo the Semestral Physical Fitness Test;

4) TDIDM shall investigate personnel who will be absent or will fail report during their scheduled PFT. Attendance shall be submitted by TDHRDD TDIDM through TDPRM as the basis in the conduct of pre-charge investigation;

5) TDC shall provide funds for the proper implementation of semestral PFT;

6) IDL shall provide logistical requirements in the conduct of semestral Physical Fitness Test;

7) Director, HS shall provide the PFT medical team with crew conduct ECG examination, height, weight, chest and waistline measurement ambulance team during the entire duration of the physical fitness test;

8) Director, HSS shall provide enough personnel to assist the TG in the conduct of the Physical Fitness Test to include the physical arrangement of the venue of activity;

9) Director, CES shall provide the PA system for the entire duration of the Physical Fitness Test;

10) C. PIO shall provide media/photo coverage, press releases and messages of the C. PNP during the opening ceremony, and

11) Director, HS and its counterpart in the PROs shall conduct Electronic-Cardiogram (ECG) and other physical check-up/safety measures to all PNP personnel under their respective AOR.

c. Coordinating Instructions:

1) All RDs, PROs and Directors, NSUs particularly their respective RPHRDDs shall coordinate with their respective counterpart to program the semestral conduct of PFT.

2) Lateral coordination is highly recommended.

8. REPEALING CLAUSE:

All rules, regulations and other issuances, or portions thereof, inconsistent with these guidelines are repealed or modified accordingly.

9. EFFECTIVITY:

This LOI shall take effect after fifteen (15) days from the filing of a copy hereof at University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter VII of Executive Order No. 292, otherwise known as the "Revised Administrative Code of 1987", as amended.

ADOPTED this 27 day of July, 2009 at Camp Crame, Quezon City.



JESUS A. VERZOSA, CEO VI
Police Director General
Chief, PNP



Distribution:

Command Group
P-Staff
D-Staff
Dir, NSUs
All PROs 1-13, ARMM, CAR & NCRPO

Copy Furnish:

IG, IAS
ED, PDEA & PCTC
Chief, PACER
Pres, PPSC
SPA to SILG

Physical Fitness Test Standard According to Age Group:

34 years old below	35-44 years old	45 years old above
Pull-up	Pull-up	Push-up
Push-up	Push-up	Sit-up
Sit-up	Sit-up	1 km jog/walk
100m Sprint	2 km jog/walk	
3 km jog/walk		

a. **Pull-up** – to measure the capability in lifting one's own weight. This is an important area in performing police operations requiring strength to lift own self. Female perform hanging instead;

Age bracket	29-below	30-34	35-39	40-44	45-49	50-up
Male	9 reps	8 reps	7 reps	6 reps	5 reps	4 reps
Female	2:40 mins	2:20 mins	2:00 mins	1:40 mins	1:20 mins	1:00 min

b. **Push-up** – to measure the amount of upper body force that the chest muscles and shoulder can generate. This is an important area in performing police tasks requiring upper body strength. Female may opt to perform modified position having her knees on the ground with her back straight and her hands slightly ahead of the shoulders and shoulder with apart for the "up" position. To be performed within two (2) minutes;

Age bracket	29-below	30-34	35-39	40-44	45-49	50-up
Male	46 reps	43 reps	40 reps	37 reps	34 reps	30 reps
Female	46 reps	43 reps	40 reps	37 reps	34 reps	30 reps

c. **Sit-up** – this is a measure of the muscular endurance of the abdominal muscles. It is an important area for performing police tasks that may involve the use of

force. It is also important for maintaining good posture and minimizing lower back problems. To be performed within two (2) minutes;

Age bracket	29-below	30-34	35-39	40-44	45-49	50-up
Male	58 reps	53 reps	48 reps	43 reps	39 reps	36 reps
Female	51 reps	48 reps	43 reps	38 reps	34 reps	32 reps

d. **100 m sprint** – this is a test of speed and agility. It is an important area for performing police work requiring speed and agility. The sprint distance shall be measured at 100 meters; and

Age bracket	29-below	30-34	35-39	40-44	45-49	50-up
Male	16 secs	17.5 secs	18 secs	18.8 secs	20 secs	20.8 secs
Female	18 secs	19.5 secs	20.5 secs	21.5 secs	22.4 secs	23.4 secs

e. **Long Distance run** – this is a timed run to measure the leg muscle endurance and heart and vascular systems' capacity to transport oxygen. It is an important area for performing police tasks involving stamina and endurance and to minimize the risk of cardio-vascular problems. Three (3) kms distance shall be performed by those personnel 34 years old below. Two (2) kms shall be performed by those personnel from ages 35-44. And one (1) km shall be for those personnel with ages 45 above. The Long Distance run shall be measured accurately according to required number of kilometers.

	3 km		2 km		1 km	
Age bracket	29-below	30-34	35-39	40-44	45-49	50-up
Male	20 mins	25 mins	15 mins	17 mins	7:03 mins	7:23 mins
Female	23 mins	28 mins	17 mins	19 mins	7:57 mins	8:13 mins

Alternate test standard for those who cannot perform any of the specified events is provided. Reasons for not being able to perform such exercise are validated and certified by appropriate medical officer from PNP Health Service personally presented during the PFT. Performer shall choose one from those events

Alternate Test Standard

Event	Sex	Age Group				
		29 yrs old and below	30-34 yrs old	35-39 yrs old	40-44 yrs old	45-49 yrs old
730 meters Swim	M	21 mins	21:30 mins	22 mins	22:30 mins	23 mins
	F	22 mins	22:30 mins	23 mins	22:30 mins	24 mins
10 Km Biking	M	25 mins	25:30 mins	26 mins	26:30 mins	28 mins
	F	26 mins	26:30 mins	27 mins	27:30 mins	30 mins
4 km Walk	M	35 mins	35:30 mins	36 mins	36:30 mins	37 mins
	F	38 mins	38:30 mins	39 mins	39:30 mins	40 mins
(1 km) Wheel Chair Run	M	20 min	21 min	22 min	23 min	24 min
	F	21 min	22 min	23 min	24 min	25 min
(1 min) Knee bending	M	40 reps	36 reps	32 reps	28 reps	24 reps
	F	38 reps	34 reps	30 reps	26 reps	22 reps

8) Director, HSS shall provide enough personnel to assist the TS in the conduct of the Physical Fitness Test to include the physical arrangement of the venue of activity;

9) Director, CES shall provide the PA system for the entire duration of the Physical Fitness Test;

10) C, PIO shall provide media/photo coverage, press releases and messages of the C, PNP during the opening ceremony; and

11) Director, HS and its counterpart in the PROs shall conduct Electronic-Cardiogram (ECG) and other physical check-up/safety measures to all PNP personnel under their respective AOR.

c. Coordinating Instructions:

1) All RDs, PROs and Directors, NSUs particularly their respective RPHRDDs shall coordinate with their respective counterpart to program the semostral conduct of PFT.

2) Lateral coordination is highly recommended.

8. REPEALING CLAUSE:

All rules, regulations and other issuances, or portions thereof, inconsistent with these guidelines are repealed or modified accordingly.

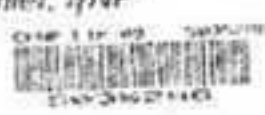
9. EFFECTIVITY:

This LOI shall take effect after fifteen (15) days from the filing of a copy hereof University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter VII of Executive Order No. 292, otherwise known as the "Revised Administrative Code of 1987", as amended.

ADOPTED this 17th day of July 2009 at Camp Crame, Quezon City.



JESUS VERZOSA, CEO VI
Police Director General
Chief, PNP



Distribution:

Command Group
P-Staff
D-Staff
Dir, NSUs
All PROs 1-13, ARMM, CAR & NCRPO

Copy Furnish:

IG, IAS
EI, PDEA & PCTC
Chief, PACER
Pres, PPSC
SPA to SILC



REPUBLIC OF THE PHILIPPINES
Department of the Interior and Local Government
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

MEMORANDUM

TO : See Distribution
FROM : Chief, PNP
SUBJECT : **Supplemental Guidelines to LOI 20/09 PNP Physical Fitness Test (Alternate PFT Event Rating)**
DATE APR 13 2012.

1. References:

- a. LOI 20/09 PNP Physical Fitness Test;
- b. DHRDD Action Plan CY 2012; and
- c. Coordinating conference last January 8, 2012 held at the DHRDD conference room presided by Executive Officer, DHRDD attended by representatives from the DPRM, PNPHS, PNP-PFT Clinic, PNP TS, SSU-HSS, and Legal Service.

2. The PNP Physical Fitness Test is the method of evaluating the physical condition of the PNP members in terms of stamina, strength, endurance, speed and agility. The PNP members shall keep themselves physically and mentally fit to readily carry out the rigorous duties and obligations that police officers are expected to perform.

3. The PNP Physical Fitness Test has two major PFT events namely the **Specific PFT Events** and the **Alternate PFT Event**. The Specific PFT Events consist of the following exercises: Pull-Up, Sit-Up, Push-Up, and Kilometer Run. Another exercise that must be compulsorily performed by PNP members younger than 34 years old is the 100-Meter Sprint. The specific PFT events have corresponding and equivalent percentage ratings.

4. The **Alternate PFT Event** is the test standard for those who cannot perform any of the specific PFT events provided. This can be availed of by PNP uniformed personnel with permanent or temporary disability. The alternate PFT event can only be availed of upon the recommendation of the authorized PNP medical officer. The PNP medical officer should recommend any of the following events: 730-Meter Swim, 10-Kilometer Biking, 4-Kilometer Walk, 1-Kilometer Wheel Chair Run, and 1-Minute Knee Bending.

5. In this regard, in as much as not one of the **specific PFT events** will be performed by those recommended to perform the **alternate PFT event** in their respective age brackets, the result of the alternate PFT event standard will be rated

as **"passed"** once the performer reached or exceeded the minimum standard score and will be given a quantitative rating of **70%**, and **"failed"** if the performer failed to reach the minimum standard score and will be given a quantitative rating of **69% to 50%**.

6. These supplemental guidelines shall be effective during the first semester CY 2012 Physical Fitness Test and onwards.

7. For information and widest dissemination.




NICANOR A. BARTOLOME, CSEE
Police Director General

CPNP 1st 12 5017492

S047492

Incl
PNP Alternate PFT Event Form

Distribution:
D-Staff
P-Staff
RD, PROs
Dir., NSUs

Copy Furnished:
Command Group

V. MY INDIVIDUAL PERFORMANCE IS THE KEY (IP KEY CARD)

A. Legal Basis: PNP Command Memorandum Circular No. 26-13 dated June 5, 2013

B. Policy Requirement/Compliance:

1. All PNP Personnel at the National Headquarters, National Support Units and all Police Regional Offices down to the Police Stations shall possess the "My IP is the Key" or IP Key Card;
2. The IP Key Card shall indicate therein the name, position/designation, badge number for uniformed personnel (UP) or plantilla (item number) for Non-Uniformed Personnel (NUP) and the individuals specific duties and responsibilities and the accompanying enabling actions;
3. For uniformity, IP Key Card specifications for uniformed and non-uniformed personnel are described in Annexes "A" and "B" respectively;
4. The specific duties and responsibilities printed in the IP Key Card must initially originate from, and be drafted by, the PNP personnel himself/herself, and must contain the accompanying enabling actions to such duties and responsibilities. As defined, "enabling actions" refer to the day-to-day work that must be performed by the PNP personnel in order to satisfy the requirements of his/her functions, duties and responsibilities [see example below]. The draft must be presented to the PNP personnel's immediate supervisor (the designated Rater in the IPER system) for review and affirmation that the same are based from the individual personnel's job descriptions and closely aligned with the PNP objectives;

e.g. Duties and Responsibilities of a Beat Patrol Officer:

- 1) Efficiently and effectively patrol my beat during my Tour of Duty at Brgy. 5, Zone 20, Global City from 0800H to 1700H

Enabling Actions:

- a) 0745H-0800H – Attend roll-call formation, and received instructions from the Beat/Shift Supervisor;
- b) 0800H-1200H – Proceed to assigned beat, conduct patrol in populated area;
- c) 1200H-1400H – After lunch break, visit and conduct dialogue with the Barangay Chairman or any Barangay Official on peace and order matters; and

d) 1400H-1700H – With the assistance of Chief Barangay Tanod, discuss with all Barangay Tanods on duty their responsibilities during their tour of duty.

2) 1700H – Render Beat Patrol Report to Beat/Shift Supervisor and incoming duty officer.

[Note: Indicate other tasks as may be directed by immediate Supervisor]

5. The specific daily tasks printed on the IP Key Card must be agreed upon both by the Direct Supervisor/Rater and the individual processor. Hence, by signing the IP Key Card, both shall agree upon the following terms and conditions:

- a. The holder of the IP Key Card and the Immediate Supervisor/Rater have discussed in one-on-one dialogue, the PNP personnel's duties and responsibilities, along with their enabling actions, and of the latter's commitment to perform well his/her duties and responsibilities in line with the objectives of the unit;
 - b. The specific tasks are aligned with the individual score card so that the Head of Office/Reviewer and the Supervisor/Rater shall use the data/information in the IP Key Card during the assessment of the Individual Performance Evaluation Rating (IPER). (Note: The Individual Score Card shall be fully implemented by the PNP Center for Police Strategy Management during the midterm of this year); and
 - c. The Supervisor/Rater has validated the IP Key Card and agrees on the specific daily duties and responsibilities to be performed by the PNP personnel.
6. The IP Key Card shall be well laminated and the data/information must be legible. The Head of Office shall be responsible for the supervision and strict implementation of this specific requirement.

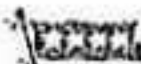
7. COORDINATING INSTRUCTIONS:

- a. Heads of Offices/Units and Supervisors shall make sure that specific duties and responsibilities that are to be printed in an IP Key Card are based on job descriptions and attuned with the individuals core card (individual working plan);
- b. "My IP is the Key" Card, as part of the uniform, shall be carried always during the performance of the individual's daily tasks;
- c. Ensure strict compliance of the IP Key Card markings and specifications. There shall be no logo and markings printed in the IP Key Card except the NHQ PNP Logo, Code-P markings and the individual's information;

- d. Cascading of "My IP is the Key" policy guidelines is enjoined; and
- e. Lateral coordination is authorized.

C. Scope/Coverage:

This CMC shall apply to all PNP personnel (Uniformed and Non-Uniformed), from the officers of the top management level down to the lowest personnel of every PNP office/unit nationwide. All PNP personnel shall possess their own IP Key Card which shall symbolize their outmost commitment in the performance of their specific duties and responsibilities and for the further attainment of the short and long term plans and goals of the PNP.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

COMMAND MEMORANDUM CIRCULAR

NO. 26-13

SUBJECT: My Individual Performance is the Key (IP Key Card)

TO : See Distribution

DATE : June 5, 2013

1. REFERENCES:

- a. Chief, PNP's Verbal Instructions re- My IP is the Key Policy;
- b. Chief, PNP's CODE-P;
- c. PNP Peace and Order Agenda for Transformation and Upholding the Rule of Law (P.A.T.R.O.L.) Plan 2030;
- d. Letter of Instructions No. 1, dated May 02, 2011, of the then NCRPO Director PCSUPT ALAN LA MADRID PURISIMA; and
- e. Letter of Instructions No. 29/04 Project ITEM "Pagtatataga," dated October 14, 2004.

2. PURPOSE:

This Command Memorandum Circular (CMC) shall provide guidelines for the Chief PNP's Policy on "*My IP is the Key*" which defines specific duties and responsibilities and the accompanying enabling measures of every PNP personnel that are printed in the Key Card. It shall be a visible reminder for all PNP personnel of their commitment to perform efficiently their daily tasks for the realization of the mission and functions of their respective units as well as of the whole PNP organization.

The CMC also intends to reconcile the PNP personnel's specific duties and responsibilities with the same duties and responsibilities provided for in their Individual Performance Evaluation Report (IPEER). Such duties and responsibilities shall be derived from the PNP personnel's job description and reflect the organizational objectives of the PNP.

These guidelines also aim to empower supervisors and holding them responsible and accountable for managing their personnel.

3. SCOPE:

This CMC shall apply to all PNP personnel (Uniformed and Non-Uniformed), from the officers of the top management level down to the lowest personnel of every PNP office/unit nationwide. All PNP personnel shall possess their own IP Key Card which shall symbolize their utmost commitment in the performance of their specific duties and responsibilities and for the further attainment of the short and long term plans/goals of the PNP.

4. SITUATION:

From the outset, the incumbent leadership of the PNP has anchored the agency's transformation initiatives on the enhancement of *competency, organizational development and reforms, excellence and professionalism* among all personnel in all levels of the PNP. These areas of reform, dubbed as the "CODE-P: 2013 and Beyond," articulate the leadership's strategic focus in empowering the PNP organization as a better police force.

This leadership blueprint – the CODE-P: 2013 and Beyond – was eventually integrated into the framework of the PNP Integrated Transformation Program-Performance Governance System (ITP-PGS), with the aim to institutionalize the latter through the attainment of all the programs in the PNP P.A.T.R.O.L Plan 2030. The concept of "my IP is the Key" was envisioned as a landmark initiative in creating a set of individual performance commitments to the overall realization of a common vision.

5. POLICY GUIDELINES and PROCEDURES:

In the pursuit of the above-stated vision, the following measures shall be implemented:

- a. All PNP personnel at the National Headquarters, National Support Units and all Police Regional Offices down to the Police Stations shall possess the "My IP is the Key Card" or IP card;
- b. The IP card shall indicate therein the name, position/designation, badge number for uniformed personnel (UP) or plantilla (item number) for Non-Uniformed Personnel (NUP) and the individuals' specific duties and responsibilities and the accompanying *enabling actions*;
- c. For uniformity, IP Key card specifications for uniformed and non-uniformed personnel are described in Annexes "A" and "B" respectively;
- d. The specific duties and responsibilities printed in the IP Key Card must initially originate from, and be drafted by, the PNP personnel himself/herself, and must contain the accompanying *enabling actions* to such duties and responsibilities. As defined, "*enabling actions*" refer to the day-to-day work that must be performed by the PNP personnel in order to satisfy the requirements of his/her functions, duties and responsibilities (*see example given below*). The draft must then be presented to the PNP personnel's immediate supervisor (the designated Rater in the IPER system) for review and affirmation that the same are based from the individual personnel's job descriptions and closely aligned with the PNP objectives;
- e.g. **Duties and Responsibilities of a Beat Patrol Officer:**
 - 1) Efficiently and effectively patrol my beat during my Tour of Duty at Barangay 5, Zone 20, Globus City from 0800 to 1700.
Enabling Actions:
 - a) 0745-0800 – Attend roll-call formation, and receive instructions from the Beat/Shift Supervisor;

- b) 0800-1200 – Proceed to assigned beat, conduct patrol in populated area;
 - c) 1200-1400 – After lunch break, visit and conduct dialogue with the Barangay Chairman or any barangay official on peace and order matters; and
 - d) 1400-1700 - With the assistance of the Chief Barangay Tanod, discuss with all Barangay tanods on duty their responsibilities during their tour of duty.
- 2) 1700 - Render Beat Patrol Report to Beat/Shift Supervisor and incoming duty officer.

(Note: Indicate other tasks as may be directed by immediate supervisor)

e. The specific daily tasks printed on an IP key card must be agreed upon both by the Direct Supervisor/Rater and the individual possessor. Hence, by signing the IP key card, both shall agree on the following terms and conditions:

- 1) The holder of an IP Key card and the Immediate Supervisor/Rater have discussed in a one-on-one dialogue, the PNP personnel's duties and responsibilities, along with their enabling actions, and of the latter's commitment to perform well his/hor specific duties and responsibilities in line with the objectives of the unit;
- 2) The specific tasks are aligned with the individual score card so that the Head of Office/Reviewer and the Supervisor/Rater shall use the data/information in the IP Key card during the assessment of the Individual Performance Evaluation Rating (IPER). *(Note: The Individual Score card shall be fully implemented by the PNP Center for Police Strategy Management during the midterm of this year);* and
- 3) The Supervisor/Rater has validated the IP key card and agrees on the specific daily duties and responsibilities to be performed by the PNP personnel.

f. The IP Key card shall be well laminated and the data/information must be legible. The Head of Office shall be responsible for the supervision and the strict implementation of this specific requirement.

g. **TASKS:**

1) **TDPRM**

- a) Overall OPR for the implementation of "My IP is the Key" (IP Key Card);
- b) Shall monitor the proper implementation and compliance of this CMC; and
- c) Perform other tasks as directed.

2) TDC

- a) Provide necessary fund support for the implementation of this CMC; and
- b) Perform other tasks as directed.

3) Directors, D-Staff and P-Staff

- a) Ensure compliance of this CMC in their respective Directorates/offices;
- b) Conduct echo-seminar for supervisors at their respective offices regarding the determination of the duties and responsibilities (and the corresponding enabling actions) as disseminated and discussed during the recent DPRM Family Conference on May 2-3, 2013; and
- c) Perform other tasks as directed.

4) Directors, NSUs, RDs, PROs, and other Heads of Offices/Supervisors

- a) Supervise and monitor the proper implementation of this CMC in their respective AORs;
- b) Conduct echo-seminar for supervisors down to station level on the determination of the duties and responsibilities (and the corresponding enabling actions) as disseminated and discussed during the recent DPRM Family Conference on May 2-3, 2013;
- c) Prepare and submit compliance report, through channels, to DPRM (attn: PPPD) NLT two (2) weeks after implementation of this CMC; and
- d) Perform other tasks as directed.

ii. COORDINATING INSTRUCTIONS:

- 1) Heads of Offices/Units and Supervisors shall make sure that specific duties and responsibilities that are to be printed in an IP card are based on job descriptions and attuned with the individual's score card (individual working plan);
- 2) "My IP is the Key" Card, as part of the uniform, shall be carried always during the performance of the individual daily tasks;
- 3) Ensure strict compliance of the IP Key Card markings and specifications. There shall be no other logo/markings printed in the IP Key Card except the NIIG PNP Logo, CODE-P markings and the individual's information;
- 4) Cascading of "My IP is the Key" policy guidelines is enjoined; and
- 5) Lateral coordination is authorized.

6. SANCTIONS:

Any violation committed in the provisions of this CMC without an official authority, or failure to implement and comply with the said provisions, shall be grounds for the imposition of administrative sanctions in accordance with the penalties provided for under the Uniform Rules and Administrative Cases in the Civil Service (URACCS) and the Uniform Rules of Procedures Before the Administrative Disciplinary Authorities) and the Internal Affairs Service of the Philippine National Police (URPBADA) as annotated in NAPOLCOM Memorandum Circular (NMC) No. 2007-001.


7. RESCISSION:

All existing directives and other issuances which are contrary to or inconsistent with this directive are hereby rescinded or modified accordingly.

8. EFFECTIVITY:

This CMC shall take effect upon approval.




ALAN A. MADRID PURISIMA
Police Director General
Chief, PNP

Distribution:

D-Staff (including DIPOs)
P-Staff
Dir's, NSUs
RDs, PROs

CPNP 100 13 5053864



5053864

Copy Furnished:

Command Group
SPA to SILG

VI. PNP Unit Performance Evaluation Rating (UPER)

A. **Legal Basis:** PNP Command Memorandum Circular No. 11-13 dated May 23, 2013

B. Policy Requirement/Compliance:

- i. The UPER system shall be the instrument by the D-Staff, IAS and CPSM to evaluate PNP offices/units nationwide of their performance vis-à-vis the target set in their PPAs set forth in the PNP P.A.T.R.O.L Plan 2030. The distribution of points shall be as follows:
 - 1) A maximum of 1000 points shall be distributed and clustered according to the three perspectives as shown in Table 1. The different D-Staff, IAS and CPSM will rate NCPRO Districts, NCPRO District Stations, PROs, PPOs, CPOs, CCPSSs, MPSs, RPSBs, PPSC and CPSC using the corresponding point allocation and percentage equivalent as shown below:

Table No. 1

Perspective	Office	Points Allocation	Percentage Equivalent
Process Excellence	DPCR	155	15.5
	DO	155	15.5
	DIDM	155	15.5
	DI	155	15.5
Learning and Growth	DPRM	130	13
	DHRD D	100	10
	DICTM	20	2
	DPL	10	1
	Discipline (IAS/D PRM)	30	3
Resource Management	DL	30	3
	DRD	20	2
	DC	20	2
	CPSM	20	2
	TOTAL	1000	100.00

Table No. 2 – NOSUs Point Distribution

RATING UNIT	ACG	IG	SAF	PCRG	CSG	CIDG	CLG	PSPO	MG	ASG	HPG	AKG
DI	110	170	110	110	110	110	110	170	110	110	110	110
DO	10	110	170	110	170	110	110	110	170	170	170	170
DPCR	110	110	110	170	10	110	110	110	110	110	110	110
DIDM	170	110	110	110	110	170	170	110	110	110	110	110
DPL	70	70	70	70	70	70	70	70	70	70	70	70
IAS/DPRM	20	20	20	20	20	20	20	20	20	20	20	20
CPSM	10	10	10	10	10	10	10	10	10	10	10	10
DL	68	68	68	68	68	68	68	68	68	68	68	68
DC	68	68	68	68	68	68	68	68	68	68	68	68
DHRDD	68	68	68	68	68	68	68	68	68	68	68	68
DRD	60	60	60	60	60	60	60	60	60	60	60	60
DPRM	68	68	68	68	68	68	68	68	68	68	68	68
DICTM	68	68	68	68	68	68	68	68	68	68	68	68
TOTAL	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

Table No. 3 – NASUs Point Distribution

RATING UNIT	TS	HS	HSS	LS	ES	FS	LSS	ITMS	CES	CHS	PRB S
DL	80	80	80	80	190	80	190	80	80	80	80
DC	80	80	80	80	80	190	80	80	80	80	80
DHRDD	190	80	80	80	80	80	80	80	80	135*	80
DRD	60	60	60	60	60	60	60	60	60	60	60
DPRM	80	190	190	190	80	80	80	180	80	135*	190
DICTM	80	80	80	80	80	80	80	90	190	80	80
IAS/DPRM	20	20	20	20	20	20	20	20	20	20	20
CPSM	10	10	10	10	10	10	10	10	10	10	10
DPL	80	80	80	80	80	80	80	80	80	80	80
DI	80	80	80	80	80	80	80	80	80	80	80
DO	80	80	80	80	80	80	80	80	80	80	80
DPCR	80	80	80	80	80	80	80	80	80	80	80
DIDM	80	80	80	80	80	80	80	80	80	80	80
TOTAL	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

*DHRDD and DPRM which are sharing functional authority over CHS will have a point allocation of 135 points each

Points allocation per PPA shall be based on PNP P.A.T.R.O.L. Plan 2030 and prepared by the D-Staff. Rating of offices/units shall subscribe to the following guidelines:

- a) PROs and NSUs shall be rated by the D-Staff, IAS and CPSM using the standard appropriate parameters for offices/units. Rating results shall be submitted to the DPL for consolidation;
 - b) PPOs, CPOs, RPSBs and CPSCs shall be rated by their respective PROs/CPOs using the standard parameters for the said offices/units. Rating results shall be submitted by the rater-PROs to DPL for consolidation;
 - c) PPSCs, CPSCs, CPOs, CCPSCs, MPSs and CPSs, shall be rated by their respective PPOs/CPOs using the standard parameters for said offices/units. Rating results shall be submitted by the rater-PPOs/CPOs to PROs for consolidation and subsequent submission to DPL;
 - d) NCRPO Districts shall be rated by the NCRPO using the parameters for PPOs. Rating results shall be submitted to DPL for consolidation;
 - e) NCRPO CPSs shall be rated by their respective NCRPO Districts using standard parameters for CCPSCs. Rating results shall be submitted by the rater-NCRPO Districts to NCRPO for consolidation and subsequent submission to DPL;
 - f) NCRPO District Stations shall be rated by their respective NCRPO Districts using standard appropriate parameters for MPS. Rating results shall be submitted to NCRPO for consolidation and subsequent submission to DPL; and
 - g) NCRPO District Public Safety Companies shall be rated by their respective NCRPO District HQs using the standard parameters for PPSCs. Rating results shall be submitted by the rater NCRPO Districts to NCRPO for consolidation and subsequent submission to DPL.
- ii. Performance evaluation of the different offices/units shall be conducted quarterly with DPL as the general secretariat at the NHQ level and ROPDs and POSs at the regional and provincial level respectively. Quarterly UPER results shall be published, posted at the PNP website and presented during scheduled PNP Command Conferences for transparency and submission of activity/accomplishment reports shall be as follows:
- 1) All activities/accomplishments of PNP offices/units relative to the UPER system parameters shall be submitted within five days.
 - 2) All UPER results undertaken and consolidated by concerned rater-offices/units shall be submitted to the DPL NLT the 15th day of the first

month of the following quarter for consolidation and submission of the Quarterly and Annual UPER report to the Chief, PNP prior to publication, website posting and presentation to PNP Command Conferences.

- iii. On any complaint arising from the quarterly rating result, the concerned rater-office/unit may file their reclaim to the higher level office/unit for a review within 10 days after the publication/presentation/posting of the quarterly UPER.
- iv. UPER results shall be the basis for the ranking of offices/units for the PBB, subscribing to the following measures:
 - 1) Annual PER of offices/units shall be based on the consolidated average PER results as determined by DPL by category: NASU, NOSU, NCRPO District, PRO, PPO, CPO, CPOs, CCPS, MPS, RPSBs, PPSCs and CPSCs. Top performing offices/units shall also be given commensurate award by the Chief, PNP which shall form part of the record of the said offices/units; and
 - 2) Offices/Units rated below par shall be subjected to performance management review for administrative sanctions as warranted.
- v. Periodic revisions of the UPER system shall be undertaken to further fine-tune keep the system abreast to the prevailing situation.

C. Scope/Coverage:

The PNP UPER System CY 2013 shall be utilized to standardized the conduct of quarterly performance assessment of National Administrative Support Units (NASUs) and National Operational Support Units (NOSUs), National Capital Region Police Office (NCRPO) Districts, NCRPO District Stations, Police Regional Offices (PROs), Police Provincial Offices (PPOs), City Police Offices (CPOs), City Police Office Stations (CPOS), Component City Police Stations (CCPS), Municipal Police Stations (MPS), Regional Public Safety Battalions (RPSBs), Provincial Public Safety Companies (PPSCs) and City Public Safety Companies (CPSCs).

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

**COMMAND MEMORANDUM CIRCULAR
NO. 11-13**

SUBJECT : PNP Unit Performance Evaluation Rating (UPER) Guidelines and Procedures

TO : See Distribution

DATE : MAY 23 2013

1. REFERENCES:

- a. PNP Program Thrusts CY 2013; and
- b. PNP Strategic Focus "CODE – P: 2013 and Beyond."

2. SCOPE

The PNP UPER System CY 2013 shall be utilized to standardize the conduct of quarterly performance assessment of National Administrative Support Units (NASUs) and National Operational Support Units (NOSUs), National Capital Region Police Office (NCRPO) Districts, NCRPO District Stations, Police Regional Offices (PROs), Police Provincial Offices (PPOs), City Police Offices (CPOs), City Police Office Stations (CPOS), Component City Police Stations (CCPS), Municipal Police Stations (MPS), Regional Public Safety Battalions (RPSBs), Provincial Public Safety Companies (PPSCs) and City Public Safety Companies (CPSCs).

3. PURPOSE

- a. General-The PNP UPER System 2013 shall be used as a guide in assessing the performance of the different PNP offices/units nationwide aimed in achieving excellence in line with the CPNP's Strategic Focus "CODE – P: 2013 and Beyond" and PNP P.A.T.R.O.L. PLAN 2030.
- b. Specific-The PNP UPER System CY 2013 shall:
 - 1) Ensure the alignment of the different management mechanisms in the PNP as a common reference in force ranking of its offices/units for the granting of the Performance Based Bonus (PBB) pursuant to DBM MC 2012-05 dated January 14, 2013;

performance assessment of PROs, PPOs, CPOs, CPOs, CCPS, MPS, RPSBs, PPSCs and CPSCs, NASUs, NOSUs, NCRPO Districts and NCRPO District Stations using a simplified and effective UPER with realistic and achievable targets which can be measured, verified and validated;

- 3) Provide a standardized evaluation tool as basis in ranking the PNP offices/units;
- 4) Use the periodic office/unit assessments as inputs in the conduct of future planning, programming and updating of the PNP P.A.T.R.O.L Plan 2030, PNP Medium-Term Development Plan (MTDP) and Annual Operations Plans and Budget (AOPB); and
- 5) Serves as a feedback mechanism in monitoring the progress in achieving desired goals, i.e. determining how well programs, projects or activities (PPAs) or policies are being implemented against expected results.

4. GUIDELINES AND PROCEDURES

- a. The UPER System shall be the instrument by the D- Staff, IAS and CPSM to evaluate PNP offices/units nationwide of their performance vis-à-vis the targets set in their PPAs set forth in the PNP P.A.T.R.O.L Plan 2030. The distribution of points shall be as follows:

- 1) A maximum of one thousand (1,000) points shall be distributed and clustered according to the three (3) perspectives as shown in Table 1. The different D-Staff, IAS and CPSM will rate NCRPO Districts, NCRPO District Stations, PROs, PPOs, CPOs, CPOs, CCPSs, MPSs, RPSBs, PPSCs and CPSCs using the corresponding point allocation and percentage equivalent as shown below.

Table No. 1

Perspective	Office	Points Allocation	Percentage Equivalent
Process Excellence	DPCR	155	15.5
	DO	155	15.5
	DIDM	155	15.5
	DI	155	15.5
Learning and Growth	DPRM	130	13
	DHRDD	100	10
	DICTM	20	2
	DPL	10	1
	Discipline (IAS/DPRM)	30	3
Resource Management	DL	30	3
	DRD	20	2
	DC	20	2
	CPSM	20	2
	Total	1000	100.00

percentage distributions are shown in Table 2 and Table 3 respectively.

Table No. 2 – NOSUs Point Distribution

RATING UNIT	ACG	IG	SAF	PCRG	CSG	CIDG	CLG	PSPO	MG	ASG	HPG	AKG
DI	110	170	110	110	110	110	110	170	110	110	110	110
DO	110	110	170	110	170	110	110	110	170	170	170	170
DPCR	110	110	110	170	110	110	110	110	110	110	110	110
DIDM	170	110	110	110	110	170	170	110	110	110	110	110
DPL	70	70	70	70	70	70	70	70	70	70	70	70
IAS/DPRM	20	20	20	20	20	20	20	20	20	20	20	20
CPSM	10	10	10	10	10	10	10	10	10	10	10	10
DL	68	68	68	68	68	68	68	68	68	68	68	68
DC	68	68	68	68	68	68	68	68	68	68	68	68
DHRDD	68	68	68	68	68	68	68	68	68	68	68	68
DRD	60	60	60	60	60	60	60	60	60	60	60	60
DPRM	68	68	68	68	68	68	68	68	68	68	68	68
DICTM	68	68	68	68	68	68	68	68	68	68	68	68
TOTAL	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

Table No. 3 – NASUs Point Distribution

RATING UNIT	TS	HS	HSS	LS	ES	FS	LSS	ITMS	CES	CHS	PRBS
DL	80	80	80	80	190	80	190	80	80	80	80
DC	80	80	80	80	80	190	80	80	80	80	80
DHRDD	190	80	80	80	80	80	80	80	80	135*	80
DRD	60	60	60	60	60	60	60	60	60	60	60
DPRM	80	190	190	190	80	80	80	80	80	135*	190
DICTM	80	80	80	80	80	80	80	190	190	80	80
IAS/DPRM	20	20	20	20	20	20	20	20	20	20	20
CPSM	10	10	10	10	10	10	10	10	10	10	10
DPL	80	80	80	80	80	80	80	80	80	80	80
DI	80	80	80	80	80	80	80	80	80	80	80
DO	80	80	80	80	80	80	80	80	80	80	80
DPCR	80	80	80	80	80	80	80	80	80	80	80
DIDM	80	80	80	80	80	80	80	80	80	80	80
TOTAL	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000	1000

*DHRDD and DPRM which are sharing functional authority over CHS will have a point allocation of 135 points each.

points allocation per PPA shall be based on PNP P.A.T.R.O.L. Plan 2030 and prepared by the D-Staff. Rating of offices/units shall subscribe to the following guidelines:

- a) PROs and NSUs shall be rated by the D-Staff, IAS and CPSM using the standard appropriate parameters for said offices/units. Rating results shall be submitted to DPL for consolidation;
 - b) PPOs, CPOs, RPSBs and CPSCs shall be rated by their respective PROs using the standard parameters for said offices/units. Rating results shall be submitted by the rater-PROs to DPL for consolidation;
 - c) PPSCs, CPSCs, CPOs, CCPs, MPSs and CPSs, shall be rated by their respective PPOs/CPOs using the standard parameters for said offices/units. Rating results shall be submitted by the rater -PPOs/CPOs to PROs for consolidation and subsequent submission to DPL;
 - d) NCRPO Districts shall be rated by NCRPO using the parameters for PPOs. Rating results shall be submitted to DPL for consolidation;
 - e) NCRPO CPSs shall be rated by their respective NCRPO Districts using standard parameters for CCPs. Rating results shall be submitted by the rater-NCRPO Districts to NCRPO for consolidation and subsequent submission to DPL;
 - f) NCRPO District Stations shall be rated by their respective NCRPO Districts using standard appropriate parameters for MPS. Rating results shall be submitted to NCRPO for consolidation and subsequent submission to DPL; and
 - g) NCRPO District Public Safety Companies shall be rated by their respective NCRPO District HQs using the standard parameters for PPSCs. Rating results shall be submitted by the rater NCRPO Districts to NCRPO for consolidation and subsequent submission to DPL.
- b. Performance evaluation of the different Offices/Units shall be conducted quarterly with DPL as the general secretariat at the NHQ level and ROPDs and POSs at the regional and provincial level respectively. Quarterly UPER results shall be published, posted at the PNP Website and presented during scheduled PNP Command Conferences for transparency and dissemination. Guidelines in the submission of activity/accomplishment reports shall be as follows:
- 1) All activities/accomplishments of PNP offices/units relative to the UPER System parameters shall be submitted within five (5) days to

- 2) All UPER results undertaken and consolidated by concerned ratee-offices/units shall be submitted to DPL NLT the 15th day of the first month of the following quarter for consolidation and submission of the Quarterly and Annual UPER Report to the Chief, PNP prior to publication, website posting and presentation to PNP Command Conferences.
- c. On any complaint arising from the quarterly rating result, the concerned ratee-office/unit may file their reclama to the higher level office/unit for a review within ten (10) days after the publication/presentation/posting of the quarterly UPER.
 - d. UPER results shall be the basis for the ranking of offices/units for the PBB, subscribing to the following measures:
 - 1) Annual PER of offices/units shall be based on the consolidated average PER results as determined by DPL by category: NASU, NOSU, NCRPO District, NCRPO District Station, PRO, PPO, CPO, CPOS, CCPS, MPS, RPSBs, PPSCs, and CPSCs. Top performing offices/units shall also be given a commensurate award by the Chief, PNP which shall form part of the record of the said offices/units; and
 - 2) Offices/Units rated below par shall be subjected to performance management review for administrative sanctions as warranted.
 - e. Periodic revisions of the UPER System shall be undertaken to further fine-tune and keep the system abreast to the prevailing situation.

5. EFFECTIVITY

This PNP Unit Performance Evaluation Rating shall take effect upon approval.



ALAN LA MADRID PURISIMA
Police Director General
Chief, PNP

Distribution:

Command Group
D-Staff/DIPOs
RDs, PROs/NCRPO
Dir, NSUs
AIG, IAS
P-Staff



VII. STATEMENT OF ASSETS, LIABILITIES AND NET WORTH (SALN)

A. **Legal Basis:** Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees.

B. **Policy Requirement/Compliance:**

Basic Information

- i. Spouses who are both public officers and employees shall have the option to file their SALN either jointly and separately.
- ii. In case the declarant is single or married but whose spouse is not in the government service, he/she shall tick off the box marked as "Not Applicable."
- iii. In case of joint filing, all real and personal properties shall be declared including their respective paraphernalia and capital property, if there are any.
- iv. The change of civil status of the declarant after December 31 of the preceding year shall not affect the nature of the properties declared.
- v. The declarant shall provide information of his/her address. However, whenever a third party requests for a copy of SALN Form of the declarant, the agency has the option to shade the declarant's address for purposes of security.
- vi. Declarant must provide the information required for all his/her unmarried children below 18 years of age and living in his/her household, whenever legitimate or illegitimate.

Assets, Liabilities and Net Worth

- a. The SALN shall contain a true and complete declaration of assets, liabilities and net worth, including a disclosure of business interests and financial connections of the declarant, his/her spouse and unmarried children below 18 years of age living in his/her household. It shall also contain a disclosure of the declarant's relatives within the fourth degree of consanguinity and affinity who are in government service.
- b. For purposes of convenience in the computation of net worth, where the declarant's spouse has capital or paraphernal properties or where the declarant's unmarried children below 18 years of age living in his/her household have their own properties, the declarant should declare the assets and liabilities of his/her spouse on a separate sheet attached to the

SALN Form. For purposes of such declaration, the provisions in these guidelines shall likewise apply.

- c. Assets include those within or outside the Philippines, whether real or personal, whether use in trade or business.
- d. Assets refer to declarant's real and personal properties, including those of his/her spouse and unmarried children below 18 years of age living in his/her household.

Real Properties

- a. Declaration of real properties shall include its description, kind location. Year and mode of acquisition, assessed value, fair market value, acquisition cost of land, building, etc. including improvements thereon.
- b. Real properties refer to properties which are immovable by nature. For purposes of SALN, the kind of real properties are classified according to their use, that is, residential, commercial, agricultural, industrial, or mixed use and the like.
- c. The declarant shall indicate a description of real properties, whether it is a land only or a land with building, a house and lot, condominium unit, or an improvement such as extension or garage, or the like.
- d. Assessed value shall, for purposes of declaration in the SALN, refer to the amount indicated in the tax declaration of real properties involved.
- e. Fair market value shall, for purposes of declaration in the SALN, refer to the amount indicated as market value in the tax declaration of the real properties concerned.
- f. Improvements refer to all works that are constructed or introduced to the land, or repairs or improvements made to the land or building after its initial acquisition.
- g. In declaring an improvement to the land, the declarant may opt to declare it separately or together with the land to which such improvement is attached.
- h. Acquisition cost is the amount of money paid to acquire or own something. This shall also refer to the amount of expenses incurred for improvements introduced on a real property. For purposes of computing the declarant's net worth, the acquisition costs shall be made the basis thereof.
- i. The declarant shall indicate those real properties which are already titled or registered under his/her spouse or under the name of his/her unmarried children below 18 years of age and living in the declarant's household. However, real properties already covered by the deed of sale, inherited or

subject of an extrajudicial settlement of estate but not yet titled under declarant's name shall be disclosed.

- j. In the case of properties received gratuitously, e.g. donation or inheritance, no acquisition cost shall be declared. However, the fair market value and the assessed value of said properties as found in the tax declaration thereof must be declared.

Personal Properties

- a. Declaration of personal properties shall include mode, year and cost of acquisition, or the value or amount of said personal properties.
- b. Personal properties refer to jewelry, appliances, furniture, motor vehicles and other tangible/movable properties. This shall also include investments or other assets, such as cash on hand or in bank, negotiable instruments, securities, stocks, bonds and the likes.
- c. Personal properties collectively acquired or are of minimal value may be declared generally and collectively. In which case, the declarant may write "various years" under the column for Year Acquired.
- d. Personal properties, such as cash on hand and in bank, as well as stocks and the like, denominated in foreign currency shall be converted into the corresponding Philippine currency equivalent, at the rate of exchange prevailing as of December 31 of the preceding calendar year.
- e. The amount of money/cash in bank to be declared should be the last balance as of December 31 of the preceding year.
- f. In case of properties which are co-owned with other individuals, the declarant shall disclose the proportionate amount of his/her share in the property.
- g. With regard to properties subject of a contract to sell, the amount already paid shall be declared as personal property.
- h. Properties which are subject of either a chattel or real estate mortgage shall be declared in the SALN Form. The acquisition cost to be declared shall be the actual purchase price, and the liability to be declared shall be the outstanding balance of the loan as of December 31 of the preceding year.

Liabilities

- a. Under liabilities, the nature of liability, name of creditors and the outstanding balance shall refer to the amount of the money that is still due as of December 31 of the preceding calendar year.

- b. Liability refers to financial liability or anything that can result to a transfer or disposal of an asset. It includes not only those incurred by the declarant but also those of his/her spouse and unmarried children below 18 years of age living in his/her household.
- c. Nature of liability refers to the type of loan obtained from banks, financial institutions, GSIS, PAG-IBIG and others, such as personal, multi-purpose, salary, calamity loan and the like.
- d. Outstanding balance refers to the amount of money that one still owes on the loan as of December 31 of the preceding calendar year.

1. Computation of Net Worth

- a. Net worth is the sum of all assets (real and personal) less total liabilities.
- b. In the case of real properties, the acquisition cost shall be used in the computation of the net worth.
- c. In the case of personal properties, the acquisition cost or amount/value of money shall be used in the computation of total net worth.
- d. Excluded from the computation of real and personal properties are the properties of unmarried children below 18 years of age living in the declarant's household.
- e. If the house of the declarant is not a public officer or employee, the lateral's paraphernal or capital properties shall not be included in the computation of the declarant's net worth.
- f. Paraphernal property refers to the properties exclusively owned by the wife.
- g. A capital property refers to the properties exclusively owned by the husband.
- h. Community property refers to all the properties owned by the spouses at the time of the celebration of the marriage or acquired thereafter, subject to the exceptions provided for by the law (Articles 91, Family Code of the Philippines). In the absence of any marriage settlement, the property relations of the spouses shall be governed by the rules on absolute community of property under the Family Code of the Philippines.
- i. Conjugal property refers to all the properties acquired during the marriage, whether the acquisition appears to have been made, contracted or registered in the name of one or both spouses, unless proven to be excluded (Article 116, Family Code of the Philippines). This applies when the spouses agreed to be governed by the rules on the conjugal partnership of gains under the Family Code of the Philippines.

- j. If the spouse of the declarant is a public officer or employee, but who chose to separately file his/her SALN, his/her paraphernal or capital properties shall not be included in the computation of the declarant's net worth.
- k. In case of joint filing, the total assets of the spouses shall include their respective paraphernal or capital properties.
- l. In case of joint filing, the declarant's total net worth and that of his/her spouse shall be the difference between the total assets (real and personal properties) less the total liabilities.

2. Financial Connections and Business Interests

- a. The declarant, including that of his/her spouse and unmarried children below 18 years of age living in the declarant's household, shall declare their existing interest or connection in any business enterprise or entity, aside from the income from government.
- b. In case there are no existing business interest and financial connections in any business enterprise or entity, the declarant shall tick off the appropriate box in the form.
- c. Business interests refer to the declarant's existing interest in any business enterprise or entity aside from his/her income from government, which shall also include those of his/her spouse and unmarried children under 18 years of age living in his/her household.
- d. Financial connections refer to the declarant's existing connections with any business enterprise or entity, whether as a consultant, adviser or the like, with an expectation of remuneration for services rendered including those of his/her spouse and unmarried children under 18 years of age living in his/her household.
- e. Nature of business interest and/or financial connection refers to existing interest or connection in any business enterprise, whether as proprietor, investor, promoter, partner, shareholder, officer, managing director, executive, creditor, lawyer, legal consultant or adviser, financial or business consultant, and the like.

3. Relatives in the Government

- a. The declarant shall disclose his/her relatives in the government within the fourth civil degree of relationship, either by consanguinity or affinity. The disclosure shall also state his/her relationship with the relative, the position of the relative as well as the name of office/agency and address.
- b. In case the declarant and his/her spouse jointly file their SALN, they shall indicate all their relatives within the fourth civil degree, either by

consanguinity or affinity, and shall include the above mentioned information.

- c. In case the declarant has no relatives in the government within the fourth civil degree of relationship, either by consanguinity or affinity including bilas, inso and balae the declarant shall tick off the appropriate box.

C. Scope/Coverage:

All officials and employees of national and local governments, including state universities and colleges, and government-owned and controlled corporations (GOCC) and their subsidiaries, with or without original charter, shall be covered by these guidelines.

Filing of Sworn Statement of Assets, Liabilities and Networth and Disclosure of Business Interests and Financial Connections (SALN & DBIFC)

A. Legal Basis: TDPRM Memorandum dated January 18, 2013

B. Policy Requirement/Compliance:

1. The SALN Form (Revised 1994) shall be accomplished in triplicate copies;
2. The original and duplicate shall be submitted to the Admin/Personnel Officers of your respective offices/units not later than April 30, 2013;
3. Upon receiving the SALN forms, the Personnel/Administrative Officer shall evaluate the same to determine whether said elements have been properly accomplished. The SALN is deemed properly accomplished when all applicable information or details required therein are provided by the filer. Items not applicable to the filer should be marked N/A (not applicable); and
4. Transmittal of all submitted SALN to the concerned Division of DPRM.

C. Scope/Coverage:

- 1) Personnel assigned at the National Headquarters and National Support Units:
 - a. The consolidated original copies of SALN (alphabetically arranged but not bound) shall be submitted to Personnel, Plans and Policies Division (PPPD) with alphabetical list of filers (soft and hard copies) prepared in MS Excel, which shall include the following data: the name of the personnel, tax identification number (TIN), position and networth (Incl "D") NLT May 30, 2013 for subsequent submission to the Integrated Records Management Office (RMO), Civil Service

Commission, Constitution Hills, Batasan Complex, Diliman, Quezon City on or before June 30, 2013; and

- b. The duplicate copies of the SALN shall be submitted (alphabetically arranged) to the Records Management Division (RMD) bound with cover with alphabetical list of filers indicated in the table of contents.
- 2) Personnel assigned in the Police Regional Offices
 - a. The consolidated original copies of SALN shall be submitted to the Office of the Deputy Ombudsman in their respective regions on or before June 30, 2013; and
 - b. Relatedly, the consolidated duplicate copies (bound) of SALN shall likewise be submitted to DPRM (Attn: RMD) for safekeeping and records purposes.
 - 3) Finally, part of the recommendation of the Presidential Anti-Graft Commission (PAGC) as one of the anti-corruption measure in the Integrated Development Action Plan (IDAP) and Integrated Development Review is for the submission of Income Tax Return (ITR) as an attachment to the SALN & DBIFC. Hence, the ITR shall be attached to the SALN & DBIFC to be submitted to DPRM (Attn: RMD).

PNP Review and Compliance Committees (RCC) and Policy Guidelines and Procedures on Accomplished Statement of Assets, Liabilities and Net Worth Forms

A. Legal Basis: PNP Command Memorandum Circular No. 19-2013 dated April 29, 2013

B. Policy Requirement/Compliance:

1. Conduct intensified information dissemination on the CSC Guidelines in the Proper Filing Out of the Statement of Assets, Liabilities and Net Worth (SALN) Form of PNP personnel;
2. Review and evaluate submitted and accomplished SALN forms of all PNP personnel prior to consolidation/submission of the same to the Regional Office of the Deputy Ombudsman for Police Regional Offices and to the CSC for NHQ-based Police Offices/Units and NSUs;
3. During and after the review and evaluation of the submitted/accomplished SALN forms, concerned RCC shall issue a show-cause order requiring those who have incomplete data in their SALN to correct/supply the desired information. Same order shall likewise be issued to those who did not file/submit their SALN to comply within a non-extendable period of three days from receipt of such order;

4. For disciplinary action, RCC shall file an administrative case against those PNP personnel under its jurisdiction who failed to submit/correct his/her SALN in accordance with the provisions of CSC MC No. 10 s. 2006 as amended, CSC Resolution No. 060231 and Section 8 of RA No. 6713;
5. RCCs of Provincial and City Police Offices (after review and evaluation of submitted SALN forms from their lower offices/units) shall submit their consolidated/accomplished SALN forms with alpha-lists of PNP personnel to their respective Regional RCCs;
6. RCCs of District Police Offices (after review and evaluation of submitted SALN forms from their lower units/stations) shall submit their consolidated/accomplished SALN forms with alpha-lists of PNP personnel to their Regional RCCs (NCRPO);
7. RCCs of Police Regional Offices (after review and evaluation of consolidated/submitted SALN forms) shall submit the same with alpha-lists to the Regional Office of the Deputy Ombudsman on the desired/required date. The said alpha-lists (photo copied), with official receipt from the Office of the Ombudsman, shall be submitted to NHQ RCC Secretariat (Attn: PPPD, DPRM) for consolidation and future references; and
8. RCCs of NSUs (after review and evaluation of consolidated/submitted SALN forms shall submit one copy of consolidated/accomplished SALN form to NHQ RCC Secretariat (Attn: PPPD, DPRM) for consolidation prior to the submission of consolidated SALN forms to the Office of the CSC. Another two copies of consolidated SALN forms, one bound copy and one loose copy, shall be submitted to the Records Management Division (RMD), DPRM, for safekeeping and scanning purposes, respectively.

Administrative and Criminal Sanctions:

Failure to submit/correct the SALN in accordance with this CMC within the given period pursuant to the directive in Section 3 of CSC Resolution No. 060231 shall be a ground for disciplinary action. The Head of Office shall issue a show-cause order directing the official or employee concerned to submit his/her comment or counter-affidavit and if evidence so warrants, proceed with the conduct of the administrative proceedings pursuant to Rule 10, Section 46 D (8) of the Revised Rules on Administrative Cases in Civil Service (RRACCS) under CSC Resolution No. 1101502.

Sanctions (with reference to CSC guidelines and resolutions re-filing out of SALN form and for failure to comply as regard to show-cause order).

Within the legal process, PNP officials and personnel who failed to submit his/her SALN and who failed to disclose or misdeclared any of his/her asset,

liability, business interest, financial connection and relative in the government shall be suspended for one month and one day to six months for the first offense or shall be dismissed from the service for the second offenses.

C. Scope/Coverage:

This Command Memorandum Circular (CMC) shall apply to all PNP Review and Compliance Committees, to ensure full and proper compliance in the review and compilation of accomplished SALN forms prior to the submission of all consolidated accomplished SALN forms to the Regional Office of the Deputy Ombudsman and to the Office of the Civil Service Commission (CSC) NLT May 30 of every year.

GUIDELINES IN THE FILLING OUT OF THE STATEMENT OF ASSETS, LIABILITIES AND NET WORTH (SALN) FORM

I. OBJECTIVES

- To enjoin all public officers and employees to declare and submit annually a true, detailed and sworn statement of their assets, liabilities and net worth, including disclosure of business interests and financial connections, and to declare to the best of their knowledge their relatives who are in government service;
- To ensure that the assets, liabilities, net worth, financial connections and business interests of the declarant's spouse and unmarried children below eighteen (18) years of age living in declarant's household are also disclosed.

II. SCOPE

All officials and employees of national and local governments, including state universities and colleges, and government-owned and controlled corporations (GOCC) and their subsidiaries, with or without original charter, shall be covered by these guidelines.

GOCC refers to any agency organized as a stock or nonstock corporation, vested with functions relating to public needs whether governmental or proprietary in nature, and owned by the Government of the Republic of the Philippines directly or through its instrumentalities either wholly or, where applicable as in the case of stock corporations, to the extent of at least a majority of its outstanding capital stock.

Those serving in honorary capacity, laborers and casual or temporary workers are exempted from filing the SALN. However, those holding career positions under temporary status are required to file their SALN.

III. RULES IN ACCOMPLISHING THE STATEMENT OF ASSETS, LIABILITIES AND NET WORTH (SALN) FORM

A. APPLICABLE LAW

For purposes of declaring one's assets, liabilities and net worth, the governing law shall be Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees.

B. CONTENTS OF THE STATEMENT OF ASSETS, LIABILITIES AND NET WORTH (SALN) FORM

1. BASIC INFORMATION

- a. Spouses who are both public officers and employees shall have the option to file their SALN either jointly or separately.
- b. In case the declarant is single or married but whose spouse is not in the government service, he/she shall tick off the box marked as "Not Applicable."
- c. In case of joint filing, all real and personal properties shall be declared including their respective paraphernal and capital property, if there are any.
- d. The change of civil status of the declarant after December 31 of the preceding year shall not affect the nature of the properties declared.
- e. The declarant shall provide information on his/her address. However, whenever a third party requests for a copy of the SALN Form of the declarant, the agency has the option to shade the declarant's address for purposes of security.
- f. Declarant must provide the information required for all his/her unmarried children below eighteen (18) years of age and living in his/her household, whether legitimate or illegitimate.

2. ASSETS, LIABILITIES AND NET WORTH

- a. The SALN shall contain a true and complete declaration of assets, liabilities and net worth, including a disclosure of business interests and financial connections of the declarant, his/her spouse and unmarried children below eighteen (18) years of age living in his/her household. It shall also contain a disclosure of the declarant's relatives within the fourth degree of consanguinity and affinity who are in government service.
- b. For purposes of convenience in the computation of net worth, where the declarant's spouse has capital or paraphernal properties or where the declarant's unmarried children below eighteen (18) years of age living in his/her household have their own properties, the declarant should declare the assets and liabilities of his/her spouse on a separate

sheet attached to the SALN Form, see sample attached. For purposes of such declaration, the provisions in these guidelines shall likewise apply.

- c. Assets include those within or outside the Philippines, whether real or personal, whether used in trade or business.
- d. Assets refer to declarant's real and personal properties, including those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.

REAL PROPERTIES

- e. Declaration of real properties shall include its description, kind, location, year and mode of acquisition, assessed value, fair market value, acquisition cost of land, building, *etc.* including improvements thereon.
- f. Real properties refer to properties which are immovable by nature. For purposes of SALN, the kind of real properties are classified according to their use, that is, residential, commercial, agricultural, industrial, or mixed use and the like.
- g. The declarant shall indicate a description of the real properties, whether it is a land only or land with building, a house and lot, condominium unit, or an improvement such as an extension or garage, and the like.
- h. Assessed value shall, for purposes of declaration in the SALN, refer to the amount indicated in the tax declaration of the real properties involved.
- i. Fair market value shall, for purposes of declaration in the SALN, refer to the amount indicated as market value in the tax declaration of the real properties concerned.
- j. Improvements refer to all works that are constructed or introduced to the land, or repairs or improvements made to the land or building after its initial acquisition.
- k. In declaring an improvement to the land, the declarant may opt to declare it separately or together with the land to which such improvement is attached.

- l. Acquisition cost is the amount of money paid to acquire or own something. This shall also refer to the amount of expenses incurred for improvements introduced on a real property. For purposes of computing the declarant's net worth, the acquisition cost shall be made the basis thereof.
- m. The declarant shall indicate those real properties which are already titled or registered under his/her name, the name of his/her spouse or under the name of his/her unmarried children below 18 years of age and living in the declarant's household. However, real properties already covered by a deed of sale, inherited or subject of an extra-judicial settlement of estate but not yet titled under declarant's name shall also be disclosed.
- n. In the case of properties received gratuitously, e.g. donation or inheritance, no acquisition cost shall be declared. However, the fair market value and the assessed value of said properties as found in the tax declaration thereof must be declared.

PERSONAL PROPERTIES

- o. Declaration of personal properties shall include mode, year and cost of acquisition, or the value or amount of said personal properties.
- p. Personal properties refer to jewelry, appliances, furniture, motor vehicles and other tangible/movable properties. This shall also include investments or other assets, such as cash on hand or in bank, negotiable instruments, securities, stocks, bonds, and the like.
- q. Personal properties collectively acquired or are of minimal value may be declared generally or collectively. In which case, the declarant may write/indicate "various years" under the column for Year Acquired.
- r. Personal properties, such as cash on hand and in bank, as well as stocks and the like, denominated in foreign currency shall be converted into the corresponding Philippine currency equivalent, at the rate of exchange prevailing as of December 31 of the preceding calendar year.
- s. The amount of money/cash in bank to be declared should be the last balance as of December 31 of the preceding year.

- t. In case of properties which are co-owned with other individuals, the declarant shall disclose the proportionate amount of his share in the property.
- u. With regard to properties subject of a contract to sell, the amount already paid shall be declared as personal property.
- v. Properties which are subject of either a chattel or real estate mortgage shall be declared in the SALN Form. The acquisition cost to be declared shall be the actual purchase price, and the liability to be declared shall be the outstanding balance of the loan as of December 31 of the preceding year.

LIABILITIES

- w. Under liabilities, the nature of liability, name of creditors and the outstanding balance shall be indicated. The outstanding balance shall refer to the amount of money that is still due as of December 31 of the preceding calendar year.
- x. Liability refers to financial liability or anything that can result to a transfer or disposal of an asset. It includes not only those incurred by the declarant but also those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.
- y. Nature of liability refers to the type of loan obtained from banks, financial institutions, GSIS, PAG-IBIG and others, such as personal, multi-purpose, salary, calamity loan and the like.
- z. Outstanding balance refers to the amount of money that one still owes on the loan as of December 31 of the preceding calendar year.

3. COMPUTATION OF NET WORTH

- a. Net worth is the sum of all assets (real and personal) less total liabilities.
- b. In the case of real properties, the acquisition cost shall be used in the computation of the net worth.
- c. In the case of personal properties, the acquisition cost or amount/value of money shall be used in the computation of the total net worth.

- d. Excluded from the computation of real and personal properties are the properties of unmarried children below 18 years of age living in the declarant's household.
- e. If the spouse of the declarant is not a public officer or employee, the latter's paraphernal or capital properties shall not be included in the computation of the declarant's net worth.
- f. Paraphernal property refers to the properties exclusively owned by the wife.
- g. Capital property refers to the properties exclusively owned by the husband.
- h. Community property refers to all the properties owned by the spouses at the time of the celebration of the marriage or acquired thereafter, subject to the exceptions provided for by law (Articles 91, Family Code of the Philippines). In the absence of any marriage settlement, the property relations of the spouses shall be governed by the rules on absolute community of property under the Family Code of the Philippines.

The following are excluded from the community property:

- (1) Property acquired during the marriage by gratuitous title by either spouse, and the fruits as well as the income thereof, if any, unless it is expressly provided by the donor, testator or grantor that they shall form part of the community property;
 - (2) Property for personal and exclusive use of either spouse. However, jewelry shall form part of the community property;
 - (3) Property acquired before the marriage by either spouse who has legitimate descendants by a former marriage, and the fruits as well as the income, if any, of such property. (Article 92, Family Code of the Philippines)
- i. Conjugal property refers to all properties acquired during the marriage, whether the acquisition appears to have been made, contracted or registered in the name of one or both spouses, unless proven to be excluded (Article 116, Family Code of the Philippines). This applies when the spouses agreed to be governed by the rules on

the conjugal partnership of gains under the Family Code of the Philippines.

The following are conjugal partnership properties:

- (1) Those acquired by onerous title during the marriage at the expense of the common fund, whether the acquisition be for the partnership, or for only one of the spouses;
- (2) Those obtained from the labor, industry, work or profession of either or both of the spouses;
- (3) The fruits, natural, industrial, or civil, due or received during the marriage from the common property, as well as the net fruits from the exclusive property of each spouse;
- (4) The share of either spouse in the hidden treasure which the law awards to the finder or owner of the property where the treasure is found;
- (5) Those acquired through occupation such as fishing or hunting;
- (6) Livestock existing upon the dissolution of the partnership in excess of the number of each kind brought to the marriage by either spouse; and
- (7) Those which are acquired by chance, such as winnings from gambling or betting. However, losses therefrom shall be borne exclusively by the loser-spouse. (Article 117, Family Code of the Philippines)

Prior to the enactment of the Family Code of the Philippines in 1987, when there is no marriage settlement between the spouses, their property relations are covered by the rules on conjugal partnership of gains.

- j. If the spouse of the declarant is a public officer or employee, but who chose to separately file his/her SALN, his/her paraphernal or capital properties shall not be included in the computation of the declarant's net worth.
- k. In case of joint filing, the total assets of the spouses shall include their respective paraphernal or capital properties.

1. In case of joint filing, the declarant's total net worth and that of his/her spouse shall be the difference between the total assets (real and personal properties) less the total liabilities.

4. FINANCIAL CONNECTIONS AND BUSINESS INTERESTS

- a. The declarant, including that of his/her spouse and unmarried children below eighteen (18) years of age living in declarant's household, shall declare their existing interest or connection in any business enterprise or entity, aside from income from government. They shall also indicate the business address, nature of business interest and/or financial connection, and date of acquisition of interest or connection.
- b. In case there are no existing business interests and financial connections in any business enterprise or entity, the declarant shall tick off the appropriate box in the form.
- c. Business interests refer to declarant's existing interest in any business enterprise or entity, aside from his/her income from government, which shall also include those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.
- d. Financial connections refer to declarant's existing connections with any business enterprise or entity, whether as a consultant, adviser and the like, with an expectation of remuneration for services rendered, including those of his/her spouse and unmarried children below eighteen (18) years of age living in his/her household.
- e. Nature of business interest and/or financial connection refers to existing interest or connection in any business enterprise, whether as proprietor, investor, promoter, partner, shareholder, officer, managing director, executive, creditor, lawyer, legal consultant or adviser, financial or business consultant, and the like.

5. RELATIVES IN THE GOVERNMENT

- a. The declarant shall disclose his/her relatives in the government within the 4th civil degree of relationship, either by consanguinity or affinity. The disclosure shall also state his/her relationship with the relative, the position of the relative as well as the name of office/agency and address.

- b. In case the declarant and his/her spouse jointly file their SAIN, they shall indicate all their relatives within the fourth civil degree, either by consanguinity or affinity, and shall include the above-mentioned information.
- c. In case the declarant has no relatives in the government within the 4th civil degree of relationship, either by consanguinity or affinity, including *bilas*, *inso* and *balae*, the declarant shall tick off the appropriate box in the form.
- d. Affinity refers to the relationship of a husband to the blood relatives of his wife, or a wife to the blood relatives of her husband.
- e. Consanguinity refers to the relationship by blood from the same stock or common ancestor.
- f. Relatives in the government refer to the declarant's relatives up to the 4th civil degree of relationship, either by consanguinity or affinity, including *bilas*, *inso* and *balae*.¹

Relatives in the first degree of consanguinity include the declarant's father, mother, son and daughter. Relatives in the first degree of affinity include the declarant's father-in-law and mother-in-law.

Relatives in the second degree of consanguinity include the declarant's brother, sister, grandmother, grandfather, grandson and granddaughter. Relatives in the second degree of affinity include the declarant's brother-in-law, sister-in-law, grandmother-in-law, grandfather-in-law, granddaughter-in-law and grandson-in-law.

Relatives in the third degree of consanguinity include the declarant's nephew, niece, uncle and aunt. Relatives in the third degree of affinity include declarant's nephew-in-law, niece-in-law, uncle-in-law, auntie-in-law.

Relatives in the fourth degree of consanguinity include the declarant's first cousin.

- g. *Balae* refers to a parent of the declarant's son-in-law or daughter-in-law.

- h. *Bilas* refers to a declarant's brother-in-law's wife or sister-in-law's husband.
- i. *Inso* refers to the appellation for the wife of an elder brother or male cousin.²

6. OTHER MATTERS

- a. In order to prevent unauthorized insertions or pulling out of pages, pagination shall read as page 1 of number of pages, page 2 of number of pages, and so on.
- b. In case of joint filing, the declarant and his/her spouse shall sign in the spaces provided for just below the certification.
- c. If the spouse is not a public officer or employee, the declarant shall still cause him/her to sign the SALN.
- d. In case of non-compliance with the signature of the spouse, an explanation should be attached to the SALN Form for such non-compliance.
- e. The heads of agencies can delegate the authority to administer oath with regard to the SALN Form. The authority to administer oath must be in writing.
- f. Head of agency shall include the head of office and/or the head of regional offices of such agency/office.
- g. The declarant is strictly required to fill all applicable information in the SALN form. Otherwise, such items should be marked with "N/A" or "not applicable."
- h. Filling up of the form may be handwritten, computerized or typewritten provided the signature of the declarant is original. The declarant is required to write legibly if he chose to fill up the form by handwriting.
- i. Additional sheets may be used, if necessary. The additional sheet shall indicate the name of the declarant, his/her position and agency

name, the year covered by the SALN, and which shall be signed on each page.

- j. No unnecessary markings shall be made on the form.

7. REVIEW AND COMPLIANCE COMMITTEE

For purposes of the submission of the new SALN Form for the year 2012, the Review and Compliance Procedure in the Filing and Submission of the Statement of Assets, Liabilities and Net Worth (SALN) and Disclosure of Business Interests and Financial Connections (CSC Memorandum Circular No. 10, s. 2006), as amended, shall be applied by the government agencies and offices.

8. SANCTION

1. *Public Officials and Employees.* Any of the following acts shall constitute a violation of Section 8 of R.A. No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees, and shall be punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense:

1. Failure of an official or employee to submit his/her SALN; and
2. Failure to disclose or misdeclaration of any asset, liability, business interest, financial connection, and relative in the government in his/her SALN.

2. *Head of Agency.* Any head of agency who shall fail to comply with CSC Memorandum Circular No. 10, s. 2006, in relation to the Review and Compliance Procedure in the Filing and Submission of the SALN Form shall be liable for Simple Neglect of Duty, which shall be punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.

9. REPEALING CLAUSE

All previous issuances pertaining to the SALN Form and its guidelines are hereby expressly repealed.

10. PUBLICATION/EFFECTIVITY

These Guidelines shall be prospective in application and shall take effect after fifteen (15) days from its publication in a newspaper of general circulation.



Republic of the Philippines
Department of the Interior and Local Government
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
Camp Crame, Quezon City

MEMORANDUM

TO : RDs, PROs
Ds, NSUs

FROM : TDPRM

SUBJECT : *Filing of Sworn Statement of Assets, Liabilities and Networth and Disclosure of Business Interests and Financial Connections (SALN & DBIFC)*

DATE : January 18, 2013

1. References:

a. Civil Service Commission Memorandum Circular No. 5,s.2010 dated February 18, 2010, subject: *"Use of the 1994 Statement of Assets, Liabilities and Networth (SALN) Form for the Year 2009"*, and

b. Civil Service Commission Resolution No. 100266 dated February 16, 2010, re: *"Filing and Submission of Statement of Assets, Liabilities and Networth"*.

2. In view of the above references, please be reminded on the following guidelines and procedures on the filing of sworn statement, to wit:

a. The SALN Form (Revised 1994) shall be accomplished in triplicate copies.

b. The original and duplicate shall be submitted to the Admin/ Personnel Officers of your respective units/offices not later than **April 30, 2013**.

c. Upon receiving the SALN forms, the Personnel/ Administrative Officer shall evaluate the same to determine whether said statements have been properly accomplished. The SALN is deemed properly accomplished when all applicable information or details required therein are provided by the filer. Items not applicable to the filer should be marked N/A (not applicable); and

d. Transmittal of all submitted SALN to the concerned Division of this Directorate:

1) Personnel assigned at the National Headquarters and National Support Units

a) The consolidated original copies of SALN (alphabetically arranged but not bound) shall be submitted to Personnel Plans and Policies Division (PPPD) with alphabetical list of filers (soft and hard copies) prepared in MS Excel, which shall include the following data: the name of the personnel, tax identification number (TIN), position and networth (*Inlc "D"*) NLT May 30, 2013 for subsequent submission to the Integrated Records Management Office (IRMO), Civil Service Commission, Constitution Hills, Batasan Complex, Diliman, Quezon City on or before June 30, 2013; and

b) The duplicate copies of the SALN shall be submitted (alphabetically arranged) to the Records Management Division (RMD) bound with cover with alphabetical list of filers indicated in the table of contents.

2) Personnel assigned in the Police Regional Offices

a) The consolidated original copies of SALN shall be submitted to the Office of the Deputy Ombudsman in their respective regions on or before June 30, 2013; and

b) Relatedly, the consolidated duplicate copies (bound) of SALN shall likewise be submitted to DPRM (Attn: RMD) for safekeeping and record purposes.

3. Finally, part of the recommendation of the Presidential Anti-Graft Commission (PAGC) as one of the anti-corruption measure in the Integrated Development Action Plan (IDAP) and Integrated Development Review is for the submission of Income Tax Return (ITR) as an attachment to the SALN & DBFIC. Hence, the Income Tax Return (ITR) shall be attached to the SALN & DBFIC to be submitted to this Directorate (Attn: RMD).

4. For strict compliance, guidance and widest dissemination.


CATALINO S CUY, CEO VI
Police Director

Copy furnished:

Comd Group
D-Staff
IAS



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

APR 29 2013

COMMAND MEMORANDUM CIRCULAR
NO. 19-2013

SUBJECT: PNP Review and Compliance Committees (RCC) and Policy Guidelines and Procedures on Accomplished Statement of Assets, Liabilities and Networth Forms

1. REFERENCES:

- a. Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No 6713);
- b. CSC Issued Guidelines in the Filing out of SALN Form;
- c. CSC Memorandum Circular No. 10 s 2006 re Review and Compliance Procedure in the Filing and Submission of the Statement of Assets, Liabilities and Networth and Disclosure of Business Interests and Financial Connections; and
- d. Memorandum from DOJ Secretary Lito M. De Lima dated February 20, 2013, re- Creation of Review and Compliance Committee and Crafting of a Review and Compliance Procedure.

2. PURPOSE:

This Command Memorandum Circular (CMC) shall provide guidelines to the PNP Review and Compliance Committees (RCCs) of all NHQ-based offices/units, Regional, Provincial and City Police Offices. It delegates to all PNP RCCs the tasks to disseminate the proper filling out of SALN form, and to review and evaluate the submitted/accomplished SALN forms of PNP personnel

3. SCOPE:

This Command Memorandum Circular (CMC) shall apply to all PNP Review and Compliance Committees, to ensure full and proper compliance in the review and compilation of accomplished SALN forms prior to the submission of all consolidated accomplished SALN forms to the Regional Office of the Deputy Ombudsman and to the Office of the Civil Service Commission (CSC) NLT May 30 of every year.

4. SITUATION:

With the issuance of new set of guidelines on the filing out of SALN form and in strict compliance with CSC Resolution No 060231 dated February 1, 2006, specifically on the amendment of Rule VIII of the Rules Implementing the Code of Conduct and Ethical Standards for Public Official and Employees, the PNP shall create a Review and Compliance Committee and shall formulate policy procedures and guidelines that shall adequately respond to the requirements set by the Civil Service Commission through the Department of Justice.

The Chief, PNP has approved the activation of NHQ PNP Review and Compliance Committee (RCC) on March 10, 2013 as PNP's compliance with the DOJ's re-creation of RCCs that shall spearhead the review and evaluation of accomplished SALN forms of PNP personnel.

5. POLICY GUIDELINES and PROCEDURES:

In compliance with CSC MC No. 10 s 2006 and CSC Resolution No. 060231, the PNP RCCs shall ensure the prompt compliance of all PNP personnel on the filling out and submission of SALN and disclosure of business interests and financial connections. To achieve this end, an RCC shall be likewise created in the National Support Units (NSUs), Police Regional Offices, District Police Offices, Police Provincial and City Police Offices. The RCCs shall conduct thorough review of all accomplished SALN forms submitted by all PNP personnel under their jurisdictions. Each RCC shall review and check prompt submission of all submitted and accomplished SALN forms for consolidation and proper disposition of the same. The following are the guidelines and procedures for the RCCs:

- a. Conduct intensified information dissemination on the CSC Guidelines in the Proper Filling Out of the Statement of Assets, Liabilities and Net Worth (SALN) Form of PNP personnel;
- b. Review and evaluate submitted and accomplished SALN forms of all PNP personnel prior to consolidation/submission of the same to the Regional Office of the Deputy Ombudsman for Police Regional Offices and to the CSC for NHQ-based Police Offices/Units and NSUs;
- c. During and after the review and evaluation of the submitted/accomplished SALN forms, concerned RCC shall issue a show-cause order requiring those who have incomplete data in their SALN to correct/supply the desired information. Same order shall likewise be issued to those who did not file/submit their SALN to comply within a non-extendable period of three (3) days from receipt of such order;
- d. For disciplinary action, RCC shall file an administrative case against those PNP personnel under its jurisdiction who failed to submit/correct his/her SALN in accordance with the provisions of CSC MC No. 10 s 2006 as amended, CSC Resolution No. 060231 and Section 8 of RA 6/13;
- e. RCCs of Provincial and City Police Offices (after review and evaluation of submitted SALN forms from their lower offices/units) shall submit their consolidated/accomplished SALN forms with alpha-lists of PNP personnel to their respective Regional RCCs;
- f. RCCs of District Police Offices (after review and evaluation of submitted SALN forms from their lower units/stations) shall submit their consolidated/accomplished SALN forms with alpha-lists of PNP personnel to their Regional RCCs (NCRPO);
- g. RCCs of Police Regional Offices (after review and evaluation of consolidated/submitted SALN forms) shall submit the same with alpha-lists to the Regional Office of the Deputy Ombudsman on the desired/required date. The said alpha-lists (photo copied), with official receipt from the Office of the Deputy Ombudsman, shall be submitted to NHQ RCC Secretariat (Attn: PPPD, DPRM), for consolidation and future references; and
- h. RCCs of NSUs (after review and evaluation of consolidated/submitted SALN forms) shall submit one (1) copy of consolidated/accomplished

SALN form to PPPD, DPRM (Attn: NHQ RCC Secretariat), for consolidation prior to the submission of consolidated SALN forms to the Office of the CSC. Another two (2) copies of consolidated SALN forms, one (1) bound copy and one (1) loose copy, shall be submitted to the Records Management Division (RMD) DPRM, for safekeeping and scanning purposes, respectively.

6. EXECUTION:

a. Tasks:

- 1) TCDS – Act as the Chairman of NHQ PNP Review and Compliance Committee and shall monitor the proper implementation of this CMC.
- 2) TDPRM:
 - a) Assist the Chairman of NHQ PNP RCC in the implementation of this CMC; and
 - b) Issue appropriate orders to the members of RCCs from the NSUs as requested.
- 3) Command Group, D-Staff, P-Staff and Special Staff - Direct your Administrative Officer to check/review and evaluate all submitted/accomplished SALN forms. One (1) loose copy of consolidated SALN forms shall be submitted to PPPD, DPRM (attn: RCC Secretariat). Another two (2) consolidated copies (1 bound and 1 loose) shall be submitted to RMD, DPRM for safe keeping and scanning purposes.
- 4) Dir, NSUs
 - a) Activate RCC with your Chief of Staff as Chairman and selected Staff Officers as members.
 - b) Monitor your RCC and ensure full compliance to this CMC, and
 - c) Perform other tasks as directed.
- 5) RDs, PROs
 - a) Activate your RCC with your RCDS as Chairman and selected Staff Officers as members.
 - b) Monitor and ensure full compliance to this CMC, and
 - c) Perform other tasks as directed.
- 6) PDs, PPO/CPOs
 - a) Activate your RCC with your Deputy for Administration as Chairman and selected Staff Officers as members.
 - b) Monitor and ensure full compliance to this CMC; and
 - c) Perform other tasks as directed.

7) Director, District Police Offices.

- a) Activate your RCC with your Deputy for Administration as Chairman and other Staff Officers as members;
- b) Monitor and ensure full compliance to this CMC; and
- c) Perform other tasks as directed.

h. Operational Guidelines:

All PNP members are enjoined to file their respective SALN with all the disclosures of business interests and financial connections on or before April 15 of every year to their respective Administrative Officers/RCCs for review, consolidation and submission to higher authority. The following are the basic operational guidelines for the implementation of this CMC:

- 1) Command Group and Directorates - designated Administrative Officer shall administer the SALN of your respective personnel, consolidate and submit the same to PPPD, DPRM (attn: RCC Secretariat) for the conduct of separate review and evaluation;
- 2) NSUs - Administrative Officer shall administer the SALN of your respective personnel, consolidate and submit the same to your RCC for review and evaluation prior to submission to PPPD, DPRM (attn: RCC Secretariat) and RMD;
- 3) PROs - Chief Regional Personnel and Human Resource Development Division (RPHRDD) shall administer the SALN of your respective personnel, consolidate and submit the same to your RCC for review and evaluation prior to submission to the Regional Office of the Deputy Ombudsman in your area;
- 4) PPOs/CPOs - Chief Provincial Personnel and Human Resource Branch/Section (PPHRDD) shall administer the SALN of your respective personnel, consolidate and submit the same to your respective RCC for review and evaluation prior to submission to PROs/Regional RCC;
- 5) MPOs/CPSe - Chief Administrative Officer shall administer the SALN of your respective personnel, consolidate and submit the same to your Provincial/City RCC for review and evaluation; and
- 6) District Police Offices - Chief District Personnel Management Unit (DPMU) shall administer the SALN of your respective personnel, consolidate and submit the same to your Regional RCC for review and evaluation.

c. Coordinating Instruction:

- 1) Delegation of Authority - The Chief, PNP hereby delegates his authority to all RCCs to fully implement this CMC, to disseminate the proper filling out of SALN form, and to evaluate the submitted/accomplished SALN forms of PNP personnel;
- 2) All Administrative Officers (R1, D1 and S1) of the Command Group, Directorates, P-Staff, NSUs, Regional, Provincial, City, District, Municipal Police Offices/Units to include RPSBs and PPSCs are

hereby authorized to administer all the SALN of personnel under their jurisdictions;

- 3) Disclosure of SALN to Third Party: Whenever a third party requests for a copy of the SALN Form of the declarant, a written request together with court order shall be presented or a written consent of the declarant shall be submitted before the Office of the CPNP. Further, the PNP has the option to shade the declarant's address for purposes of security.
- 4) Directors, NSUs and PROs (to include District Police Offices of NCRPO) shall immediately submit to PPPD, DPRM (attn: RCC Secretariat) the copies of your RCC Activation Orders with designation of the Chairman and the other members of your respective RCC, and
- 5) Chairmen, RCCs are hereby authorized to create its own RCC Secretariat with enough manpower compliments who shall assist in the review and evaluation of accomplished/submitted SALN Forms.

7. ADMINISTRATIVE AND CRIMINAL SANCTIONS:

Failure to submit/correct the SALN in accordance with this CMC within the given period pursuant to the directive in Section 3 of CSC Resolution No. 060231 shall be a ground for disciplinary action. The Head of Office shall issue a show-cause order directing the official or employee concerned to submit his/her comment or counter-affidavit and if evidence so warrants, proceed with the conduct of the administrative proceedings pursuant to Rule 10, Section 46 D (8) of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) under CSC Resolution No. 1101502.

8. SANCTIONS (with reference to CSC guidelines and resolutions re-filing out of SALN form and for failure to comply as regard to show-cause order):

Within the legal process, **PNP officials and personnel** who failed to submit his/her SALN and who failed to disclose or misdeclared any of his/her asset, liability, business interest, financial connection and relative in the government shall be suspended for one (1) month and one (1) day to six (6) months for the first offense or shall be dismissed from the service for the second offense.

9. RECISSION:

All existing directives and other issuances which are contrary to or inconsistent with this directive are hereby rescinded or modified accordingly.

10. EFFECTIVITY:

This Circular shall take effect immediately.



ALAN LA MADRID PURISIMA
Police Director General
Chief, PNP

DISTRIBUTION:

Command Group
D-Staff/DIPOs
P-Staff
Ops, NCIC
KDS, PROS
DDs, NCRPO



5053303

XIII. Substituted Filing of Income Tax Return (ITR)

Substituted Filing is when the employer's Annual Information Return of Income Taxes Withheld on Compensation and Final Withholding Taxes (BIR Form No. 1604-CF) submitted to the BIR on or before January 31st of the succeeding calendar year maybe considered as the "substitute" Income Tax Return (ITR) of employee as long as the information provided by the employee in his/her Income Tax Return (BIR Form No. 1700) is exactly the same information contained in the employer's annual return (BIR Form No. 1604-CF) and Alpha List.

A. Legal Basis:

Revenue Regulations No. 3-2002 dated March 22, 2002, Amending Section 2.58 and Further Amending Section 2.83 of Revenue Regulations No. 2.98 as Amended, Relative to the Submission of the Alphabetical Lists of Employees/Payees in Diskette Form and the Substituted Filing of Income Tax Returns of Payees/Employees Receiving Purely Compensation Income from Only One Employer for One Taxable Year Whose Compensation Income is Subject to Final Withholding Tax;

Revenue Regulations No. 19-2002 dated October 11, 2002, Amending Revenue Regulations No. 3-2002 and Further Amending Section 2.83 of Revenue Regulations No. 2-98 as Amended, Relative to Substituted Filing of Income Tax Return of Employees Receiving Purely Compensation Income from Only One Employer for One Taxable Year Whose Tax Due is Equal to Tax Withheld and Individual-payees Whose Compensation Income is Subject to Final Withholding Tax; and

Revenue Memorandum Circular No. 1-2003 dated December 27, 2002, Clarifying Certain Provisions of Revenue Regulations No. 3-2002 as Amended by Revenue Regulations No. 19-2002 Amending Section 2.83 of RR 2-98 in relation to the Substituted Filing of Income Tax Returns of Qualified Pure Compensation Income Earners.

B. Policy Requirement/Compliance:

Steps in Substituted Filing:

1. The employee concerned should sign the substituted filing signature box of BIR Form No. 2316 item no. 59;
2. Sign also at the top of their name;
3. Submit to it the Withholding Tax Section for signature of the Chief Revenue & Collection Division;

**for Regional Offices:* Submit it to the Regional Finance Office for signature.

4. Two Copies of BIR Form No. 2316 will be returned to the concerned personnel and one copy will be retained by the employer for a period of three years as required under the National Internal Revenue Code (NIRC).

Can an employee file an ITR even if he/she is qualified for substituted filing?

No. For taxable year 2002 and beyond, substituted filing is mandatory for qualified employee.

The PNP personnel who is not qualified for substitute filing, he/she is required by law to file his/her ITR together with his/her BIR Form No. 2316.

BIR Forms

BIR Form No. 1700 - ITR (Income Tax Return)

BIR Form No. 2316 - W2 (Certificate of Compensation Payment/Tax Withheld)

BIR Form No. 1604-CF – Annual Information Return of Income Taxes Withheld on Compensation and Final Withholding Taxes (Supported by Alpha List of Employees)

C. Scope/Coverage:

Who are qualified under substituted filing of BIR Form No. 1700?

1. The employee receives purely compensation income (regardless of amount) during the taxable year.
2. The employee receives the income from one employer in the Philippines during the taxable year.
3. The amount of tax due from the employee at the end of the year equals the amount of tax withheld by the employer.
4. The employee's spouse also complies with all three conditions stated above.
5. The employer files the annual information return (BIR Form No. 1604-CF)
The employer issues BIR Form No. 2316 (Oct 2002 ENCS) version to each employee.

Who are not qualified under substituted filing of BIR Form No. 1700?

1. Individuals deriving compensation income from two or more employers, concurrently or successively at anytime during the taxable year.
2. Employees deriving compensation income, regardless of amount, whether from a single or several employers during the calendar year, the

income tax of which has not been withheld correctly (i.e. tax due is not equal to the tax withheld) resulting to a collectible or refundable return.

3. Employees whose monthly gross compensation income does not exceed Five Thousand Pesos (P5,000.00) or the statutory minimum wage, whichever is higher, and opted for non-withholding of tax on said income.
4. Individuals deriving other non-business, non-profession-related income in addition to compensation not otherwise subject to final tax.
5. Individuals deriving purely compensation income from a single employer, although the income of which has been correctly subjected to withholding tax, but whose spouse is not entitled to substituted filing.
6. Non-resident aliens engaged in trade or business in the Philippines deriving purely compensation income or compensation income and other business or profession related income.

WITHHOLDING TAX

When to update your tax exemptions?

- Change of Civil Status
 - Claiming for additional tax exemption
 - Execution of the "Waiver to Claim Additional Exemption" by the husband
 - Revocation of the previously executed "waiver to claim the Additional Exemption" by the husband.
 - Declaration of qualified dependent/s as physically or mentally incapacitated
 - Decrease in exemption: death of dependent/s
- ### How to update your tax exemptions?
- Complete fill-out **BR Form 2305** (Certificate of Update of Exemption and of Employer's and Employee's Information) in triplicate (3 copies)
 - Attach the necessary documents
 - Sign the Taxpayer's signature over the Printed Name portion
 - Have your BR Form 2305 signed by your Finance Officer or Administrative Officer in your respective unit/location.
 - Submit the duly accomplished BR form 2305 (3 copies) with the attached documents only to the:
 - a. Regional Finance Office or
 - b. Withholding Tax Section Finance Service, Camp Crame -- either by mail or walk-in

Note: Do not update directly with any **BLR EDO's**, only with your employer. *The PNP*

Mailing Address: NUP Arlene P. Tugonon
Withholding Tax Section
PNP Finance Service
Camp Crame, QC

Contact Nos. 05491937334, 723-0481 local 5438
Howdays: Mon-Fri (except holidays)
Office Hours: 8am-5pm

BR Form 2305 dated Jan. 30, 2010

File: General Updating of PNP Personnel Tax Exemptions

Purpose:

1. To effectively and correctly deduct the withholding tax of PNP Uniformed & Non-Uniformed personnel
2. To ensure that tax due equals tax withheld
3. To ensure convenience of no longer filing of Income Tax Returns (under substantiated filing)
4. To improve tax collection

General Rules:

- I. Per BR Form 2305: Husband is the proper claimant of dependent/s
Except: (Wherein Wife can claim the additional tax exemption)
 - a. Husband is unemployed
Attached: Affidavit of No-Income executed by the husband
Termination/Dismissal Order
 - b. Husband is working Abroad OFW
Attached: Employment Certificate of the Husband
 - c. Legally Separated or Annulled
 - d. Husband died
- II. For children born out-of-wedlock (illegitimate children):
Mother is the proper claimant of dependent/s
Except: (Wherein the father can claim the additional tax exemption)
 - a. Mother is unemployed
Attached: Affidavit of No-Income executed by the mother
Termination/Dismissal Order
 - b. Mother is a Minimum Wage Earner
Attached: Certificate of Compensation from the mother
 - c. Mother is not claiming the child/children for her additional tax exemption
Attached: Latest BR Form 2318, Certificate of Compensation Payment to (Wife/HW) of the mother
Most important, the name of the father appears in the Birth Certificate of the Child (Duly Acknowledged by the Father)
- III. By Virtue of Marriage the husband can claim the additional exemption of the child/children of his wife from previous relationships
- IV. Only one spouse can claim the additional tax exemption (dependent/s), either the husband or the wife.
- V. Child/Children where the only qualified dependent/s in claiming additional tax exemptions, who is/are:
 1. below 21 years of age
 2. living with the taxpayer
 3. wholly dependent on the taxpayer (not partially employed)
 4. unmarried
- VI. Declaration of qualified dependent/s should be done within 15 days after birth of the child/children.

DOCUMENTS TO BE ATTACHED

1. Change of Civil Status
 - A. Single to Married
 - 3 Photocopies of Marriage Contract/Certificate
 - B. Married to Widow/Widower
 - 3 Photocopies of Death Certificate of the deceased spouse
 - C. Married to Single (Legally Separated or Annulled)
 - 3 Photocopies of Certificate of Finality of the Separation or Annulment
2. Claiming for additional tax exemption (children only)
 - 1 original Birth Certificate of each qualified dependent/s (either NSO copy or duly authenticated by the Civil/Municipal Registrar Office where the child was born)
 - 2 photocopies of the Birth Certificate of each qualified dependent/s
 - For Adopted child/children:
 - 3 photocopies of the adoption paper of the child/children
3. Execution of the "Waiver to Claim Additional Exemption" by the husband
 - 3 original copies of the duly filled-up Waiver Form (Waiver to Claim Additional Exemption), duly signed by the husband and by the husband's employer, and also by the wife's employer
4. Revocation of the previously executed "Waiver to Claim the Additional Exemption" by the husband
 - 3 original copies of the duly notarized Revocation of Waiver to claim additional exemption
5. Declaration of qualified dependent/s as physically or mentally incapacitated
 - 3 photocopies of Medical Certificate of the child/children who is/are physically or mentally incapacitated, regardless of age
6. Decrease in exemption: death of a qualified dependent
 - 3 photocopies of death certificate of the deceased dependent

IX. Filing of Leave of Absence for all PNP Personnel

A. Legal Basis : PNP Circular No. 2002-009 dated May 21, 2002

B. Policy Requirement/Compliance:

1. PNP personnel, whether permanent or temporary, who render work during the prescribed office hours shall, after one year of continuous, faithful, and satisfactory service, be entitled to 15 days vacation and 15 days sick leave with full pay, exclusive of Saturdays, Sundays, and public holidays.
2. Vacation and sick leaves shall be cumulative and any part thereof, which may not be taken within the calendar year in which earned, may be carried over the succeeding year. Whenever any PNP personnel retires or voluntarily resigns, or is allowed to resign or be separated from the service through no fault of his own, shall be entitled to the commutation of all the accumulated vacation/sick leaves to his/her credit provided his/her leave benefits are not covered by special law.
3. Uniformed PNP personnel are only allowed 30 days vacation leave in a year excluding Saturdays, Sundays, and Holidays regardless of the number of accumulated leave credits.
4. PNP personnel shall be required to go on vacation leave for a minimum of five working days annually which need not be successive (mandatory leave). The annual five days mandatory vacation leave shall be forfeited if not taken during the year. However, in cases where the scheduled leave has been cancelled in the exigency of the service by the head of office/unit, the scheduled leave shall no longer be deducted from the total accumulated vacation leave.
5. PNP personnel who are absent for at least 30 days without approved leave are considered on Absence Without Official Leave (AWOL) and shall be dropped from the service after due notice.
6. Leave without pay not exceeding one year may be granted in addition to the vacation and/or sick leave earned. Leave without pay shall not be granted whenever a personnel has leave with pay to his/her credit, except in the case of secondment.
7. Married women in the PNP who have rendered two years or more of continuous service shall, in addition to the vacation and sick leaves granted to them, be entitled to maternity leave of 60 days including Saturdays, Sundays and holidays with full pay.

8. Married men in the PNP are entitled to seven days paternity leave excluding Saturdays, Sundays and holidays, in addition to the vacation and sick leave granted to them.
9. All travels abroad for purposes of training, education, study grant observation, tour, seminar, and the like arising from personal invitations from foreign agencies or/are sponsored by the host organization, company, university, and other private agencies or individuals shall be treated as a personal leave/undertaking of the personnel concerned and should not involve any government or PNP funds, whatsoever. However any travel relative to the invitation shall still be in government expense by way of his/her leave with pay.
10. Study leave for the purpose of taking professional examinations such as Bar Exams, Medical Board Exams, etc. should be availed only once and not on a continuing basis until the personnel concerned passes the examination.
11. The mere filing of an application for leave does not entitle the personnel concerned to immediately go on leave. Any personnel who absent himself from work without an approved leave shall be marked AWOL and be dropped from the rolls or be administratively charged for neglect of duty.
12. All applications for leave save in cases of sick or maternity leaves, should reach the approving authority before the effective date of leave. Otherwise, it shall be considered disapproved and shall be returned to the applicant without prejudice to any disciplinary action against those who may be responsible for the delay of its processing.

C. Scope/Coverage:

This Circular shall apply to all PNP personnel of the Philippine National Police. It lays out the guidelines and procedures in the entitlement and availability of the different kinds of leaves granted to PNP personnel under existing rules and regulations.



Republic of the Philippines
Department of the Interior and Local Government
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

May 21, 2002

CIRCULAR
No. 2002-009

SUBJECT: REVISED GUIDELINES IN THE FILING OF LEAVE OF ABSENCE FOR ALL PNP PERSONNEL

I. REFERENCES:

- a. Rule XVI, Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws;
- b. CSC Memorandum Circular No. 41, s. 1998, subject: Amendment to Rules I and XVI of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order 292);
- c. NAPOLCOM Resolution No. 99-036 dated March 9, 1999, entitled, "Limiting to Thirty (30) Days the Grant of Vacation Leave for PNP Uniformed Personnel;
- d. GHQ, PNP Implementing Guidelines for Leave of Absence dated May 24, 1994;
- e. PNP Circular No. 2000-005, subject: Guidelines and Procedures in the Grant of Study Leave on Official Time and Financial Assistance for PNP Personnel for Purposes of Taking Review Classes for Bar/Board Examinations;
- f. DPKM Memo dated May 17, 2001, subject: Vacation Leave;
- g. PNP Circular No. 2000-005, subject: Guidelines and Procedures in the Grant of Study Leave on Official Time and Financial Assistance for PNP Personnel for Purposes of Taking Review Classes for Bar Examinations.

II. SCOPE/COVERAGE:

This Circular shall apply to all personnel of the Philippine National Police. It lays out the guidelines and procedures in the entitlement and availability of the different kinds of leaves granted to PNP personnel under existing rules and regulations.

III. OBJECTIVES:

- a. Establish a system in the application of leaves of absence for all PNP personnel.
- b. Provide a policy for earning leave credits for all types of leaves of absence for all PNP personnel.

IV. DEFINITION OF TERMS:

PNP Personnel - Uniformed and Non-uniformed members of PNP

Leave of Absence - right granted to personnel not to report for work with or without pay as may be provided by law and as the rules prescribe in Rule XVI of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order 292).

Commutation of Leave Credits - conversion of unused leave credits to their corresponding money value.

Cummulation of Leave Credits - incremental acquisition of leave credits by an official or employee.

Immediate Family - spouse, children, parents, unmarried brothers and sisters and any relative living under the same roof and dependent upon the employee for support.

Sick Leave - leave of absence granted only on account of sickness or disability on the part of the employce concerned or any member of his immediate family.

Vacation Leave - leave of absence granted to personnel for personal reasons, the approval of which is contingent upon the necessity of the service.

Pregnancy - the period between conception and delivery of birth of a child. For purposes of maternity leave, miscarriage is within the period of pregnancy.

Maternity Leave - leave of absence granted to female government employees legally entitled thereto in addition to vacation and sick leave. The primary intent or purpose of granting maternity leave is to extend working mothers some measures of financial help and to provide her a period of rest and recuperation in connection with her pregnancy.

Paternity Leave - privilege granted to a married male employee allowing him not to report for work for seven (7) days while continuing to earn the compensation thereto, on the condition that his legitimate spouse has delivered a child or suffered a miscarriage, for purposes of enabling him to effectively lend care and support to his wife before, during, and after childbirth as the case may be and assist in caring for his new-born child.

Terminal Leave - money value of the total accumulated leave credits of an employee based on the highest salary rate received prior to or upon retirement date/voluntary separation.

Special Leave Privileges - leave of absence which personnel may avail for a maximum of three (3) days annually over and above the vacation, sick, maternity and paternity leaves to mark personal milestones and/or attend to filial and domestic responsibilities.

Study Leave - leave of absence granted to personnel for the acquisition of or to broaden knowledge and improve skills.

Reviewee - any PNP personnel who is a graduate of Bachelor of Laws or other courses requiring the passing of the Board such as criminology, nursing, dentistry, accountancy, etc. who desires to take the Bar/Board examinations.

Official Time - means a personnel is allowed to attend review classes during office hours or working days on a full-time basis and shall be freed from all duties and responsibilities, yet shall be entitled to all benefits (i.e. salary, allowances, incentives), and whose leave shall not be deducted from his/her leave credits.

Review period - maximum of six (6) months for bar and three (3) months for board examinations.

Relocation Leave - a special leave privilege granted to an official/employee whenever he/she transfers residence or to a new place of assignment.

V. GENERAL GUIDELINES:

- a. PNP personnel, whether permanent or temporary, who render work during the prescribed office hours shall, after one (1) year of continuous, faithful, and satisfactory service, be entitled to 15 days vacation and 15 days sick leave with full pay, exclusive of Saturdays, Sundays, and public holidays.
- b. Vacation and sick leaves shall be cumulative and any part thereof, which may not be taken within the calendar year in which earned, may be carried over the succeeding year. Whenever any PNP personnel retires or voluntarily resigns, or is allowed to resign or be separated from the service through no fault of his own, shall be entitled to the commutation of all the accumulated vacation/sick leaves to his credit provided his leave benefits are not covered by special law.
- c. Uniformed PNP personnel are only allowed thirty (30) days vacation leave in a year excluding Saturdays, Sundays, and Holidays regardless of the number of accumulated leave credits.
- d. PNP personnel shall be required to go on vacation leave for a minimum of five (5) working days annually which need not be successive (mandatory leave). The annual five (5) days mandatory vacation leave shall be forfeited if not taken during the year. However, in cases where the scheduled leave has been cancelled in the exigency of the service by the head of office/unit, the scheduled leave shall no longer be deducted from the total accumulated vacation leave.
- e. PNP personnel who are absent for at least thirty (30) days without approved leave are considered on Absence Without Official Leave (AWOL) and shall be dropped from the service after due notice.
- f. Leave without pay not exceeding one year may be granted in addition to the vacation and/or sick leave earned. Leave without pay shall not be granted whenever a personnel has leave with pay to his/her credit, except in the case of secondment.

- g. Married women in the PNP who have rendered two years or more of continuous service shall, in addition to the vacation and sick leaves granted to them, be entitled to maternity leave of sixty (60) days including Saturdays, Sundays, and holidays with full pay.
- h. Married men in the PNP are entitled to seven (7) days paternity leave excluding Saturdays, Sundays, and Holidays, in addition to the vacation and sick leave granted to them.
- i. All travels abroad for purposes of training, education, study grant observation tour, seminar, and the like arising from personal invitations from foreign agencies or/are sponsored by the host organization, company, university, and other private agencies or individuals shall be treated as a personal leave/undertaking of the personnel concerned and should not involve any government or PNP funds, whatsoever. However, any travel relative to the invitation shall still be on government expense by way of his leave with pay. As such, the personnel concerned shall be covered by existing regulations on additional contractual service with the government (PNP MC No 99-002 dated January 29, 1999).
- j. Study leave for the purpose of taking professional examinations such as Bar Exams, Medical Board Exams, , etc., should be availed only once and not on a continuing basis until the personnel concerned passes the examination.
- k. The mere filing of an application for leave does not entitle the personnel concerned to immediately go on leave. Any personnel who absents himself from work without an approved leave shall be marked AWOL and be dropped from the rolls or be administratively charged for neglect of duty.
- l. All applications for leave, save in cases of sick or maternity leaves, should reach the approving authority before the effective date of the leave. Otherwise, it shall be considered disapproved and shall be returned to the applicant without prejudice to any disciplinary action against those who may be responsible for the delay of its processing.

VI. LEAVE GRANTED TO PNP PERSONNEL AND CONDITIONS ATTACHED THERETO

Leave of absence is generally defined as a right granted to personnel not to report for work as may be provided by law.

The following are the types of leaves granted to PNP personnel:

A. VACATION LEAVE

- 1. Leave of absence of personnel for personal reasons, the approval of which is contingent upon the necessity of the service.
- 2. Applications for vacation leave of absence for one (1) full day or more shall be submitted on the prescribed form for action by the proper head of office/unit five (5) days in advance, or whenever possible, of the effective date of such leave.

3. Leave of absence other than illness of a personnel or of any member of his immediate family must be contingent upon the needs of the service. Hence, the grant of vacation leave shall be at the discretion of the head of office/unit.
4. Where PNP personnel have pending formal administrative charges against them, no vacation leave with pay shall be granted to the respondents during the pendency of the case.

B. SICK LEAVE

1. Sick leave refers to leave of absence granted to PNP personnel on account of sickness or disability and any relative living under the same roof and dependent upon the personnel for support.
2. All applications for sick leave of absence for one full day or more shall be made on the prescribed form and shall be filed immediately upon personnel's return from such leave. Notice of absence in writing, however, shall be sent to the immediate supervisor and/or to the unit/office head. Application for sick leave in excess of five (5) successive days shall be accompanied by a proper medical certificate.
3. Sick leave may be applied for in advance in cases where personnel will undergo medical examination or operation or advised to rest in view of ill health duly supported by a medical certificate.
4. In ordinary application for sick leave already taken not exceeding five days, the Chief of Office/Unit concerned may duly determine whether the granting of sick leave is proper under the circumstances. In case of doubt, a medical certificate is required.

C. MATERNITY LEAVE

1. Maternity leave refers to leave of absence granted to married female PNP personnel legally entitled thereto in addition to vacation and sick leave. The primary intent or purpose of granting maternity leave is to extend working mothers some measures of financial help and to provide her a period of rest and recuperation in connection with her pregnancy.
2. Married women in the PNP service who have rendered an aggregate of two (2) or more years of service, shall, in addition to the vacation and sick leave granted them, be entitled to maternity leave of sixty (60) calendar days with full pay.
3. Maternity leave of those who have rendered one (1) year or more but less than two (2) years of service shall be computed in proportion to their length of service, provided, that those who have served for less than one (1) year shall be entitled to 60 days maternity leave with half pay.
4. Enjoyment of maternity leave cannot be deferred but should be enjoyed within the actual period of delivery in a continuous and uninterrupted manner not exceeding 60 calendar days.

5. A married woman maybe granted maternity leave more than once a year. It shall be granted to female married personnel in every instance of pregnancy irrespective of its frequency.
6. Married women may go on maternity leave for less than sixty (60) days. When a personnel wants to report back to duty before the expiration of her maternity leave, she may be allowed to do so, provided, she presents a medical certificate that she is physically fit to assume the duties of her position.
7. The commuted money value of the unexpired portion of the leave need not be refunded and that when the personnel returns to work before the expiration of her maternity leave, she shall be paid the corresponding salary for actual services rendered.
8. Maternity leave with pay may be granted even if delivery occurs just a few days after the termination of the employee's service. It may be granted if the delivery occurs not more than 15 calendar days after the termination of employee's service as her right thereto has already accrued.
9. If already entitled, a woman employee can still avail of sixty (60) days maternity leave with pay even if she is on an extended leave of absence without pay.
10. Maternity leave can also be availed with pay even if she has pending administrative case.

FORMULA FOR THE COMPUTATION OF MATERNITY LEAVE

Female Personnel who have rendered less than two (2) years of service may only receive full pay for a number of days based on the ratio of 60 days to 2 years of service.

Where y = the no. of days in the service
 X = the no. of days to be paid

2 years = 720 days

$$\frac{60}{720} = \frac{x}{y}$$

$$720x = 60y$$

$$x = \frac{60y}{720}$$

$$x = \frac{y}{12}$$

For example: An employee has rendered one year and six months of service

Where x = number of days to be paid
 Y = 1 year and 6 months (540 days)

$$\begin{aligned}
 x &= \frac{y}{12} \\
 x &= \frac{540}{12} \\
 x &= 45 \text{ days}
 \end{aligned}$$

D. PATERNITY LEAVE

1. Paternity leave refers to the privilege granted to a married male personnel allowing him not to report for work for seven (7) days while continuing to earn the compensation, on the condition that his legitimate spouse has delivered a child or suffered a miscarriage, for purposes of enabling him to effectively lend care and support to his wife before, during, and after childbirth as the case may be and assist in caring for his newborn child.
2. Every married male personnel is entitled to paternity leave of seven (7) days for the first four (4) deliveries of his legitimate spouse with whom he is cohabiting.
3. The first of the four deliveries shall be reckoned from the effectivity of the Paternity Leave Act on July 15, 1996.
4. Married male personnel shall be entitled to avail of paternity leave for an absolute maximum of four deliveries.
5. Paternity leave of seven (7) days shall be non-cumulative and strictly non-convertible to cash. The same may be enjoyed in a continuous or in an intermittent manner by the employee on the days immediately before, during and after the childbirth or miscarriage of his legitimate spouse.

E. SPECIAL PRIVILEGE LEAVE

1. Special leave privileges refer to leave of absence which personnel may avail of for a maximum of three (3) days annually over and above the vacation, sick, maternity, and paternity leaves to mark personal milestones and/or attend to filial and domestic responsibilities.
2. In addition to the vacation, sick, maternity, and paternity leaves, personnel with or without existing or approved Collective Negotiation Agreement (CNA), and those covered by special leave laws, are granted the following special leave privileges subject to the conditions stated:
 - a) **Personal milestones** - such as birthdays/weddings/wedding anniversary celebrations, and other important occasions, including death anniversaries.
 - b) **Parental obligation** - such as attendance in school programs, PTA meetings/graduations, enrollment, first communion, medical needs, where a child of the government employee is enrolled.

- c) **Filial obligations** – such as employee's morale obligation toward his parents and siblings for their medical and social needs.
 - d) **Domestic emergencies** - such as sudden urgent repairs needed at home, sudden absence of a yaya or maid, and the like.
 - e) **Personal transactions** – such as paying taxes, court appearances, arranging a housing loan, etc.
 - f) **Calamity, accident, hospitalization leave** – such as force majeure events that affect the life, limb, and property of the employee or his immediate family.
3. Personnel can still avail of his birthday or wedding anniversary leave if such occasion falls on either a Saturday, Sunday or Holiday either before or after the occasion.
 4. Personnel applying for special leave privileges shall no longer be required to present proof that they are entitled to avail of such leaves.
 5. Three-day limit for a given year shall be strictly observed: a personnel can avail of one special privilege leave for three (3) days or a combination of any of the leaves for maximum of three days in a given year. Special leave privileges are non-cumulative and non-commutative.
 6. Personnel shall seek approval of the application for the said special privilege for at least one (1) week prior to the availability of the special leave, except on emergency case.

E. FIVE-DAY FORCED/MANDATORY LEAVE

1. PNP personnel with ten (10) days or more vacation leave shall be required to go on vacation leave whether continuous or intermittent, for a minimum of five (5) working days annually.
2. Heads of Office/Unit shall, upon consultation with the personnel, prepare a staggered schedule of the mandatory five-day vacation leave of personnel every year.
3. Heads of Office/Unit are authorized to cancel the scheduled mandatory five-day vacation leave of personnel when the service requires so.
4. The annual five-day mandatory leave shall be forfeited if not taken during the year.
5. The scheduled leave not enjoyed shall no longer be deducted from the total accumulated vacation leave when the scheduled leave has been cancelled by the head of the office/unit in the exigency of the service.
6. In case of non-enjoyment of the five-day forced/mandatory leave, the head of office/unit shall issue a certification at the end of the year attesting therein that subject personnel's scheduled mandatory leave has been cancelled in the exigency of the service.

7. The certification shall be prepared in three (3) copies. The original copy shall be submitted to the Director for Personnel and Records Management (Attn: Records Management Division); duplicate shall be filed at the office/unit where subject personnel is assigned; and the triplicate shall be the personal file of the personnel concerned.
8. Personnel/Admin officers shall consolidate the issued certification on a yearly basis and shall be submitted to DPRM (Attn: RMD) not later than the 15th day of January of the succeeding year for incorporation in the personnel's respective Police Personnel File (201 File).
9. Retirement and resignation from the service in a particular year without completing the calendar year does not warrant forfeiture of the corresponding leave credits if concerned personnel opted not to avail of the required five-day mandatory leave.

F. RELOCATION LEAVE

A personnel who is transferred or reassigned shall file Relocation Leave as prescribed under CSC MC No. 41, s. 1999 which shall be one of the supporting documents for reimbursement of travelling expenses.

G. STUDY LEAVE ON OFFICIAL TIME FOR PURPOSES OF TAKING THE BAR/BOARD EXAMINATION

1. Qualifications Requirements

The candidates shall be selected based on the following qualifications requirements:

- a. Must have graduated with a degree in Bachelor of Laws or any course which requires the passing of a board examination such as, bachelors of criminology, nursing, dentistry, accountancy, etc.;
- b. Must be a permanent employee of the PNP;
- c. Must have rendered at least two years of service in the PNP with at least very satisfactory performance for the last two rating periods immediately preceding the application;
- d. Must have no pending administrative and criminal charges;
- e. Must have no pending foreign or local scholarship grant; and
- f. Must have rendered the service obligation of any previous scholarship and training contract.
- g. Must be physically and mentally fit.

2. Obligation of the Grantor

- a. Authorize the grantee to go on a maximum six-month study leave on official time to review for the Board or BAR Examinations;
- b. Relieve the grantee of all duties and responsibilities for the duration of the study leave;
- c. Pay the salary, allowances and other benefits of the grantee during the six-month study leave;
- d. The study leave shall not be charged to or deducted from the grantee's accumulated leave credits.

3. Application Procedure

- a. Qualified candidates shall file their application through their respective heads of office for proper indorsement to the Directorate for Personnel and Records Management (DPRM). All heads of offices shall see to it that no undue disruption in work operation occurs while these employees are on leave.
- b. Once the application of study leave is approved, candidates shall submit an affidavit of undertaking or enter into a contract to obligate themselves and promise to render service to the PNP for not less than three (3) years immediately after taking the Bar Examination or one year and six months for board examinations, otherwise, they shall refund the salaries they have received during the study leave.

3. Terms and Conditions

- a. A grantee shall finish his/her review studies within the specified period or as agreed upon in the educational support program (ESP) contract. Grantees who failed in the bar/board examination holds their service commitment specified in view of the study leave on official time. Bar/board examination flunkers can re-apply for another study leave in case they would want to take review classes again but their leave shall now be charged to their leave credits.
- b. A grantee must take the bar/board examination immediately after the termination of the review class.
- c. The grantee shall sign an undertaking or enter into a contract with the PNP and shall live up to its stipulated terms and conditions. The said contract/undertaking must be submitted to the DHRDD before the start of the review. This will bind the grantee to serve the PNP after he/she passed the examination.
- d. The grantee, upon completion/termination of his/her review is immediately required to render service obligation as herein specified:

Period of Study Leave

1-3 months
4-6 months

Required No. of Years of Service

1 1/2 years
3 years

- e. Those who will compulsorily retire within the next 3 or 4 years, as the case maybe, are disqualified to avail of this program because they cannot anymore render the required service.
- f. All financial support including salaries, incentives, allowances and bonuses extended to the grantee while on study grant shall be repaid to the organization in terms of service obligation immediately upon completion/termination of the grant. Otherwise, in case of breach of contract, the PNP shall be constrained to deduct any outstanding obligation from the salary or from whatever benefits due the personnel or that the study leave shall be deducted from his leave credits. In addition, the grantee may also be proceeded against administratively for such breach.
- g. In case of permanent disability or death of the grantee in the course of his/her studies or repayment period, the full amount extended by the PNP to the grantee shall be considered fully paid after presentation and validation of evidence. Such evidence/proof shall be verified and certified as valid by the office head, and the Legal Service.
- h. If a grantee fails to fulfill the service obligation due to voluntary/optional retirement, transfer to private agency, resignation, abandonment of duty, or other similar reasons, he/she shall be required to pay the money value of the required service obligation based on the salary received at the time of his/her retirement, transfer or resignation computed on the number of months she/he was on study grant, including salaries, allowances, and other monetary incentives received while on scholarship, pursuant to all existing policies, rules, and regulations.
- i. A proportionate refund of the monetary value of the grantee's service obligation shall be allowed provided that he/she has served at least 75% of the total service obligation. Said amount and mode of payment shall be determined by the Finance Service to be paid within one (1) year from the effectivity of said arrangement between the grantee and the PNP.
- j. In case the grantee fails to complete the review course due to poor performance or other similar reasons, the grant shall be terminated and she/he shall render the required service obligation to the PNP. In case of failure to report back to work immediately upon termination of the grant, subject shall be considered absent without official leave (AWOL), and such absences shall be deducted from his/her current accumulated leave credits, if any, and/or from his/her salary.
- k. A refund of the full amount granted by the PNP, including salaries and allowances received, shall be charged to the grantee found guilty of an administrative case within the duration of his/her study grant.

VII. APPROVING AUTHORITY

A. LEAVE ABROAD

PARTICULARS

All PNP Personnel
Extension of Leave

APPROVING AUTHORITY

Secretary, DTI G
C, PNP

B. LOCAL LEAVE

The Head of Office/Unit shall have the authority to approve local vacation/sick leaves. The approved leaves shall be submitted to DPRM (Attn: PTD) in cases of personnel assigned at NHQ/NSUs while for personnel assigned in PROs, it shall be submitted to the C, RPHRDD for subsequent issuance of orders.

VIII. SPECIFIC GUIDELINES:

A. FILING OF APPLICATION FOR VACATION/SICK LEAVE ABROAD

For Leave Applicant:

1. Submit the following requirements to Directorate for Personnel and Records Management (DPRM), Attn: Personnel Service Section (PSS) of Personnel Transaction Division (PTD) thirty (30) days before the start of the intended leave:
 - a. Letter endorsement from unit chief
 - b. Basic letter request, including the number of days, reason for leave and address while on leave
 - c. Duly accomplished CSC form No. 6
 - d. Breakdown of leave credits from RMD, DPRM
 - e. NHQ IAS and Legal Service clearances
 - f. Unit clearances
 - Certificate of non-pending case
 - Certificate of non-money/ property accountability
2. All applications for leave and other similar trips abroad should reach the Office Command Group/DILG at least twenty-five (25) days before departure to avoid delay in processing. Non-compliance will be a ground for denial or non-processing of application for leave.
3. After availing of said leave, subject PNP personnel must inform DPRM, Attn: Personnel Services Section, PTD of his return to the country within fifteen (15) days after the expiration of the leave. Failure to do so will be a ground for declaring him on AWOL. Request for extension of leave must be coursed through the C, PNP ten (10) days before expiration of leave.

B. FILING OF APPLICATION FOR LOCAL VACATION LEAVE

For Leave Applicant:

1. Submit leave requirements ten (10) days before the start of intended leave to the respective offices.
2. Chief of Office/Unit shall indorse approved leave application of personnel to DPRM (Attn: PTD) for personnel assigned at NHQ/NSUs while for personnel assigned at Police Regional Offices, approved leave shall be submitted to C, RPHRDD ten (10) days before the start of the intended leave for issuance of appropriate orders.
3. Application for vacation leave of less than fifteen (15) days need not be accompanied by clearances.

C. FILING OF APPLICATION FOR LOCAL SICK LEAVE

For Leave Applicant:

1. Application for sick leave of absence shall be filed immediately upon the personnel's return for work.
2. A sick leave exceeding five (5) days shall be accompanied by Medical Certificate indicating therein the period and nature of treatment and with the license number of the attending physician indicated.
3. An application filed ten (10) days after the personnel's return to work shall be disapproved outright and the personnel concerned shall be considered AWOI during those inclusive dates.
4. Chief of Office/Unit shall indorse approved leave application of personnel to DPRM (Attn: PTD) for personnel assigned at NHQ/NSUs while for personnel assigned at Police Regional Offices, approved leave shall be submitted to C, RPHRDD for issuance of appropriate orders.

D. RESPONSIBILITY OF PERSONNEL SERVICES SECTION, PTD, DPRM AND C, RPHRDD OF POLICE REGIONAL OFFICES

1. Ensure that all necessary information are written in the application for leave and mandatory requirements are submitted.
2. Process the leave application at DPRM within three (3) days from the time the application is received up to the time a referral is submitted to TCDS, with the accompanying endorsement letter to SILG in case of leave to be spent abroad.
3. Monitor the flow of said application from the time it was received at TCDS up to the time it was approved or disapproved by SILG. See to it that the application will be processed within ten (10) days.
4. Maintain a journal of PNP personnel spending leave abroad indicating therein their destination and contact person in the Philippines.

5. In case where requirements are lacking or that a leave cannot be favorably granted for valid reasons, the applicant shall be informed through radio message and registered mail or through liaison officers.
6. Cause the issuance of appropriate orders.
7. C, RPHRDD of PROs and Admin/Personnel Officers of NHQ Offices/NSUs shall submit to DPRM (Attn: PTD) a consolidated report of personnel who went on leave on a monthly basis which shall be transmitted to the Records Management Division (RMD) for record purposes.
8. The DPRM (Attn: RMD) shall record all leaves granted to personnel for the purpose of commutation of total accumulated leave credits, among others.
9. In case of loss of the application for leave, the personnel responsible for taking action on said application shall be held liable for such loss.

IX. PENAL CLAUSE


Any violation of the leave laws, rules or regulations, or any misrepresentation or deception in connection with an application for leave, shall be a ground for disciplinary action. Travel abroad without approved leave of absence constitutes a grave misconduct punishable by summary dismissal pursuant to Section 41 of Republic Act No. 6975.

X. REPEALING CLAUSE

All rules, regulations and other issuances, or portions thereof, inconsistent with these guidelines are repealed or modified accordingly.

XI. EFFECTIVITY:

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippine Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.


LEANDRO R. MENDOZA
Police Director General
Chief, PNP

Annexes

- "A" - Table I - Vacation/Sick Leave Credits Earned on a Monthly Basis
- "B" - Table II - Vacation/Sick Leave Credits Earned on a Daily Basis
- "C" - Table III - Leave Credits Earned in a Month by Official/Employee Without Any Vacation Leave Credits
- "D" - Table IV - Conversion of Working Hours/Minutes into Fractions of a Day

Table 1

VACATION AND SICK LEAVE CREDITS EARNED ON A MONTHLY BASIS

NUMBER OF MONTH/S	VACATION LEAVE EARNED	SICK LEAVE EARNED
1	1.25	1.25
2	2.50	2.50
3	3.75	3.75
4	5.00	5.00
5	6.25	6.25
6	7.50	7.50
7	8.75	8.75
8	10.00	10.00
9	11.25	11.25
10	12.50	12.50
11	13.75	13.75
12	15.00	15.00

Table II

VACATION AND SICK LEAVE CREDITS EARNED ON A DAILY BASIS

NUMBER OF MONTH/S	VACATION LEAVE EARNED	SICK LEAVE EARNED
1	.042	.042
2	.083	.083
3	.125	.125
4	.167	.167
5	.208	.208
6	.250	.250
7	.292	.292
8	.333	.333
9	.375	.375
10	.417	.417
11	.458	.458
12	.500	.500
13	.542	.542
14	.583	.583
15	.625	.625
16	.667	.667
17	.708	.708
18	.750	.750
19	.792	.792
20	.833	.833
21	.875	.875
22	.917	.917
23	.958	.958
24	1.000	1.000
25	1.042	1.042
26	1.083	1.083
27	1.125	1.125
28	1.167	1.167
29	1.208	1.208
30	1.250	1.250

Table III

**LEAVE CREDITS EARNED IN A MONTH BY OFFICIAL/EMPLOYEE
WITHOUT ANY VACATION LEAVE CREDITS LEFT**

NO. OF DAYS PRESENT	NO. OF DAYS ON LEAVE WITHOUT PAY	LEAVE CREDITS EARNED	NO. OF DAYS PRESENT	NO. OF DAYS ON LEAVE WITHOUT PAY	LEAVE CREDITS EARNED
30.00	0.00	1.750	14.50	15.50	0.604
29.50	0.50	1.229	14.00	16.00	0.583
29.00	1.00	1.708	13.50	16.50	0.562
28.50	1.50	1.188	13.00	17.00	0.542
28.00	2.00	1.167	12.50	17.50	0.521
27.50	2.50	1.146	12.00	18.00	0.500
27.00	3.00	1.125	11.50	18.50	0.479
26.50	3.50	1.104	11.00	19.00	0.458
26.00	4.00	1.083	10.50	19.50	0.437
25.50	4.50	1.063	10.00	20.00	0.417
25.00	5.00	1.042	9.50	20.50	0.396
24.50	5.50	1.021	9.00	21.00	0.375
24.00	6.00	1.000	8.50	21.50	0.354
23.50	6.50	0.979	8.00	22.00	0.333
23.00	7.00	0.958	7.50	22.50	0.312
22.50	7.50	0.938	7.00	23.00	0.292
22.00	8.00	0.917	6.50	23.50	0.271
21.50	8.50	0.896	6.00	24.00	0.250
21.00	9.00	0.875	5.50	24.50	0.229
20.50	9.50	0.854	5.00	25.00	0.208
20.00	10.00	0.833	4.50	25.50	0.187
19.50	10.50	0.813	4.00	26.00	0.167
19.00	11.00	0.792	3.50	26.50	0.146
18.50	11.50	0.771	3.00	27.00	0.125
18.00	12.00	0.750	2.50	27.50	0.104
17.50	12.50	0.729	2.00	28.00	0.083
17.00	13.00	0.708	1.50	28.50	0.062
16.50	13.50	0.687	1.00	29.00	0.042
16.00	14.00	0.667	0.50	29.50	0.021
15.50	14.50	0.646	0.00	30.00	0.000
15.00	15.00	0.625			

TABLE IV

TABLE SHOWING CONVERSION OF WORKING HOURS/MINUTES INTO FRACTIONS OF A DAY			
Based on 8-Hour Day			
HOURS		EQUIVALENT DAY	
1			.125
2			.250
3			.375
4			.500
5			.625
6			.750
7			.875
8			1.000
MINUTES	EQUIV. DAY	MINUTES	EQUIV. DAY
1	.002	31	.065
2	.004	32	.067
3	.006	33	.069
4	.008	34	.071
5	.010	35	.073
6	.012	36	.075
7	.015	37	.077
8	.017	38	.079
9	.019	39	.081
10	.021	40	.083
11	.023	41	.085
12	.025	42	.087
13	.027	43	.090
14	.029	44	.092
15	.031	45	.094
16	.033	46	.096
17	.035	47	.098
18	.037	48	.100
19	.040	49	.102
20	.042	50	.104
21	.044	51	.106
22	.046	52	.108
23	.048	53	.110
24	.050	54	.112
25	.052	55	.115
26	.054	56	.117
27	.056	57	.119
28	.058	58	.121
29	.060	59	.123
30	.062	60	.125

X. Foreign Travel of PNP Personnel

A. Legal Basis: PNP Circular No. 2008-018 dated December 26, 2008

B. Policy Requirement/Compliance:

1. The Philippine National Police shall honor international commitments by sending personnel to participate in various fora on law enforcement and similar activities;
2. The Philippine National Police shall promote bilateral and multilateral coordination and cooperation between and among law enforcement organizations; and
3. The Philippine National Police shall strictly adhere to existing laws, rules and regulations governing foreign travel of government officials and employees.

GENERAL GUIDELINES

- a. Except for the Chief, PNP, only one member of the Command Group and a maximum of four members of the Directional Staff shall be allowed to go on travel at any one time;
- b. When government fund is involved, no PNP personnel who is due to retire within one year will be sent to foreign training/study grant, conference or attend international commitments; except when the said personnel is representing his/her office and was directed by the President thru SILG to participate in conference and other international commitments as representative of the Philippine Government. Travel abroad of similar nature of PNP personnel who is due to retire within one year may be allowed provided the host organization or country shall shoulder the travel expenses;
- c. Travel expenses of PNP personnel shall strictly adhere to the provisions of Executive Order No. 298 dated March 23, 2004, entitled: Amending Further Executive Order No. 248 dated May 28, 1995 as amended by Executive Order No. 248-A dated August 14, 1995, which prescribes Rules and Regulations and New Rates of Allowances for Official Local and Foreign Travels of Government Personnel;
- d. The PNP shall observe austerity measures on foreign travels as provided by Administrative Order No. 103 dated August 31, 2004. Official transportation shall be of the economy class unless otherwise specified in the travel authority and approved by the President;
- e. No PNP personnel shall be allowed to travel abroad either on official mission or personal business without an approved Foreign Travel Authority;

- f. Following appropriate coordination with the Department of Foreign Affairs and Immigration authorities, PNP personnel violating established foreign travel procedures shall be barred from leaving the country;
- g. The Secretary of the Interior and Local Government/Chairman, NAPOLCOM solely takes action on all FTA applications of PNP personnel;
- h. Travel abroad on official mission shall be limited to the actual number of personnel needed/required for the trip;
- i. The Foreign Travel Evaluation Board (FTEB) and Directorate for Personnel and Records Management (DPRM) shall submit to the Directorate for Intelligence (DI) the travel details for PNP personnel one week before the pre-departure briefing for coordination with the Department of Foreign Affairs and information of our police attaché;
- j. The Directorate for Intelligence (DI) shall conduct a pre-departure briefing at least three days before departure to all concerned PNP personnel to appraise them of the pertinent customs and immigration laws, detailed security information, and other travel warnings, if applicable, to ensure their safety and to avoid any problem upon their entry, during their stay in and exit from the country of destination; and
- k. The Directorate for Intelligence (DI) shall likewise provide a foreign travel advisory to all personnel travelling abroad on personal business or on leave to guide them on what to do before, during and after their travel.

C. Scope/Coverage:

This shall apply to all PNP personnel (Uniformed and Non-Uniformed).



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS
PHILIPPINE NATIONAL POLICE
Camp Crame, Quezon City

CIRCULAR
No. 2008-018

DEC 26 2008

SUBJECT: *"Prescribing the Policies, Guidelines and Procedures on Foreign Travel of PNP Personnel," Amending PNP Memorandum Circular No. 2002-017 dated November 16, 2002, entitled: "Foreign Travel"*

1. REFERENCES:

a. Section 16 (c) (Expenditures) of the 2008 General Appropriations Act;

b. Executive Order No. 298 dated March 23, 2004, entitled: *"Amending Further Executive Order No. 248 dated May 28, 1995 as amended by Executive Order No. 248-A dated August 14, 1995, which prescribes rules and Regulations and New Rates of Allowances for Official Local and Foreign Travels of Government Personnel"*;

c. Executive Order No. 459 dated September 1, 2005, entitled: *"Streamlining the Procedure in the Disposition of Request of Government Officials and Employees for Authority to Travel"*;

d. Administrative Order No. 103 dated August 31, 2004 entitled: *"Directing the Continued Adoption of Austerity Measures in the Government"*;

e. Chapter 5. COA Handbook on Government Expenditures;

f. NAPOLCOM Memorandum Circular No. 96-012 dated October 17, 1996, entitled: *"Prescribing Additional Guidelines on Official Foreign Travels of Uniformed Personnel of the PNP"*;

g. NAPOLCOM Memorandum Circular No. 95-025 dated December 8, 1995, entitled: *"Prescribing the Policies and Procedures Governing the Official Foreign Travels of Uniformed Personnel of the PNP"*;

h. PNP Memorandum Circular No. 2002-17 dated November 16, 2002, entitled: *"Foreign Travel"*;

i. Para 2A, VIII, PNP Circular No. 2002-009 dated May 21, 2002, entitled: *"Revised Guidelines in the Filing of Leave of Absence for All PNP Personnel"*, and

j Chief, PNP Memorandum dated January 24, 2006, entitled: *"Addendum to the Specific Authority Delegated to the Directorial Staff"*.

2. PURPOSE:

This Circular prescribes the policies, guidelines and procedures governing foreign travel of all Philippine National Police personnel.

3. OBJECTIVES:

- a. To institutionalize a system in the processing of foreign travels;
- b. To promote fair, equitable and judicious selection of candidates for foreign training, conference or meeting, thereby ensuring that opportunities for attendance thereof would serve as incentive for better performance;
- c. To extend to as many qualified personnel the opportunity to attend or to participate in foreign training, conferences and meetings in order to develop a pool of highly qualified and competent police personnel; and
- d. To provide PNP personnel travelling abroad with the necessary information to guide them on what to do before, during and after their travel.

4. DEFINITION OF TERMS:

- a. **Foreign Travel** – travel of PNP personnel abroad on official mission or personal business.
- b. **Foreign Travel Authority** – the authority granted to PNP personnel to travel on official time or personal business duly approved by the President or SILG/Chairman, NAPOLCOM indicating therein the specific purpose of travel, number of days required, prepared and detailed itinerary of travel and the contact details of the personnel while in his destination.
- c. **Hotel/Lodging Rate** – the daily hotel/lodging cost including the prescribed taxes and service charges.
- d. **Leave of Absence**– refers to the right granted to personnel not to report for work with or without pay as may be provided by law and as the rules prescribe in Rule XVI of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order 292).
- e. **Official Time** – is the span of time given to the PNP personnel to complete his official mission.
- f. **Official Mission** – an engagement using official time.
- g. **Personal Business** – refers to all activities outside of the official mission.
- h. **Personal Travel** – all travels outside of official time.

i. **Pre-departure Briefing** – refers to the mandatory briefing given to personnel scheduled to go on foreign travel.

j. **PNP Personnel** – uniformed and non-uniformed members of PNP in active service.

k. **Special cash advances** –refers to those granted on the explicit authority of the Head of Agency only to duly designated disbursing officers or employees for other legally authorized purposes, such as foreign travel expenditures, including transportation, per diems, allowances and other expenses incurred by officials and employees in connection with official travel abroad.

l. **Travel Advisory** – refers to all relevant information of the country to be given to PNP personnel on personal travel

m. **Travel Documents** – refer to the documents needed for travel which include among others: travel authority, travel order, passport and visa.

n. **Travel Expenses** – the amount authorized to cover hotel/lodging rate, meals and incidental expenses excluding transportation expense going to and from the country of destination.

5. POLICIES:

a. The Philippine National Police shall honor international commitments by sending personnel to participate in various fora on law enforcement and similar activities;

b. The Philippine National Police shall promote bilateral and multi-lateral coordination and cooperation between and among law enforcement organizations; and

c. The Philippine National Police shall strictly adhere to existing laws, rules and regulations governing foreign travel of government officials and employees.

6. GENERAL GUIDELINES:

a. Except for the Chief, PNP, only one (1) member of the Command Group and a maximum of four (4) members of the Directorial Staff shall be allowed to go on travel at any one time,

b. When government fund is involved, no PNP personnel who is due to retire within one (1) year will be sent to foreign training/study grant, conference or attend international commitments; except when the said personnel is representing his office and was directed by the President thru SILG to participate in conference and other international commitments as representative of the Philippine government. Travel abroad of similar nature of PNP personnel who is due to retire within one (1) year may be allowed provided the host organization or country shall shoulder the travel expenses;

c. Travel expenses of PNP personnel shall strictly adhere to the provisions of Executive Order No. 298 dated March 23, 2004, entitled: Amending Further Executive Order No. 248 dated May 28, 1995 as amended by Executive Order No. 248 A dated August 14, 1995, which prescribes rules and Regulations and New Rates of Allowances for Official Local and Foreign Travels of Government Personnel;

d. The PNP shall observe austerity measures on foreign travels as provided by Administrative Order No. 103 dated August 31, 2004. Official transportation shall be of the economy class unless otherwise specified in the travel authority and approved by the President;

e. No PNP personnel shall be allowed to travel abroad, either on official mission or personal business without an approved Foreign Travel Authority (FTA) or similar authority;

f. Following appropriate coordination with the Department of Foreign Affairs and the Immigration authorities, PNP personnel violating established foreign travel procedures shall be barred from leaving the country;

g. The Secretary of the Interior and Local Government/Chairman, NAPOLCOM solely takes action (approved/disapproved/defer) on all FTA applications of PNP personnel.

h. All travels abroad for purposes of training, education, study grant, observation, tour, seminar, and the like, arising from personal invitation from foreign agencies or sponsored by host organizations, companies, universities, and other private agencies or individuals shall be treated as a personal leave/undertaking of the personnel concerned and shall not involve any government or PNP funds, whatsoever. However, any travel relative to the invitation shall still be on government expense by way of his leave with pay;

i. Travel abroad on official mission shall be limited to the actual number of personnel needed/required for the trip.

j. Leave to be spent abroad shall be upon the recommendation of the C. PNP duly approved by Chairman, NAPOLCOM. The same shall be supported with certificates such as: no money and property accountability, non-pending administrative and/or criminal case and an undertaking that the personnel is not a witness in a drug related case; otherwise, the personnel has to secure a permission from the court.

k. The Foreign Travel Evaluation Board (FTEB) and Directorate for Personnel and Records Management (DPRM) shall submit to the Directorate for Intelligence (DI) the travel details of PNP Personnel one (1) week before the pre-departure briefing for coordination with the Department of Foreign Affairs and information of our police attachés;

l. The Directorate for Intelligence (DI) shall conduct a pre-departure briefing at least three (3) days before departure to all concerned PNP personnel to apprise them of the pertinent customs and immigration laws, detailed security information, and other travel warnings, if applicable, to ensure their safety and to

avoid any problem upon their entry, during their stay in and exit from the country of destination; and

m. The Directorate for Intelligence (DI) shall likewise provide a foreign travel advisory to all personnel traveling abroad on personal business or on leave to guide them on what to do before, during and after their travel.

7. SPECIFIC GUIDELINES:

a. Participation/attendance of personnel shall be limited to one (1) foreign training or conference every two years, except those who are designated as PNP official representatives in specific international bodies such as INTERPOL and ASEANAPOL;

b. Should there be several qualified candidates for training; the age bracket shall be considered. Priority shall be given to those who are forty five (45) years old and below;

c. Invitation that nominates a specific personnel to attend a seminar, symposium, forum or any other similar activity is highly discouraged;

d. The Directorate for Intelligence (DI) shall assist PNP personnel authorized for foreign travel in the acquisition of the necessary travel documents;

e. The Directorate for Human Resource and Doctrine Development (DHRDD) shall require the submission of proposals and recommendations on the applications of newly acquired knowledge, skills and expertise from personnel returning from at least three (3) months of study or training abroad;

f. All PNP personnel returning from study or training abroad shall abide by the provision of Section 2, NAPOLCOM Memorandum Circular 96-012;

g. PNP personnel returning from study/training abroad relative to police skills such as anti-terrorism, bomb disposal, criminalistics and other specialized field shall be assigned to unit(s) where the acquired skill/specialty is needed;

h. At the end of the year, the PNP thru the Directorate for Personnel and Records Management (DPRM) shall submit to NAPOLCOM a complete report on all foreign travels of PNP personnel indicating therein the following:

- 1) Name, rank and current assignment of PNP personnel;
- 2) Nature and purpose of travel;
- 3) Place and duration of travel; and
- 4) Expenses incurred by the PNP, if any, for each travel.

8. PROCEDURES:

a. Creation of Foreign Travel Evaluation Board (FTEB)

There shall be created a FTEB to select and recommend to the approving authority the best qualified PNP personnel to be sent to participate in official mission abroad. The FTEB shall be chaired by The Chief Directorial Staff,

The Director for Personnel and Records Management as Vice-Chairman and the Directors of the D-Staff, Legal Service and Health Service as members.

The FIEB shall ensure that only the essential personnel shall be allowed to participate in any official mission involving foreign travel taking into consideration the qualifications, expertise, position and future utilization of said personnel.

b Creation of Foreign Travel Screening Committees (FTSC)

There shall be created a FTSC to evaluate, screen, process and assess candidates to participate in official missions abroad according to the following classifications:

Official Mission Classification	FTSC Chair
<ul style="list-style-type: none"> • Attendance to international conferences, symposia, and fora such as: ASEANAPOL, INTERPOL, ASEAN-SOMTC, RP-US MDB and Joint Commission for Bilateral Cooperation • International commitments, deployment to UN peacekeeping missions and secondment to foreign agencies • Foreign donor invitations not training related such as: UNDP, JICA, USAID, KOICA, Aus-Aid and other foreign funding agencies • Exchange visits between the PNP and foreign police agencies 	TDPI
<ul style="list-style-type: none"> • Posting of Police Attaché (PA) and subsequent inspection of the PA posts (Inspection of Police Attaché posts) • Participation in intelligence exchange with foreign counterparts 	TDI
<ul style="list-style-type: none"> • Participation in foreign training, seminar, study grant, research, observation tour, and other related missions • Participation in international sports, cultural and religious activities 	TDHRDD
<ul style="list-style-type: none"> • Attendance to international expositions and exhibitions 	TDRD
<ul style="list-style-type: none"> • Attendance of PNP personnel as witness to court cases and inquiries 	TDIDM
<ul style="list-style-type: none"> • Plant/Factory visit abroad • Conduct of post qualification test abroad to include pre-inspection of procured items prior to delivery 	TDL

c. Procedures before travel

1) Filing of Application for FTA on Official Mission

For Traveling Personnel

a) For conferences and conventions, submit the following requirements to the Directorate for Plans at least thirty (30) days or earlier before the date of departure for approval of Chief, PNP.

- Invitation from host/foreign country;
- Endorsement from Chief of Office/Unit; and
- Personal Data Sheet.

b) For trainings, seminars, or study grants, submit the following requirements to the Directorate for Human Resource and Doctrine Development (DHRDD) at least thirty (30) days prior to the date of departure for deliberation and final deliberation of the FTEB and subsequent approval of Chief, PNP:

- Endorsement from Chief of Office/Unit;
- Personal Data Sheet;
- Commission on Human Rights Clearance; and
- Medical Certificate.

c) Except for training invitation which has less than thirty (30) days to process the nominee reckoning from the date of receipt to the date of departure. In such cases, the selection of nominee/s and subsequent recommendation for C, PNP approval shall be at the wise discretion of TDHRDD selected from the pool of PNP personnel for foreign training to ensure PNP participation in such trainings.

d) The FTSC concerned in coordination with the Directorate for Intelligence shall furnish a copy to the Department of Foreign Affairs (DFA) and at the office of the Philippine Embassy of the country of destination the details of the travel including the itinerary of the traveling personnel at least five (5) days before the scheduled departure.

2) Filing Of Application For FTA On Personal Business

For Leave Applicants.

Submit the following requirements to the Directorate for Personnel and Records Management (DPRM), Attn: Personnel Service Section (PSS) of Morale and Welfare Division (MWD) thirty (30) days before the start of the intended leave:

- Endorsement from Chief of Office/Unit,
- Basic letter request, including the number of days, reason for leave and address while on leave;
- Duty accomplished CSC form No. 6;
- Breakdown of leave credits from RMD, DPRM;
- NHQ IAS and Legal Service clearances;

- **Unit clearances:**

- Certificate of non-pending case.
- Certificate of non-money/property accountability
- Undertaking that the personnel is not a

witness in a drug related case; otherwise, the personnel has to secure a permission from the court.

3) Request for foreign travel authority must be submitted to NHQ, at least thirty (30) days before the scheduled departure for approval of the Secretary of the Interior and Local Government/Chairman, NAPOLCOM as recommended by the C. PNP;

4) Itinerary of travel must be included in the application for travel authority together with the other supporting documents required for the purpose; and

5) Upon issuance of the FTA, the Directorate for Personnel and Records Management (DPRM) shall issue orders stating therein the duration and address of said personnel while on leave abroad.

d. Procedures during travel

Upon arrival to the country of destination, concerned personnel on official mission shall inform the Philippine Embassy or Consulate Office or Police Attaché of the purpose, itinerary and duration of the travel. A copy of the FTA shall likewise be submitted for their reference.

e. Procedures after travel

1) Within thirty (30) days after arrival from foreign mission, concerned personnel shall submit an after official mission report to the C.PNP copy furnished the secretariat of the FTEB ;

2) Within thirty (30) days after arrival from international conferences, conventions, or symposia, in which the Philippines is represented by a delegation, the head of mission shall submit an after mission report to the President thru the Secretary, DILG/Chairman, NAPOLCOM as endorsed by the Chief of the Philippine National Police, copy furnished the Department of Foreign Affairs (DFA);

3) The cash advance for travel shall be liquidated by the concerned personnel strictly within sixty (60) days after his/her return to the country as required under Executive Order No. 298, otherwise, payment of his/her salary shall be suspended until he complies therewith; and

4) PNP personnel who are in need of immediate medical attention and other similar circumstances after their travel shall be exempted from the thirty (30) day period within which an after mission report should be submitted to concerned authority.

5) After availing of said leave, subject PNP personnel must inform DPRM (MWD) of his return to the country within fifteen (15) days after the

expiration of the leave. Failure to do so will be a ground for declaring him on AWOL.

9. PENAL CLAUSE:

a. Any PNP personnel who violates the general guidelines laid down in paragraph 6b and 6c of this circular shall be held administratively liable for "Grave Misconduct" and penalized accordingly. This is without prejudice to the criminal prosecution for violation of RA 3019 otherwise known as the Anti Graft and Corrupt Practices Act and other applicable special criminal laws; and

b. Any other violations of the general and specific guidelines as set forth in this circular shall be classified as less grave offense.

10. REPEALING CLAUSE:

All rules, regulations and other issuances, or portions thereof, inconsistent with these guidelines are repealed or modified accordingly.

11. EFFECTIVITY:

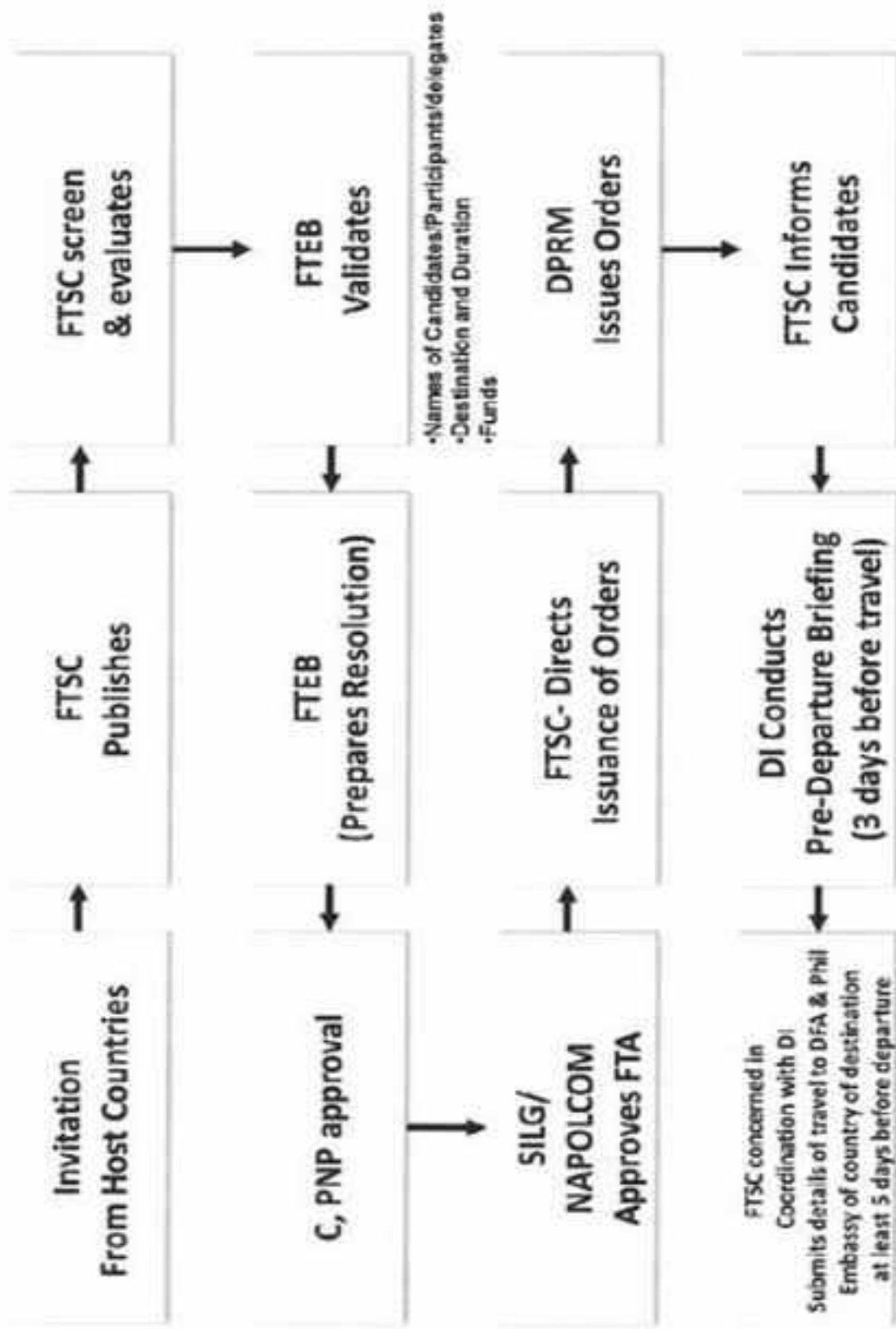
This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippine Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.



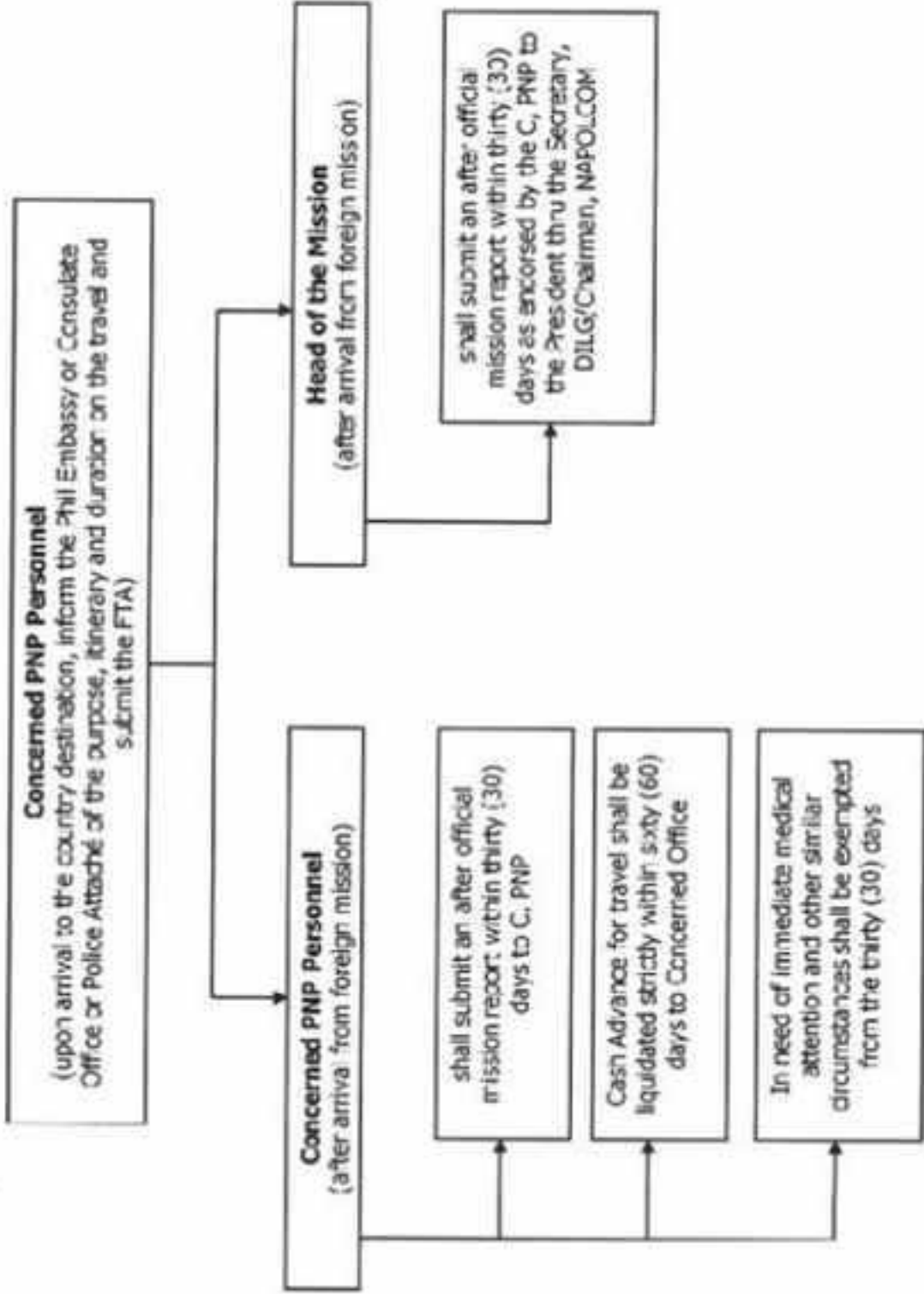
Jesus A. Verzosa
JESUS A VERZOSA
Police Director General
Chief, PNP



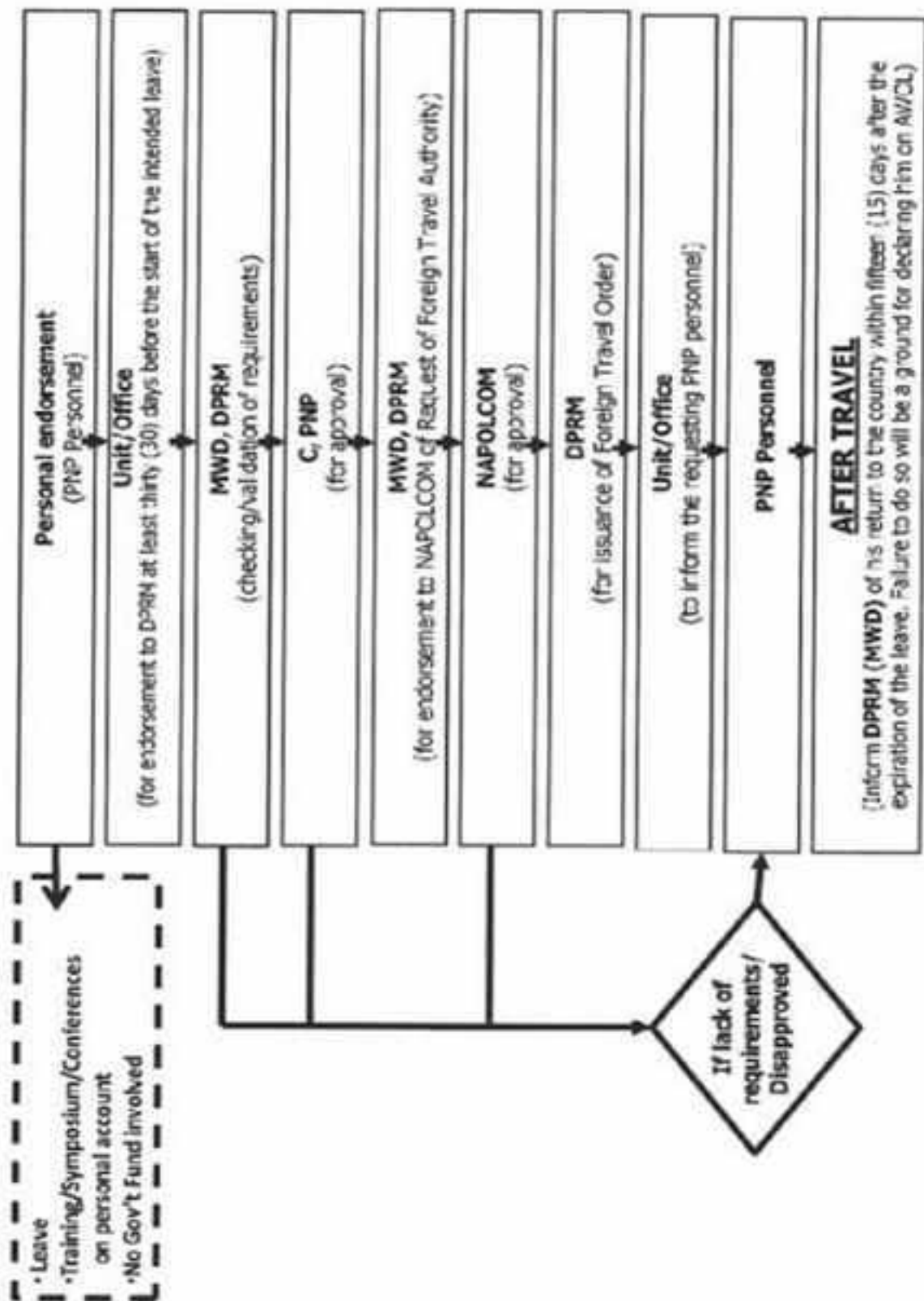
PROCEDURE BEFORE TRAVEL (OFFICIAL MISSION)



PROCEDURE DURING AND AFTER TRAVEL



PROCEDURE - PERSONAL BUSINESS



XI. REASSIGNMENT/UN DEPLOYMENT

A. Legal Basis: PNP Memorandum Circular No. 2010-007

B. Policy Requirement/Compliance:

QUALIFICATIONS FOR DEPLOYMENT TO UN PEACEKEEPING MISSIONS

Applicants for UN peacekeeping mission should satisfy the following standards and qualifications at the time of filing the application thereof:

- a. An UNSAS eligible;
- b. A Police Commissioned Officer (PCO) applicant must have a rank of at least Police Senior Inspector while a Police Non-Commissioned Officer (PNCO) applicant must have a rank of at least Police Officer 3;
- c. Have attained at least five years of active police service (excluding cadetship for PMA, PNPA, PMMA, and equivalent Officer's Training/Field Training Program (FTP) for Lateral Entry Officers and Recruitment Training for Police Non-Commissioned Officers);
- d. Appointed in permanent status in his/her present rank;
- e. Have at least one year experience in vehicle driving reckoned from the date of issuance of his/her valid driver license;
- f. Recommended by his/her Unit Commander (Command Group, D-Staff Directors, RDs of PROs, NSUs Directors and District Directors);
- g. Have a Performance Evaluation Rating (PER) of at least Very Satisfactory (VS) for two consecutive semestral rating periods immediately preceding his/her application;
- h. With no pending administrative or criminal case in any body/tribunal or court nor a witness to any such case nor a summary hearing officer with unresolved cases;
- i. Have not been repatriated from previous UN Mission for disciplinary reason/s;
- j. With knowledge on basic computer operations (e.g. Word, Excel, PowerPoint, e-mail and internet);
- k. Passed the latest Physical Fitness Test (PFT) conducted by DHRDD as well as Medical, Dental and Neuro-Psychiatric Examination; and
- l. Without firearm accountability as certified by DL.

DEFAULT:

Personnel after having been nominated for deployment shall be considered in default and will be removed from the priority list under the following circumstances:

- a. Non-submission of documentary requirements to the Secretariat on specified date;
- b. Failure to report for processing for deployment; and
- c. Non-Attendance to the scheduled Pre-Departure Orientation Seminars (PDOS).

DEFERMENT:

- a. Deferment shall be allowed only once and only due to health reasons duly certified by the Director, Health Service;
- b. Personnel deferred due to justifiable reasons cited above can be re-nominated for deployment to the same mission area as last priority; and
- c. Request for deferment shall be in writing.

OTHER REQUIREMENTS:

- a. Prior to deployment, all personnel shall execute an undertaking stating that he/she:
 - 1) Does not have any pending administrative or criminal case in any body/tribunal or court nor a witness to any pending criminal or administrative cases nor a summary hearing officer with unresolved cases;
 - 2) Shall observe exemplary behavior, discipline and follow all the pertinent rules and regulations of the PNP and the UN;
 - 3) Shall abide by the PNP Code of Ethics and Professional Conduct and shall not commit any act/s or omission/s that will cause dishonor or disgrace to the PNP;
 - 4) Shall strive to achieve outstanding accomplishment in the performance of assigned tasks in order to bring honor and prestige to the Philippines;
 - 5) Shall defray expenses for travel to the Philippines from the mission area in case of repatriation due to disciplinary reasons;
 - 6) Shall submit himself/herself to a post medical examination in the mission area one month prior to his/her End-of-Mission (EOM) and shall submit

the medical examination result to the PNP Health Service for evaluation;
and

- 7) Shall return to the Philippines and report to TDPL and TDPRM not later than 10 days after the expiration of his/her tour of duty.
- b. Infraction of the oath of undertaking shall be a ground for repatriation, without prejudice to administrative sanctions against erring personnel; and
- c. All UNSAS eligibles shall undergo a Pre-Departure Orientation Seminar (PDOS) to be conducted by the PNP Training Service.

RESTRICTIONS/OTHER CONSIDERATIONS:

- a. PNP personnel shall be allowed a maximum of three separate details to any international peacekeeping mission.
 - 1) Provided that for purposes of applying the three-mission limit, extension of the mission for more than one month shall be considered as one mission and also missions which had been considered by the UN as already completed; and
 - 2) Provided further, that the counting for more than one month extension shall apply from the effectivity of this circular.
- b. Extension of Secondment or detail to the UN and/or peacekeeping missions shall be valid only upon approval of the Chief, PNP.
- c. Personnel deployed to any international peacekeeping mission shall not be eligible for nomination to any Secondment post and vice versa. Likewise, personnel nominated for deployment or Secondment shall not be eligible for nomination to another post.
- d. Personnel returning from UN peacekeeping mission/Secondment shall render at least two years service in any PNP office/unit before he/she may be considered for next deployment.
- e. Personnel appointed into any of the PNP Technical Services shall be allowed to be seconded or detailed to international organization or UN peacekeeping missions, provided that:
 - 1) His/her expertise applies to the position/vacancy offered by the UN/international organization and he/she possesses training competencies for the position/vacancy; or
 - 2) He/she have attained at least five years of active duty in the Service which he/she was appointed to and have performed Administrative Duty for at least two years.

- f. Third level PNP officers shall be allowed to be seconded to any UN peacekeeping mission for the positions of Professional Level 5 (P5) or higher.
- g. The composition of the PNP contingent for detail to international peacekeeping missions shall be 40% PCOs and 60% PNCOs, if practicable.
- h. The total number of personnel deployed to all UN peacekeeping missions shall not exceed 0.5% of the actual strength of uniformed personnel of the Philippine National Police as of the end of calendar year immediately preceding the time of deployment.
- i. Prior to departure to the mission area, all PNP personnel must have the necessary travel authority issued by proper authorities.
- j. Personnel returning from mission shall be allowed to take the UNSAT examination only after 18 months from the date of latest End of Mission.
- k. All personnel deployed in UN mission shall undergo Medical and Psychological Evaluations in the mission area one month prior to the end of the mission and shall submit the medical examination result to the PNP Health Service for evaluation.
- l. The Chief, PNP may upon the recommendation of the Board of Injury (BOI) through a resolution, cause the immediate repatriation of any member of a contingent who commits act/s inimical to the best interest of the PNP and the country in general.

C. Scope/Coverage:

Priority for deployment to mission area is as follows:

- a. 1st Priority - PNP personnel who passed the UNSAT Examination but without previous UN Mission deployment.
- b. 2nd Priority – PNP personnel who passed the UNSAT Examination but with previous UN mission deployment.

Personnel who obtain the highest UNSAT exam rating, or those superior in rank, length of service, educational attainment, or with fewer missions, in such order, shall have priority for deployment.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

MEMORANDUM
CIRCULAR NO. 2010-007

"RULES AND PROCEDURES GOVERNING THE SELECTION AND DEPLOYMENT OF PNP PERSONNEL FOR SECONDMENT OR DETAIL TO INTERNATIONAL ORGANIZATIONS AND PEACEKEEPING MISSIONS, AMENDING PNP MEMO CIRCULAR NR. 2009-006, 2007-012 AND FOR OTHER PURPOSES"

1. REFERENCES:

- a. PNP Memorandum Circular No. 2009-006 dated April 29, 2009 entitled: *"Rules and Procedures in the Selection of PNP Personnel for Secondment, Detail to International Organizations, Peacekeeping Missions, amending PNP Memo Circular No. 2007-012, and for other purposes"*;
- b. PNP Memorandum Circular No. 2007-012 dated October 10, 2007 entitled: *"Rules and Procedures in the Selection of PNP Personnel for Secondment and Detail to International Organization and Peacekeeping Missions"*;
- c. Section 6c Rule III, Civil Service Commission Memorandum Circular No. 40 dated December 14, 1998 re- Revised Omnibus Rules on Appointments and Other Personnel Actions;
- d. PNP Circular No. 2006-018 dated December 26, 2006, entitled: *"Prescribing the Policies, Guidelines and Procedures on Foreign Travel of PNP Personnel", amending PNP Memorandum Circular No. 2002-017 dated November 16, 2002, entitled: "Foreign Travel"*;
- e. PNP Circular No. 2007-004 dated May 8, 2007, entitled: *"Revised Guidelines and Procedures on Personnel Action on Detail of Philippine National Police (PNP) Uniformed Personnel to other Government Offices/Agencies"*;
- f. PNP Memorandum Circular No. 2002-014 dated October 5, 2002, entitled: *"Policies, Guidelines, and Procedures on the Processing of Personnel Applying for Secondment with other Government Agencies"*;
- g. PNP Memorandum Circular No. 2006-010 dated June 14, 2006, entitled: *"Assignment with PNP Training Service and Other Similar Institutions of PNP Personnel Returning from the United Nations Missions and those who have undergone more than one (1) month of Foreign Schooling"*;
- h. Executive Order No. 97 dated April 23, 2002, entitled: *"Approving and Adopting a Policy Framework and Guidelines for Philippine Participation in UN Peacekeeping Operations"*;
- i. Policy Framework and Guidelines for Philippine Participation in UN Peacekeeping Operations;
- j. United Nations Civilian Police Handbook; and

2. PURPOSE AND SCOPE:

This Circular prescribes the rules and procedures governing the selection of PNP personnel for Secondment or Detail to International Organizations and Peacekeeping Missions.

3. POLICY:

a. The Secondment or detail to an international organization and peacekeeping missions is an official duty; and

b. Active PNP personnel are prohibited from applying directly to any international organization for any vacancy position.

4. OBJECTIVES:

a. To provide a procedure that is based on merit and fitness in the selection of PNP personnel for Secondment or detail to international organizations and peacekeeping missions and for other purposes;

b. To give qualified PNP personnel equal opportunity to be nominated to Secondment posts in international organizations peacekeeping missions; and

c. To streamline the deliberation process and ensure that the results of the selection and screening process are beyond reproach.

5. DEFINITION OF TERMS:

a. **Active Police Service** - refers to the actual performance of police duties.

b. **Administrative Duty** - designation to positions involving purely clerical, staff and managerial functions. It includes assignment to NHQ PNP, National Administrative Support Units, PRO and NSU Headquarters, except operating units, HSS and other headquarters support units;

c. **Board of Inquiry** - an investigative body composed of the Contingent Commander as Chairman and four (4) senior officers as members, to deliberate and recommend the repatriation of personnel alleged to have violated the provisions of this circular;

d. **Contingent Commander** - refers to a PNP Commissioned Officer vested with the authority to exercise overall responsibility for the conduct and well-being of all members of the PNP contingent in the mission area consistent with UN rules, policies and regulations;

e. **Deferment** - is the act of postponing the deployment of PNP personnel to a mission area;

f. **Detail** - is the movement of an employee from one department or agency to another which is temporary in nature, which does not involve a reduction in rank, status or salary and does not require the issuance of another appointment;

- g. **Deployment Tracking** – is an order issued by the UN Department of Peacekeeping Operations authorizing the deployment of police officer/individual to UN mission area indicating the officer/s expected date of arrival and the Tour of Duty (TOD).
- h. **Deployment** - refers to the act of sending qualified PNP personnel to a mission area.
- i. **Extension** - is the lengthening of the tour of duty beyond the period stipulated in the original agreement or contract of Secondment or detail.
- j. **End of Mission (EOM)** – refers to the date when the tour of duty of deployed PNP personnel in a UN mission ends.
- k. **PNP UN Mission Qualifying Examination** - is an examination administered by the Secretariat to pre-qualify PNP personnel to take the UNSAT examination.
- l. **Mission Area** - a country or an area designated by the UN where peacekeeping operations are being undertaken.
- m. **Repatriation** - refers to the act of sending a PNP personnel back to the Philippines from a UN mission before his/her scheduled EOM either on the initiative of the UN or the PNP for failure to meet the UN standards, misdemeanor or due to medical grounds. The cost of travel shall be borne by the concerned PNP member, unless shouldered by UN.
- n. **Secondment** - is a movement of an employee from one department or agency to another which is temporary in nature and which may or may not require issuance of an appointment which may either involve reduction or increase in compensation.
- o. **Personnel** – refers to active PNP uniformed personnel;
- p. **Peacekeeping** – refers to a United Nations presence in the field (normally involving military and civilian personnel), with the consent of the parties, to implement or monitor the implementation of arrangements relating to the control of conflicts and their resolution or to ensure the safe delivery of humanitarian relief;
- q. **United Nations Department of Peacekeeping Operations (UNDPKO)** - a department in the United Nations Headquarters Secretariat directly in charge of United Nations peacekeeping operations.
- r. **United Nations Standby Arrangement System (UNSAS)** - refers to a system of establishing a pool of UNSAS Eligibles in a UN member country for deployment to mission areas as mandated by UN.
- s. **United Nations Selection Assistance Team (UNSAT)** - composed of personnel selected by UNDPKO to administer the UNSAT examination.
- t. **UNSAT Examination** - is an examination to determine competencies of PNP personnel candidates on English communication, vehicle driving and firearms proficiency, and
- u. **UNSAS Eligible** - PNP personnel who passed the UNSAT in the Philippines, entitling such member eligibility for deployment within a period of eighteen

(18) months commencing from the last day of the test, as certified by members of the UNSAT who administered the same.

6. QUALIFICATIONS FOR DEPLOYMENT TO UN PEACEKEEPING MISSIONS:

Applicants for UN peacekeeping mission should satisfy the following standards and qualifications at the time of filing the application thereof.

a. An UNSAS eligible;

b. A Police Commissioned Officer (PCO) applicant must have a rank of at least Police Senior Inspector while a Police Non-Commissioned Officer (PNCO) applicant must have a rank of at least Police Officer 3;

c. Have attained at least five (5) years of active police service (excluding cadetship for PMA, PNPA, PMMA, and equivalent Officer's Training/Field Training Program (FTP) for Lateral Entry Officers and Recruitment Training for Police Non-Commissioned Officers),

d. Appointed in permanent status in his/her present rank,

e. Have at least one (1) year experience in vehicle driving reckoned from the date of issuance of his/her valid driver's license;

f. Recommended by his/her Unit Commander (Command Group, D-Staff Directors, RDs of PROs, NSUs Directors and District Directors);

g. Have a Performance Evaluation Rating (PER) of at least Very Satisfactory (VS) for two (2) consecutive semestral rating periods immediately preceding his/her application;

h. With no pending administrative or criminal case in any body/tribunal or court nor a witness to any such case nor a summary hearing officer with unresolved cases;

i. Have not been repatriated from previous UN Mission for disciplinary reason/s,

j. With knowledge on basic computer operations (e.g Word, Excel, PowerPoint, e-mail and Internet);

k. Passed the latest Physical Fitness Test (PFT) conducted by DHRDD as well as Medical, Dental and Neuro-Psychiatric Examination; and

l. Without firearm accountability as certified by DL.

7. PRIORITY FOR DEPLOYMENT:

Priority for deployment to mission area is as follows:

a. 1st Priority – PNP personnel who passed the UNSAT Examination but without previous UN Mission deployment

b. 2nd Priority – PNP personnel who passed the UNSAT Examination but with previous UN mission deployment.

Personnel who obtained the highest UNSAT exam rating, or those superior in rank, length of service, educational attainment, or with fewer missions, in such order, shall have priority for deployment.

8. DEFAULT:

Personnel after having been nominated for deployment shall be considered in default and will be removed from the priority list under the following circumstances.

- a. Non-submission of documentary requirements to the Secretariat on specified date;
- b. Failure to report for processing for deployment; and
- c. Non-Attendance to the scheduled Pre-Departure Orientation Seminars (PDOS).

9. DEFERMENT:

- a. Deferment shall be allowed only once and only due to health reasons duly certified by the Director, Health Service;
- b. Personnel deferred due to justifiable reasons cited above can be re-nominated for deployment to the same mission area as last priority; and
- c. Requests for deferment shall be in writing.

10. OTHER REQUIREMENTS:

- a. Prior to deployment, all personnel shall execute an undertaking stating that he/she:
 - 1) Does not have any pending administrative or criminal case in any body/tribunal or court nor a witness to any pending criminal or administrative cases nor a summary hearing officer with unresolved cases;
 - 2) Shall observe exemplary behavior, discipline and follow all the pertinent rules and regulations of the PNP and the UN;
 - 3) Shall abide by the PNP Code of Ethics and Professional Conduct and shall not commit any act/s or omission/s that will cause dishonor or disgrace to the PNP;
 - 4) Shall strive to achieve outstanding accomplishment in the performance of assigned tasks in order to bring honor and prestige to the Philippines;
 - 5) Shall defray expenses for travel to the Philippines from the mission area in case of repatriation due to disciplinary reasons;
 - 6) Shall submit himself/herself to a post medical examination in the mission area one (1) month prior to his/her End-of-Mission (EOM) and shall submit the medical examination result to the PNP Health Service for evaluation; and
 - 7) Shall return to the Philippines and report to TDPL and TDPRM not later than ten (10) days after the expiration of his/her tour of duty.

b. Infraction of the oath of undertaking shall be a ground for repatriation, without prejudice to administrative sanctions against erring personnel, and

c. All UNSAS eligibles shall undergo a Pre-Departure Orientation Seminar (PDOS) to be conducted by the PNP Training Service.

11. SECONDMENT:

a. All applications for Secondment to international organization shall be deliberated by the PNP Selection Committee for UN Missions.

b. Approving Authority:

1) Chief PNP-when the tour of duty is not more than one (1) year;
and

2) Chairman, Civil Service Commission- when the tour of duty is more than one (1) year but not to exceed the maximum period of three (3) years except as otherwise provided for by law or as required under bilateral/multilateral agreements.

12. RESTRICTIONS/OTHER CONSIDERATIONS:

a. PNP personnel shall be allowed a maximum of three (3) separate details to any international peacekeeping mission.

1) Provided that for purposes of applying the three-mission limit, extension of the mission for more than one (1) month shall be considered as one (1) mission and also missions which had been considered by the UN as already completed, and

2) Provided further, that the counting of more than one (1) month extension shall apply from the effectivity of this circular

b. Extension of Secondment or detail to the UN and/or peacekeeping missions shall be valid only upon approval of the Chief, PNP

c. Personnel deployed to any international peacekeeping mission shall not be eligible for nomination to any Secondment post and vice versa. Likewise, personnel nominated for deployment or Secondment shall not be eligible for nomination to another post.

d. Personnel returning from UN peacekeeping mission/Secondment shall render at least two (2) years service in any PNP office/unit before he/she may be considered for next deployment.

e. Personnel appointed into any of the PNP Technical Services shall be allowed to be seconded or detailed to international organization or UN peacekeeping missions, provided that:

1) His/her expertise applies to the position/vacancy offered by the UN/ international organization and he/she possesses training competencies for the position/vacancy; or

2) He/she have attained at least five (5) years of active duty in the Service which he/she was appointed to and have performed Administrative Duty for at least two (2) years.

f. Third level PNP officers shall be allowed to be seconded to any UN peacekeeping mission for the positions of Professional Level 5 (P5) or higher

g. The composition of the PNP contingent for detail to international peacekeeping missions shall be 40% PCOs and 60% PNCOs, if practicable.

h. The total number of personnel deployed to all UN peacekeeping missions shall not exceed 0.5% of the actual strength of uniformed personnel of the Philippine National Police as of the end of calendar year immediately proceeding the time of deployment

i. Prior to departure to the mission area, all PNP personnel must have the necessary travel authority issued by proper authorities.

j. Personnel returning from mission shall be allowed to take the UNSAT examination only after eighteen (18) months from the date of latest End of Mission.

k. All personnel deployed in UN mission shall undergo Medical and Psychological Evaluations in the mission area one (1) month prior to the end of mission and shall submit the medical examination result to the PNP Health Service for evaluation.

l. The Chief, PNP may upon the recommendation of the Board of Inquiry (BOI) through a resolution, cause the immediate repatriation of any member of a contingent who commits act/s inimical to the best interest of the PNP and the country in general

13. THE PNP SELECTION COMMITTEE FOR UN MISSIONS:

a. The PNP Selection Committee for UN Missions shall deliberate, select and recommend on the detail of PNP personnel with the United Nations and other international peacekeeping missions. It is composed of the following:

1) TDPL	- Chairman
2) DOPRM	- Vice Chairman
3) DDI	- Member
4) DDL	- Member
5) DDC	- Member
6) DDIDM	- Member
7) DDO	- Member
8) DDHRDD	- Member
9) DDPCR	- Member
10) DEP LS	- Member
11) CESPO	- Member
12) C, WCPC	- Member
13) D, HS	- Member

b. The PNP Selection Committee shall adopt and implement guidelines and other measures for the selection and detail of personnel to UN Peacekeeping Missions.

c. The Chairman, PNP Selection Committee shall designate the PNP Contingent Commander in every mission area

d. The PNP Selection Committee shall be supported by a Secretariat headed by the Chief, United Nations Peacekeeping Operations Center (UNPOC), Directorate for Plans.

e. The Secretariat shall have the following responsibilities:

- 1) To ensure the proper implementation of this circular as well as resolutions of the Committee;
- 2) To coordinate with other offices, departments and international organizations matters pertaining to international peacekeeping operations;
- 3) To maintain and update the PNP UN Stand-by List;
- 4) To prepare the necessary documents pertaining to Secondment and detail of PNP personnel to international peacekeeping operations;
- 5) To ensure the timely dissemination of announced vacancies in the seconded posts of international organizations;
- 6) To accept and process application of personnel for Secondment to the United Nations and other international bodies; and
- 7) To perform other tasks as may be required by the Committee and this circular.

f. The PNP Selection Committee Secretariat shall assist the UNSAT in the conduct of examination in the country.

14. CONTINGENT COMMANDER:

The Contingent Commander shall have the following duties and responsibilities:

- a. Exercise overall supervision of all detailed PNP personnel in the mission area particularly in the maintenance of internal discipline and proper decorum.
- b. Ensure the timely submission of Situation Reports every first day of every month and/or as directed.
- c. Communicate all requests for Extension of Tour of Duty (Attn: TDPL) for the Chief, PNP's approval, and
- d. Convene a Board of Inquiry to deliberate and recommend the repatriation of personnel alleged to have violated the provisions of this circular as necessary.

15. FUNDING:

All expenses in connection with the mandate of the Committee shall be chargeable against the Command Mandatory Activity Fund of the PNP.

16. PENAL CLAUSE:

Any PNP personnel who violates the provisions of this Circular shall be held administratively liable for GRAVE MISCONDUCT and shall be penalized accordingly.

17. REPEALING CLAUSE:

All existing policies, rules and regulations inconsistent herewith are hereby modified or repealed accordingly.

18. EFFECTIVITY:

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "*The Revised Administrative Code of 1987*", as amended.



JESUS A. VERZOSA, CEO VI
Police Director General
Chief PNP



Distribution:

Command Group
D-Staff
NSUs
PROs 1-13, Cordillera, ARMM & NCRPO

XII. PNP PERSONNEL ACCOUNTING AND INFORMATION SYSTEM (PAIS)

A. Legal Basis: PNP Memorandum Circular No. 2011-018

B. Policy Requirement/Compliance:

1. All requests for entries, changes or deletion of information must be done in writing and endorsed by the Personnel/Administrative Officers to the DPRM (Attn: C, RMD).
2. All requests requiring the approval of the Chief, PNP or TDPRM shall be forwarded to the DPRM (Attn: C, RMD) for their appropriate action prior to alteration or deletion.
3. All entries, changes or deletions approved by the RDs and Director, NSUs shall be reported to the DPRM (Attn: C, RMD) for confirmation and reconciliation with the main PAIS database together with a certified true copy of orders issued and other supporting documents.
4. All requests for entries, changes or deletions in the birth records, civil and other personal circumstances of personnel shall be submitted to the Secretariat, Birth Records Evaluation Board (BREB) at RMD, DPRM for those assigned at NHQ and to the PRO/NSU BREB (Attn: C, RPHRDD/ADP) for those assigned at the PROs/NSUs.
5. Recommendation by the PRO/NSU BREBs shall be submitted to the DPRM (Attn: Ex-O/Chairman, NHQ BREB) for approval and subsequent issuance of resolution/order.
6. Entries, changes and deletions approved by the Chief, PNP or TDPRM will be sent to the RMD (Attn: C, PAIS Section) for encoding and filing (Attn: Chief, Storage Section, RMD).

Confidentiality:

All entries in the PAIS database are classified as "Confidential". Disclosure of information contained therein shall be governed by regulations and the mutual confidentiality agreement entered into by the PNP. No person shall willfully, feloniously, or through negligence, cause the dissemination, publication or broadcast through the radio, television or Internet, any confidential or private information contained in the system without clearance from the Chief, PNP (through the Director for Intelligence).

C. Scope/Coverage:

This Circular shall be applicable to all PNP personnel and other persons who have access to the PAIS database or have interest or use of the information stored therein. The maintenance, handling and security of the database shall cover not only the physical aspect, i.e. equipment, Records and facilities, but more importantly, the information stored in the system. All persons who have access to the Personnel Accounting and Information System (PAIS) shall ensure and secure the integrity and accuracy of all information in the database.



Republic of the Philippines
 Department of the Interior and Local Government
 NATIONAL POLICE COMMISSION
 NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
 DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
 Camp Crame, Quezon City

MEMORANDUM

FOR : The Chief, PNP

THRU : TDCA
 TDCO
 TCDS

FROM : TDPRM

SUBJECT : Proposed MC re: PNP Personnel Accounting and Information System (PAIS)

DATE : JUL 07 2011

JUL 12 2011
 DATE

APPROVED / DISAPPROVED

C. PNP

JUL 8 2011
 JUL 8 2011

1. References:

- a) Personnel Records Management Manual 2008; ~~and~~
- b) PNP Memorandum Circular No. 2010 - 19 "Guidelines and Procedures in the Correction of Entry and Changing of Birth Records of PNP Personnel"

2. The Personnel Accounting and Information System (PAIS) is the single most important database of information used by this Directorate. It serves as the basis for promotion, placement, issuance of orders and other personnel actions. At present, there is no particular set of rules and regulations that govern its use, maintenance and safekeeping.

3. The circular prescribes the guidelines, policies and procedures in the access, use, encoding, editing or deletion of information in the PNP Personnel Accounting and Information System (PAIS). It aims to systematize, regulate and control the administration of data contained in the database. Encoders at the Records Management Division are currently filling up as much fields as possible. Their efforts are complemented by the PROs and NSUs who are responsible for the management of information at their levels. This is in preparation for the on-line, real-time interconnection of the central PAIS at NHQ to the PROs and other field units.

4. In view of the above, submitted herewith is the Proposed Memorandum Circular entitled "PNP Personnel Accounting and Information System".

5. For your approval.

JAIME E. MILLA, CEO VI
 Police Director



JUL 08 2011



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Republic of the Philippines
 Department of the Interior and Local Government
 NATIONAL POLICE COMMISSION
 NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
 Camp Crame, Quezon City

MEMORANDUM

FOR : **The Chief, PNP**
THRU : **TDCA** _____
 TDCO _____
 TCDS _____
FROM : **TDPRM**
SUBJECT : **Proposed MC re: PNP Personnel Accounting and Information System (PAIS)**

DATE :

1. References:

- a) Personnel Records Management Manual 2008; and,
- b) PNP Memorandum Circular No. 2010 – 19 "Guidelines and Procedures in the Correction of Entry and Changing of Birth Records of PNP Personnel".

2. The Personnel Accounting and Information System (PAIS) is the single most important database of information used by this Directorate. It serves as the basis for promotion, placement, issuance of orders and other personnel actions. At present, there is no particular set of rules and regulations that govern its use, maintenance and safekeeping.

3. The circular prescribes the guidelines, policies and procedures in the access, use, encoding, editing or deletion of information in the PNP Personnel Accounting and Information System (PAIS). It aims to systematize, regulate and control the administration of data contained in the database. Encoders at the Records Management Division are currently filing up as much fields as possible. Their efforts are complemented by the PROs and NSUs who are responsible for the management of information at their levels. This is in preparation for the on-line, real-time interconnection of the central PAIS at NHQ to the PROs and other field units.

4. In view of the above, submitted herewith is the Proposed Memorandum Circular entitled "PNP Personnel Accounting and Information System".

5. For your approval,


JAIME E. MILLA, CEO VI
 Police Director



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezón City

MEMORANDUM
CIRCULAR NO. 2011 - 019

PNP PERSONNEL ACCOUNTING AND INFORMATION SYSTEM (PAIS)

1. REFERENCES:

- a. Personnel Records Management Manual 2008.
- b. PNP Memorandum Circular No. 2010 – 19 "Guidelines and Procedures in the Correction of Entry and Changing of Birth Records of PNP Personnel"

2. PURPOSE:

This Circular prescribes the guidelines, policies and procedures in the use, encoding, editing or deletion of information in the PNP Personnel Accounting and Information System (PAIS) Database.

3. OBJECTIVES:

This Circular aims to systematize, regulate and control the access, use and administration of data contained in the PAIS. The first objective in the deployment of PAIS is to populate or fill-up at RMD, DPRM as much blank fields as possible. This will be complemented by encoders from the PROs and NSUs who will be responsible for the information management at their levels. This is in preparation for the real-time, on-line (Internet/VPN) interconnection of the central PAIS at NHQ with the subordinate units. The data will be reconciled and synchronized regularly, taking into account the security, accuracy and integrity of information contained therein.

4. DEFINITION OF TERMS:

- a. **Cross-matching** - the comparison of data between the central PAIS database at NHQ and those at the subordinate units to determine differences and/or similarity of information contained therein for the purpose of reconciling and synchronizing the information and establish the authority/reference(s) used in the entries or changes made.
- b. **Dependents of PNP Personnel** - refer to the children, legal spouse or qualified immediate relatives of PNP personnel who are entitled to receive certain rights and privileges granted by the PNP. For unmarried personnel, their dependents are their parents and/or unmarried brothers or sisters below eighteen (18) years old. For married personnel, their dependents are the legal spouse (and other spouses if lawfully contracted under Islamic rites), unmarried children below eighteen (18) years of age, children above eighteen (18) years old but who are suffering from physical or mental disability and are living with and totally dependent on their parents.

- c. **Date Entered Service** – refers to the original date of appointment to the PNP, or other government office duly accredited by the Civil Service Commission.
- d. **Date of Officership** – refers to the date of appointment as Police Commissioned Officer (or its equivalent in the BFP and BJMP) in the PNP or called to active duty as officer in the Armed Forces of the Philippines/Philippine Constabulary or the Integrated National Police.
- e. **Highest Educational Attainment** - The highest level of formal education completed and duly certified by the Commission on Higher Education or Department of Education.
- f. **Highest Mandatory Training** (or career courses) - refers to the highest training/mandatory career course which is appropriate to the rank of the PNP personnel based on current PNP Qualification Standards for Promotion confirmed by the NAPOLCOM and the CSC.
- g. **Legal Beneficiaries of PNP personnel** – used interchangeably with “dependents of PNP personnel”; refer to the legal heirs of PNP personnel who are entitled to receive certain rights and privileges granted by law. For unmarried personnel, their legal beneficiaries are their parents and/or unmarried brothers or sisters below eighteen (18) years old. For married personnel, their legal beneficiaries are the first spouse, except for marriages lawfully contracted under Islamic rites, unmarried children below eighteen (18) years of age, children above eighteen (18) years old but who are suffering from physical or mental disability and are living with and totally dependent on their parents (*see also Surviving Spouse below*).
- h. **PAIS Encoders** – refer to the computer typists assigned in the PAIS Section of RMD (or the PROs, NSUs and subordinate units) who input, change or delete data in the PAIS database.
- i. **PNP Personnel** – refers to the police commissioned officers (PCOs, police non-commissioned officers (PNCOs) and the non-uniformed personnel (NUP), including other employees in *plantilla* of the PNP.
- j. **Stand-alone PAIS** – refers to the information contained in the Personnel Accounting and Information System that it is installed in a remote computer that is not connected to the main system by any cable, Internet or wireless means.
- k. **Surviving spouse** – the term is used to refer to the wife or husband of a deceased PNP personnel; he or she shall be *“legally married to the deceased prior to the latter’s retirement/separation, not legally separated by judicial decree issued on grounds not attributable to the said spouse, and who have not abandoned the deceased without justifiable cause. Provided, that entitlement to the benefits shall automatically terminate upon remarriage of the surviving spouse (Sec. 25, NAPOLCOM Resolution No. 2007-376 dated Aug. 29, 2007)”*.

5. SCOPE OF APPLICATION

This Circular shall be applicable to all PNP personnel and other persons who have access to the PAIS database or have interest or use of the information stored therein. The maintenance, handling and security of the database shall cover not only the physical aspect, i.e. equipment, records and facilities, but more importantly, the information stored in the system. All persons who have access to the Personnel

Accounting and Information System (PAIS) shall ensure and secure the integrity and accuracy of all information in the database.

6. POLICIES AND GUIDELINES

- a. **Accuracy of Information.** The deployment of PAIS to the PROs, NSUs, NCRPO District Offices, PPO/CPO and RPSBns is to allow the said units access to information and at the same time expedite the encoding of all necessary data. The accuracy of all entries in the PAIS shall be the primary concern of all PNP offices and personnel. All entries, deletions, changes, correction and modifications in the database or the software shall be based on facts and covered by original documents or authenticated copy from original by the issuing office, e.g. Birth and Marriage Certificates shall be authenticated by NSO, school records by CHED/DepEd or the school registrar, etc.).
- b. **Add to Roster** – Any former member of the PC/INP and PNP who is not yet included in the PAIS Database maybe added to the official Roster of the PNP only upon presentation of authentic documents, and approval of the TDPRM. All requests shall be coursed through the Chief, Storage Section for evaluation of the completeness and authenticity of the supporting documents and the Chief, RMD for his recommendation.
- c. **Administrative and Criminal Liability of Personnel.** Any PNP personnel who wilfully and feloniously submit false information or falsified documents, or act in collusion with any individual in entering, altering or deleting information in the PAIS without proper authority or legal basis shall be held liable for administrative offense/s i.e. Dishonesty or Serious Irregularity in the Performance of Duty, and criminal liability, i.e. violation of Art. 171-172, RPC (Falsification of Documents) or other applicable laws and statutes.
- d. **Affirmation and Certification of Legal Beneficiaries.** All Personnel and Administrative Officers shall require original NSO-issued Certificates of Live Birth, Advisory of Marriage or Certificate of No Marriage and Certificates of Deaths. In no case shall a photocopy be accepted unless these are certified reproduction from the original by the NSO or the Office of the Civil Registry (for locally-issued documents). PNP personnel shall submit an Affidavit of Confirmation of Legal Beneficiaries duly notarized by a Notary Public (Note: Affidavits administered by PCOs are not acceptable). Personnel and Administrative Officers shall see to it that the names of dependents indicated therein are the **legal beneficiaries** of the personnel concerned based on the certificate of Live Birth and Marriage Contract. Common law wife or spouse from a subsequent marriage not allowed by law shall be excluded.
- e. **Audit Trail.** The Chief, RMD DPRM may conduct random inventory of the Audit Trail of the Central PAIS and those of the PROs/NSUs and subordinate units to determine regularity of entries and deletions made and establish accountability. Stand-Alone or Peer-to-Peer PAIS deployed have built-in Audit Trail to ensure data integrity and user/operator accountability. This is intended to make PAIS-users accountable for the entries and deletions they make. Should there be any discrepancies in the data at the Central PAIS and those at the subordinate offices, the entries at the Central PAIS database at RMD, DPRM shall prevail; unless, the changes made are supported by appropriate documents and such changes are approved by TDPRM. The final arbiter on any conflicting issues or entries in the PAIS shall be the Chief, PNP.

- ✓ f. **Authority to Encode Data.** All entries made which are not covered by appropriate orders, memoranda or written directive from the Chief, PNP, TDPRM or RDs and Director, NSUs (for items within their respective jurisdictions) are deemed irregular; hence, these are subject to automatic restoration to original entry by Chief, RMD and investigation to determine administrative or criminal liability of persons concerned, if any. All entries encoded by a subordinate units shall be confirmed through a written report to DPRM (Attn: C, RMD) and cross-matching with the NHQ PAIS database.
- g. **Authority to Change or Delete.** As a general rule, subordinate units shall have authority to change or delete information in the PAIS from higher office or headquarters before anything is changed or deleted, e.g. PRO/NSUs shall have written clearance from TDPRM first **before the changes are encoded**. This is to ensure that there is check and balance in encoding changes in the PAIS database. This written authority shall be kept on file for future reference.
1. Birth Records, civil status and other personal circumstances – all requests for changes in the birth records (date/place of birth, civil status and other personal circumstances of PNP personnel shall be coursed through the NHQ Birth Records Evaluation Board or the PRO/NSU Birth Records Evaluation Board (BREB) prior to approval of TDPRM for entry, alteration or deletion in the PAIS.
- ✓ 2. Entries for the following fields may be changed or deleted only upon approval of TDPRM (if not covered by appropriate orders, memoranda or documents) or the Chief, RMD, if there are available original or certified true copy from original documents:
- a) Rank, Name and Badge Number;
 - b) Date of Appointment, Enlistment, Commissionship CAD/Officership;
 - c) Date of Absorption/Entered Service;
 - d) Date of Promotion/Demotion;
 - e) Dismissal/Suspension/Separation/Retirement;
 - f) AWOL/Dropped from Rolls and other entries affecting duty status;
 - g) Entries for Minimum Qualification Standards for Promotion (Experience/TIG, Eligibility, Education and Training)
 - h) Punishments and Disciplinary Actions;
 - i) Duty Status and other entries in the Service Record;
 - j) Unit, Sub-unit or Office;
 - k) Designation and Designation Status;
 - l) Legal Beneficiaries/Dependents;
 - m) Other Trainings or Schoolings;
 - n) Leave Records;
 - o) List of Offenses and Court Involvements;
 - p) Previous Assignments;
 - q) Awards and Commendations; and
 - r) Pay and Allowances
3. Changes or deletion of entries in the following fields may be authorized by the RD, PROs/Director, NSUs for personnel under their respective units; provided, that the entries will be reported, confirmed or cross-matched with the Central PAIS Database at RMD, DPRM:
- a) Assignment within the PRO/NSU (Unit, Sub-unit and Station);
 - b) Designation and Designation Status;
 - c) Education;

- d) Mandatory Training/Career Courses;
 - e) Eligibility;
 - f) Encoding of AWOL/DFR/Suspension/Dismissal (Note: All restoration to full duty status shall pass through DLOD and approved by TDPRM before these are encoded at RMD.);
 - g) Attestation of the Present Rank;
 - h) Encoding of Additional Beneficiaries/Dependents;
 - i) Other Trainings or Schoolings;
 - List of Offenses and Court Involvements; and
 - j) Awards and Commendations
- h. **Changes in names and Civil Status.** Changes in names and civil status (e. g. single to married, married to annulled, etc.) shall be reflected in the PAIS only after issuance of appropriate order. The individual shall file a petition/request through his unit which shall endorse the same to the PRO/NSU/NHQ BREB for evaluation and examination of supporting documents from the NSO, Courts or the CSC. PRO/NSUs may issue orders for the change of civil status of personnel (single to married, married to annulled, etc.) if these are appropriately covered by Court orders and NSO documents. The said units shall inform DPRM (Attn: C, RMD) of the changes as soon as possible.
- i. **Conduct of Cross-matching** – The Chief, RPHRDDs (Attn: Regional PAIS operators) shall conduct cross-matching regularly to synchronize the status of personnel and other entries or deletions made therein. If there are discrepancies, the Chief, RPHRDD shall immediately require the lower unit to furnish their Office with appropriate orders or supporting documents to justify the changes/discrepancies. All entries or deletions made at subordinate PAIS offices are deemed *interim* until these are confirmed by Chief, RMD, DPRM. PAIS encoders shall regularly cross-match the entries between a higher unit and its immediate lower units on the following fields:
- 1) Rank
 - 2) Last, First, Middle Names, and Qualifiers
 - 3) Civil Status
 - 4) Date Entered Service
 - 5) Date of Officership
 - 6) Unit, Sub-unit and Station
 - 7) Designation and Designation Status
 - 8) Highest Educational Attainment & Course
 - 9) Highest Mandatory Training
 - 10) List of Eligibilities
 - 11) Personnel Status
 - 12) Attestation of the Present Rank
 - 13) List of Dependents
 - 14) List of Other Trainings or Schoolings
 - 15) List of Leaves of Absence
 - 16) List of Offenses and Court Involvements
 - 17) List of Previous Assignments
 - 18) List of Awards and Commendations
 - 19) List of Pay and Allowances
- j. **Correction or alteration of birth records.** Correction or alteration of Dates of Birth, Place of Birth, names, and other personal circumstances shall be in accordance with existing laws, CSC/NAPOLCOM/PNP Circulars. These entries may be altered or corrected at the Records Management Division (RMD), DPRM only upon approval of the BREB. In no instance shall regional, provincial, city, province, NSU and RPSBn

PAIS users change the same. Changes or alterations made without indicating the authority thereof shall be deemed invalid. The PAIS data changed or deleted shall then be immediately restored to the original entry. Requests for corrections or alterations of birth, marital and other civil records shall be coursed through the Birth Records Evaluation Board for evaluation and TDPRM for approval.

- k. **Integrity of Data.** The PAIS database is the central repository of all personnel information of the Philippine National Police. All PCOs, PNCOs, NUP and other persons who have access to the database shall secure the integrity and truthfulness of all information contained therein. They shall not countenance or tolerate irregularities, unauthorized entries, changes or deletions in the PAIS.
- l. **PAIS-on-line.** The DPRM shall set up and establish on-line (via Internet or VPN) connectivity between the Central PAIS Database at NHQ and the different PROs and NSUs. Entries, alterations and deletions made electronically shall be confirmed by signed (hard copy) documents for storage and accountability purposes.
- m. **Reporting of Violations or Irregularities.** Inconsistencies, irregularities or unauthorized entries, alterations or deletions that come to the attention of any PNP personnel or employees **MUST be reported in writing** to the Chief, RMD, if the discovery was made at the central PAIS database and the RD/PD/CD or Battalion Commander, RPSBn (Copy furnished TDPRM Attn: Chief, RMD), if the discovery was made at their respective levels. Personnel who have personal knowledge or learns of such irregularities, inconsistencies or unauthorized entries, alterations or deletions shall inform his/her immediate supervisor or chief of office **in writing within twenty-four (24) hours from discovery**. Failure to do so shall be **PRESUMED as collusion or connivance** with the perpetrators or authors of such irregularities; hence, he or she shall be held liable for Serious Neglect of Duty.
- n. **Responsibility in Securing the PAIS database.** The Chief, PAIS Section, RMD shall be the officer of primary responsibility (OPR) tasked to secure and ensure the integrity and accuracy of information in the central PAIS database. Similarly, the Personnel/Administrative Officers of subordinate units shall be OPR for the PAIS database in their respective units. PAIS encoders and operators shall exercise maximum prudence in examining the authenticity of the documents presented by the individual PNP personnel or endorsed by their units.
- o. **Responsibility of Persons Granted Access to the PAIS** – In certain exceptional cases, the personnel of the Office of the Secretary of Interior and Local Government, NAPOLCOM and other PNP offices are granted access to the PAIS. It shall be the inherent responsibility of the requesting party to safeguard the confidentiality and integrity of the information contained therein. The DPRM reserves the right to file administrative or criminal complaint against any person for negligence or unlawful disclosure of classified information as evidence warrants.
- p. **Service Records** – All entries pertaining to the service record of personnel (appointment, absorption, promotion, demotion, suspension, dismissal, retirement and other entries pertaining to the continuity of service and duty status) shall be encoded or edited at RMD, DPRM (for NHQ/NSUs) and RPHRDDs (for PROs) only. Chief, RPHRDDs shall inform the Chief, RMD

RPHRDDs (for PROs) only. Chief, RPHRDDs shall inform the Chief, RMD (Attn: C, PAIS Section) within forty-eight (48) hours if there are changes made in the service record or duty status of personnel.

- q. **Verbal Instructions** – No verbal instructions from any person, including the supervisors, chiefs of offices/units, and superior PCO/PNCOs, shall be accepted or used as basis for encoding, changing, or deleting entries in the PAIS Database. All instructions for encoding, editing or deleting PAIS data shall be made in writing and shall be filed for future reference.

7. PROCEDURES IN ENCODING, EDITING OR DELETING DATA

- a. All requests for entries, changes or deletion of information must be done in writing and endorsed by the Personnel/Administrative Officers to the DPRM (Attn: C, RMD).
- b. All requests requiring the approval of the Chief, PNP or TDPRM shall be forwarded to the DPRM (Attn: C, RMD) for their appropriate action prior to alteration or deletion.
- c. All entries, changes or deletions approved by the RDs and Director, NSUs shall be reported to the DPRM (Attn: C, RMD) for confirmation and reconciliation with the main PAIS database together with a certified true copy of orders issued and other supporting documents.
- d. All requests for entries, changes or deletions in the birth records, civil and other personal circumstances of personnel shall be submitted to the Secretariat, Birth Records Evaluation Board (BREB) at RMD, DPRM for those assigned at NHQ and to the PRO/NSU BREB (Attn: C, RPHRDD/ADP) for those assigned at the PRO/NSUs.
- e. Recommendation by the PRO/NSU BREBs shall be submitted to the DPRM (Attn: Ex-O/Chairman, NHQ BREB) for approval and subsequent issuance of resolution/order.
- f. Entries, changes and deletions approved by the Chief, PNP or TDPRM will be sent to the RMD (Attn: C, PAIS Section) for encoding and filing (Attn: Chief, Storage Section, RMD).

8. CONFIDENTIALITY CLAUSE

All entries in the PAIS database are classified as "Confidential". Disclosure of information contained therein shall be governed by regulations and the mutual confidentiality agreement entered into by the PNP. No person shall wilfully, feloniously, or through negligence, cause the dissemination, publication or broadcast through the radio, television or Internet, any confidential or private information contained in the system without clearance from the Chief, PNP (through the Director for Intelligence).

9. REPEALING CLAUSE

All issuances, memoranda, rules and regulations issued by the PNP which are not consistent herewith are deemed repealed or amended accordingly.

10. EFFECTIVITY

This Circular shall take effect fifteen (15) days after publication at the University of the Philippines Law Center in consonance with Section 3 and 4, Chapter 2, Book VII of Executive Order No 292, otherwise known as, "The Revised Administrative Code of 1987".



Raul M. Bacalzo
ATTY RAUL M. BACALZO, Ph.D.
Police Director General
Chief, PNP

CPNP Ltr 2011 0044172



0044172

XIII. PROMOTION

- A. Legal Basis:** PNP Command Memorandum Circular No. 43-13 dated August 23, 2013
2nd Level PCOs and PNCOs Regular Promotion Programs

B. Police Requirement/Compliance:

Computation of Experience/Time-in-Grade

- a. The TIG/Experience shall be reckoned from the date of effectivity indicated in their CSC attested appointment (KSS Porma Blg 33);
- b. The cumulative period of suspension, absence without official leave (AWOL), and/or dropped from the rolls (DFR) incurred by a candidate in his/her present rank shall be deducted from his/her TIG; and
- c. The TIG of a candidate who was demoted or reverted to previous rank shall be reckoned from the date of his/her appointment in the effective date of demotion or reversion.

Disqualifications:

The following PCOs and PNCOs are NOT QUALIFIED for promotion:

- a. Those who are already 55 years old upon the effectivity of promotion orders (Sec. 25 RA No. 8551);
- b. Those who have pending criminal cases (with information) filed in Court/Sandiganbayan for less than two years counting from the date it was filed in regular court and effectivity of promotion orders and those charged in Court/Sandiganbayan/CHR with "crime/s including but not limited to a violation of human rights punishable by *reclusion perpetua* or life imprisonment and the court has determined that the evidence of guilt is strong", subject to the provisions of RA No. 9708;
- c. Those who are serving the penalty of suspension during the promotion program as provide in Rule 22 Section 6(b) of NAPOLCOM Memorandum Circular No. 2007-001;
- d. Those who are on *secondment*, on detail outside the DILG and those who reported back to actual duty from *secondment* or detail outside the DILG during the promotion;
- e. Those who have ratings lower than Very Satisfactory (VS) in any of the past two ratings, or those who have no IPER (as required in DPRM Memorandum dated February 9, 2012 with subject: "Non-Submission of IPER" in reference to PNPM-DPL-DS dated May 3, 2004 re-PCO PER/PNCO PER Systems Manual); and
- f. Those who failed to take or failed to pass any of the past two Physical Fitness Tests (PFTs) without valid and acceptable reason as validated and recommended by the PNP Health Service.

Disposition of "Floating" PCOs/PNCOs

PCOs and PNCOs who have not occupied any position commensurate to their ranks (on "floating" status) for at least six months during the current year shall not be considered for promotion.

NAPOLCOM Representatives

NAPOLCOM representative shall be invited as member of promotion boards and shall participate in every stage of the promotion process.

Personnel with Pending Application for Special Promotion

The application for regular promotion of personnel who have pending application for special promotion shall not be accepted unless the said application for special promotion will be withdrawn.

No Promotion in Temporary Status


All promotion appointments to be given in this promotion program shall be permanent in nature, subject to the provision of RA No. 9708 for those affected. There shall be no promotion in temporary status.

Reassignment and Schooling after Promotion

Newly promoted 2nd level PCOs shall not be reassigned to other offices/units nor undergo schooling within six months after the effectivity date of their promotion without express approval of the Chief, PNP. Any violation on this prohibition shall be a ground for disciplinary action against the PCO and his/her director/chief of office, and shall result in the automatic revocation of the reassignment order/schooling.

C. Scope/Coverage:

2nd Level PCOs (PINSP – PSUPT) and PNCOs (PO2 – SPO4) who satisfy the minimum qualification standards based on CSC Resolution No. 1101479 dated November 8, 2011 and NAPOLCOM Resolution No. 2011-196 dated July 11, 2011 entitled "Prescribing the Qualification Standards for Appointment to PNP Ranks."


Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

**COMMAND MEMORANDUM CIRCULAR
NO. 43-13**

SUBJECT : 2nd Level PCOs and PNCOs Regular Promotion Programs

TO : See Distribution

DATE : AUG 23 2013

1. REFERENCES:

- a. CSC Resolution No. 1101479;
- b. NAPOLCOM Resolution No. 2011-196;
- c. NAPOLCOM Resolution No. 2004-137;
- d. NAPOLCOM Resolution No. 2004-001;
- e. NAPOLCOM Memorandum Circular No. 2007-007;
- f. TDPL Memorandum with subject *"Updated Provisional List of Positions for Police Superintendent"*;
- g. Republic Act No. 9708;
- h. DPL Circular No. DPL 03 02 entitled *"Specific Authority Delegated to the Directorial Staff as Amended"*;
- i. NAPOLCOM Resolution No. 2012-158; and
- j. CSC Resolution No. 1201549.

2. PURPOSE:

This Command Memorandum Circular (CMC) sets the policies, guidelines and procedures governing the promotion of 2nd Level PCOs (PINSP - PSUPT) and PNCOs (PO2 - SPO4) who satisfy the minimum qualification standards based on CSC Resolution No. 1101479 dated November 8, 2011 and NAPOLCOM Resolution No. 2011-196 dated July 11, 2011 entitled *"Prescribing the Qualification Standards for Appointment to PNP Ranks."*

3. SITUATION:

Consistent with the provisions of R.A. No. 6975, as amended by R.A. No. 8551 and other pertinent laws, the PNP will enhance professionalism in its ranks through the institution of a promotion system using merit and fitness as the primary consideration as well as giving equal opportunity to all qualified personnel.

4. MISSION:

The PNP promotion program aims to enhance the efficiency and effectiveness of the organization by placing and promoting the best qualified personnel to various vacant positions through merit and fitness.

5. OBJECTIVES:

- a. To effect a more efficient promotion system with the least documentary requirements from the applicants;

- b. To identify qualified personnel who possess all the qualification and non of the disqualification for promotion to various positions;
- c. To fairly select the best qualified personnel from among the applicants to be recommended for promotion;
- d. To enhance the morale and welfare of PNP personnel;
- e. To give equal opportunity to all qualified applicants;
- f. To empower the lower units (PPOs, PROs) to determine the best qualified personnel for promotion; and
- g. Provide a uniform and systematic standard in the selection and screening of candidates for promotion.

6. GENERAL GUIDELINES AND POLICIES:

a. Policies

The following guidelines and policies on promotion to second level ranks are hereby established:

1) Primary Source of Data

- a) The primary source of data pertaining to the Qualification Standards (QS) for promotion and other collateral requirements (PFT, PER, Awards, Designation/Status) shall be the Personnel Accounting and Information System (PAIS) at RMD, DPRM.
- b) The PAIS Section of different PROs and NSUs shall provide their respective PCO Promotion Committees and PNCO Promotion Boards updated PAIS generated PDS of qualified applicants for promotion.
- c) All applicants shall update their mandatory and collateral requirements in the PAIS in order to be included in the Initial List of Candidates for Promotion, and
- d) Applicants together with the RPHRDD/ARMD/Admin/Personnel Officers must affix their signature on every page of the PAIS Personnel Data Sheet to confirm the contents thereof. The PAIS PDS must be subscribed and sworn to at the end portion of the form.

2) Minimum Qualification Standards

The following qualification standards based on NAPOLCOM Resolution No. 2011-190 dated July 11, 2011 as confirmed by CSC Resolution No. 1101479 dated November 8, 2011 must be possessed by second level Police Commissioned and Non-Commissioned Officers at the time of their filing of application for promotion. ITMS personnel can use the Electronic Data Processing (EDP) Specialist Eligibility per NAPOLCOM Resolution No. 2012-150 dated May 2, 2012, entitled "*Recognizing the Electronic Data Processing (EDP) Specialist Eligibility for the Promotion of PNP Information Technology (IT) Officers*" and confirmed by the Civil Service Commission under CSC Resolution No. 1201549 promulgated on October 2, 2012 re: "*Qualification Standards; Appropriateness of EDP Specialist Eligibility for Promotion of PNP Information Technology (IT) Officers*".

POSITION TITLE	EDUCATION	EXPERIENCE	TRAINING	ELIGIBILITY
Police Superintendent	Bachelor's Degree preferably with Master's Degree.	5 years as Police Chief Inspector	Public Safety Officer Advance Course (OAC) Intelligence Officer Advance Course Technical Service Officer Advance Course Public Safety Officer Senior Executive Course (PSOSEC) General Staff Course (GSC)	Police Superintendent/ RA 1050 (2 nd level) RA 8506 (Criminology) PD 907/ Career Service Professional/ CSC Police Officer (July 1998 onwards)
Police Chief Inspector	Bachelor's Degree preferably with Master's Degree.	5 years as Police Senior Inspector	Public Safety Officers Advance Course (OAC) Intelligence Officer Advance Course Terminal Service Officer Advance Course Police Intelligence Officers Advance Course prior to 2008 Naval Command and Staff Course Marine Officer Advance Course Squadron Officer Course Infantry Officer Advance Course	Police Superintendent/ PO 2 nd Class/ P/Chief Inspector (1991) P/Inspector (1992-2006 per NAPOLCOM Resolution No.2006-113) RA 1000/ RA 8506/ PD 907/ Career Service Professional/ CSC Police Officer (July 1998 onwards)
Police Senior Inspector	Bachelor's Degree	4 years as Police Inspector	Public Safety Officer Basic Course (LHL) Police Intelligence Officer Course Finance Officer Basic Course Technical Service Officer Advance Course Police Intelligence Officers Advance Course prior to 2008 Basic Intelligence Course for Constabulary/ (INP Officers (BICCIO) until the last batch of graduates Finance Officers Basic Course attended prior to 2008 Naval Officer Qualification Course Basic Air Force Officer Course Infantry Officer Basic Course	PO 2 nd Class/ P/Sr Inspector (1991) P/Inspector (1992 onwards) RA 1000/ RA 8506/ PD 907/ Career Service Professional/ CSC Police Officer (July 1998 onwards)
Police Inspector	Bachelor's Degree	3 years as SPO IV	PHPPA-PP Public Safety Officer Candidate Course (OCC) Probationary 2 nd LI Training Public Safety Field Training Program (PSFTP) Naval Officer Qualification Course Basic Air Force Officer Course Infantry Officer Basic Course	PO 2 nd Class/ P/Inspector (1991 onwards) RA 1000/ RA 8506/ PD 907/ Career Service Professional/ CSC Police Officer (July 1998 onwards)

Senior Police Officer 4	Bachelor's Degree	3 years as SPO III	<p>Public Safety Senior Leadership Course (PSSLC)</p> <p>Criminal Investigation Supervisory Course</p> <p>Police Supervisory Course</p> <p>Senior NCO Course</p> <p>PC/MP Police Supervisory Course until the last batch held for PNP personnel</p> <p>Crime Investigation and Detection Course (CRIDEC)</p> <p>Constabulary Senior NCO Course</p>	<p>SPO (1992 onwards)/</p> <p>RA 1060/</p> <p>RA 6606/</p> <p>PD 907/</p> <p>Career Service Professional/</p> <p>CSC Police Officer (July 1998 onwards)</p> <p>PO 3rd Class</p>
Senior Police Officer 3	Bachelor's Degree	3 years as SPO II	<p>Public Safety Senior Leadership Course (PSSLC)</p> <p>Criminal Investigation and Detection Course (CIDC)</p> <p>Police Supervisory Course</p> <p>Junior NCO Course</p> <p>PC/MP Police Supervisory Course until the last batch held for PNP personnel</p> <p>Crime Investigation and Detection Course (CRIDEC)</p> <p>Constabulary Senior NCO Course</p>	<p>SPO (1992 onwards)/</p> <p>RA 1060/</p> <p>RA 6606/</p> <p>PD 907/</p> <p>Career Service Professional/</p> <p>CSC Police Officer (July 1998 onwards)</p> <p>PO 3rd Class</p>
Senior Police Officer 2	Bachelor's Degree	3 years as SPO I	<p>Public Safety Junior Leadership Course (PSJLC)</p> <p>Criminal Investigation and Detection Course (CIDC)</p> <p>Police Supervisory Course</p> <p>Junior NCO Course</p> <p>Police Intelligence Course (PIC) and Constabulary Integrated Basic Intelligence Course (CIBIC) (per NAPOLCOM Resolution No 2007-077)</p> <p>Public Safety Senior Leadership Course (PSSLC)</p> <p>PC/MP Police Supervisory Course until the last batch held for PNP personnel</p> <p>Police Intelligence Course (prior to 2006)</p> <p>PC/MP Finance Logistics NCO Course until the last batch held for PNP personnel</p> <p>Crime Investigation and Detection Course (CRIDEC)</p> <p>Constabulary Integrated Basic Intelligence Course (CIBIC)</p>	<p>SPO (1992 onwards)/</p> <p>RA 1060/</p> <p>RA 6606/</p> <p>PD 907/</p> <p>Career Service Professional/</p> <p>CSC Police Officer (July 1998 onwards)</p> <p>PO 3rd Class</p>

Senior Police Officer 1	Bachelor's Degree	3 years as PO III	<p>Public Safety Junior Leadership Course (PSJLC)</p> <p>AFPBRTC</p> <p>Soldier's Candidate Course and Basic Military Course (per NAPOLCOM Resolution No 2005-408)</p> <p>PCINP Police Supervisory Course until the last batch held for PNP personnel</p> <p>Police Intelligence Course (prior to 2008)</p> <p>PCINP Finance Logistics NCO Course until the last batch held for PNP personnel</p> <p>Constabulary Integrated Basic Intelligence Course (CIBIC)</p>	<p>S/O (1992 onwards)/</p> <p>RA 1080/</p> <p>RA 8508/</p> <p>PO 907/</p> <p>Career Service Professional/</p> <p>CSC Police Officer (July 1998 onwards)</p> <p>PO 3rd Class</p>
Police Officer 3	Bachelor's Degree	3 years as PO II	<p>Public Safety Basic Recruit Course (PSBRC)</p> <p>AFPBRTC</p> <p>Soldier's Candidate Course and Basic Military Course (per NAPOLCOM Resolution No 2005-408)</p> <p>Public Safety Junior Leadership Course (PSJLC) or SAF Commando Course</p> <p>Constabulary Junior NCO Course</p>	<p>PO (1992 onwards)/</p> <p>RA 1080/</p> <p>RA 8508/</p> <p>PO 907/</p> <p>Career Service Professional/</p> <p>CSC Police Officer (July 1998 onwards)</p> <p>PO 3rd Class</p>
Police Officer 2	Bachelor's Degree	4 years as PO I	<p>AFPBRTC</p> <p>Soldier's Candidate Course and Basic Military Course (per NAPOLCOM Resolution No 2005-408)</p> <p>Public Safety Junior Leadership Course (PSJLC) or SAF Commando Course</p> <p>Constabulary Junior NCO Course</p> <p>Public Safety Field Training Program (PSFTP)/PSBRC</p> <p>Special Counter-Insurgency Operation Unit Training (SCOUT)</p>	<p>PO (1992 onwards)/</p> <p>RA 1080/</p> <p>RA 8508/</p> <p>PO 907/</p> <p>Career Service Professional/</p> <p>CSC Police Officer (July 1998 onwards)</p> <p>PO 3rd Class</p>

3) Computation of Experience/Time-In-Grade

- a) The TIG/Experience shall be reckoned from the date of effectivity indicated in their CSC attested appointment (KSS Form B1g 33);
- b) The cumulative period of suspension, absence without official leave (AWOL), and/or dropped from rolls (DFR) incurred by a candidate in his/her present rank shall be deducted from his/her TIG, and
- c) The TIG of a candidate who was demoted or reverted to previous rank shall be reckoned from the date of his/her appointment in the effective date of demotion or reversion.

4) Disqualifications

The following PCOs and PNCOs are NOT QUALIFIED for promotion:

- a) Those who are already 55 years old upon the effectivity of promotion orders. (Sec. 25 RA No. 8551).
- b) Those who have pending criminal cases (with Information) filed in Court/Sandiganbayan for less than two (2) years counting from the date it was filed in regular court and effectivity of promotion orders and those charged in Court/Sandiganbayan/CHR with "crime/s including, but not limited to a violation of human rights punishable by *reclusion perpetua* or life imprisonment and the court has determined that the evidence of guilt is strong," subject to the provisions of RA No. 9708.
- c) Those who are serving the penalty of suspension during the promotion program as provide in Rule 22 Section 6(b) of NAPOLCOM Memorandum Circular 2007-00.
- d) Those who are on *securidmit*, on detail outside the DILG and those who reported back to actual duty from *secondment* or detail outside the DILG during the promotion.
- e) Those who have ratings lower than Very Satisfactory (VS) in any of the past two rating periods, or those who have no IPFR (as required in DPHM Memorandum dated February 9, 2012 with subject: "Non-Submission of IPFR" in reference to PNPM-DPL-DS dated May 3, 2004 re PCO PER/PNCO PER Systems Manual); and
- f) Those who failed to take or failed to pass any of the past two (2) Physical Fitness Tests (PFTs) without valid and acceptable reason as validated and recommended by the PNP Health Service.

5) Disposition of "Floating" PCOs/ PNCOs

PCOs and PNCOs who have not occupied any position commensurate to their ranks (on "floating" status) for at least six (6) months during the current year shall not be considered for promotion.

6) NAPOLCOM Representatives

NAPOLCOM representatives shall be invited as member of promotion boards and shall participate in every stage of the promotion process.

7) Personnel with Pending Application for Special Promotion

The application for regular promotion of personnel who have pending application for special promotion shall not be accepted unless the said application for special promotion will be withdrawn.

8) No Promotion in Temporary Status

All promotion appointments to be given in this promotion program shall be permanent in nature, subject to the provision of RA 9708 for those affected. There shall be no promotion in temporary status.

9) Reassignment and Schooling after Promotion

Newly promoted 2nd level PCOs shall not be reassigned to other offices/units nor undergo schooling within six (6) months after the effectivity date of their promotion without the express approval of the Chief, PNP. Any violation on this prohibition shall be a ground for disciplinary action against the PCO and his

director/chief of office, and shall result in the automatic revocation of the reassignment order/schooling.

10) Seniority

Seniority of PCOs shall be based on the Seniority Lineal List (SLL) from RMD, DPRM. The seniority of PNCOs assigned in the same unit or office shall be determined using the same criteria set forth under NAPOLCOM Memorandum Circular No. 2007-007.

b. Responsibilities

1) Appointing Authorities

- a) PSUPT and PCINSP - delegated by the Chief, PNP to the Deputy Chief PNP for Administration (TDCA);
- b) PSINSP and PINSP - delegated by the Chief, PNP to the Chief of Directorial Staff (TCDS);
- c) PNCOs assigned at NHQ PNP - the Director for Personnel and Records Management;
- d) PNCOs assigned at the PROs - the Regional Director; and
- e) PNCOs assigned at the NSUs - the Director, NSUs.

2) Promotion Boards

The following Promotion Boards are hereby created for the purpose of vetting and selecting the most qualified PCOs and PNCOs for promotion:

- a) PSUPT Promotion Board;
- b) PCINSP Promotion Board;
- c) PSINSP Promotion Board;
- d) PINSP Promotion Board;
- e) NHQ PNCO Promotion Board;
- f) PRO PNCO Promotion Board in each PRO; and
- g) NSU PNCO Promotion Board in each NSU.

The Promotion Boards shall vet the qualifications, competence, and fitness of all candidates based on applicable CSC/NAPOLCOM/PNP issuances and the criteria set herein, and select the most qualified and competent candidates. The Board may conduct verifications or direct subordinate units to conduct discreet investigation of candidates, if it deems necessary.

3) Promotion Committees

The PCO Promotion Committee in each PRO and NSU shall screen and evaluate the qualifications of candidate-PCOs in their respective units and submit their recommendations to the appropriate PCO Promotion Board at NHQ for confirmation and subsequent recommendation to the appointing authority through the DPRM. The NCRPO shall create PNCO Promotion Committees at the five (5) NCR Police Districts.

As differentiated from a promotion board, promotion committees can only submit the list of candidates they vetted and selected to the appropriate promotion board for a particular rank and not to the appointing authority. The Promotion Board shall review the same and thereafter recommend to the concerned appointing authority the approval or disapproval of the recommendation of the Promotion Committee.

4) Duties and Functions of the Secretariat

The Promotion Secretariat shall assist the Promotion Board/Committee on all administrative matters relative to the performance of their assigned tasks.

5) Delineation of Responsibility

It shall be the primary responsibility of the Chief, RPHRDDs/ARMDs/Admin/Personnel Officers of PNP offices/units to update the PAIS records of their personnel. However, for records not available in the Police Personnel File (PPF), the concerned PCOs and PNCOs shall submit the required documents as bases for the updating of their PAIS record.

Qualified candidates for promotion need not apply except when their names are not included in the Initial List of Candidates for Promotion published by the DPRM and the different RPI IRDDs/ARMDs.

Administrative Officers and the members of the secretariat of the different promotion boards and committees shall ensure that the processing of promotion is carried out in the most expeditious and systematic manner to avoid disruption of regular police functions and undue inconvenience and expenses to the candidates.

6) Reports to be submitted by the Promotion Boards

For purposes of uniformity, all report formats shall be distributed by the RSD, DPRM. All secretariats of the different Promotion Boards and Committees shall coordinate with the said Division. All Promotion Boards shall submit the following reports to DPRM (Attn: C, RSD) and appropriate NHQ PCO Promotion Boards.

- a) Master List of Candidates for Promotion classified into the following categories:
 - a.1) Clean List by rank - the "clean list" is a list containing the names of candidates for promotion who have no criminal case; and
 - a.2) Personnel with Pending Case/s falling under the provisions of R.A. No. 9708 by rank.
- b) Promotion Worksheets and Resolutions duly approved by RD, PROs and D, NSUs separating the clean list and personnel with pending case ranked from highest to lowest based on the evaluation rating.

7) Application Form and Undertaking

All applicants shall fill up and execute an undertaking notarized by a notary public certifying on the validity, correctness and truthfulness of entries in his/her PAIS Generated PDS duly signed and acknowledged by the applicant. *Introduction of any spurious document, fraudulent entry, falsification, misrepresentation or act of omission, shall constitute sufficient ground for outright disqualification and shall subject the applicant to pre-charge evaluation for dishonesty.* The Promotion Board/Committee shall be responsible for the filing of appropriate criminal and administrative cases.

If applicant has pending criminal case(s), a certification from the Clerk of Court and Summary of Information must be submitted by the applicant in order to determine the two-year period of filing, the status and nature of the case as provided for under Implementing Rules and Regulations of RA 9708.

8) Mandatory Publication/Posting of List of Applicants and Results

RPHRDDs/ARMDs/Promotion Secretariats shall cause the publication of the lists of applicants for promotion, worksheet, and resolution at the designated PRO/PPO bulletin boards including the posting of the same at the official website of the

PNP for transparency and information of all concerned personnel in all phases of the promotion program.

Any PNP personnel or concerned individual who has knowledge or information of any act which constitutes dishonesty, misrepresentation, fraud or falsification of documents made by an applicant in order to be considered for promotion are encouraged to report the same to any administrative offices of the PNP, Directors of the different PNP units up to the CPNP using any available medium (letter, text, message, telephone call or personal appearance). All reports must be treated with utmost confidentiality and the identity of the reporter shall be protected at all times. If evidence warrants, the proper investigation and dismissal proceeding shall be instituted.

EVALUATION RATING

The Promotion Boards and Committees shall be guided by the following criteria during evaluation, interview and deliberation:

- a) Minimum Qualification Standards based on NAPOLCOM Resolution No. 2011-196 (40 points);
- b) Rank Seniority (Maximum of 20 points);
- c) Individual Performance Evaluation Report (IPER) (Maximum of 20 points) - 10 points shall be automatically given if subject personnel has two (2) Very Satisfactory (VS) ratings in his/her two (2) consecutive semestral IPERs and an additional 10 points will be given if applicant has at least one (1) Outstanding (O) IPER rating on present rank;
- d) Awards in Present Rank (Maximum of 20 points);
- e) Interview/Examination – as a *general rule*, board/committee interview is *not mandatory*. However, the promotion boards/committees may at their discretion conduct interview or require applicants to undergo impromptu examination and make brief narrative reports/memorandum on investigation, intelligence, operations, logistics, finance, human resource and information technology in order to determine the best qualified applicants.

The Board/Committee Members shall rate the applicants with a "go" or "no go" rating only. In order for an applicant to pass, he/she must obtain a majority "go" rating from the members of the board. Otherwise, he/she fails the interview/examination portion and will no longer proceed to the next phase of the promotion program. Such exclusion of the applicant by the board shall be incorporated in its resolution.

9) Mass Oath Taking and Donning of Ranks

The simultaneous mass oath-taking and donning of ranks for all promoted personnel will be held on a date recommended by TDPRM and approved by the CPNP to observe the cherished tradition of giving honor and recognition to newly promoted PNP uniformed personnel.

c. Tasks

1) TDPRM

- a) Designated Chairman, Superintendent Promotion Board;
- b) Issue orders reconstituting the NHQ Promotion Boards and Secretariats;
- c) Act as the overall OPR of the Promotion Programs;
- d) Issue appropriate awards to Promotion Boards and Secretariat members after the successful completion of every promotion program; and
- e) Perform other tasks as directed.

- 2) **TDI**
 - a) Conduct record check on the authenticity of all required documents for promotion; and
 - b) Perform other tasks as directed.
- 3) **TDO**
 - a) Designated Chairman, PINSP Promotion Board; and
 - b) Perform other tasks as directed.
- 4) **TDL**
 - a) Designated Chairman, PCINSP Promotion Board; and
 - b) Perform other tasks as directed.
- 5) **TDPCR**
 - a) Designated Vice Chairman, PSUPT Promotion Board; and
 - b) Perform other tasks as directed.
- 6) **TDC**
 - a) Designated Vice Chairman, PINSP Promotion Board;
 - b) Provide fund support relative to the conduct of Promotion Programs; and
 - c) Perform other tasks as directed.
- 7) **TDHRDD**
 - a) Designated Vice Chairman, PCINSP Promotion Board,
 - b) Validate the education and training records of applicants;
 - c) Provide latest PFT records of applicants, and
 - d) Perform other tasks as directed.
- 8) **TDPL**
 - a) Designated Chairman, NHQ PNCO Promotion Board; and
 - b) Perform other tasks as directed.
- 9) **TDIDM**
 - a) Designated Chairman, PSINSP Promotion Board; and
 - b) Perform other tasks as directed.
- 10) **TDRD**
 - a) Designated Vice Chairman, PSINSP Promotion Board; and
 - b) Perform other tasks as directed.
- 11) **DDPRM**
 - a) Designated Vice Chairman, NHQ PNCO Promotion Board; and
 - b) Perform other tasks as directed.
- 12) **D, FS**
 - a) Implement the payment of the requested budget; and
 - b) Perform other tasks as directed.
- 13) **RD, PROs and D, NSUs**
 - a) Issue orders creating/organizing the PCO and PNCO Promotion Board/Committee;
 - b) Screen and evaluate qualified applicants in line with existing promotional policies, standards and guidelines through the Promotion Boards;
 - c) Prepare promotional appointments (KSS Form 33) to qualified PNCO applicants for submission to CSC;
 - d) Submit to concerned NHQ PCO Promotion Boards the results of deliberation and assessment of PCOs recommended for promotion;

- e) Issue Special Orders announcing the promotion of PNCOs after the endorsement of their appointments (KSS Form 33) to the CSC; and
- f) Perform other tasks as directed.

14)C, RPIIRDDs/C, ARMDs and C, Attestation Section DPRM

- a) Shall be responsible in the submission of Civil Service requirements for attestation of appointments of qualified applicants;
- b) For PCOs and PNCOs at the NHQ, the requirements for attestation shall be submitted by the C, Attestation Section DPRM to CSC Crane Field Office;
- c) The Chairman of Promotion Board shall sign the Personnel Selection Board portion of the KSS Form Blg. 33;
- d) The Chief, RPIIRDDs/Chief, ARMDs/Administrative Officers shall see to it that all appointment papers (KSS Form Blg.33) of their personnel are submitted to the CSC on time, and
- e) The promotion orders (General/Special Orders) shall be published only after the appointment papers of the promotees are received and officially acknowledged by the CSC.]

15)CESPO/RESPOs

- a) Designated as member NHQ/PROs/NSUs PNCO Promotion Boards; and
- b) Perform other tasks as directed

7. COMPLAINTS AND GRIEVANCES:

The following procedures shall be observed in the filing of promotional protests and complaints and the disposition thereof:

- a) Protests and complaints shall be submitted in writing to the concerned Promotion Board within five (5) days from the release of the promotion order;
- b) Protests/complaints shall only be entertained if these pertain to the following:
 - b.1) Conduct of the evaluation and screening of applicants;
 - b.2) Application of the rating system in ranks with "limited quota"; and
 - b.3) Actual computation of ratings.
- c) Upon receipt of the protests/complaints, the Promotion Board shall immediately convene to resolve the issues raised and shall decide within 15 working days after the filing of said protest/complaints. The decision of the Promotion Board shall be in the form of a resolution and shall be final and executory; and
- d) In the event that the Promotion Board finds the protest/complaint in order, the Promotion Board shall immediately inform the appointing authority of its decision and make the necessary adjustments in its recommendation for promotion.


8. ADMINISTRATIVE LIABILITY IN CASE OF BREACH:

Any PNP personnel who through acts or omissions commit any violation of this CMC shall be subjected to pre-charge evaluation pursuant to NAPOLCOM Memorandum Circular No. 2007-001 (Uniform Rules of Procedure Before the Administrative Disciplinary Authorities and the Internal Affair Service of the Philippine National Police) and the Revised Rules on Administrative Cases in the Civil Service (RRACCS) as the case may be. Be it noted that Dishonesty carries with it the penalty of dismissal from the service.

9. EFFECTIVITY:

This CMC shall be effective after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VIII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987," as amended.




ALAN LA MADRID PURISIMA
Police Director General
Chief, PNP

CPNP LNo 72 0054756



3054758

Distribution:

D-Staff
P-Staff
OAS, NSAL
ASG, TAS
RDS, PRUS
DOs, NSO/O

Copy Furnished: Command Group

ANNEX "A" - PROMOTION WORKSHEET

Name of Candidates	FACTORS FOR EVALUATION AND SCREENING	Other Requirements	REMARKS																													
<p style="text-align: center;">RANK</p> <p style="text-align: center;">SENICRITY LINEAL LIST</p> <p style="text-align: center;">(PCOs Only)</p> <p style="text-align: center;">N-</p>	<p style="text-align: center;">Qualification Standards (40 points)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Date Designated (PCOs Only)</td> <td style="width: 50%; text-align: center;">Date of Last Promotion</td> </tr> <tr> <td style="text-align: center;">Title of Designated Position (PCOs Only)</td> <td style="text-align: center;">TICV Experience</td> </tr> <tr> <td style="text-align: center;">UNIT/OFFICE</td> <td style="text-align: center;">Date taken</td> </tr> <tr> <td style="text-align: center;">Date of Officership (PCOs Only)</td> <td style="text-align: center;">Educat</td> </tr> <tr> <td style="text-align: center;">Source of Commissionship (PCOs Only)</td> <td style="text-align: center;">Training</td> </tr> <tr> <td style="text-align: center;">BADGE NR</td> <td style="text-align: center;">EDUCATION</td> </tr> <tr> <td style="text-align: center;">QUALIFIER</td> <td style="text-align: center;">Date of Last Promotion</td> </tr> <tr> <td style="text-align: center;">MIDDLE NAME</td> <td style="text-align: center;">TICV Experience</td> </tr> <tr> <td style="text-align: center;">FIRST NAME</td> <td></td> </tr> <tr> <td style="text-align: center;">LAST NAME</td> <td></td> </tr> </table>	Date Designated (PCOs Only)	Date of Last Promotion	Title of Designated Position (PCOs Only)	TICV Experience	UNIT/OFFICE	Date taken	Date of Officership (PCOs Only)	Educat	Source of Commissionship (PCOs Only)	Training	BADGE NR	EDUCATION	QUALIFIER	Date of Last Promotion	MIDDLE NAME	TICV Experience	FIRST NAME		LAST NAME		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">1st Sem 2012</td> <td style="width: 50%; text-align: center;">PER</td> </tr> <tr> <td style="text-align: center;">2nd Sem 2012</td> <td style="text-align: center;">PER</td> </tr> <tr> <td style="text-align: center;">1st Sem 2012</td> <td style="text-align: center;">PER</td> </tr> <tr> <td style="text-align: center;">2nd Sem 2012</td> <td style="text-align: center;">PFT</td> </tr> </table> <p style="text-align: center;">VIIPA Result (NP)</p> <p style="text-align: center;">Drug Test</p> <p style="text-align: center;">TOTAL (100%)</p> <p style="text-align: center;">Awards (20 PTS)</p> <p style="text-align: center;">Individual Performance Evaluation Recon (IFER) (20pts)</p> <p style="text-align: center;">Rank Seniority (20 pts)</p>	1 st Sem 2012	PER	2 nd Sem 2012	PER	1 st Sem 2012	PER	2 nd Sem 2012	PFT	<p style="text-align: center;">TOTAL (100%)</p> <p style="text-align: center;">Awards (20 PTS)</p> <p style="text-align: center;">Individual Performance Evaluation Recon (IFER) (20pts)</p> <p style="text-align: center;">Rank Seniority (20 pts)</p>	<p style="text-align: center;">TOTAL (100%)</p> <p style="text-align: center;">Awards (20 PTS)</p> <p style="text-align: center;">Individual Performance Evaluation Recon (IFER) (20pts)</p> <p style="text-align: center;">Rank Seniority (20 pts)</p>
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ANNEX "B" - STANDARD CRITERIA FOR RATING

The Promotion Boards shall be guided by the following factors during the evaluation, screening and deliberation of applicants:

1) Rank Seniority (20 points)

An applicant, to be considered for promotion, shall have a minimum of ten (10) points in Rank Seniority.

The following point system shall be applied in the evaluation of rank seniority for promotion to PCINSP and PSUPT with a required minimum TIG/Experience of five (5) years in the service under NAPOLCOM Resolution No. 2011-196 dated July 4, 2011:

No. of years in the present rank	Points Allocated
8 yrs. & 1 day & above	20
7 yrs. & 1 day – 8 yrs.	18
6 yrs. & 1 day – 7 yrs.	16
5 yrs. & 1 day – 6 yrs.	13
5 yrs.	10

The following point system shall be applied in the evaluation of rank seniority for promotion to PSINSP with a required minimum TIG/Experience of four (4) years in the service under NAPOLCOM Resolution No. 2011-196 dated July 4, 2011:

No. of years in the present rank	Points Allocated
8 yrs. & 1 day & above	20
7 yrs. & 1 day – 8 yrs.	19
6 yrs. & 1 day – 7 yrs.	18
5 yrs. & 1 day – 6 yrs.	16
4 yrs. & 1 day – 5 yrs.	13
4 yrs.	10

The following point system shall be applied in the evaluation of rank seniority for promotion to PO3, SPO1, SPU2, SPO3, SPO4 and PINSP, all with a required minimum TIG/Experience of three (3) years in the service under NAPOLCOM Resolution No. 2011-196 dated July 4, 2011:

No. of years in the present rank	Points Allocated
8 yrs. & 1 day & above	20
7 yrs. & 1 day – 8 yrs.	19
6 yrs. & 1 day – 7 yrs.	18
5 yrs. & 1 day – 6 yrs.	17
4 yrs. & 1 day – 5 yrs.	15
3 yrs. & 1 day – 4 yrs.	13
3 years	10

The following point system shall be applied in the evaluation of rank seniority for promotion to PO2 with a minimum TIG/Experience of four (4) years in the service under NAPOLCOM Resolution No. 2011-106 dated July 4, 2011:

No. of years in the present rank	Points Allocated
8 yrs. & 1 day & above	20
7 yrs. & 1 day – 8 yrs.	10
6 yrs. & 1 day – 7 yrs.	18
5 yrs. & 1 day – 6 yrs.	16
4 yr. & 1 day – 5 yrs.	13
4 yrs	10

2) Individual Performance Evaluation Report (IPER) (20 points)

This factor shall take into account the performance of the police officer as reflected in his/her Individual Performance Evaluation Report (IPER).

- Ten (10) points shall be automatically given if subject personnel have two (2) Very Satisfactory (VS) ratings in his/her two (2) consecutive semestral IPERs.
- Ten (10) points shall be added if subject personnel have at least one (1) Outstanding (O) rating in his two (2) consecutive IPERs.

3) Awards in Present Rank (20 points)

These factors shall take into account the awards, commendations and recognition a candidate received for exemplary performance. A maximum of twenty (20) points shall be automatically given for this factor derived from the accumulated points of his/her awards and decorations in the current/present rank.

Awards and Decorations	Points Allocated
Medalya ng Kagitingan, Medalya ng Kabayanihan, Medalya ng Katapangan, Medalya ng Kadakilaan, and Medalya ng Katangitanging Asal, Medalya ng Sugatang Magiting, BEST BEST in the National Levels (Best PCO and Best PNCO), Receipt of Awards bestowed by reputable international or national award giving organization (Ten Outstanding Policemen/Policewomen)	5
Medalya ng Katapatan sa Paglilingkod, Medalya ng Katangitanging Gawa, Medalya ng Pambihirang Paglilingkod	4
Significant accomplishments, awards & commendations bestowed by regional reputable institution and/or officers and other counterparts including BEST BEST in the Regional Levels (Best PCO and Best PNCO)	3
Medalya ng Papuri, Kagangyan at Kagalingan and other medals	2
Commendaturis, Certificate of Appreciation bestowed by Head of Office and PNP Officers	.25

4) Civil Service Requirements For Attestation

- Duly Accomplished CSC PDS Form 212 (Revised 2005)
- Training Diploma /Final Order of Merit/Declaration of Qualifications
- Appropriate Eligibility

LATERAL ENTRY

A. Legal Basis: NAPOLCOM Memorandum Circular No. 2008-006 dated March 31, 2008

Amending NAPOLCOM Memorandum Circular No. 2003-010 Entitled "Prescribing the Guidelines and Procedures for Lateral Entry of Officers into the PNP"

NAPOLCOM Memorandum Circular No. 2011-005 dated March 4, 2011

Amending the Prescribed Sequential Procedures in the Processing of Lateral Entry Applicants in the PNP and the Guidelines on Probationary Period as Provided for under NAPOLCOM Memorandum Circular No. 2008-006.

B. Policy Requirement/Compliance:

Termination Procedures

1. Termination of service for unsatisfactory conduct or performance while under probationary period may be initiated by the appropriate RD, PRO or Director, NSU based on the investigation/official report of the case against any PNP member or upon a verified complaint of any person accompanied with sworn statements/documents in support thereof. The RD, PRO or Director, NSU concerned shall refer the case to the THO for review and Summary Termination Proceedings. The concerned THO shall follow the existing rules of procedures governing summary hearing proceedings in administrative cases as provided under NAPOLCOM Memorandum Circular No. 2007-001 dated March 6, 2007, entitled "*Uniform Rules of Procedures Before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police.*"
2. The THO shall conduct a summary hearing within the next three days after receipt of respondent's answer, sworn affidavit of his/her witnesses, other pertinent documents and other pieces of evidence. The hearing shall terminate within five days from its commencement.
3. If the respondent, despite due notice, failed to answer the charge/s within the prescribed period, the THO shall immediately proceed with the hearing ex-parte.
4. Being summary in nature, direct examination of witness shall be dispensed with the sworn statements of witness or their affidavits shall take the place of their oral testimonies. Provided that, witnesses who are not able to submit their sworn affidavit as mentioned in para one hereof shall be allowed to be asked clarificatory questions directly or in lieu

thereof to submit a sworn affidavit. Arguments that are not relevant and material to the issue and are obviously being employed as dilatory tactics shall not be entertained.

5. The THO concerned shall render its findings and recommendations within 10 days upon receipt of said findings and recommendations.
6. The decision shall contain the name of the respondent, his/her unit, a brief statement of the facts, the findings of the THO and the law and/or issuance on which the said decision was based.

2008 W
2012, 2008

MEMORANDUM CIRCULAR NO. 2008-006

**AMENDING NAPOLCOM MEMORANDUM CIRCULAR NO. 2003-010 ENTITLED
"PRESCRIBING THE GUIDELINES AND PROCEDURES FOR LATERAL ENTRY
OF OFFICERS INTO THE PNP"**

WHEREAS, on October 14, 2003, the Commission issued Memorandum Circular No. 2003 010 entitled "*Prescribing the Guidelines and Procedures for Lateral Entry of Officers into the PNP*";

WHEREAS, the said Memorandum Circular was issued as guidepost in the processing of lateral entrants in the PNP;

WHEREAS, the Commission, after series of meetings with the PNP deems it necessary to amend the abovementioned Memorandum Circular in order to address the present needs of the PNP;

NOW THEREFORE, the Commission, pursuant to its constitutional mandate to administer and control the PNP, **HAS RESOLVED TO AMEND, AS IT HEREBY AMENDS** Napolcom Memorandum Circular No. 2003-010 entitled "*Prescribing the Guidelines and Procedures for Lateral Entry of Officers into the PNP*";

SECTION I. OBJECTIVES

- A. Establish a set of guidelines for lateral entry in accordance with the policies, guidelines and procedures implementing Section 33 of Republic Act No. 6975 known as the Lateral Entry of Officers into the PNP;
- B. Ensure that all appointments are in accordance with existing laws, rules and regulations; and
- C. Ensure that the quota allocation for lateral entry shall be equitably distributed to Police Regional Offices (PROs) and National Support Units (NSUs) provided with recruitment quota

**SECTION II. GENERAL QUALIFICATIONS FOR LATERAL ENTRY IN THE PNP
TECHNICAL AND OPERATIONAL SUPPORT UNITS**

No person shall be appointed as police commissioned officer via lateral entry unless he/she is:

A. A person with highly technical qualifications such as:

- 1. Dentist
- 2. Optometrist
- 3. Nurse
- 4. Engineer
- 5. Graduate of Forensic Sciences

- 6. Doctor of Medicine
- 7. Member of the Philippine Bar
- 8. Chaplain
- 9. Information technologist
- 10. Pilot
- 11. Psychologist

- D. Graduate of the PNPA
- C. Licensed criminologist

In addition, he or she must possess the following qualifications pursuant to Section 14 of R.A. No. 8551, to wit:

- A. A citizen of the Philippines;
- B. A person of good moral character;
- C. Must have passed the psychiatric or psychological, drug and physical tests to be administered by the PNP or by any governmental hospital accredited by the Commission for the purpose of determining the appointee's physical and mental health;
- D. Must be eligible in accordance with the standards set by the Commission;
- E. Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the Government; and
- F. Must not have pending criminal/administrative case or convicted by final judgment of an offense or crime involving moral turpitude.

For an applicant not yet in the PNP service, in addition to the above-mentioned enumeration, he/she must:

- A. Be at least one meter and sixty two centimeters (1.62m) in height for male and one meter and fifty-seven centimeters (1.57m) for female.
- B. Weigh not more or less than five kilograms (5 kg) from the standard weight corresponding to his/her height, age and sex.
- C. Be not less than twenty-one (21) nor more than thirty (30) years of age.

SECTION III. GENERAL POLICIES

The following general policies are hereby established:

- A. In general, all entrance appointments to the officer ranks in the PNP shall commence with the rank of Police Inspector, including those with highly technical qualifications applying for the PNP technical services such as dentists, nurses, engineers, optometrists and graduates of forensic sciences. Doctors of medicine, chaplains and members of the Philippine Bar shall be appointed to the rank of Police Senior Inspector.
- B. Graduates of the Philippine National Police Academy (PNPA) who will join the PNP shall be appointed to the rank of Police Inspector in permanent status.

- C. Top priority consideration for lateral entry into the rank of Police Inspector shall be given to top ten (10) placers of the different Licensure Examinations. However, incumbent PNP members who land in the top ten shall be given first preference over the civilian provided that the qualifications enumerated under Section II of this Circular are satisfied.
- D. The PNP through the Directorate for Personnel and Records Management (DPRM) shall declare the quota for Lateral Entry (with breakdown) during the first quarter of the year for approval of the Commission. Once approved, the DPRM shall announce or publish the declared quota in accordance with Republic Act No. 7041, otherwise known as the Publication Law.
- E. In order to ensure the quality of applicants entering the PNP thru lateral entry and to further professionalize the police service, the lateral entry board shall establish standard procedures/guidelines for processing the applications of lateral entry applicants.
- F. The seniority of newly appointed officers via lateral entry is initially based on the rank in which he/she is being appointed, and the total points garnered in case the appointees are in the same rank.
- G. Newly appointed technical service officers via lateral entry shall be assigned exclusively in the technical units where they were appointed. Appointees for line officer position shall be assigned to the Police Regional Offices (PROs) for field assignment for at least three (3) years after the completion of the Public Safety Officers Basic Course (PSORC).
- H. PNP uniformed personnel appointed via lateral entry who passed the Bar or Licensure Examination for Criminologists shall be qualified for line and technical positions.
- I. All appointees under the Lateral Entry Program unless otherwise covered by a competent authority shall serve the PNP for a minimum of three (3) years following their appointment.
- J. All line and technical service officer applicants except PNPA graduates must undergo the Physical Agility Test (PAT) using the standard Physical Fitness Test grading system formulated by the Directorate for Human Resources and Doctrine Development (DHRDD).
- K. Qualified PNP Uniform Personnel shall be considered for line and technical service positions. Non-uniformed personnel (NUPs), civilians and other applicants shall only be considered for technical service positions.
- L. For line officers, PNCOs applying through lateral entry shall have served the PNP for at least three (3) years at the time of the Competitive Examination (CE).
- M. The maximum age of applicants through lateral entry shall be forty six (46) years old at the time of appointment. Age waivers shall not be allowed.
- N. PNCO applicants for line officer positions must be organic personnel of the PRO where they intended to apply for at least a year at the time of the competitive examination. "Detail service" endorsement is prohibited.

However, for CY 2008 Lateral Entry Program, the one (1) year residency requirement shall be waived. In lieu hereof, residency for at least a day before the conduct of the qualifying examination is required.

O. PNCOs applying through lateral entry line officer positions must have at least a rating of "Very Satisfactory" (VS) in the last two (2) consecutive rating periods.

P. The "sequential steps" process in the screening of applicants shall be adhered to at all times, i.e., only those applicants who passed the previous stage shall be allowed to proceed to the next stage. An exemption to this rule are the following:

1. Publication of CF result and conduct of PAT. The CE shall be checked at the NHQ PNP. Hence, while awaiting the result thereof, the PAT shall proceed immediately, and

2. Drug Test

Q. The "doctrine of transparency" shall be observed in all stages of the recruitment process to preclude opportunities in the commission of anomalies, illegal acts, biases and favoritism. Official results of examination/test in each stage shall be published for the information of all applicants and other stakeholders. The official result shall be either PASSED or FAILED, RECOMMENDED or NOT RECOMMENDED. There shall be no RETAKE in any stage.

R. PRO/NSU Ad Hoc Screening Committee shall be activated purposely to conduct initial evaluation of the necessary DOCUMENTS submitted by applicants if they possess the minimum general qualifications required for the position which shall include, among others, education, rank seniority/experience, training and eligibility. The composition of the said committee is as follows.

DRDA/DDA	-	Chairman
C, RPHRDD/ADP	-	Vice Chairman
RPHRDD/ADP PCOs	-	Supervisors
RPHRDD/ADP PNCOs/NUPs	-	Members

Consolidation of all pertinent documents shall be made at this stage. A report shall be forwarded to the Lateral Entry Board (LEB) endorsing all qualified applicants to undergo the Qualifying Examination.

S. All PNP uniformed personnel who are overage, under height, and/or underweight when they entered the police service must present the necessary height and age waivers granted to them by the NAPOLCOM prior to their entry into the PNP. Failure to show proof shall mean an **OUTRIGHT DISQUALIFICATION**.

T. The grant of height waiver to NUPs shall only be allowed when the number of qualified applicants falls below the quota. In such a case, the Head Secretariat, LEB shall facilitate the request for the grant of height waiver to the NAPOLCOM.

U. For civilian applicants, the grant of waiver for initial appointment (age, height, weight) in the PNP via lateral entry (Technical Services) shall only

be allowed when the number of qualified applicants falls below the minimum quota and provided that an applicant shall not be less than 20 years nor over 35 years of age.

For purposes of this Circular, one day before the 20th birthday is less than 20 years of age (20 years of age must be exactly on the 20th birthday) and three hundred sixty four days after 35th birthday, (35 years of age is on the 36th birthday).

SECTION IV. APPOINTMENT UNDER A WAIVER PROGRAM FOR CIVILIAN AND OTHER APPLICANTS

A. Conditions on Waivers for Initial Appointment to the PNP

1. The age, height and weight requirements for lateral entry in the PNP may be waived only when the number of qualified applicants fall below the minimum annual quota;
2. The Commission en banc may grant waivers for age, height and weight requirements;

With regards to age and height waivers, the top twenty (20) board passers of the Criminology Licensure Examination are allowed to file directly with the Commission their application for such waivers, Provided, that the number of examinees is more than 2,000. On the other hand, should the number of examinees be less than 2,000, the aforesaid privilege shall be limited to the top ten (10).

3. Waiver of the age requirement may be granted provided that the applicant shall not be less than twenty (20) nor over thirty-five (35) years of age. Under this condition, one is considered to be not over thirty-five (35) years old if he/she has not yet reached thirty-sixth (36th) birthday on the date of the effectivity of his/her appointment;
4. Waiver in the height requirement may be granted to a male applicant who is at least 1 meter and 57 cms (1.57m) and to a female applicant who is at least 1 meter and 52 cms (1.52m). Provided, that the NAPOLCOM may set a lower height requirement for applicants who belong to cultural minorities duly certified by the Office of the Muslim Affairs (OMA) or the appropriate government entity. Provided, further, that the Commission shall require subject applicants to submit appropriate proof of their membership in a certain cultural minority group; and
5. An applicant who is granted a weight waiver shall be given reasonable time but not exceeding six (6) months within which to comply with the said requirement.

B. Factors to be Considered for Grant of Waivers

1. Outstanding accomplishments in law enforcement or police work or related field;
2. Level of physical stamina, endurance or agility;

3. Proficiency in martial arts, marksmanship and similar skills;
4. Extensive experience in forensic science and other technical services;
5. Other similar or analogous factors relevant to the requirements of police work.

C. Selection Criteria Under the Waiver Program

1. Applicants who possess the least disqualifications shall take precedence over those who possess more disqualifications;
2. The requirement shall be waived in the following order: (1) age; (2) height, and (3) weight.
3. Each applicant for waiver must possess special qualifications, skills, or attributes useful or needed by the PNP such as those mentioned in sub para B which are sufficient to compensate for his or her lack of certain minimum qualifications. A certification from the agency/entity from where special qualifications were taken shall be required.

D. Re-application of Separated PNP Members Under the Waiver Program

A lateral entrant who shall have entered and subsequently been separated under the weight waiver aspect of the program shall be eligible to re-apply for appointment to the PNP: Provided, that he/she possesses all the minimum qualifications required by Section 14 of R.A. No. 8551, except age and height: Provided, further, that his/her reappointment will not be by virtue of another waiver.

SECTION V. LATERAL ENTRY BOARD

A Lateral Entry Board shall be created at the National Headquarters, Philippine National Police to evaluate the qualifications of applicants and shall submit its recommendation to the Chief, PNP for approval. The Chief, PNP shall then submit his final recommendation to the Commission for approval.

The Lateral Entry Board shall be composed of the following:

A.	Deputy Chief for Administration	-	Chairman
B.	The Director for Personnel and Records Management	-	Vice-Chairman
C.	The Director for Intelligence	-	Member
D.	The Director for Operations	-	Member
E.	The Director for Logistics	-	Member
F.	The Director for Plans	-	Member
G.	The Director for Comptrollership	-	Member
H.	The Director for Police Community Relations	-	Member
I.	The Director for Investigation and Detective Management	-	Member
J.	The Director for Human Resource and Doctrine Development	-	Member

- | | | | |
|----|-------------------------------------------|---|-------------------|
| K. | The Director for Research and Development | - | Member |
| L. | NAPOLCOM Representative | - | Member |
| M. | The Directors, NSUs with quota | - | Special Members |
| N. | The Director, Legal Service | - | Resource Person |
| O. | Chief, RSD, DPRM | | Head, Secretariat |

The Lateral Entry Board shall be divided into three (3) Sub-Boards which shall process applicants from the PROs and NSUs with quota in order to fast track the interview stage. Its composition shall be determined by the Vice-Chairman, LEB.

A senior Napolcom official with salary grade 24 or higher shall be the representative in the Lateral Entry Board and the sub-boards to be designated by the Vice-Chairperson and Executive Officer. In no case shall the procedure in the processing of applicants for lateral entry be conducted without the presence of a Napolcom representative.

SECTION VI. PROCEDURE IN PROCESSING APPLICANTS FOR LATERAL ENTRY

A. Initial Evaluation (To be conducted by the PRO/NSU)

- The application folder of an applicant shall be evaluated by the PRO/NSU Ad Hoc Screening Committee of the Technical/Operational Unit based on the General Qualifications set in Section 33 of R.A. No. 6975 and the Qualification Standards required for the position which shall include, among others, education, experience, training and eligibility
- If the applicant qualifies, he/she shall be recommended/endorsed by the Director, NSU or Regional Director, PRO to take the CE.

B. QUALIFICATION STANDARDS

A point system shall be applied in the assessment and evaluation of the measurable qualification standards possessed by an individual applicant for appointment in the PNP through the Lateral Entry Program.

- Education (25 pts.)
 - For Police Senior Inspector

EDUCATIONAL ATTAINMENT	ALLOTTED PTS
With Doctoral Degree	23.0
With two (2) Masteral Degrees	22.0
Completed 36 units Doctoral Program	21.0
Completed 18 units Doctoral Program	20.0
Completed Masteral Program	19.0
Completed at least 20 units of Masteral Program	18.0
I.I.B / Doctor of Medicine/ Completed Baccalaureate Degree (Chaplain)	17.5

- For Police Inspector

EDUCATIONAL ATTAINMENT	ALLOTTED PTS
With Doctoral Degree	23.0
Completed two (2) Masteral Degrees	22.0
Completed 36 units Doctoral Program	21.0
With 18 units Doctoral Program	20.0

Completed 4 yrs LLB	20.0
Completed Masteral Program	20.0
Completed another Baccalaureate Degree	20.0
Completed 3 rd year LLB or at least 110 units	19.0
Completed at least 20 units of Masters Program	19.0
Completed 3 rd year LLB or at least 90 units	18.75
Completed 2 nd year LLB or at least 60 units	18.50
Completed 1 st year LLB or at least 40 units	18.25
Completed 1 st year LLD or at least 20 units	18.0
Completed 80 units of other Baccalaureate Degree	18.0
Board Passer in Appropriate Baccalaureate Degree	17.5

Bonus Points: Summa Cum Laude = 1.00
Magna Cum Laude = .75
Cum Laude = .50
Honor Graduates for Doctoral Program = 1
Honor Graduates for Masters Program = .75.

Bonus points shall be given to honor graduates

An applicant who possesses two (2) or more of the educational attainments enumerated above shall earn the corresponding higher point allotment.

2. Eligibility (10 pts.)

NUMBER OF PCO LEVEL ELIGIBILITIES	ALLOTTED PTS
Bar or RA 1080 (M.D.) w/ 4 other eligibilities	9.75
Bar or RA 1080 (M.D.) w/ 3 other eligibilities	9.0
Bar or RA 1080 (M.D.) w/ 2 other eligibilities	8.75
Bar or RA 1080 (M.D.) w/ 1 other eligibility	8.5
Bar or RA 1080 (M.D.)	8.25
Appropriate RA 1080 or CSP for Psychologists and Chaplains w/ 4 other eligibilities	8.0
Appropriate RA 1080 or CSP for Psychologists and Chaplains w/ 3 other eligibilities	7.75
Appropriate RA 1080 or CSP for Psychologists and Chaplains w/ 2 other eligibilities	7.5
Appropriate RA 1080 or CSP for Psychologists and Chaplains w/ 1 other eligibility	7.25
Appropriate RA 1080	7.0
CSP in case of Psychologists and Chaplains	7.0
EDP eligibility for IT	7.0

Bonus Point: Top 10 Board/Bar Passers = 7.5
CSEE/CEOE/CESE = .75

3. Training (10 pts.)

PNP uniformed personnel must have undergone any of the training requirement for a particular Line or Technical Service Officer positions prescribed by the DPRM and concerned NSUs. The minimum point allocation for training requirement shall be seven (7). Two (2) or more training shall be given a plus point prescribed by DPRM for line officer

positions and concerned NSUs for technical service positions. In which case, the following shall apply:

PNP & PPSC OFFERED COURSES	ALLOCATED PLUS PTS
181 days or a total of 1,448 training hours and above	+ .18
121-180 days or a total of 968-1,410 training hours	+ .16
61-120 days or a total of 488-960 training hours	+ .14
46-60 days or a total of 368-480 training hours	+ .12
31-45 days or a total of 248-360 training hours	+ .10
22-30 days or a total of 176-240 training hours	+ .08
15-21 days or a total of 120-168 training hours	+ .06
8-14 days or a total of 64-112 training hours	+ .04
3-7 days or a total of 24-56 training hours	+ .02

NUPs, civilian and other applicants shall have the minimum point allocation of seven (7) if they meet the training requirement prescribed by DPRM and concerned NSUs for a particular Technical Service Officer position. Those with specialization in the technical field of their profession shall be preferred over those who have none.

Bonus points of .02 shall be given to applicants who placed 1st in the Order of Merit on any of the PNP and PPSC offered courses only regardless of the course duration.

4. Rank Seniority/Experience (15 pts.)

a. For PNCOs

RANK	ALLOTTED PTS
SPO4	15.0
SPO3	14.75
SPO2	14.5
SPO1	13.5
PO3	12.5
PO2	11.5
PO1	10.5

b. For NUPs

Years in Service	ALLOTTED PTS
20 years & 1 day and above	15.0
20 years & 1 day-26 years	14.0
14 years & 1 day-20 years	13.0
9 years & 1 day-14 years	12.0
6 years & 1 day-9 years	11.0
3 years & 1 day -6 years	10.5

- c. For civilian and other applicants, they shall have the minimum point allocation of 10.5 if they meet the units' experience requirement. The said experience must be in line with the technical field of their respective educational background.

.50 point shall be added for every two (2) additional years of experience.

Doctors and lawyers are exempted from the experience requirement. They shall be given the minimum point allocation of 10.5.

C. Competitive Examination (15 pts.)
(to be conducted by the Secretariat, Lateral Entry Board)

$$\frac{\text{RAW SCORE}}{\text{TOTAL NO. OF ITEMS}} \times 15 = \text{___ (Points Earned on CE)}$$

The Lateral Entry Board shall determine the place, date and time of the examination. The CE shall be conducted simultaneously in three (3) geographical areas (Luzon, Visayas and Mindanao) in coordination with other PNP units. The test questionnaire for Line Officer and Technical Service Officer shall be prepared by the Head Secretariat, LEB and concerned NSUs, respectively, subject to approval of the LEB. The former shall consolidate the same and facilitate the conduct of the CE.

The questionnaires shall be checked at the NHQ-PNP by the members of the Sub-Boards under the supervision of the Head, Secretariat LEB. This activity shall be done in the presence of concerned NSU representatives, if applicable. As a safety precaution, all checkers shall have a rotation in every stage of the exam sheet. In no case shall a checker administer the correction on a whole examination paper.

D. The Physical Agility Test (10 pts.)
(To be conducted by Secretariat, LEB)

$$\text{SCORE} \times 10 = \text{___ (Points Earned on PAT)}$$

The standard DHRDD Physical Fitness Test (PFT) score system shall be used to determine whether or not they possess the required coordination, strength and speed of movement in the police service.

E. Psychological and/or Neuro-Psychiatric Test (To be conducted by PNP-HS NP Section)

Applicants who passed the PAT shall undergo the psychological and/or neuro-psychiatric test to exclude applicants who may be suffering from any mental disorder to be administered by the PNP HS NP Section.

F. Character Background Investigation – (To be conducted by DI/IG)

Applicants who passed the psychological and/or neuro-psychiatric test shall be subjected to Character Background Investigation (CBI) to determine the character, reputation and possible involvement of the applicant in any questionable or criminal activity as well as his propensity toward violence or use of force. Any derogatory report is a ground for disqualification. The said activity must be conducted once the NP result is published. The final CBI report shall be forwarded to the L&B (Attn: Head Secretariat) before the start of the Final Interview stage.

G. Drug Test – (To be conducted by the Crime Laboratory)

The drug test shall not follow the sequential steps but shall be conducted anytime after the character and background investigation (on passers only) and before the final interview in order to ensure that the applicants are free from use or abuse of any prohibited drug. Any positive indication of drug use or abuse is a ground for disqualification.

H. Physical and Medical Examination – (To be conducted by PNP Health Service)

In order to determine whether or not the applicant is in good health and free from any contagious diseases, dental, physical and medical examinations shall be conducted by the PNP/HS after he/she has passed the Neuro/Psychological and Drug Tests.

I. Final Interview (FI) – (15 pts.) (Lateral Entry Board)

INTERVIEW GUIDE	ALLOTTED PTS
1 - IQ and Current Events	3
2 - Communications Skills	3
3 - Leadership Qualities	3
4 - Job Knowledge	3
5 - Work Ethics and Moral Reasoning	3

TOTAL = _____ (Points Earned on FI)

The Lateral Entry Board shall interview the qualified applicants (those who were certified by the PNP/HS to be mentally and physically fit) for suitability to police work. There are two categories as bases in the reevaluation of the Lateral Entry Board during the conduct of the final interview: Confirmation of the technical and general qualifications of the candidates and validation of the candidate's personality. The final interview shall aid in the reevaluation, revalidation and confirmation of the qualifications, particularly the technical qualifications of candidates based on the Qualification Standards set for the position to which the candidate is to be appointed.

J. Final Deliberation and Selection of Highly Qualified Candidates for Appointment

The Final Deliberation and Selection is the last phase in the lateral entry process wherein thorough selection/screening has already been done in the different stages to include the Final Interview. The selection shall be made only according to merit and fitness of applicants to the position in which they are going to be appointed. CSC Resolution Number 94-015 provides that when two or more applicants meet the minimum requirements for the position, objective criteria must be set to determine who are the most fit and meritorious among all the applicants to ensure that the exercise of management discretion is not abused.

WORKSHEET FOR FINAL DELIBERATION AND SELECTION

NR	Name of Candidates	QS			RANK SENIORITY/ EXPERIENCE	QE	PAT	FI	TOTAL	H-MARKS
		EDUC	ELIG	TRNG						

CATEGORY	MINIMUM (Passing Score)	MAXIMUM	VARIANCE PREMIUM POINTS
QS			
Education	17.5	25	7.5
Eligibility	7	10	3
Training	1	10	3
Rank Seniority/ Experience	10.5	15	4.5
QE	10.5	15	4.5
PAT	7	10	3
FI	10.5	15	4.5
TOTAL	70	100	30

SECTION VII. APPOINTMENT AND OATH-TAKING OF SUCCESSFUL APPLICANTS

The Lateral Entry Board, after the final deliberation and thorough selection conducted among the qualified applicants, shall post the list of successful applicants in strategic places in the PNP for fifteen (15) working days. The Board shall submit the final list to the Chief, PNP for approval within five (5) days after the last day of posting. The Chief, PNP shall recommend to the Commission for confirmation.

The effectivity of appointment and the oath-taking of successful candidates shall not be earlier than the confirmation of the Commission.

SECTION VIII. STATUS OF APPOINTMENT THROUGH LATERAL ENTRY

Temporary Appointment – A temporary appointment which shall not exceed twelve (12) months reckoning from the date of its issuance shall be issued to an appointee who meets the educational requirement to the rank to which he is being appointed, including the appropriate eligibility prescribed, in accordance with the provision of law, rules and regulations promulgated pursuant thereto. Said temporary

appointment shall be changed to permanent after twelve (12) months after the completion of the required training.

With regards to graduates of the Philippine National Police Academy (PNPA) whose four-year course cadetship program includes academic subjects on core police functions such as patrol, traffic and criminal investigation and on-the-job training in urban and rural setting, the completion of the twelve (12) months training is no longer required, hence, should be issued a permanent appointment subject to the submission to the Commission of the necessary documents prior to the issuance of testimonial eligibility.

Appointment Covered by a Waiver A lateral entrant who is admitted in the PNP due to a waiver of the weight requirement shall be issued temporary appointment pending the satisfaction of the said requirement within a period not exceeding six (6) months. Failure to satisfy the said requirement shall be a ground for dismissal from the PNP service under Section 17 of R.A. No. 8551.

SECTION IX. REQUIREMENTS IN THE PROCESSING OF APPOINTMENT

The following are the requirements necessary for original appointments to be submitted in three (3) copies each in separate folders. One folder shall include the Family Documents of the lateral entrants, which shall be transmitted by Recruitment and Selection Division (RSD) to Records Management Division (RMD) for inclusion in their Police Personnel Files (PPFs):

- A. Civil Service Form 212 Revised 2005
- B. Report of Rating/Eligibility (Bar/RA 1090/CS Professionals)
Note: In case of Report of Rating for licensure examinations (R.A. No. 1090), there is a need for authentication by the Professional Regulation Commission (PRC).
- C. School Credentials (College Diplomas/Transcript of Records)
- D. Physical/Medical Clearance
- E. Birth Certificate of appointee. If not available, Baptismal Certificate accompanied by a certification of destruction/loss of birth records issued by the Local Civil Registrar or, in the event both certificates are not available, joint affidavit of at least two disinterested persons who personally know the facts of birth of the appointee accompanied by certification of non-availability of birth and baptismal records issued by the Local Civil Registrar and the Parish Priest/Minister, respectively.
- F. Drug Test Report (To be administered by the PNP CI upon endorsement of the concerned Lateral Entry Sub-Board)
- G. Result of Neuro-Psychiatric Test (To be administered by the PNP HS, NP Section upon endorsement of the concerned Lateral Entry Sub-Board)
- H. Certificate(s) of Training(s) attended
- I. Clearances from the Barangay, PNP, Mayor, Fiscal/Court, MTC, RTC, and NBI. For those already in the PNP service, inclusion of DIDM, IAS, PLEB, Ombudsman, Legal Service and Napolcom clearances.

(The DIDM, OMBUDSMAN and Legal Service clearances shall be applied for by the Head Secretariat, LEB upon enforcement of the concerned Lateral Entry Sub-Board)

- J. Passport size picture taken within six (6) months prior to effectivity of appointment
- K. Oath of Office

SECTION X. OTHER PERSONNEL ACTIONS RELATED TO INITIAL APPOINTMENT OF UNIFORMED PERSONNEL IN THE RANK OF POLICE INSPECTOR/POLICE SENIOR INSPECTOR THRU LATERAL ENTRY

A. Issuance of Orders by DPRM and Designation of Account Numbers

PNP in-service lateral entrants shall be issued general orders separately from civilian appointees.

PNP in-service appointees shall retain their respective account numbers while the civilian lateral entrants shall be issued new account numbers by the PNP Computer Service.

B. Assignment of Badge Numbers

Prior to the issuance of orders, the Secretariat of the Lateral Entry Board shall coordinate with the Records Management Division, DPRM for the allocation of badge numbers corresponding to the actual number of applicants to be appointed. These badge numbers shall be reflected in the appointment order to be issued. The order of merit established by the Lateral Entry Board through evaluation of the qualifications and result of the interview shall be used in the assignment of badge numbers to appointees.

C. Submission of Individual Police Personnel Files to RMD, DPRM

Within one (1) week after the oath taking, the Chief, RSD shall forward to Chief, RMD the individual Police Personnel Files of the newly appointed PNP uniformed personnel.

There should be no problem preparing the PPFs as they are contained in the folders submitted for the processing of their appointments, as prescribed in NAPOLCOM Memorandum Circular No. 92-015. The family documents were added to ensure completeness.

To facilitate the processing of PPFs, they shall be transmitted according to badge numbers.

D. Addition to the PNP (PAIS) Roster

Upon receipt of the properly transmitted PPFs, the names and personal data of the newly appointed personnel shall be added/appended to the PNP (PAIS) Roster.

After their records are created, Chief, RMD shall then initiate the request to the Director, Computer Service for the addition of their names to the PNP Alpha (CFC) List. The request shall be signed by the Executive Officer, DPRM for the TDPRM.

E. Addition to the PNP Alpha (CFC) List

The Director, Computer Service shall direct that names be appended to the PNP Alpha (CFC) list and assigned account numbers.

The Director, Computer Service sends feedback to TDPRM (Attn: Chief, RMD), to the Director, FS and to the Director, NSU concerned regarding the first printing of CFCs.

F. Issuance of PNP Identification Cards

As soon as the names are added/appended to the PNP Register, the Chief, RMD shall then issue PNP IDs after approval/signature by the Executive Officer, DPRM. Processed IDs shall be released only to the Head Secretariat, LEB for distribution to the concerned appointees.

G. Payment of Salaries through Payroll

Upon issuance of the appointment orders, the respective Finance Officers of concerned PROs and/or NSUs shall initiate the preparation of the payroll to ensure prompt payment of the salaries of the newly-appointed lateral entrants. Payment through payroll will continue until the CFCs are printed. The concerned units will be informed of the printing of CFCs via the feedback report from the Director, Computer Service.

SECTION XI. GUIDELINES ON PROBATIONARY PERIOD

A lateral entrant shall serve a probationary period of one (1) year.

The appointees for the PSINSP and PINSP ranks shall immediately take their Public Safety Officers Basic Course (PSOBC) and Field Training Program (FTP). The one (1) year probationary period shall apply during the conduct of the said course. However, he may be dropped from the service for unsatisfactory conduct or performance any time before the expiration of such probationary period.

The termination of services shall be done with utmost objectivity and impartiality with the end in view of affording the PNP members concerned the right to due process and equal protection of law. In general, termination shall be in the nature of summary administrative proceedings.

A. Grounds for Termination of Services

1. Grave Administrative Offenses

- a. Grave misconduct;
- b. Incompetence;
- c. Dishonesty;
- d. Disloyalty to the government;
- e. Serious irregularities in the performance of duties; and
- f. Violation of law.

2. **Lack of Aptitude in the Service** – This shall refer to any of the following circumstances:
 - a. Academic deficiency arising from failure to obtain a passing grade in the required basic training course in accordance with the established training rules and regulations;
 - b. Serious violation of training rules and regulations involving non-academic matters; and
 - c. Possession of such habits, traits, conduct or behavior which when taken on their overall context, tends to manifest and display an undesirable disposition or attitude towards the law enforcement profession.
3. **Physical or Mental Incapacity**

B. Termination Authority

The Chief, PNP is designated as the Termination Authority for all lateral entrants of the PNP who are under probationary period.

C. Termination Committee

There shall be created a Termination Committee to review/investigate the case against a PNP lateral entrant on probationary period and shall submit a recommendation to the Chief, PNP based on the merits of the case.

The Termination Committee shall be composed of the following:

The Director for Personnel and Records Management	Chairman
The Director, Legal Service	Vice-Chairman
The Director for Human Resource & Doctrine Development	Member
The Director for Intelligence	Member
The Director for Investigation and Detective Management	Member
RD, PRO or Director, NSU	Member
Chief, Recruitment Selection Division, DPRM	Head, Secretariat

D. Termination Procedures

1. Termination of service for unsatisfactory conduct or performance while under probationary period may be initiated by the appropriate RD, PRO or Director, NSU based on the investigation/official report of the case against any PNP member or upon a verified complaint of any person accompanied with sworn statements/documents in support thereof. The RD, PRO or Director, NSU concerned shall submit appropriate recommendation to the Termination Committee

thru the Directorate for Personnel and Records Management (DPRM), copy furnished the respondent with notice that he/she may file his/her answer together with the sworn statement of his/her witness and other pertinent supporting documents and other pieces of evidence within three (3) days from receipt of the complaint to the Termination Committee.

2. Upon receipt of the report/recommendation, DPRM shall immediately constitute/convene the Termination Committee. The Termination Committee shall conduct a summary hearing within the next three (3) days after receipt of respondent's answer, sworn affidavit of his/her witnesses, other pertinent documents and other pieces of evidence which shall terminate within five (5) days from its commencement.
3. If the respondent, despite due notice, fails to answer the charge(s) within the prescribed period, the Committee shall immediately proceed with the hearing ex parte.
4. Being summary in nature, direct examination of witnesses shall be dispensed with and the sworn statements of witness or their affidavits shall take the place of their oral testimonies. Provided that, witnesses who were not able to submit their sworn affidavit as mentioned in par (1) hereof shall be allowed to be examined directly or in lieu thereof to submit a sworn affidavit.

Cross examination shall be limited to matters discussed in the affidavit of the witness being cross-examined. Arguments that are not relevant and material to the issue and are obviously being employed as dilatory tactics shall not be entertained.

5. The Termination Committee shall render its decision/recommendations within three (3) days after the termination of the hearing. Said decision/recommendation shall be acted upon by the Chief, PNP within five (5) days upon receipt of the said decision/recommendation.
6. The decision shall contain the name of the respondent, his unit, a brief statement of the facts, the findings of the Termination Committee and the law and/or issuance which the said decision was based.

E. Appeal Procedure

1. The decision of the Chief, PNP may be appealed by either party to the National Police Commission within thirty (30) days from receipt of the official copy of the same.
2. The appellant shall submit a Memorandum of Appeal to the NAPOCOM, copy furnished the Chief, PNP, within the reglementary period mentioned in paragraph (1) hereof. The same shall state the date when appellant received the official copy of the decision, the grounds relied upon, the arguments in support thereof and the relief prayed for.
3. Within five (5) days from receipt of the notice of appeal, the Office of the Chief, PNP shall forward the original records of the case to

- the NAPOLCOM which shall be systematically and chronologically arranged, paged and securely bound to prevent loss.
4. In case the Memorandum of Appeal was sent thru mail, the appeal shall be deemed perfected at the time the same was mailed as shown by the postmark on the registered envelope which shall be attached to the records of the case.

In case of personal delivery, the appeal shall be deemed perfected on the date of the actual delivery of the notice of appeal as appearing on the stamped date of receipt thereon.

5. The decision of the NAPOLCOM, whether confirming or reversing an appealed decision to terminate the services of a PNP member is final and executory. Provided that, in case a decision of the Chief, PNP terminating the services of a PNP member is reversed, the latter shall be reinstated into the service in the position and rank last held and shall be entitled to all back salaries and allowances during the period that he was out of service. Provided, that said member shall be made to complete the remaining probationary period which was interrupted as a result of his aforementioned case.


SECTION XII. REPEALING CLAUSE

All Memorandum Circulars or issuances or any part thereof, which are inconsistent with this Memorandum Circular are repealed or amended accordingly.

SECTION XIII. EFFECTIVITY

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.

APPROVED this 31st day of MARCH in the Year Two thousand and Eight, in Makati City, Metro Manila, Philippines.

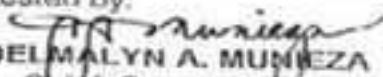

RONALDO V. PUNO
Secretary, DILG/
Chairman, NAPOLCOM


CECILIA V. SANIDAD-LEONES
Commissioner


MIGUEL G. CORONEL
Commissioner


PDG AVELINO J. BAZON, JR.
Commissioner

Attested by:


ADELMALYN A. MUNIEZA
Chief, Secretariat

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR NO. 2011-005

AMENDING THE PRESCRIBED SEQUENTIAL PROCEDURES IN THE PROCESSING OF LATERAL ENTRY APPLICANTS IN THE PNP AND THE GUIDELINES ON PROBATIONARY PERIOD AS PROVIDED FOR UNDER NAPOLCOM MEMORANDUM CIRCULAR NO. 2008-006

WHEREAS, the Commission has issued Memorandum Circular No. 2008-006 prescribing the guidelines and procedures in the processing of lateral entry of officers in the PNP;

WHEREAS, the PNP requested for the amendment of certain provisions of Memorandum Circular No. 2008-006 in order to attune it with recent developments and to address current issues at hand and to ensure the appointment of the best and most qualified lateral entry applicants;

WHEREAS, the proposed amendments are intended to ensure entry of physically and mentally fit lateral entry applicants, expedite the resolution of cases involving termination of officer on probationary period, and to save resources on the part of the PNP;

NOW THEREFORE, the Commission, pursuant to its constitutional mandate to administer and control the PNP, **HAS RESOLVED TO AMEND, AS IT HEREBY AMENDS**, the prescribed sequential procedures in the processing of lateral entry applicants in the PNP, as provided for under Section VI (Items D to J) and the guidelines on probationary period as provided for under Section XI (Items C and D) of Memorandum Circular No. 2008-006, to wit:

Section VI. PROCEDURE IN PROCESSING APPLICANTS FOR LATERAL ENTRY

- A. " x x x "
- B. " x x x "
- C. " x x x "
- D. **Psychological and/or Neuro-Psychiatric Test**
(To be conducted by PNP-HS NP Section)

Applicants shall undergo the psychological and/or neuro-psychiatric test to exclude applicants who may be suffering from any mental disorder to be administered by the PNP-HS NP Section.

- E. **Physical and Medical Examination**
(To be conducted by PNP Health Service)

In order to determine whether or not the applicant is in good health and free from any contagious diseases, dental, physical and medical

examinations shall be conducted by the PNPHS after he/she has passed the Psychological/Neuro-Psychiatric test.

F. Character Background Investigation
(To be conducted by DI/IG)

Applicants who passed the PMDE shall be subjected to Character Background Investigation (CBI) to determine the character, reputation and possible involvement of the applicant in any questionable or criminal activity as well as his propensity toward violence or use of force. Any derogatory report is a ground for disqualification. The said activity must be conducted once the PMDE result is published. The final CBI report shall be forwarded to the LEB (Attn: Head Secretariat) before the start of the Final Interview stage.

G. Drug Test
(To be conducted by the Crime Laboratory)

The drug test shall not follow the sequential steps but shall be conducted anytime after the character and background investigation (on passers only) and before the final interview in order to ensure that the applicants are free from use or abuse of any prohibited drug. Any positive indication of drug use or abuse is a ground for disqualification.

H. The Physical Agility Test (10 pts.)
(To be conducted by Secretariat, LEB)

SCORE X .10 = ____ (Points Earned on PAT)

The standard DHRDD Physical Fitness Test (PFT) score system shall be used to determine whether or not they possess the required coordination, strength and speed of movement in the police service.

I. Final Interview (FI) – (15 pts.)
(Lateral Entry Board)

INTERVIEW GUIDE	ALLOTTED POINTS
1 – IQ and Current Events	3
2 – Communications Skills	3
3 – Leadership Qualities	3
4 – Job Knowledge	3
5 – Work Ethics and Moral Reasoning	3

TOTAL = _____ (Points Earned on FI)

The Lateral Entry Board shall interview the qualified applicants (those who were certified by the PNPHS to be mentally and physically fit) for suitability to police work. There are two categories as bases in the reevaluation of the Lateral Entry Board during the conduct of the final interview: Confirmation of the technical and general qualifications of the candidates and validation of the candidate's personality. The final interview shall aid in the reevaluation, revalidation and confirmation of the qualifications, particularly the technical qualifications of candidates based on the Qualification Standards set for the position to which the candidate is to be appointed.

J. Final Deliberation and Selection of Highly Qualified Candidates for Appointment

The Final Deliberation and Selection is the last phase in the lateral entry process wherein thorough selection/screening has already been done in the different stages to include the Final Interview. The selection shall be made only according to merit and fitness of applicants to the position in which they are going to be appointed. CSC Resolution Number 94-015 provides that when two or more applicants meet the minimum requirements for the position, objective criteria must be set to determine who are the most fit and meritorious among all the applicants to ensure that the exercise of management discretion is not abused.

WORKSHEET FOR FINAL DELIBERATION AND SELECTION

No	Name of Candidates	QS			RANK SENIORITY/ EXPERIENCE	QE	PAT	FI	TOTAL	REMARKS
		EDUC	ELIG	TRNG						

CATEGORY	MINIMUM (Passing Score)	MAXIMUM	VARIANCE PREMIUM POINTS
QS			
Education	17.5	25	7.5
Eligibility	7	10	3
Training	7	10	3
Rank Seniority/ Experience	10.5	15	4.5
QE	10.5	15	4.5
PAT	7	10	3
FI	10.5	15	4.5
TOTAL	70	100	30

" x x x "

Section XI. GUIDELINES ON PROBATIONARY PERIOD

A. " x x x "

B. " x x x "

C. Termination Hearing Officer (THO)

The following shall be designated as THO at the NHQ, PROs and NSUs to review and hear the case against a PNP Lateral entrant on probationary status depending on the latter's assignment, as indicated:

Temporary Hearing Officer (THO)	Lateral Entrant's Latest Assignment
Deputy Director, DPRM	NHQ, PNP
Regional Director, PRO	PRO
Director, NSU	NSU

A Legal Officer from the Legal Service shall likewise be designated to assist the THO during the review and hearing of the case. The THO concerned shall submit a recommendation (thru channel) to the Chief, PNP based on the merits of the case.

D. Termination Procedures

1. Termination of service for unsatisfactory conduct or performance while under probationary period may be initiated by the appropriate RD, PRO or Director, NSU based on the investigation/official report of the case against any PNP member or upon a verified complaint of any person accompanied with sworn statements/documents in support thereof. The RD, PRO or Director, NSU concerned shall refer the case to the THO for review and Summary Termination Proceedings. The concerned THO shall follow the existing rules of procedures governing summary hearing proceedings in administrative cases as provided under NAPOLCOM Memorandum Circular NO. 2007-001 dated March 6, 2007, entitled *"Uniform Rules of Procedures Before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police"*.
2. The THO shall conduct a summary hearing within the next three (3) days after receipt of respondent's answer, sworn affidavit of his/her witnesses, other pertinent documents and other pieces of evidence. The hearing shall terminate within five (5) days from its commencement.
3. If the respondent, despite due notice, failed to answer the charge/s within the proscribed period, the THO shall immediately proceed with the hearing ex-parte.
4. Being summary in nature, direct examination of witness shall be dispensed with the sworn statements of witness or their affidavits shall take the place of their oral testimonies. Provided that, witnesses who are not able to submit their sworn affidavit as mentioned in para (1) hereof shall be allowed to be asked clarificatory questions directly or in lieu thereof to submit a sworn affidavit. Arguments that are not relevant and material to the issue and are obviously being employed as dilatory tactics shall not be entertained.
5. The THO concerned shall render its findings and recommendations within ten (10) days upon receipt of said findings and recommendations.

6. The decision shall contain the name of the respondent, his unit, a brief statement of the facts, the findings of the THO and the law and/or issuance on which the said decision was based.


E. "xxx"

This Circular shall take effect upon approval of the Commission.


ADOPTED this 4th day of MARCH, 2011 at Makati City, Metro Manila, Philippines.



JESSE M. ROBREDO
Chairman





EDUARDO U. ESCUETA
Commissioner
Vice Chairman and Executive Officer


LUISITA Y. PALMERA
Commissioner


ALEJANDRO S. URRO
Commissioner


CONSTANCA P. DE GUZMAN, Ph.D.
Commissioner


~~RABE M. ESCALZO, Ph.D.~~
~~Commissioner~~

Attested by:


ADEL MALYN A. MUNIEZA
Chief, Secretariat

XIV. AWARD/INCENTIVES/SCHOLARSHIP

A. Legal Basis: PNP Circular No. 2006-014 dated July 10, 2006

Rules and Regulations in the Conferment of Authorized Decorations, Service Medals, Ribbons and Badges to the Personnel of the Philippine National Police

B. Policy Requirement/Compliance:

Authorized awards and its categories:

1. Operational Awards

Category	Persons Entitled	Requirements	Approving Authority
1. Medalyang Kagilingan (PNP Medal of Valor)	Uniformed members of the PNP	<ul style="list-style-type: none">For action of the recipient involving conspicuous gallantry and intrepidity at the risk of life and limb above and beyond the call of duty. In order to justify this award, a member of the PNP must perform in action a deed of personal bravery and self-sacrifice above and beyond the call of duty so conspicuous as to distinguish himself clearly above his comrades in the performance of more than ordinary hazardous service.In case of actual combat with armed enemies, this award may be given only if the enemy force	<ul style="list-style-type: none">President of the Philippines

		is so overwhelming as compared to the government troops.	
2. Medalya ng Kabayanihan (PNP Distinguished Conduct Medal)	Uniformed members of the PNP.	<ul style="list-style-type: none"> For acts of conspicuous courage and gallantry in the face of an armed enemy in a combat situation wherein the enemy force is greater than the government troops. To qualify for the award, the enemy force is superior than the government troops by at least 21 combatants. Act or acts of heroism so notable and involving risk of life so extraordinary as to set him apart from his comrades. Operational accomplishment not warranting the Medalya ng Kagitingan. 	<ul style="list-style-type: none"> Secretary of the Interior and Local Government
3. Medalya ng Katapangan (PNP Bravery Medal)	Uniformed members of the PNP	<ul style="list-style-type: none"> For gallantry in action not warranting the Medalya ng Kagitingan or Medalya ng Kabayanihan. To qualify for the award, the enemy force must be superior than the government troops during 	<ul style="list-style-type: none"> CPNP

		the actual combat by at least eight but not more than 20 combatants.	
4. Medalya ng Kadakilaan (PNP ReHeroism Medal)	Uniformed members of the PNP	<ul style="list-style-type: none"> For heroism not involving conflict with an armed enemy. Acts of heroism not warranting the Medalya ng Kadakilaan. 	<ul style="list-style-type: none"> CPNP RDs, PROs D, NSUs

Category	Persons Entitled	Requirements	Approving Authority	Incentives
5. Medalya ng Katangitanginang Asal (PNP Outstanding Conduct Medal)	<ul style="list-style-type: none"> Member of Quasi-Police Forces Other Civilian Volunteers 	<ul style="list-style-type: none"> For heroic acts by the individual while in action involving actual conflict with an enemy in a crime situation wherein the enemy force is greater than the government forces by one to seven combatants. Life-saving situation, distinguishing himself conspicuously by gallantry and intrepidity at the risk of life above and beyond the call of duty. 	<ul style="list-style-type: none"> CPNP; RDs, PROs D, NSUs 	
6. Medalya ng Kagalingan (PNP Merit Medal)	Uniformed members of the PNP	<ul style="list-style-type: none"> For heroic achievements not warranting the award of Medalya ng Kadakilaan. For single act of heroism or series of heroic acts in a duty responsibility: <ol style="list-style-type: none"> Neutralization of criminal elements; Arrest of Most Wanted Person; 	<ul style="list-style-type: none"> CPNP RDs, PROs D, NSUs 	one day Leave Credit

		and c) Recovery of Firearms/illegal drugs.		
7. Medalya ng Papuri (PNP Commendation Medal)	Uniformed members of the PNP	<ul style="list-style-type: none"> For participation in a successful police operation in a supporting capacity. For other operational accomplishments not warranting the Medalya ng Kagalingan. 	<ul style="list-style-type: none"> CPNP RDs, PROs D, NSUs 	three days Leave Credits
8. Medalya ng Sugatang Magiting (PNP Wounded Medal)	Uniformed members of the PNP	<ul style="list-style-type: none"> For having been wounded in action against an enemy as a direct result of an act of enemy provided such wounds necessitate treatment by a medical officer. For this purpose, a "wound" is defined as injury to any part of the body from an outside force, element or agent sustained as a result of a hostile act of the enemy. 	<ul style="list-style-type: none"> CPNP RDs, PROs D, NSUs 	five days Leave Credits

2. Administrative Awards:

Category	Persons Entitled	Requirements	Approving Authority	Incentives
1. Medalya ng Katapangan sa Pagliingkod (PNP Distinguished Service Medal)	Uniformed members of the PNP	<ul style="list-style-type: none"> An exceptional performance of major responsibility duly recognized as such by the service. An officer holding the position of TDCA, TDCO, TCDS, D-Staff, RD, PRO and D, NSU for at least one year and is retiring from the service or due for relief but stated for an equivalent or higher position. 	Secretary of the Interior and Local Government	

<p>2. Medalya ng Katangitanging Gawa (PNP Outstanding Achievement Medal)</p>	<ul style="list-style-type: none"> • Uniformed members of the PNP • Citizens of the Republic of the Philippines • Citizens of Friendly Foreign Nations. 	<ul style="list-style-type: none"> • For distinguished or extraordinary achievement or service in the advancement of science, socio economic, technical and/or police related to public service of the highest order. • For excelling in the field of sport, schooling and other competitions held abroad besting participants from other country by occupying the topmost slot or position. • For excelling in the performance of the highest position in any international body or organization. 	<p>CPNP</p>	
<p>3. Medalya ng Pambihirang Paglilingkod (PNP Special Service Medal)</p>	<ul style="list-style-type: none"> • Any member of the PNP; • Police personnel of friendly foreign nations; • Citizens of the Republic of the Philippines • Citizens of friendly foreign nations. 	<ul style="list-style-type: none"> • For eminently meritorious and invaluable service in the field of police operations while in position of major responsibility. The performance of duty must be such as to merit recognition by the service as exceptional; • An officer holding the position of TDCA, TDCO, TCDS, D-Staff, RD, PRO and D, NSU for less than six months and is retiring from the service or due for relief but stated for an equivalent or higher position; and • The position of Deputy D-Staff, D, PRO and D, NSU, Ex-O D-Staff, PD and CD for at least one year in position. 	<p>CPNP</p>	
<p>4. Medalya ng Kasanayan (PNP Efficiency Medal)</p>	<ul style="list-style-type: none"> • Uniformed members of the PNP 	<ul style="list-style-type: none"> • For eminently meritorious and invaluable service to merit recognition by the service as exceptional. • An officer holding the position of TDCA, TDCO, TCDS, D-Staff, 	<ul style="list-style-type: none"> • CPNP • RDs; PROs • D, NSUs 	<p>four days Leave Credits</p>

		RD, PRO and D, NSU for less than six months and is retiring from the		
		<p>service or due for relief but stated for an equivalent or higher position.</p> <ul style="list-style-type: none"> • The position of Deputy D-Staff, PRO and NSU, Ex-O D-Staff, PD and CD for at least six months; • Other administrative accomplishments: <ul style="list-style-type: none"> a. Completion of major project/study; b. Formulation of major policy drafting of LOI, etc.; c. Conceptualization of a major innovations in the field of PNP Operation and administration; d. Solution of major/sensational crime; e. Garnering first place in the graduation merit roll of any PNP career course; f. Selected as outstanding police officer in Directorate/PRO/NSU level; g. Garnering 1st place by himself or as member of the team in any major sport, literary and other competition; h. Member of any PNP Technical Working Group, Committee and Board; i. Given to key personnel of the Directorate/PRO/NSU on the relief of RD/Dir provided the said Commander has served for at least six months on the position; 		

		<p>j. Member of the team that managed the successful conduct of major command activity, such as Training and Seminar;</p> <p>k. Awards to key personnel of the Directorate/PRO/NSU who are retiring or due for relief but stated to an equivalent or higher position and held the office for at least six months; and</p> <p>l. Membership in SPADB, SOPPB, other promotions board and other bodies upon completion of the job assigned to them.</p>		
5. Medalya ng Papuri (PNP Commendation Medal)	Any member of the PNP	<ul style="list-style-type: none"> • For demonstrated exemplary efficiency, devotion and loyalty to their duty assignments; • Participation in any operation or administrative undertaking in supporting capacity not warranting the Medalya ng Kagalingan or Medalya ng Kasanayan; • Other minor administrative accomplishments not warranting the Medalya ng Kagalingan; • Garnering 2nd or 3rd place in the graduation merit roll of any PNP career course; • Given to other personnel of the RD/NSU/PRO on the relief of RD/Director; • Participation in the training, seminar and other command activities; and • Commendation from 	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs 	three days Leave Credits

		and covered by a resolution of the Senate, House of Representatives, Sangguniang Panlalawigan and any foreign legislative body.	
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3. Miscellaneous Awards

Category	Persons Entitled	Requirements	Approving Authority	Incentives
1. Medalya ng Ugnayang Pampulisya (Police Relations Medal)	Any member of the PNP	For meritorious achievement in the field of police relations.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs 	three days Leave Credits
2. Medalya ng Mabuting Asal (PNP Good Conduct Medal)	Uniformed members of the PNP	For conspicuous devotion to duty extended for a period of five years without any record of punishment, conviction or derogatory information whatsoever. Limitation: Only the medal corresponding to the last five years of his service maybe awarded, no medal will be awarded for the period which was lapsed.	<ul style="list-style-type: none"> • RD, PROs • D, NSUs 	
3. Medalya ng Paglilingkod (PNP Service Medal)	Uniformed members of the PNP	For completion of at least 20 years of faithful and honorable service.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs 	three days Leave Credits
4. Medalya ng Paglaban sa Maniligalig (PNP Anti-Dissidence Medal)	Uniformed members of the PNP	For active service for a period of six months while undertaking an operation, campaign or movement against dissidence between January 1991 and a terminal date to be designated later.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs 	
5. Medalya ng Pagtulong sa Nasalanta (PNP Disaster Relief & Rehabilitation Medal)	Any member of the PNP	For active participation in an undertaking involving rescue/relief and rehabilitation operations connected with typhoons, floods, earthquakes, conflagration and other disasters/calamities for any period during and after disasters/calamities.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs 	
6. Tsapa sa Natatanging Yunit (PNP Unit Citation Badge)	Uniformed members of the PNP	For acts and services or exceptional devotion and fidelity.	CPNP	

Category	Persons Entitled	Requirements	Approving Authority
7. Medalya ng Paglilingkod sa Luzon (Luzon Campaign Medal)	Uniformed members of the PNP	For participation in the campaign against criminality or insurgency in Luzon for at least six months.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs
8. Medalya ng Paglilingkod sa Visayas (Visayas Campaign Medal)	Uniformed members of the PNP	For participation in the campaign against criminality or insurgency in Visayas for at least six months.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs
9. Medalya ng Paglilingkod sa Mindanao (Mindanao Campaign Medal)	Uniformed members of the PNP	For participation in the campaign against criminality or insurgency in Mindanao for at least six months.	<ul style="list-style-type: none"> • CPNP • RDs, PROs • D, NSUs
10. Mga Tsapa ng Kuwalipikasyon (PNP Qualification Badge)	Uniformed members of the PNP	For ability in specialized field such as water surface operations, airborne, navigation, marksmanship, surveillance, electronics and technical expertise, special weapons, ordnance, explosives, chemical weapons, operations such as patrol, traffic, investigation, vice control, juvenile, delinquency control as well as administrative auxiliary functions.	<ul style="list-style-type: none"> • Approving authority in accordance with the governing circulars.

Guidelines and Procedures in the Processing of Awards:

a. After Operation Report/Accomplishment Report

The office/unit commander of concerned PNP personnel shall submit within 15 days a report depicting the accomplishment of the concerned personnel accompanied with a recommendation for an appropriate award that will be supported if applicable by the following documents:

- 1) Warrant of Arrest/Search Warrant;
- 2) Inventory of seized evidence;
- 3) Affidavit of arrest/seizure;
- 4) Affidavit of witnesses/disinterested parties;
- 5) Sketches of operational area;
- 6) Pictures;
- 7) Case/s filed; and
- 8) Other documents included to the accomplishments.

b. Processing at the PRO/NSU SPADB

- 1) Recommendation for award shall be submitted to the PRO/NSU SPADB Secretariat that will be responsible in ensuring the completeness thereof.

- 2) The recommendation for award shall be evaluated by the PRO/NSU SPADB en banc. If the awards falls within its jurisdiction, its findings and recommendations shall be submitted to the PRO/NSU Director for approval and implementation. If the award falls within the jurisdiction of higher authorities, it shall cause its transmittal to the concerned higher authority.

c. Processing at the NHQ SPADB

- 1) Recommendations for awards of the PNP personnel assigned with NHQ offices and those recommendations from the PROs and NSUs shall be submitted to the NHQ SPADB Secretariat that will be responsible in ensuring the completeness thereof.
- 2) The recommendations for awards shall be evaluated by the NHQ SPADB en banc. If the award falls under its jurisdiction, its findings and recommendations shall be submitted to the Chief, PNP for approval and implementation. If the award falls under the jurisdiction of higher authorities, it shall cause its transmittal to the concerned higher authority.

C. Scope/Coverage:

To any member of the Philippine National Police, quasi-police forces and civilian volunteers for their outstanding achievement and/or performance.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

PNP CIRCULAR
NUMBER 2006-014

JULY 10, 2006

**SUBJECT: RULES AND REGULATIONS IN THE CONFERMENT OF
AUTHORIZED DECORATIONS, SERVICE MEDALS, RIBBONS
AND BADGES TO THE PERSONNEL OF THE PHILIPPINE
NATIONAL POLICE**

DATE :

1. REFERENCES:

- a. Section 69 of Republic Act 6975 (DILG Act of 1990); and
- b. NAPOLCOM Memorandum Circular No. 93-018 entitled: *"Prescribing the Authorized Decorations, Service Medals, Ribbons and Badges of the Philippine National Police"*.

2. PURPOSE:

This Circular provides the rules, regulations, standards, guidelines and procedures in the conferment of appropriate award for outstanding achievement and/or performance of any member of the Philippine National Police, quasi-police forces and civilian volunteers.

3. OBJECTIVES:

This Circular aims to:

- a. Establish guidelines and procedures in the submission, processing and evaluation of recommendations for awards of personnel of the Philippine National Police, quasi-police forces, and civilian volunteers;
- b. Enable the PNP Special Promotions, Awards and Decorations Board to evaluate properly and objectively recommendations for awards;

c. Inspire and promote the spirit of heroism, dedication, hard work, devotion to duty and commitment to public service among the personnel of the Philippine National Police; and

d. Ensure fairness and consistency in the conferment of appropriate award to deserving personnel of the Philippine National Police and institutionalize the spirit of prompt recognition.

4. DEFINITION OF TERMS:

a. **Award** - anything tangible granted to an individual in recognition of acts of gallantry or heroism, meritorious service or skill proficiency.

b. **Decoration** - a piece of metal/material representing an award.

c. **Civilian Volunteer** - member of a community/civic organization who assists the PNP in the enforcement of the law, prevention of crime and maintenance of peace and order. Likewise, any person who renders voluntary service to the PNP for a period of time or during a specific police action to suppress or prevent crime.

d. **Conspicuous** - clearly distinguished above others in the performance of one's duty.

e. **Eminently** - high in merit characterized by a high degree of performance of one's duty.

f. **Heroism** - specific acts of bravery or outstanding courage or a closely related series of heroic acts performed within a short period of time.

g. **Honorable** - praiseworthy accomplishment of duties of service showing a sense of what is right, proper and noble.

h. **PNP Decoration** - an award conferred on a restricted individual basis in recognition of and as a reward for heroic, extraordinary, outstanding and meritorious acts, achievements and services.

i. **Intrepidity** - characterized by resolute fearlessness, fortitude and endurance.

j. **PNP Personnel** - Officers and Non-Officers of the Philippine National Police and cadets of the PNPA.

k. **Major Responsibility** - duty of such character that is exceptionally meritorious service therein has contributed in a high degree to the success of major command, activity, agency.

l. **Medal** - refers to the distinctive physical device of metal and ribbon which constitute the tangible evidence of an award.

m. **Meritorious Service** - praiseworthy execution of duties over a period of time. Service differs from achievement in that service concerns a period of time while achievement concerns an enterprise having definite beginning and end but not necessarily connected with a specific period of time.

n. **Meritorious Achievement** - a praiseworthy accomplishment, with easily discernible beginning and end and carried through to completion. The length of time involved is not a consideration but speed and impact of accomplishment maybe a factor in determining the worth of the enterprise.

o. **Miniature** - replica of decorations, service medals and ribbons in miniatures authorized for wear on certain occasions, the size of which is about one fourth of the actual prescribed medal and ribbon.

p. **Outstanding** - a performance of duty standing out from the others.

q. **Quasi-Police Forces** - members of civil security forces such as licensed private security guards, company guards and Civilian Home Defense Forces.

r. **Service Medal** - an award given to individuals who rendered service in a campaign operation in the PNP under certain conditions within a definite period of time. It is awarded generally in recognition of honorable performance of duty during the campaign operation or service.

s. **Service Ribbon** - a ribbon in color with the suspension ribbon of the service medal it represents, attached to a bar equipped with a suitable attaching device. A service ribbon is issued with each service medal.

t. **Valuable** - a performance of duty or service having an estimable performance.

5. AUTHORIZED AWARDS and ITS CATEGORIES:

The authorized decorations, service medals, ribbons and badges of the Philippine National Police and its categories are as follows:

a. Operational Awards:

- 1) Medalya ng Kagitingan (*PNP Medal of Valor*)
- 2) Medalya ng Kabayanihan (*PNP Distinguished Conduct Medal*)
- 3) Medalya ng Katapangan (*PNP Bravery Medal*)
- 4) Medalya ng Kadakilaan (*PNP Heroism Medal*)
- 5) Medalya ng Katangitanging Asal (*PNP Outstanding Conduct Medal*)
- 6) Medalya ng Kagalingan (*PNP Medal of Merit*)
- 7) Medalya ng Papuri (*PNP Commendation Medal*)
- 8) Medalya ng Sugatang Magiting (*PNP Wounded Medal*)

b. Administrative Awards:

- 1) Medalya ng Katapatan sa Paglilingkod (*PNP Distinguished Service Medal*)
- 2) Medalya ng Katangitanging Gawa (*PNP Outstanding Achievement Medal*)
- 3) Medalya ng Pambihirang Paglilingkod (*PNP Special Service Medal*)
- 4) Medalya ng Kasayan (PNP Efficiency Medal)
- 5) Medalya ng Papuri (*PNP Commendation Medal*)

c. **Miscellaneous Awards:**

- 1) Medalya ng Ugnayang Pampulisa (*Police Relations Medal*)
- 2) Medalya ng Mabuting Asal (*PNP Good Conduct Medal*)
- 3) Medalya ng Paglilingkod (*PNP Service Medal*)
- 4) Medalya ng Pagtaban sa Manligalig (*PNP Anti-Dissidence Medal*)
- 5) Medalya ng Pagtulong sa Nasalanta (*PNP Disaster Relief & Rehabilitation Medal*)
- 6) Tsapa sa Natatanging Yunit (*PNP Unit Citation Badge*)
- 7) Medalya ng Paglilingkod sa Luzon (*Luzon Campaign Medal*)
- 8) Medalya ng Paglilingkod sa Visayas (*Visayas Campaign Medal*)
- 9) Medalya ng Paglilingkod sa Mindanao (*Mindanao Campaign Medal*)
- 10) Mga Tsapa ng Kuwalipikasyon (*PNP Qualification Badge*)

6. **APPROVING AUTHORITY, REQUIREMENTS and PERSONS ENTITLED TO PNP AWARDS:**

a. **Operational Awards:**

1) **Medalya ng Kagitingan (*PNP Medal of Valor*)**

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirements:

i) For action of the recipient involving conspicuous gallantry and intrepidity at the risk of life and limb above and beyond the call of duty. In order to justify this award, a member of the PNP must perform in action a deed of personal bravery and self sacrifice above and beyond the call of duty so conspicuous as to distinguish himself clearly above his comrades in the performance of more than ordinary hazardous service.

ii) In case of actual combat with armed enemies, this award may be given only if the enemy force is so overwhelming as compared to the government troops.

c) Approving authority: President of the Philippines.

2) **Medalya ng Kabayanihan (*PNP Distinguished Conduct Medal*)**

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirements:

i) For acts of conspicuous courage and gallantry in the face of an armed enemy in a combat situation wherein the enemy force is greater than the government troops. To qualify for the award, the enemy force is superior than the government troops by at least twenty one (21) combatants.

ii) Act or acts of heroism so notable and involving risk of life so extraordinary as to set him apart from his comrades.

iii) Operational accomplishment not warranting the Medalya ng Kagitingan.

c) Approving authority: Secretary of the Interior and Local Government.

3) Medalya ng Katapangan (PNP Bravery Medal)

a) To whom awarded - to uniformed members of the Philippine National Police:

b) Requirement:

For gallantry in action not warranting the Medalya ng Kagitingan or Medalya ng Kabayanihan. To qualify for the award, the enemy force must be superior than the government troops during the actual combat by at least eight (8) but not more than twenty (20) combatants.

c) Approving authority: Chief, Philippine National Police.

4) Medalya ng Kakakilaan (PNP Heroism Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirements:

i) For heroism not involving conflict with an armed enemy.

ii) Acts of heroism not warranting the Medalya ng Katapangan.

c) Approving authority: Chief, PNP; RDs, PROs; D, NSUs

5) Medalya ng Katangitanging Asal (PNP Outstanding Conduct Medal)

a) To whom awarded - i) Member of Quasi-Police Forces
ii) Other Civilian Volunteers

b) Requirements:

i) For heroic acts by the individual while in action involving actual conflict with an enemy in a crime situation wherein the enemy force is greater than the government forces by one (1) in seven (7) combatants.

ii) Life-saving situation, distinguishing himself conspicuously by gallantry and intrepidity at the risk of life above and beyond the call of duty.

NSUs. c) Approving authority: Chief, PNP; RDs, PROs; D.

6) Medalya ng Kagalingan (PNP Merit Medal)

a) To whom awarded - to uniformed members of the Philippine National Police

b) Requirements:

i) For heroic achievements not warranting the award of Medalya ng Kadakilaan,

ii) For single act of heroism or series of heroic acts in a duty responsibility.

(a) Neutralization of criminal elements

(b) Arrest of Most Wanted Person

(c) Recovery of firearms/illegal drugs

NSUs. c) Approving authority: Chief, PNP; RDs, PROs; D.

7) Medalya ng Papuri (PNP Commendation Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirements:

i) For participation in a successful police operation in a supporting capacity.

ii) For other operational accomplishments not warranting the Medalya ng Kagalingan.

NSUs. c) Approving authority: Chief, PNP; RDs, PROs; D.

8) Medalya ng Sugatang Magiting (PNP Wounded Personnel Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For having been wounded in action against an enemy as a direct result of an act of enemy provided such wounds necessitate treatment by a medical officer. For this purpose, a "wound" is defined as an injury to any part of the body from an outside force, element or agent sustained as a result of a hostile act of the enemy.

c) Approving authority: Chief, PNP; RDs, PROs; D. NSUs

b. Administrative Awards:

**1) Medalya ng Katapatan sa Paglilingkod
(PNP Distinguished Service Medal)**

a) To whom awarded – to uniformed members of the Philippine National Police.

b) Requirements:

i) An exceptional performance of major responsibility duty recognized as such by the service.

ii) An officer holding the position of TDCA, TDCO, TCDS, D-Staff, RD, PRO and D, NSU for at least 1 year and is retiring from the service or due for relief but slated for an equivalent or higher position.

c) Approving authority: Secretary of the Interior and Local Government.

**2) Medalya ng Katangitanging Gawa
(PNP Outstanding Achievement Medal)**

a) To whom awarded:

i) To uniformed members of the Philippine National Police;

ii) Citizens of the Republic of the Philippines; and

iii) Citizens of friendly foreign nations.

b) Requirements:

i) For distinguished or extraordinary achievement or service in the advancement of science, socio-economic, technical and/or police related to public service of the highest order.

ii) For excelling in the field of sport, schooling and other competitions held abroad besting participants from other country by occupying the topmost slot or position.

iii) For excelling in the performance of the highest position in any international body or organization.

c) Approving authority: Chief, Philippine National Police.

**3) Medalya ng Pambihirang Paglilingkod
(PNP Special Service Medal)**

a) To whom awarded:

i) To any member of the Philippine National Police;

ii) Police personnel of friendly foreign nations;

iii) Citizens of the Republic of the Philippines; and

iv) Citizens of friendly foreign nations.

b) Requirements:

i) For eminently meritorious and invaluable service in the field of police operations while in position of major responsibility. The performance of duty must be such as to merit recognition by the service as exceptional.

ii) An officer holding the position of TDCA, TDCO, TCDS, D-Staff, RD, PRO and U, NSU for at least 6 months and is retiring from the service or due for relief but slated for an equivalent or higher position.

iii) The position of Deputy D Staff, D-PRO and D-NSU, Ex-O D-Staff, PD and CD for at least 1 year in position.

c) Approving authority: Chief, Philippine National Police

4) Medalya ng Kasanayan (PNP Efficiency Medal)

a) To whom awarded – To uniformed members of the Philippine National Police.

b) Requirements:

i) For eminently meritorious and invaluable service to merit recognition by the service as exceptional.

ii) An officer holding the position of TDCA, TDCO, TCDS, D-Staff, RD, PRO and D, NSU for less than 6 months and is retiring from the service or due for relief but slated for an equivalent or higher position.

iii) The position of Deputy D-Staff, PRO and NSU, Ex-O D-Staff, PD and CD for at least 6 months.

iv) Other administrative accomplishments:

(a) Completion of major project/study;

(b) Formulation of major policy, drafting of

LOI, etc.

(c) Conceptualization of a major innovation in the field of PNP Operation and administration;

(d) Solution of major/sensational crime;

(e) Garnering first place in the graduation

merit roll of any PNP career course;

(f) Selected as outstanding police officer in

Directorate/ PRO/NSU level;

(g) Garnering 1st place by himself or as member of the team in any major sport, literary and other competition;

(h) Members of any PNP Technical Working

Group, Committee and Board;

(i) Given to key personnel of the PRO/NSU/Directorate on the relief of RD/Dir provided the said Commander has served for at least 6 months on the position;

(j) Member of the team that managed the successful conduct of major command activity, such as Training and Seminar;

(k) Awards to key personnel of the PRO/NSU/Directorate who are retiring or due for relief but slated to an equivalent or higher position and held the office for at least 6 months;

(l) Membership in SPADB, SOPPB, other promotions board and other bodies upon completion of the job assigned to them;

c) Approving authority: Chief, PNP; RDs, PROs; D,NSUs.

5) Medalya ng Papuri (PNP Commendation Medal)

National Police.

a) To whom awarded - to any member of the Philippine

b) Requirements:

i) For demonstrated exemplary efficiency, devotion and loyalty to their duty assignments.

ii) Participation in any operation or administrative undertaking in supporting capacity not warranting the Medalya ng Kagalingan or Medalya ng Kasanayan.

iii) Other minor administrative accomplishments not warranting the Medalya ng Kagalingan.

iv) Garnering 2nd or 3rd place in the graduation merit roll of any PNP career course;

v) Given to other personnel of the RD/NSU/PRO on the relief of RD/Director;

vi) Participation in the training, seminar and other command activities; and

vii) Commendation from and covered by a resolution of the Senate, House of Representative, Sangguniang Bayan/Panglungsod, Sangguniang Panlalawigan, and any foreign legislative body.

c) Approving authority: Chief, PNP; RDs, PROs; D,NSUs.

c. Miscellaneous Awards:

1) Medalya ng Ugnayang Pampulsiya (PNP Police Relations Medal)

National Police.

a) To whom awarded - to any member of the Philippine

b) Requirement:

For meritorious achievement in the field of police relations.

c) Approving authority: Chief, PNP; RDs, PROs; D,NSUs.

2) Medalya ng Mabuting Asal (PNP Good Conduct Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For conspicuous devotion to duty extended for a period of five (5) years without any record of punishment, conviction or derogatory information whatsoever.

c) Approving Authority: RDs, PROs and D, NSUs.

d) Limitation: Only the medal corresponding to the last five (5) years of his service may be awarded, no medal will be awarded for the period which was lapsed.

3) Medalya ng Paglilingkod (PNP Service Medal)

a) To whom awarded - to uniformed members of the Philippine National Police

b) Requirement:

For completion of at least (20) years of faithful and honorable service.

c) Approving authority: Chief, PNP RDs, PROs, D, NSUs.

4) Medalya ng Paglaban sa Manliligalig (Anti-Dissidence Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For active service for a period of six (6) months while undertaking an operation, campaign or movement against dissidence between January 1991 and a terminal date to be designated later.

c) Approving authority: Chief, PNP; RDs, PROs; D, NSUs.

5) Medalya ng Pagtulong sa Nasalanta (PNP Disaster Relief & Rehabilitation Medal)

a) To whom awarded - to any member of the Philippine National Police.

b) Requirement:

For active participation in an undertaking involving rescue/relief and rehabilitation operations connected with typhoons, floods, earthquakes, conflagration and other disasters/calamities for any period during and after disasters/calamities.

c) Approving authority: Chief, PNP; RDs, PROs; D,NSUs.

6) Tsapa ng Natatanging Yunit (PNP Unit Citation Badge)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For acts and services or exceptional devotion and fidelity.

c) Approving authority: Chief, Philippine National Police.

7) Medalya ng Paglilingkod sa Luzon (Luzon Campaign Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For participation in the campaign against criminality or insurgency in Luzon for at least 6 months.

c) Approving authority - Chief, PNP; RDs, PROs; D,NSUs.

8) Medalya ng Paglilingkod sa Visayas (Visayas Campaign Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For participation in the campaign against criminality or insurgency in Visayas for at least 6 months.

c) Approving authority: Chief, PNP, RDs, PROs; D,NSUs.

9) Medalya ng Paglilingkod sa Mindanao (Mindanao Campaign Medal)

a) To whom awarded - to uniformed members of the Philippine National Police.

b) Requirement:

For participation in the campaign against criminality or insurgency in Mindanao for at least 6 months.

c) Approving Authority: Chief, PNP; RDs, PROs; D,NSUs.

10) Mga Tsapa ng Kuwalipikasyon (PNP Qualification Badge)

a) To whom awarded – to uniformed members of the Philippine National Police.

b) Requirement.

For ability in specialized field such as water surface operations, under-water operations, airborne, navigation, marksmanship, surveillance, electronics and technical expertise, special weapons, ordnance, explosives, chemical weapons, operations such as patrol, traffic, investigation, vice control, juvenile delinquency control as well as administrative auxiliary functions.

c) Approving authority: in accordance with the governing circulars.

7. ORGANIZATION, COMPOSITION, JURISDICTION and FUNCTIONS of the PNP SPECIAL PROMOTIONS, AWARDS and DECORATIONS BOARD:

There shall be organized Special Promotions, Awards and Decorations Board (SPADB) and its respective Secretariat at the National Headquarters, Police Regional Office and National Support Unit levels:

a. Composition:

1) NHQ SPADB

Deputy Chief PNP for Operations	- Chairman
Director, DHRDD	- Vice Chairman
Deputy, DPRM	- Member
Deputy, DI	- Member
Deputy, DO	- Member
Deputy, UPL	- Member
Deputy, DPCK	- Member
Deputy, DIDM	- Member
Deputy, DL	- Member
Deputy, DC	- Member
Chief, PTD, ODPRM	- Member/Recorder
C, Awards & Incentives Sec. PTD	- Member/Head Secretariat
Chief, Executive Senior Police Officer	- Member

2) PRO SPADB

Deputy Regional Director for Operations	- Chairman
Chief, Directorial Staff	- Vice-Chairman
Chief, Personnel Division	- Member
Chief, Intel and Investigation Division	- Member
Chief, Operations Division	- Member
Chief, Police Community Relations Div	- Member
Executive Senior Police Officer	- Member

3) NSU SPADB

Deputy Director for Operations	- Chairman
Chief, Directorial Staff	- Vice-Chairman
Chief, Personnel Division	- Member
Chief, Intel and Investigation Division	- Member
Chief, Operations Division	- Member
Chief, Police Community Relations Div	- Member
Executive Senior Police Officer	- Member

b. Jurisdiction:

1) NHQ SPADB

a) The NHQ, SPADB shall deliberate and study recommendations for award ranging from the Medalya ng Kagitingan to Medalya ng Pambihirang Paglilingkod.

b) At the National Headquarters, DPRM shall create a Minor Awards and Decorations Board to deliberate and study recommendations for awards coming from the Command Group, Directorial Staff and Personal Staff, and other PNP offices which has no local Awards and Decorations Board of its own.

2) PRO/NSU SPADB

This Board shall deliberate and study those recommendations for award of the Medalya ng Kadakilaan and below. Recommendations for higher awards shall be submitted to the NHQ Special Promotion, Awards and Decorations Board for approval.

c. Function of SPADB Secretariat:

It shall be the duty of SPADB Secretariat to receive, appraise and pass upon recommendation from various official and private sources, for any meritorious and commendable action, achievement or accomplishment and to give such exemplary deed or act due recognition by granting the recommendee the corresponding decoration, medal, ribbon, or commendation as the case may be. Provided, that no decoration, medal ribbon, commendation or letter of appreciation shall be awarded to any member until after such case has been filed by the prosecuting officer before the court or appropriate agency having jurisdiction thereon.

8. GUIDELINES and PROCEDURES IN THE PROCESSING OF AWARDS:

a. After Operation Report/Accomplishment Report

The office/unit commander of concerned PNP personnel shall submit within fifteen (15) days a report depicting the accomplishment of the concerned personnel accompanied with a recommendation for an appropriate award that will be supported if applicable by the following documents:

1) Warrant of Arrest/Search Warrant;

- 2) Inventory of seized evidence;
- 3) Affidavit of arrest/seizure;
- 4) Affidavit of witnesses/disinterested parties;
- 5) Sketches of operational area;
- 6) Pictures,
- 7) Case/s filed;
- 8) Other documents included to the accomplishments.

b. Processing at the PRO/NSU SPADB

1) Recommendation for award shall be submitted to the PRO/NSU SPADB Secretariat that will be responsible in ensuring the completeness thereof.

2) The recommendation for award shall be evaluated by the PRO/NSU SPADB en banc. If the award falls within its jurisdiction, its findings and recommendations shall be submitted to the PRO/NSU Director for approval and implementation. If the award falls within the jurisdiction of higher authorities, it shall cause its transmittal to the concerned higher authority.

c. Processing at the NHQ SPADB

1) Recommendations for awards of the PNP personnel assigned with NHQ offices and those recommendations from the PROs and NSUs shall be submitted to the NHQ SPADB Secretariat that will be responsible in ensuring the completeness thereof.

2) The recommendations for award shall be evaluated by the NHQ SPADB en banc. If the award falls under its jurisdiction, its findings and recommendations shall be submitted to the Chief, PNP for approval and implementation. If the award falls under the jurisdiction of higher authorities, it shall cause its transmittal to the concerned higher authority.

9. BASIC PRINCIPLES:

a) No award shall be given to PNP personnel for the mere performance of his usual duty. Medals may be given only if the performance of the said usual duty is exceptionally outstanding as compared to other personnel with the same duty, or it is extra-ordinarily difficult given the situation when and where it was performed.

b) When two or more PNP units conducted joint operation or activity, the head of the lead unit may give award to participants from the other units, provided the head of the said supporting units have not given their respective personnel any award for the same activity/operation.

c) Regional Directors may give award to members of the NSUs assigned within the region for any activity involving the said NSU personnel, provided the concerned NSU Director has not given them any award for the same activity.

d) Concerned PNP Commanders/Directors may be held liable for gross violation of these Rules.

e) Awards may be given only within one (1) year from the time the PNP member became entitled thereto.

f) Except in certain cases, Regional and NSU Directors shall avoid issuing medals without the corresponding resolution of the local Awards and Decorations Board.

g) Recommendations for the conferment of award can only be made by the Director/Head of Office with respect to the personnel under him. In no case shall a subordinate officer sign the recommendation on behalf of his superior officer.

h) All commendations for the award or decoration based on a period of meritorious service in a given assignment shall not be made while the individual being recommended for the award is still performing and/or has not yet been relieved from such assignment.

i) Should a person departing from an organization or installation desires to initiate a recommendation for an award in recognition of meritorious service of an individual who remains in the same organization or installation, he should have the recommendation in writing addressed to the Commanding Officer, Chief or his own successor for final action when the individual recommended becomes eligible for consideration.

j) No decoration will be awarded or presented to any individual whose entire service subsequent to the time of the service shall have not been honorable.

10. SUPPLEMENTAL GUIDELINES:

a. Announcement of Awards:

1) Awards and decorations conferred by the President, Secretary of the Interior and Local Government, PNP Chief, Regional Directors and Directors of National Service Support units shall be announced and published in a General Order by the Command of the PNP Chief.

2) All other awards and decorations granted by Regional Directors shall be announced and published by their respective Commands and copies of which shall be furnished the office of the PNP Chief.

b. Sampaguita Leaf and Spearhead Device to indicate the number of awards - For each succeeding deed, act or achievement sufficient to justify the same medal, a Bronze Spearhead Device shall be awarded for the second, third, fourth and fifth succeeding awards in case of operational accomplishments or a Bronze Sampaguita Leaf in case of administrative accomplishments. Furthermore, a Silver Spearhead Device or Silver Sampaguita Leaf shall be worn for every five (5) Bronze Spearhead Device or Sampaguita Leaf, as the case may be. For example, a medal with two (2) Bronze Anahaw Leaf indicate three (3) issuances of the same medal, while a medal with two (2) Silver and three (3) Bronze Spearhead Devices indicates fourteen (14) issuances.

c. Incentives for Awards

1) Aside from the PNP Medals, corresponding number of leave credits shall be given to the awardee as follows:

- a) Medalya ng Sugatang Magiting (PNP Wounded Personnel Medal)

Five (5) days leave credits

- b) Medalya ng Kasanayan (PNP Efficiency Medal)

Four (4) days leave credits

- c) Medalya ng Popuri (PNP Commendation Medal)

Three (3) days leave credits

- d) Medalya ng Ugnayang Pampulsiya (Police Relations Medal)

Three (3) days leave credits

- e) Medalya ng Paglilingkod (PNP Service Medal)

Three (3) days leave credits

- f) Medalya ng Kagalingan (PNP Medal of Merit)

One (1) day leave credit

2) A maximum limit of fifteen (15) days leave credits shall be allowed every calendar year for PNP uniformed personnel who had been or shall be conferred with appropriate PNP medals in recognition of outstanding performance of police functions and activities.

3) Accrued leave credits earned from the conferment of appropriate PNP medals may be used to cover for vacation and sick leave spent by PNP uniformed personnel from September 23, 1993 up to the effectivity of the Supplementary Guidelines to NAPOLCOM Memorandum Circular No. 93-010.

4) Leave credits earned from the conferment of appropriate medals must be enjoyed by concerned PNP personnel from the date of conferment onwards but not later than the last day of the next calendar year, otherwise such unused leave credits shall be deemed forfeited.

5) In no case shall leave credits earned from the conferment of appropriate medals be added to the Accumulated Leave Credits to be used in computation of Terminal Leave Benefits of a retiring PNP uniformed personnel.

d. Conversion of commendations to awards

Conversion of five (5) Letters of Commendation from any superior PNP officer, AFP Officer, Municipal Mayor, Provincial Governor, Members of the

Cabinet and the President of the Philippines, a Medalya ng Papuri may be awarded to uniformed member of the PNP.

d. Posthumous Awards.

Awards of medal (s) may be made following the death of the person being honored in the same manner they are made for a living person except that the orders and citations will indicate that the award is being made posthumously. In case an individual who distinguished himself dies before the making of an award to which he may be entitled, the award may nevertheless be made and the medal, star, bar or other emblem or device, may be presented within three (3) years from date of the act justifying the award thereof, to such representative of the deceased as the Chief, PNP may designate. Eligible class next of kin are, in the order of precedence, widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, or eldest grandchild.

e. Presentations

1) Medalya ng Kagitingan - the recipient of the Medalya ng Kagitingan will be ordered to proceed to NHQ PNP and the presentation will be made by the PNP Chief, the Secretary of the Interior and Local Government, or the President of the Philippines should it be so ordered. The ceremony held in connection with the presentation of a Medalya ng Kagitingan will be directed by the PNP Chief or by the President of the Philippines.

2) Decorations other than Medalya ng Kagitingan:

a) The presentation of the decoration to the person to whom it is awarded will be made in formal and impressive ceremony, including when practicable, the attendance of troops.

b) In the absence of orders to the contrary, the arrangement therefore and the presentation will be made by the Regional Director or its equivalent.

c) In the act of presentation, a decoration may be pinned on the clothing of the awardee whether in uniform or civilian clothing or on the next of kin following the recipient's death; however, this will not be construed as authority for any person other than the individual honored by the decoration to wear it. As an alternate to pinning the decoration especially to the next of kin, it may be handed to the recipient in an open decorative container.

d) The presentation to an individual who is no longer in the service or to the next of kin, will as a rule, be made at the PNP post, base, camp or station nearest the home of the recipient.

e) Whenever the Bronze Anahaw Leaf (BAL) or Silver Sampaguita Cluster (SSC) is awarded, it will be appended to the appropriate medal, and the complete decoration consisting of the medal and the BAL or SSC will be presented to the next of kin rather than the BAL or SSC alone.

f. Interim Awards and Awards of Lesser Decoration

1) To ensure that a deserving act, achievement or service receives recognition, the appropriate authority should promptly award a suitable

lesser PNP decoration pending final action on a recommendation for a higher award.

2) The authority taking final action may:

- a) Award the decoration recommended.
- b) Award a lesser decoration (or consider the interim award as adequate recognition or);
- c) In the absence of interim award, disapprove the award or any decoration.

3) The awarding authority will take the following actions concerning each recommendation for award or decoration:

- a) Approve/Disapprove
- b) If disapproved, consider the award of a lesser but appropriate decoration.
- c) Retain the recommendation in the Headquarters.
- d) Notify the initiator of the final action.

g) Manner of Wearing of Decoration

Medals, Unit Decorations, Badges, emblems and/or service ribbons may be worn on the coat or blouse of the service uniform together with their corresponding ribbons. Wearing will conform to the following:

1) General. May be worn in uniform on the following occasions unless specifically prescribed otherwise:

- a) On state occasions at home and abroad.
When receiving or calling or acting as escort or aide to the President of the Republic of the Philippines.
- b) At all official and social functions at Malacañang and when attending other ceremonies and social functions elsewhere given by or for members of the cabinet or by ranking officers of the PNP and other foreign friendly nations.
- c) As escort of the color.

2) Prescribed. Commanding Officers may prescribe the wearing of the above on the following occasions:

- a) Parades, reviews, inspections and funerals.
- b) Ceremonial and social occasions.
- c) Regular duty, when the general duty uniform is worn.

3) Optional. May be worn at the option of the wearer on the above occasions (when not prescribed and prohibited) and/or the following occasions:

- a) Holidays, when not on duty with troops.
- b) Social occasions of a private nature.

- 4) *Prohibited. Will not be worn on the following:*
- a) *On service shirt, overcoat as when equipped for combat or simulated,*
 - b) *While suspended from either rank or command,*
 - c) *By PNP personnel while serving sentence or confinement.*

5) *When decorations and service medals are worn under the provisions of sub-para a, b, and c, of this section, all those to which the wearer is entitled will be worn by the person in formations. Person not in formation including the reviewing and inspecting officers especially those who were given special notice, the wearing of decorations and service medals, are considered appropriate for the occasion.*

6) *On Barong Filipino and on evening clothes, miniatures may be worn.*

7) *Authorized badges not exceeding three (3) in number, may be worn on the coat or blouse of the service uniform but not on the Barong Filipino nor civilian clothes. Badges of societies will not be worn with decorations, service medals, or substitute.*

8) *The wearing of miniatures on civilian clothes should be limited to ceremonial occasions only.*

9) *Authorized medallion, not exceeding one (1) in number may be worn for a particular affair or occasion. Nevertheless, there is no restriction or limitation on the wearing/attaching of the medals or ribbon.*

11. REPEALING CLAUSE:

All memorandum circulars, resolutions, orders and other issuances or parts thereof which are inconsistent with NAPOLCOM Memo Circular 93-018 or with these Implementing Rules and Regulations are hereby repealed, amended or modified accordingly.

12. EFFECTIVITY:

These Implementing Rules and Regulations shall take effect 15 days from the filing of copy thereof at the UP Law Center in accordance with Section 3 and 4 of Chapter 2, Book VII of Executive Order No. 292 otherwise known as "The Revised Administrative Code of 1997, as amended".



Oscar C. Calderon
OSCAR C CALDERON
Police Deputy Director General
Chief, PNP



REQUIREMENTS OF AWARDS UNDER MEMORANDUM CIRCULAR NO. 93-018 AND THE PROPOSED CIRCULAR

AUTHORIZED AWARDS	REQUIREMENTS	PROPOSED CIRCULAR
	MC NO. 2003-018	
1. Medalya ng Kagitingan (PNP Medal of Valor)	<p>For acts of the recipient involving conspicuous gallantry and intrepidity at the risk of life and limb above and beyond the call of duty.</p> <p>In order to justify this award, a member of the Philippine National Police must perform in action, a deed of personal bravery and self-sacrifice above and beyond the call of duty so conspicuous as to distinguish himself clearly above his comrades in the performance of more than ordinary hazardous service.</p>	<p>i) For acts of the recipient involving conspicuous gallantry and intrepidity at the risk of life and limb above and beyond the call of duty, in order to justify this award.</p> <p>ii) In case of actual combat with armed enemies, this award may be given only if the the enemy force is so overwhelming as compared to the government troops.</p>
2. Medalya ng Kabayanihan (PNP Distinguished Conduct Medal)	<p>For acts of conspicuous courage and gallantry in the face of an armed enemy or act or acts of heroism so notable and involving a risk of life so extraordinary as to set him apart from his comrades.</p>	<p>i) For acts of conspicuous courage and gallantry in the face of an armed enemy in a combat situation wherein the enemy force is superior than the government troops by at least twenty one (21) combatants.</p> <p>ii) Act or acts of heroism so notable and involving risk of life so extraordinary as to set him apart from his comrades.</p> <p>iii) Operational accomplishment not warranting the Medalya ng Kagitingan</p>

AUTHORIZED AWARDS	REQUIREMENTS	
	MC NO. 2003-016	PROPOSED CIRCULAR
3. Medalya ng Katapatan sa Paglingkod (PNP Distinguished Service Medal)	<p>a) An exceptional performance of major responsibility duly recognized as such by the service.</p> <p>b) The accomplishment of the duty should have been complete prior to submission of recommendation or, if the person being recommended has been transferred prior to completion, the accomplishment must have been determined to be exceptional or significant.</p>	<p>i) An exceptional performance of major responsibility duly recognized as such by the service.</p> <p>ii) An officer holding the position of TJCA, TDCO TCDS, D-Staff, RC, PRO and D, NSU for at least 1 year and is retiring from the service or due for relief but satis for an equivalent or higher position.</p>
4. Medalya ng Katapatan (PNP Brevery Medal)	<p>For gallantry in action not warranting the award of Medalya ng Kagitingan.</p>	<p>For gallantry in action not warranting the Medalya ng Kagitingan or Medalya ng Kabayanihan. To qualify for the award, the enemy force must be superior than the government troops during the actual combat by at least eight (8) but not more than twenty (20) combatants.</p>
5. Medalya ng Karangalaring Gawa (PNP Outstanding Achievement Medal)	<p>For distinguished or extraordinary achievement or service in the advancement of science, socio-economic, technical and/or police field related to public service of the highest order.</p>	<p>i) For distinguished or extraordinary achievement or service in the advancement of science, socio-economic, technical and/or police field related to public service of the highest order.</p> <p>ii) For excelling in the field of sport, schooling and other competitions held abroad besting participants from other country by occupying the topmost slot or position.</p> <p>iii) For excelling in the performance of the highest position in any international body or organization.</p>

AUTHORIZED AWARDS	REQUIREMENTS	
	MC NC. 2003-018	PROPOSED CIRCULAR
6. Medalyang Pambihirang Paglingkod (PNP Special Service Medal)	For eminently meritorious and valuable service in the field of police operators while in the position of major responsibility. The performance of duty must be such as to merit recognition by the service as exceptional.	<p>i) For eminently meritorious and valuable service in the field of police operations while in the position of major responsibility. The performance of duty must be such as to merit recognition by the service as exceptional.</p> <p>i) An officer holding the position of TJCA, TDCO, TCDS, D-Staff, PD, PRO and D, NSU for at least 5 months and is retiring from the service or due for relief but slated for an equivalent or higher position.</p> <p>ii) The position of Deputy D-Staff, D-PRO and D, NSU, Ex-O D-Staff, PD and CD for at least 1 year in position.</p>
7. Medalyang Kadacaraan (PNP Heroism Medal)	For heroism not involving actual conflict with an armed enemy.	<p>i) For heroism not involving conflict with an armed enemy.</p> <p>ii) Acts of heroism not warranting the Medalyang Karapangan.</p>
8. Medalyang Katatagiang Asal (PNP Outstanding Conduct Medal)	For heroic acts by an individual while in action involving actual conflict with an enemy in a crime situation or life saving situation, distinguishing himself conspicuously by gallantry and intrepidity at the risk of life above and beyond the call of duty.	<p>i) For heroic acts by the individual while in action involving actual conflict with an enemy in a crime situation where the enemy force is greater than the government forces by one (1) to seven (7) combatants.</p> <p>ii) Life saving situation, distinguishing himself conspicuously by gallantry and intrepidity at the risk of life above and beyond the call of duty.</p>

AUTHORIZED AWARDS	REQUIREMENTS	
	MC NO. 2003-018	PROPOSED CIRCULAR
9. Medalya ng Papuri (PNP Commendation Medal)	For demonstrated exemplary efficiency, devotion and loyalty to their duty assignments.	<ul style="list-style-type: none"> i) For participant in a successful police operation in a supporting capacity. ii) For other operational accomplishments not warranting the Medalya ng Kagalingan.
10. Medalya ng Kagalingan (PNP Merit Medal)		<ul style="list-style-type: none"> i) For heroic achievements not warranting the award of Medalya ng Kadaklaan. ii) For single act of heroism or series of heroic acts in a duty responsibility. <ul style="list-style-type: none"> (a) Neutralization of criminal elements (b) Arrest of Most Wanted Person (c) Recovery of firearms/legal drugs

AUTHORIZED AWARDS	MC NO. 2003-018	REQUIREMENTS PROPOSED CIRCULAR
11. Medalyang Kasanayan (PNP Efficiency Medal)		<p>i) For eminently meritorious and invaluable service to merit recognition by the service as exceptional.</p> <p>ii) An officer holding the position of TCCA, TDCC, TCDS, D-Staff, RO, PRO and D, NSU for less than 6 months and is retiring from the service or due for relief but slated for an equivalent or higher position.</p> <p>iii) The position of Deputy D-Staff, PRO and NSU, Ex-O D-Staff, PD and CD for at least 6 months.</p> <p>iv) Other administrative accomplishments:</p> <ul style="list-style-type: none"> (a) Completion of major project/study; (b) Formulation of major policy drafting of LOI, etc; (c) Conceptualization of a major innovation in the field of PNP operation and administration; (d) Solution of major/sensational crime; (e) Gaining first place in the graduation merit roll of any PNP career course; (f) Selected as outstanding police officer in Directorata/PRO/NSU level; (g) Gaining 1st place by himself or as member of the team in any major sport, literary and other competition; (h) Members of any PNP Technical Working Group, Committee and Board;

(i) Given to key personnel of the PROINSU/ Directorate on the relief of RDO/ provided the said Commander has served for at least 6 months on the position.

(j) Member of the team that managed the successful conduct of major command activity, such as training and seminar.

(k) Awards to key personnel of the PROINSU/ Directorate who are resigning or due for relief but stated to an equivalent or higher position and held the office for at least 6 months; and

(l) Membership in SPADB, SOPFB and other promotions board and other bodies upon completion of the job assigned to them.

XV. TRAINING/SCHOOLING/STUDY LEAVE

A. Legal Basis: PNP Circular No. 2000-005 dated April 12, 2000

B. Policy Requirement/Compliance:

1. Heads/Directors of all offices/units shall submit to DHRDD a program that shall, among others, outline how many and who among the personnel are interested to avail of the ESP for the current year.
2. Recipients of this program shall be allowed to attend classes on official time on a full time basis and shall be free from all duties and responsibilities, upon presentation of the Notice of Acceptance from the review school/center.
3. The financial assistance in the amount of Eight Thousand Pesos (Php8,000.00) shall be given to those reviewers who passed the bar examinations.
4. Basic Requirements. To qualify, the candidate must meet the following:
 - (a) Must hold a permanent appointment, in case of Non-uniformed Personnel;
 - (b) Must not have any pending administrative/criminal case nor found guilty of any administrative/criminal offense;
 - (c) Must have been with the Agency for at least two years prior to the application;
 - (d) Must not have any other pending application for scholarship/training grant under another program at the time of the application;
 - (e) Must not have an outstanding service obligation for a scholarship/training grant previously availed of at the time of application;
 - (f) Must have at least a Very Satisfactory performance rating for the preceding two consecutive rating periods; and
 - (g) Must be physically and mentally fit.
5. Process of Selection:
 - (i) Every office/unit through its personnel, Human Resource and Doctrine Officer shall be responsible for the conduct of a preliminary assessment and screening of all interested personnel in their respective offices/units based on the program submitted, as stated in para 6 hereof.

- (ii) The selection of grantees shall be based on the recommendation of the office head, who shall certify that the delivery of office/unit services shall not be disrupted by the personnel's availment of the grant. In no cases shall the concerned office head exercise undue abuse of discretion and authority in making such recommendation.
- (iii) The following documents must be submitted to the Director, DHRDD by the applicant at least one month before the start of the intended leave, for endorsement to and issuance of appropriate orders by DPRM:
- Endorsement from the head of office.
 - Basic letter request of the applicant, which shall contain the following data:
 - Period covered
 - Review Center (if any)
 - Address while on leave
 - Date of examination
 - Certificate of no pending administrative/criminal case.
 - Certificate of no outstanding service obligation from previous foreign/local scholarships/training grants attended.
 - Diploma.
 - Undertaking/ Contract.
 - Updated Personnel Data Sheet (PDS)

C. Scope/Coverage

The program shall cover uniformed and non-uniformed personnel of the PNP who are interested to prepare and review for the bar examinations.



APR 12 2000

CIRCULAR
No. 2000-005

SUBJECT: GUIDELINES AND PROCEDURES IN THE GRANT OF STUDY LEAVE ON OFFICIAL TIME AND FINANCIAL ASSISTANCE FOR PNP PERSONNEL FOR PURPOSES OF TAKING REVIEW CLASSES FOR BAR EXAMINATIONS

1. REFERENCES:

- a. Civil Service Commission (CSC) Resolution No. 972131 dated 25 March 1999, which provides appropriate assistance and support to its employees through the grant of study leave using official time to those who desire to attend bar review classes for a period of not more than six (6) months.
- b. DILG Memorandum Circular No. 97-76 dated 11 April 1997 as amended by MC Nos. 97-156 and 98-64 which provides policy guidelines for the Educational Support Project (ESP) for the Local Government Sector of DILG.
- c. Section 23 of RA 8551 dated 25 February 1998, which provides for the Qualifications of Chief of City and Municipal Police Stations.
- d. Sections 30 and 31, Book V of the Revised Administrative Code of 1987, which provides in-service training, scholarship and training grants, incentive award system and such other provisions for employee's welfare and other similar services.
- e. NAPOLCOM Memorandum Circular No. 99-011 dated 11 October 1999, authorizing the PNP to establish and implement on a continuing basis an educational support program.

2. BACKGROUND/RATIONALE:

The Civil Service Commission, through CSC MC No. 13, s. 1992, has directed all agencies to establish an educational support program (ESP) in respective agencies to assist employees to qualify for appointment to higher appointive positions.

The DILG, recognizing the need for its employees to be productive, finds it necessary to provide them opportunities for their professional growth. One area of concern is the legal profession and other related disciplines that would enhance its capabilities.

The CSC through Resolution No. 9721321, grants study leave on official time and financial assistance to qualified personnel of the Commission who desire to take bar review classes for not more than six (6) months. In return, grantees shall be obliged to render service to the Commission for not less than three (3) years after taking the bar examination, otherwise they shall refund the salaries they have received during the study leave.

For the PNP, RA 8551 requires that Regional, Provincial, District and City Directors, and Chiefs of Police of cities and highly urbanized municipalities must be a graduate of Bachelor of Laws or has finished all the required courses of a master's degree program in public administration, criminology, criminal justice, law enforcement, national security administration, defense studies, or other related disciplines.

Chiefs of Police of municipal police stations must have finished at least second year of Bachelor of Laws or has earned at least twelve (12) units in a master's degree program of any of the aforementioned disciplines.

3. PURPOSE:

This Circular prescribes the guidelines on the grant of study leave to PNP personnel who desire to attend the bar review classes using official time.

This Circular also spells out the procedures in availing the educational support program (ESP) for qualified PNP Personnel.

4. DEFINITION OF TERMS:

For the purpose of uniformed implementation of this Circular, the following terms are hereby defined:

1. PNP Personnel - shall include Police Commissioned and Non-Commissioned Officer, and Non-Uniformed Personnel.

2. Reviewee - any PNP personnel who is a graduate of Bachelor of Laws who desires to take the Bar Examinations.

3. Study leave - leave of absence granted to personnel for the acquisition of or to broaden knowledge and improve skills.

4. Official Time - means a personnel is allowed to attend review classes during office hours or working days on a full-time basis and shall be freed from all duties and responsibilities, yet shall be entitled to all benefits (i.e. salary, allowances, incentives), and whose leave shall not be deducted from his/her leave credits.

5. Review period - maximum of six (6) months for bar examinations.

5. BENEFICIARIES/COVERAGE:

The program shall cover uniformed and non-uniformed personnel of the PNP who are interested to prepare and review for the bar examinations.

6. IMPLEMENTING GUIDELINES:

a. Heads/Directors of all units/offices shall submit to DIRDD a program that shall, among others, outline how many and who among the personnel are interested to avail of the ESP for the current year.

b. Recipients of this program shall be allowed to attend classes on official time on a full time basis and shall be free from all duties and responsibilities, upon presentation of the Notice of Acceptance from the review school/center.

c. The financial assistance in the amount of Eight Thousand Pesos (P8,000.00) shall be given to those reviewers who have passed the bar examinations.

d. Basic Requirements. To qualify, the candidate must meet the following:

- (1) Must hold a permanent appointment, in case of Non-uniformed Personnel;
- (2) Must not have any pending administrative/criminal case nor found guilty of any administrative/criminal offense;

- (3) Must have been with the Agency for at least two (2) years prior to the application;
- (4) Must not have any other pending application for scholarship/training grant under another program at the time of the application;
- (5) Must not have an outstanding service obligation for a scholarship/training grant previously availed of at the time of application;
- (6) Must have at least a Very Satisfactory performance rating for the preceding two (2) consecutive rating periods; and
- (7) Must be physically and mentally fit.

e. Process of Selection:

(1) Every office/unit, through its Personnel, Human Resource and Doctrine Officer shall be responsible for the conduct of a preliminary assessment and screening of all interested personnel in their respective units/offices based on the program submitted, as stated in para 6 hereof.

(2) The selection of grantees shall be based on the recommendation of the office head, who shall certify that the delivery of office/unit services shall not be disrupted by the personnel's availing of the grant. In no case shall the concerned office head exercise undue abuse of discretion and authority in making such recommendation.

(3) The following documents must be submitted to the Director, DHRDD by the applicant at least one (1) month before the start of the intended leave, for endorsement to and issuance of appropriate orders by DPPM:

- Endorsement from the head of office.
- Basic letter request of the applicant, which shall contain the following data:
 - Period covered
 - Review Center (if any)
 - Address while on leave
 - Date of examination
- Certificate of no pending administrative/criminal case.
- Certificate of no outstanding service obligation from previous foreign/local scholarships/training grants attended.
- Diploma — *Dep. of Graduate*
- Undertaking/Contract
- Updated Personnel Data Sheet (PDS).

7. TERMS AND CONDITIONS:

a. A grantee shall finish his/her review studies within six (6) months or as agreed upon in the ESP contract. Grantees who failed in the Bar examinations are disqualified to avail of the financial assistance, but their service commitment holds as herein specified in view of their study leave on official time. Bar examination flunkers can re-apply for another study leave in case they would want to take bar review classes again but their leave shall now be charged to their leave credits.

b. A grantee must take the bar examination immediately after the termination of the review class.

c. The grantee/reviewer shall sign an undertaking or enter into a contract with the PNP and shall live up to its stipulated terms and conditions. The said contract/undertaking must be submitted to the DHRDD before the start of the review. This will bind the reviewee/grantee to serve the PNP after he/she passed the examination.

d. The grantee, upon completion/termination of his/her review is immediately required to render service obligation as herein specified:

Period of Study Leave	Required No. of Years of Service
1-3 months	1 1/2 years
4-6 months	3 years

e. Those who will compulsorily retire within the next 3 or 4 years, as the case maybe, are disqualified to avail of this program because they cannot anymore render the required service.

f. All financial support including salaries, incentives, allowances and bonuses extended to the grantee while on study grant shall be repaid to the organization in terms of service obligation immediately upon completion/termination of the grant. Otherwise, in case of breach of contract, the PNP shall be constrained to deduct any outstanding obligation from the salary or from whatever benefits due the personnel or that the study leave shall be deducted from his leave credits. In addition, the grantee may also be proceeded against administratively for such breach.

g. In case of permanent disability or death of the grantee in the course of his/her studies or repayment period, the full amount extended by the PNP to the grantee shall be considered fully paid after presentation and validation of evidence. Such evidence/proof shall be verified and certified as valid by the office head, and the Legal Service.

h. If a grantee fails to fulfill the service obligation due to voluntary/optional retirement, transfer to private agency, resignation, abandonment of duty or other similar reasons, he/she shall be required to pay the money value of the required service obligation based on the salary received at the time of his/her retirement, transfer or resignation computed on the number of months she/he was on study grant, including salaries, allowances and other monetary incentives received while on scholarship, pursuant to all existing policies, rules and regulations.

i. A proportionate refund of the monetary value of the grantee's service obligation shall be allowed provided that he/she has served at least 75% of the total service obligation. Said amount and mode of payment shall be determined by the Finance Service to be paid within one (1) year from the effectivity of said arrangement between the grantee and the PNP.

j. In case the grantee fails to complete the review course due to poor performance or other similar reasons, the grant shall be terminated and she/he shall render the required service obligation to the PNP. Failure to report back to work immediately upon termination of the grant, subject shall be considered absent without official leave (AWOL) and such absences shall be deducted from her/his current accumulated leave credits, if any, and/or from his/her salary.

l. A refund of the full amount granted by the PNP including salaries and allowances received shall also be charged to the grantee found guilty of an administrative case within the duration of his/her study grant.

m. The grantor shall allow the grantee to study on official time and grant financial assistance as specified in this Guidelines.

n. The grantor shall also have the authority to terminate the grantee's study grant depending on his/her performance.

8. FUNDING:

Funds necessary for the financial assistance shall be included in the annual DHRDD Budget effective FY 2000 and onwards.

9. MONITORING:

All grantees shall submit to respective HRDD Office a certified true copy of Acceptance to take the review class for endorsement to DPRM through DHRDD for issuance of orders to study on official time. The respective HRDD office shall monitor the performance of each grantee until its completion and shall submit a report to Chief PNP, attn: DHRDD.

Heads/Directors of Offices/Units through the HRDD office shall also submit a report to Chief, PNP, attn: DHRDD, of those who passed the Bar Examination as basis of granting financial assistance. They shall maintain roster of those who avail of the program.

10. RESPONSIBILITY:

The Director, Directorate for Human Resource and Doctrine Development (D, DHRDD) shall be the Office of Primary Responsibility (OPR) for the implementation of this circular.

11. ADMINISTRATIVE SANCTION:

a. Any transgression on the aforementioned guidelines shall constitute an administrative offense and shall be punishable according to existing rules and regulations.

b. Head of offices or units are directed and shall be equally responsible for the strict implementation of this circular.

12. RESCISSION:

All other publications inconsistent with the provisions of this Circular are hereby rescinded and/or modified accordingly.

13. EFFECTIVITY:

This Circular shall take effect fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1997, as amended".


PANFILO M. LACSON
Police Director General
Chief, PNP



Republic of the Philippines
 Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
 371 Bas 101 E. Puget Avenue, Makati City
 8022 / 8023 / 8024 / 8025 / 8026 / 8027 / 8028 / 8029 / 8030



1st Indorsement

Office of the Chief
 National Police Commission
RECEIVED
 Date: _____
 Initial: _____

Respectfully returned to the Chief, Philippine National Police, Camp Crame, Quezon City, the herein application for 220 days leave of absence (equivalent to the (10) months) to be spent abroad of **MS FLAVIANA MIRANDA**, Audio Visual Equipment Operator II, NUP, Quezon PPO with the information that the Commission is inclined to approve only 110 days further supported by a certification of the PO thereof that the police service will not be adversely affected by such prolonged absence

FOR THE VICE-CHAIRPERSON & EXECUTIVE OFFICER:

BERNARDO R. CALIBO
 Chief
 Personnel & Administrative Service

By: ^{Dir} **DIR CYNTHIA S. NAVARRO**
 Asst. Chief, PAS

RELEASED
 JAN 06 2013
 NATIONAL POLICE COMMISSION
 MAKATI, METRO MANILA

Ang bayang may katahikanan ay bayang may kamufaran

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Incls
 a/s
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NICOLAS Y PASINOS JR
 Police Chief Superintendent

DEC 7 2012

XVI. MISSING IN ACTION (MIA)

A. Legal Basis: NAPOI COM Memorandum Circular No. 2008-018 dated December 24, 2008

Prescribing Policies and Guidelines Governing the Payment of Salary and Allowances of Uniformed personnel of the Philippine National Police (PNP) Missing In Action (MIA), the finding of Death and Termination of Payment

B. Policy Requirement/Compliance:

1. Within five days following a legitimate police operation or related police action or an incident resulting in the kidnap or capture or a situation where a PNP uniformed personnel cannot be found, the Unit Chief/Chief of Police/Office of the PNP personnel MIA shall make a report to NSU/PRO concerned, with the following information attachment:
 - a. The name of the police personnel MIA, rank, badge number, Office/Unit/Station of Assignment, date and place of operation or incident.
 - b. The name of the next of kin/heir, complete address, and his or her relationship to the PNP personnel MIA.
 - c. After-Police Operation Report duly signed by the team leader of the police office/unit concerned that conducted the operation or a detailed police report in case the PNP member concerned was kidnapped or captured or missing and cannot be found.
 - d. Original copy of updated Personal Data Sheet and Service Record of the PNP MIA to be secured by respective liaison officer/s from RMD, DPRM.
 - e. Copy of PNP issued Dependent's ID. In case of photocopy, it must be authenticated by the proper Administrative Officer or PHRDD Chief concerned.
 - f. If the claimant is the spouse, marriage contract duly authenticated by NSO must be submitted.

If the claimant is a child he/she shall submit Certificate of Live Birth duly authenticated by NSO and the marriage contract stated above. For legally adopted children, adoption papers and other documentary proofs shall be submitted.

If the claimant is a brother or sister, parent's marriage contract and Certificate of Live Birth of the PNP member concerned and the claimant, duly authenticated by NSO shall be submitted.

2. Flow Chart for payment of salary and allowances of PNP uniformed personnel MIA

Step	OPR	Work Activity
1	City/Municipal Police Station/ Police Provincial Office	<ul style="list-style-type: none"> - Makes a report to the NSU/PRO through a formal communication within five days. - Submits necessary documents to facilitate the processing of the benefits to next of kin/heirs of the PNP personnel MIA
2	National Support Unit/Police Regional Office	<ul style="list-style-type: none"> - Validates the report - Submits recommendation to the PNP MIA Committee
3	NHQ PNP MIA Committee	<ul style="list-style-type: none"> - Evaluates and determine the genuineness, authenticity and completeness of all supporting documents - Submits recommendation to the DPRM (Attn: BPAD) - <i>*In case the involved personnel was assigned with the NHQ, all pertinent documents shall be directly submitted to the PNP MIA Committee</i>
4	DPRM	<ul style="list-style-type: none"> - Evaluates the reports and documents and submit recommendation to the Chief, PNP
5	Chief, PNP	<ul style="list-style-type: none"> - Evaluates the report and documents - If approved, directs the payment of the salary and allowances to heirs of the PNP personnel MIA for a maximum period of one year

C. Scope/Coverage:

Any PNP Uniformed Personnel who, while in the performance of duty or by reason of being an officer or member of the PNP, is officially confirmed missing in action, kidnapped or captured by lawless elements (Sec. 78, RA No. 6975).

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR NO. 2008-018

PRESCRIBING POLICIES AND GUIDELINES GOVERNING THE PAYMENT OF SALARY AND ALLOWANCES OF UNIFORMED PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP) MISSING IN ACTION (MIA), THE FINDING OF DEATH AND TERMINATION OF PAYMENT

Pursuant to Sections 78, 79 and 80 of Republic Act No. 6975, otherwise known as the "Department of Interior and Local Government Act of 1990", the following policies and guidelines governing the payment of salary and allowances of PNP Uniformed Personnel Missing in Action, the finding of death and termination of payment are hereby promulgated:

Section 1. Title of the Rules. - These Rules shall be known and cited as Policies and Guidelines Governing the Payment of Salary and Allowances of Uniformed Personnel of the Philippine National Police (PNP) Missing in Action (MIA), the Finding of Death and Termination of Payment.

Section 2. Definition of Terms - For purposes of these Rules, the following terms shall be understood to mean as follows:

- a. **Captured** - seized or being held by force
- b. **Kidnapped** - carried away unwillingly through unlawful force or fraud or seized and detained for the purpose of so carrying away
- c. **Lawless Elements** - criminal, illegal, corrupt, fraudulent, wicked person(s)/group (s)/ organization(s)
- d. **Missing in Action (MIA)** - any PNP Uniformed Personnel who, while in the performance of duty or by reason of being an officer or member of the PNP, is officially confirmed missing in action, kidnapped or captured by lawless elements (Sec. 78, R.A. No. 6975)
- e. **Next of Kin/Heirs** - refers to the relatives of the missing PNP personnel who are entitled to receive the salary and allowances. For this purpose, the following are the next of kin/ heirs in the order of precedence, to wit:
 1. The spouse, legally married to the PNP member MIA and not legally separated by judicial decree issued on grounds not attributable to the receiving spouse and who have not abandoned the missing PNP member concerned without justifiable cause;
 2. Legitimate, legally adopted and illegitimate children who are below 21 years of age and not yet emancipated by marriage;

3. In the absence of any of those mentioned in the above paragraphs 1 and 2, legitimate parents of the PNP member MIA and
4. In the absence of any of those mentioned in the above paragraphs 1, 2 and 3, legitimate brothers and sisters of the PNP member MIA who are dependent from him/her for support and must be below 21 years of age and not yet emancipated by marriage

Section 3. Objectives - The Rules are prescribed to attain the following objectives:

- a. To promote prompt and speedy payment of salaries and allowances of PNP member officially confirmed MIA
- b. To ensure that while so absent, his or her next of kin or heirs will receive the same pay and allowances due him or her at the time of the incident.
- c. To ensure that compulsory retirement of a PNP member missing in action shall be processed to allow his or her survivors to enjoy the retirement benefits.

Section 4. Creation of PNP Personnel Missing in Action Board (MIA Board)

- A. To implement these rules, a PNP Personnel Missing in Action Committee (PNP MIA Committee) is hereby created in the NHQ, PNP, and shall be composed of the following:

Deputy, DPRM	- Chairman
Deputy, HS	- Vice Chairman
Deputy, DI	- Member
Deputy, DIDM	- Member
Deputy, Legal Service	- Member
Deputy, DO	- Member
Chief, BPAD	- Member / Recorder

B. Duties and functions of the Committee:

1. To receive, evaluate the report/recommendation of the NSU/PRO having jurisdiction over the PNP member MIA and to determine the genuineness, authenticity, and completeness of the documents submitted;
2. To recommend to the Chief, PNP the payment of salaries and allowances after determination of the compliance with the requirements prescribed by these rules

Section 5. Procedure in the Identification and Reporting of PNP Personnel MIA

A. Within five (5) days following a legitimate police operation or relieved police action or an incident resulting in the kidnap or capture or a situation where a PNP uniformed personnel cannot be found, the Unit Chief/Chief of Police/Office of the PNP personnel MIA shall make a report to NSU/PRO concerned, with the following information and attachment:

1. The name of police personnel MIA, rank, badge number, Office/Unit/Station of Assignment, date and place of operation or incident.
2. The name of the next of kin/their, complete address, and his or her relationship to the PNP personnel MIA.
3. After-Police Operation Report duly signed by the team leader of the police unit/office concerned that conducted the operation or a detailed police report in case the PNP member concerned was kidnapped or captured or missing and cannot be found.
4. Original copy of updated Personal Data Sheet and Service Record of the PNP MIA to be secured by respective liaison officer/s from RMD, DPRM;
5. Copy of PNP issued Dependent's ID. In case of photocopy, it must be authenticated by the proper Administrative Officer or PHRDD Chief concerned;
6. If the claimant is the spouse, marriage contract duly authenticated by NSO must be submitted.

If the claimant is a child, he/she shall submit Certificate of Live Birth duly authenticated by NSO and the marriage contract stated above. For legally adopted children, adoption papers and other documentary proofs shall be submitted.

If the claimant is a brother or sister, parent's marriage contract and Certificate of Live Birth of the PNP member concerned and the claimant, duly authenticated by NSO shall be submitted.

B. Flow Chart for payment of salary and allowances of PNP uniformed personnel MIA

Step	OPR	Work Activity
1	City / Municipal Police Station / Provincial Police Office	<ul style="list-style-type: none"> - makes a report to the NSU/PRO through a formal communication within five (5) days - Submits necessary documents to facilitate the processing of the benefits to next of kin/their of the PNP personnel MIA
2	National Support Unit / Police Regional Office	<ul style="list-style-type: none"> - validates the report - submits recommendation to the PNP MIA Committee

3	NHQ PNP MIA Committee	<ul style="list-style-type: none"> - evaluate: and determine the genuineness, authenticity and completeness of all supporting documents - submits recommendation to the DPRM (Attn: BPAD) <p><i>* In case the involved personnel was assigned with the NHQ, all pertinent documents shall be directly submitted to the PNP MIA Committee</i></p>
4	DPRM	<ul style="list-style-type: none"> - Evaluates the reports and documents and submit recommendation to the Chief, PNP
5	Chief, PNP	<ul style="list-style-type: none"> - Evaluates the report and documents - If approved, directs the payment of the salary and allowances to heirs of the PNP personnel MIA for a maximum period of one (1) year

Section 6. Payment of Salary and Allowances to Heirs of Uniformed Personnel MIA. - After compliance with the requirements prescribed by this Circular and upon the recommendation of the Board, the Chief, PNP shall direct the payment of the salary and allowances of the PNP member MIA for a maximum period of one (1) year from the date he or she was reported to be MIA.

Section 7. Finding of Death and Termination of Payment of Salary and Allowances. - Upon the termination of the one (1) year period mentioned in the preceding section, the missing PNP uniformed personnel shall be automatically terminated from the service. In the event that said personnel was thereafter found to be alive and is not entitled to the salary and allowances paid, the amount received shall be reimbursed by the PNP members concerned to the government within six (6) months from his or her reappearance.

If a finding of death is made, it shall include the date when the death shall be presumed to have occurred for the purpose of terminating the payment of salary and allowances, settlement of accounts, and payment of benefits which such PNP member may be entitled.

If the reported disappearance is fraudulent and made in bad faith, the alleged PNP member MIA and his co-conspirators shall be administratively and criminally charged in accordance with law. As may be warranted by evidence, the penalty of dismissal from the police service shall be imposed without prejudice to the recovery of the benefits which his or her heirs received.

In case of findings of death or judicial declaration of presumption of death, the guidelines and procedures in the payment of death benefits will apply.


Section 8. Conclusiveness of Decision of the Chief, PNP. - Unless supervening evidence would show otherwise, the confirmation of the Chief, PNP that a PNP member was MIA shall be conclusive.

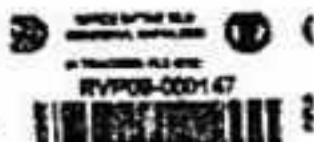
Section 9. Repealing Clause. - All existing issuances contrary to or inconsistent with this Circular are hereby repealed and modified accordingly.

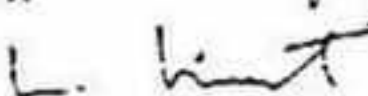
Section 10. Penalty Clause. - Any violation of the provision of this Circular shall be a ground for administrative sanction in accordance with existing laws, rules and regulations.

Section 11. Effectivity. - This Memorandum Circular shall take effect fifteen (15) days following its publication in the Official Gazette or newspaper of general circulation pursuant to Article 2 of the New Civil Code.

ADOPTED, this 24th day of DECEMBER in the Year Two Thousand and Eight in Makati City, Metro Manila, Philippines.


RONALDO V. PUNO
Chairman, Nappicom




EDUARDO U. ESCUETA
Commissioner


Vice Chairman and Executive Officer


MIGUEL G. CORONEL
Commissioner


LUIS MARIO M. GENERAL
Commissioner


JESUS A. VERZOSA
Commissioner

Attested by:


ADELMALYN A MUNIEZA
Chief Secretarial

XVII. SPECIAL TRAINING

1. MEDICAL OFFICERS

A. Legal Basis: PNP Circular No. 99-006

Guidelines and Procedures in the Residency Training of Medical Officers

B. Policy Requirement/Compliance:

It is the policy of the PNP Health Service to institutionalize a uniform and standard system of selecting candidates for residency training. This shall ensure the equitable availment of opportunities by all qualified medical officers.

The Director, Health Service or thru an appropriate staff shall maintain an updated list of private and government hospitals that are offering residency training. These training opportunities shall be disseminated to interested medical officers who shall signify his/her intention of the training opportunity and shall be recommended in writing by their superior officer/chief of office.

The Director, Health Service shall create a Board of Medical Officers from among his Professional Staff, to be known as Residency Committee. The Committee shall conduct the necessary interview, oral and written examination and evaluation of each applicant for training.

Period of Training:

Hospital residency training shall be for the maximum period indicated for each specialty course unless it will be shortened by the training hospital concerned which will certify that the medical officer undergoing training has completed such training (or the trainee is no longer qualified to continue the training). This period of training can still be extended for the benefit and exigency of the service provided that the sub-specialty training is necessary but will in no way be more than two years.

<u>Clinical Areas</u>	<u>Number of Years</u>
Orthopedic Surgery	Four years
Neuro-Surgery	Four years
General Surgery	Four years
Internal Medicine	Four years (if Government) Three years (if private hospital)
OB-Gyne	Four years
Pediatrics	Four years
Ophthalmology	Four years

ENT	Four years
Neurology	Four years
Psychiatry	Three years
Radiology	Four years
Urology	Four years (one year General Surgery/ three years Urology)
Pulmonary Disease	Five years (three years internal medicine & two years pulmonary medicine)
Anesthesiology	Three years
Pathology	Three years
Rehabilitation	Three years
Family Medicine	Three years
Clinical Pathology	Three years
Tropical Medicine (Fellowship)	Two years

Place of Training:

Since the PNP Health Service does not have the necessary training facilities, trainees will have to undergo their residency training in different private and government hospitals with approved and credited training programs subject to the recommendation of the Director, Health Service and approved by the Chief, Philippine National Police, until such time that the PNPNGH can train Medical Officers in the different field of specialties.

Number of Trainees:

Residency training shall not exceed more than two in any field of specialty in a given calendar year nor will the total number exceed more than 10% of effective Medical Officers.

Minimum Qualifications:

Applicants should satisfy the following minimum qualifications:

- i. Must have a permanent appointment as attested by the Civil Service Commission.
- ii. Must not be more than 35 years old and do not have any pending case as certified by IAS, LS, and Ombudsman.
- iii. Must have been in the service for at least three years and have taken the Public Safety Officers Basic Course (PSOBC).
- iv. Must be willing to be assigned in any Regional Health Service facility where the gained professional expertise is deemed needed.

Duration:

Each residency trainee shall be granted a yearly residency training contract subject to renewal based on his/her performance rating as certified by the Training Director of the hospital concerned.

Emoluments:

All residency trainees shall receive an additional daily training subsistence allowance of Php30.00 chargeable against 01 funds and Php100.00 monthly for instructional materials chargeable against Health Service Training Funds, subject to availability of funds.

Service Obligation:

All medical officers who will be recommended for residency training shall sign a Residency Training Contract with the Director, Health Service. Such contract shall stipulate that the residency trainee must render two years obligatory service to the PNP for every year of training to include one year stint in any field medical unit. Failure to comply with this service obligation through causes within the trainee's control will require the medical officer to refund in full all expenses incurred by the Philippine National Police incidental to the residency training chargeable against any benefits due the residency trainee particularly, but not limited to salary and allowances, without prejudice to further legal action. The terms and conditions of the contract shall be implemented by the Director, Health Service.

C. Scope/Coverage:

The Director, Health Service shall be responsible for the implementation of this Circular.



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
Camp Crame, Quezon City

APR 23 1990

CIRCULAR
NO. 99 - 006

**GUIDELINES AND PROCEDURES IN THE RESIDENCY
TRAINING OF MEDICAL OFFICERS**

1. Reference:

Circular Number 08-P PC/INP dated April 10, 1990, INP Medical Officer Residency Training

2. Rationale:

One of the thrusts of the PNP Health Service is to improve the delivery of quality health care services to the members of the PNP, the non-uniformed personnel and to their qualified dependents. Along this line, training and continuing education of medical officers are indispensable to enhance their professional expertise in the field of specialization.

In order to realize this, there is a need to institutionalize a system of selection for medical officers who are recommended to undergo residency training. This Circular establishes a system for residency training of medical officers to ensure that only the best qualified and deserving shall be sent to undergo residency training.

3. Purpose:

This Circular prescribes the general provisions to govern residency training of medical officers of the Philippine National Police. This is a revision of the above reference.

4. Definition of Term:

The term "Residency Training" shall embrace the training of medical officers requiring the use of art, knowledge and science of medicine in any of the various fields of specialization herein enumerated in paragraph 5.1.

5. Policy/Concept/Procedures:

It is the policy of the PNP Health Service to institutionalize a uniform and standard system of selecting candidates for residency training. This shall ensure the equitable availment of opportunities by all qualified medical officers.

The Director, Health Service or thru an appropriate staff shall maintain an updated list of private and government hospitals that are offering residency training. These training opportunities shall be disseminated to interested medical officers who shall signify his/her intention of the training opportunity and shall be recommended in writing by their superior officer/ chief of office.

The Director, Health Service shall create a Board of Medical Officers from among his professional staff, to be known as Residency Committee. The Committee shall conduct the necessary interview, oral and written examination and evaluation of each applicant for training.

5.1. Period of Training:

Hospital residency training shall be for the maximum period indicated for each specialty course unless it will be shortened by the training hospital concerned which will certify that the medical officer undergoing training has completed such training (or the trainee is no longer qualified to continue the training). This period of training can still be extended for the benefit and exigency of the service provided that a sub-specialty training is necessary but will in no way be more than two (2) years.

<u>Clinical Areas</u>	<u>Number of Years</u>
Orthopedic Surgery	4 years
Neuro-Surgery	4 years
General Surgery	4 years
Internal Medicine	4 years (If Government)
	3 years (If private hosp)
OB-Gyne	4 years
Pediatrics	4 years
Ophthalmology	4 years
ENT	4 years
Neurology	4 years
Psychiatry	3 years
Radiology	4 years
Urology (1 yr General Surgery/ 3 yrs Urology)	4 years
Pulmonary Disease	5 years (3 years Internal medicine & 2 years pulmonary medicine)
Anesthesiology	3 years
Pathology	3 years
Rehabilitation	3 years
Family Medicine	3 years
Clinical Pathology	3 years
Tropical Medicine (Fellowship)	2 years

5.2. Place of Training:

Since the PNP Health Service does not have the necessary training facilities, trainees will have to undergo their residency training in different private and government hospitals with approved and accredited training programs subject to the recommendation of the Director, Health Service and approved by the Chief, Philippine National Police, until such time that the PNPGH can train Medical Officers in different field of specialties.

5.3. Number of Trainees:

Residency training shall not exceed more than two (2) in any field of specialty in a given calendar year nor will the total number exceed more than ten percent (10%) of effective Medical Officers.

5.4. Minimum Qualifications:

Applicants should satisfy the following minimum qualifications:

5.4.1 Must have a permanent appointment as attested by the Civil Service Commission.

5.4.2 Must not be more than 35 years old and do not have any pending case as certified by IAS, LS and Ombudsman.

5.4.3 Must have been in the service for at least three (3) year and have taken the Public Safety Officers Basic Course (PSOBC).

5.4.4 Must be willing to be assigned in any Regional Health Service facility where the gained professional expertise is deemed needed.

5.5. Duration:

Each residency trainee shall be granted a yearly residency training contract subject to renewal based on his/her performance rating as certified by the Training Director of the hospital concerned.

5.6. Emoluments:

All residency trainees shall receive an additional daily training subsistence allowance of Thirty Pesos (P30.00) chargeable against OI funds and One Hundred Pesos (P100.00) monthly for instructional materials chargeable against Health Service Training Funds, subject to availability of funds.

5.7. Service Obligation:

All medical officers who will be recommended for residency training shall sign a Residency Training Contract with the Director, Health Service. Such contract shall stipulate that the residency trainee must render two (2) years obligatory service to the PNP for every year of training to include one (1) year stint in any field medical unit. Failure to comply with this service obligation through causes within the trainee's control will require the medical officer to refund in full all expenses incurred by the Philippine National Police incidental to the residency training chargeable against any benefits due the residency trainee particularly, but not limited to salary and allowances, without prejudice to further legal action. The terms and conditions of the contract shall be implemented by the Director, Health Service.

5.8. Records and Reports:

The Director, Health Service shall monitor the status of trainees and shall submit periodic reports of their performance to the Chief, PNP thru DHRDD, as basis of renewing their residency training.

6. Responsibility:

The Director, Health Service shall be responsible for the implementation of this Circular.

7. Rescission:

All other publications inconsistent with the provisions of this Circular are hereby rescinded and/or modified accordingly.

8. Effectivity:

This Circular shall take effect fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1997", as amended.

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fn: cir-residency


ROBERTO T LASTIMOSO
Police Deputy Director General
Acting Chief, PNP

2. NURSE OFFICERS

- A. Legal Basis:** PNP Circular No. 2000-007 dated May 19, 2000
Guidelines and Procedures in the Specialty Training of PNP Nurse Officers

B. Policy Requirement/Compliance:

It is the policy of the PNP Health Service to institutionalize a uniform and standard system of selecting candidates to undergo specialty training. This shall ensure the availment of opportunities for all nurse officers based in the seniority lineal list, and have the potential to grow professionally.

The Chief, Nursing Service Division thru the Director, PNP Health Service shall coordinate with private and government hospitals which are offering specialty training. These training opportunities shall be programmed and disseminate to all interested/qualified nurse officers who shall signify his/her intention to avail of the training opportunity and shall be recommended in writing by their superior officer/chief of office.

The Director, PNP Health Service shall create a Nurse Officers Specialty Training Board to be chaired by the incumbent Chief, Nursing Service Division.

Period of Training:

The following specialty training in the field of nursing shall be for the maximum period indicated of each specialization or based on the prescribed curriculum of the training institutions:

Clinical Areas	Number of Years
Nursing Administrative	One year
Flight Nursing	One year
Diabetic Nursing	Six months
Dialysis Nursing	Six months
EENT Nursing	Six months
Intensive Care Nursing	Six months
OB – Gyne Nursing	Six months
Oncology Nursing	Six months
Operating Room Nursing	Six months
Orthopedic Nursing	Six months
Pediatric Nursing	Six months
Psychiatric Nursing	Six months
Trauma Nursing	Six months

Place of Training:

Since the PNP Health Service does not have the necessary training facilities, qualified nurse officers will have to undergo specialty training as On-the-Job Training (OJT) in different private and government hospitals with approved and accredited training program subject to the recommendation of the Chief, Nursing Service Division thru Director, PNP Health Service and approved by the Chief, Philippine National Police, until such time that the PNPGH can train nurse officers in different fields of specialties.

Number of Trainees:

Specialty training for the PNP Nurse Officers shall not exceed 10% of the total nurse officer strength.

Qualifications:

- a. Must have a permanent appointment as attested by the Civil Service Commission (CSC);
- b. Must not have any pending case filed in any court of law or any administrative body;
- c. Must have been in the service for at least three years and have taken the Public Safety Officers Orientation Course (PSOOC) and Public Safety Officers Basic Course (PSOBC);
- d. Must be physically and mentally fit to undergo training;
- e. Must be willing to be assigned in any Regional Health Service facility where the gained professional expertise is deemed needed; and
- f. Must have no outstanding financial obligation in previous specialty training grants.

Duration:

Each specialty trainee shall complete the training within the specified period as indicated in the specialty course.

C. Scope/Coverage:

This shall apply to all PNP Nurse Officers.



MAY 19 2000

CIRCULAR
No. 2000-007

**GUIDELINES AND PROCEDURES IN THE SPECIALTY
TRAINING OF PNP NURSE OFFICERS**

I. REFERENCES:

- a. PNP Memorandum Circular No. 99-006 re: Guidelines and Procedures in the Residency Training of Medical Officers.
- b. PNP Memorandum Circular No. 99-014 dated 08 November 1999 re: Guidelines and Procedures in the Specialty Training of Dental Personnel.

II. RATIONALE:

One of the philosophies of the Nursing Service is to train PNP nurse officers for them to be more responsive with the current changes and innovations in the health care system.

In line with this, the training and continuing education of PNP nurse officers in their field of specialization will be pursued in order to enhance their professional growth in modern Nursing Care.

III. PURPOSE:

This circular prescribes the guidelines and procedures governing and regulating the conduct of specialty training of PNP nurse officers.

IV. DEFINITION OF TERMS:

For the purpose of this circular, the term "Specialty Training" shall embrace the training of PNP nurse officers in any of the various fields of nursing care as enumerated in paragraph 5.1.

V. POLICY/CONCEPT/PROCEDURES:

It is the policy of the PNP Health Service to institutionalize a uniform and standard system of selecting candidates to undergo specialty training. This shall ensure the availment of opportunities for all nurse officers based in the seniority lineal list, and have the potential to grow professionally.

The Chief, Nursing Service Division thru the Director, PNP Health Service shall coordinate with private and government hospitals which are offering specialty training. These training opportunities shall be programmed and disseminated to all interested/qualified nurse officers who shall signify his/her intention to avail of the training opportunity and shall be recommended in writing by their superior officer/chief of office.

The Director, PNP Health Service shall create a Nurse Officers Specialty Training Board to be chaired by the Incumbent Chief, Nursing Service Division.

5.1. Period of Training:

The following specialty training in the field of nursing shall be for the maximum period indicated for each specialization or based on the prescribed curriculum of the training institutions:

<u>Clinical Areas</u>	<u>Number of Years</u>
Nursing Administrative	One (1) year
Flight Nursing	One (1) year
Diabetic Nursing	Six (6) months
Dialysis Nursing	Six (6) months
E E N T Nursing	Six (6) months
Intensive Care Nursing	Six (6) months
OB - Gyne Nursing	Six (6) months
Oncology Nursing	Six (6) months
Operating Room Nursing	Six (6) months
Orthopedic Nursing	Six (6) months
Pediatric Nursing	Six (6) months
Psychiatric Nursing	Six (6) months
Trauma Nursing	Six (6) months

5.2. Place of Training:

Since the PNP Health Service does not have the necessary training facilities, qualified nurse officers will have to undergo specialty training as On-the-Job Training (OJT) in different private and government hospitals with approved and accredited training program subject to the recommendation of the Chief, Nursing Service Division thru Director, PNP Health Service and approved by the Chief, Philippine National Police, until such time that the PNP GH can train nurse officers in different fields of specialties.

5.3. Number of Trainees:

Specialty training for PNP nurse officers shall not exceed ten percent (10%) of the total nurse officer strength.

5.4. Qualifications:

- a. Must have a permanent appointment as attested by the Civil Service Commission (CSC);
- b. Must not have any pending case filed in any court of law or any administrative body;
- c. Must have been in the service for at least three (3) years and have taken the Public Safety Officers Orientation Course (PSOOC) and Public Safety Officers Basic Course (PSOBC);

- d. Must be physically and mentally fit to undergo training;
- e. Must be willing to be assigned in any Regional Health Service facility where the gained professional expertise is deemed needed;
- f. Must have no outstanding financial obligation in previous specialty training grants;
- g. Must have no pending application or recommendation for scholarship or training grants.

VI. DURATION:

Each specialty trainee shall complete the training within the specified period as indicated in the specialty course.

VII. EMOLUMENTS:

All specialty trainee shall received an additional daily training subsistence allowance (TSA) of Thirty Pesos (P30.00) and One Hundred Pesos (P100.00) monthly allowance for instructional materials, chargeable against Health Service Training Funds, subject to availability of funds and auditorial rules and regulations.

VIII. SERVICE OBLIGATIONS:

All PNP nurse officers who will be recommended for training shall sign a Specialty Training Contract with the CPNP as recommended by the Chief, Nursing Service Division/Chairman, Nurse Officers Specialty Training Board, and the Director, PNP Health Service. Such contract shall stipulate among others, that the trainee is required to render service obligation or return service to the organization according to the following terms:

Duration of Training	Return Service
Twenty four (24) months	Four (4) years
Six (6) months to one (1) year	Two (2) years
Three (3) months but not more than Six (6) months	One (1) year
Below three (3) months	Six (6) months

Failure to comply with this concerned service obligation through causes within the trainee's control will require the concerned nurse officer to refund in full all expenses incurred by the Philippine National Police incidental to the specialty training chargeable against any benefits due the trainee particularly, but not limited to salary and allowances, without prejudice to further legal action. The terms and conditions of the contract shall be implemented by the Director, PNP Health Service.

IX. POLICY ON DEFERMENT:

No request for deferment shall be entertained once the personnel is selected and recommended for schooling except in any of the following reasons:

- a. When he/she becomes sick or incapacitated that would prevent him/her from attending classes, as certified by the Chief, Nursing Service Division or Regional Health Officer;
- b. A criminal or administrative case is filed against the personnel concerned before the convening of the course or within the duration of his/her schooling where such administrative or criminal case would prevent him/her from attending classes or affect him/her schooling. (By the word "filed", it shall mean that the criminal or administrative case has been submitted to the person or body that has jurisdiction to decide the matter on the merit of the case);
- c. When a member of his/her immediate family (parents, spouse, children) dies and his/her presence is necessary and would affect his/her training/schooling;
- d. During disaster/calamities where he/she or his/her immediate family are the victims that would prevent him/her to regularly attend classes.

X. RECORDS AND REPORTS:

The Chief, Nursing Service Division, PNP Health Service shall monitor the status of trainees and shall submit reports of their performance to the Director, PNP Health Service.

XI. ACADEMIC BREAK/LEAVE:

Academic break/leave is not a "special leave" hence, the approved academic break/leave shall be deductible from the cumulative leave credits of the PNP personnel concerned. As such, this will be left to the discretion of the personnel concerned if he/she will apply for academic break.

To institutionalize the implementation of academic breaks, the following shall be followed:

Duration of Course	Authorized Academic Break
Less than six (6) months	Seven (7) days excluding Sundays and Holidays
Six (6) months to one (1) year	Fifteen (15) days excluding Sundays and Holidays
More that one (1) year to two (2) years	Thirty (30) days excluding Sundays and Holidays

XII. RESPONSIBILITY:

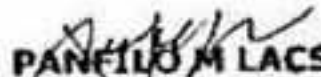
- a. The Chief, PNP shall approve the specialty training of PNP nurse officers upon the recommendation of the Chairman, Nurse Officers Specialty Training Board thru the Director, PNP Health Service.
- b. The Director, PNP Health Service shall be the OPR in the implementation of this circular.
- c. The Chief, Nursing Service Division shall maintain records and reports of all proceedings of the board and those who avail of the specialty training.
- d. The Chief, Nursing Service Division shall monitor the status of individual specialty trainee and submit appropriate report to the CPNP attn: DHRDD thru the Director, PNP Health Service.
- e. It shall also be the responsibility of the Director, Health Service through the Chief, Nursing Service Division to design Program of Instructions for the upgrading of qualification standards of nurse officers.

XIII. RESCISSION:

All other publications inconsistent with the provisions of this circular are hereby rescinded and/or modified accordingly.

XIII. EFFECTIVITY:

This circular shall take effect fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Section 3 & 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.


PANFILO M LACSON
Police Director General
Chief, PNP

XVIII. PRACTICE OF PROFESSION

A. Legal Basis: PNP Circular No. 2005-001 dated January 28, 2005
Guidelines and Procedures Regarding the Limited Private
Practice of Profession by PNP Members


B. Policy Requirement/Compliance:

1. Licensed professionals in the PNP, such as, but not limited to members of the legal profession, doctors of medicine, dentists, criminologists, accountants, and engineers are required to devote their time, energy, and talents to the PNP organization. Private practice of profession, as a rule, is discouraged especially in instances where the exigency of the service demands that the professional concerned must maximized his service to the PNP organization in the accomplishment of his tasks.
2. As a matter of privilege, however, and whenever appropriate and seen fit by the immediate superior officer of the professional concerned, limited engagement in the private practice of profession may be allowed subject to the following conditions:
 - a. **The applicant is not holding a key position or position of responsibility in the PNP** or those positions which can only be filled up pursuant to PNP Circular No. 2000-008, entitled *"Guidelines and Procedures Governing the Selection and Placement of Police Commissioned Officers to Key Positions and Other Positions of Responsibility in the PNP."*
 - b. **The limited practice will not conflict or tend to conflict with the applicant's official functions and shall not compromise, much less excuse, his attendance to command and other activities** for which, as a PNP member, he is under obligation to attend. It shall, therefore, be the responsibility of the applicant's immediate superior officer that the privilege, if granted, shall be for the best interest of the service and not of the applicant only.
 - c. For those who joined the PNP organization thru lateral entry, an application for the limited private practice of profession can only be entertained **after rendering a continuous satisfactory service of three years from the effective date of their respective appointments.**
 - d. In the case of members of the Philippine Bar, their limited private practice shall be confined to civil cases only and to cases that fall within the jurisdiction of quasi-judicial agencies, such as, but not limited to: the Securities and Exchange Commission, the National Housing Land Use Regulatory Board, the Bureau of Customs, **provided that the Government is not a party to the case.**

3. Being just a mere privilege, the authority to engage in the limited private practice is **revocable anytime**, with or without cause. Further, the authority given is not a bar for the reassignment of the personnel concerned from one police office to another or the imposition of their additional duties and responsibilities as required by the exigency of the service. Thus, lawyers who are not assigned in the Legal Service could be tasked, under Task Force "Legis", to handle service connected cases filed against PNP members. In the same vein, doctors, dentist, and nurses can be detailed to other government hospitals to augment its health personnel especially in times of calamities and natural disasters.
4. It shall be the responsibility of the chiefs of offices or unit commanders to monitor the engagement in the limited private practice of professionals assigned in their respective jurisdiction whether the same is still consistent with the aforementioned objective. At the slightest indication that the interest of the police service is being neglected and held subordinate to the privilege to practice, the authority for such purpose shall be immediately cancelled and appropriate disciplinary action be taken against the professionals concerned for serious neglect of duty.

C. Scope/Coverage:

This shall apply to all PNP personnel (Uniformed and Non-Uniformed).


Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS
PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

January 28, 2005

CIRCULAR
No. 2005-001

**GUIDELINES AND PROCEDURES REGARDING THE LIMITED PRIVATE
PRACTICE OF PROFESSION BY PNP MEMBERS**

I. REFERENCES:

- a. Civil Service Resolution No. 93 2203, s. 1993.
- b. DILG Circular No. 98-17, s. 1998.

II. APPLICATION:

This Circular provides the guidelines and procedures regarding the availment by PNP personnel, uniformed and non uniformed alike, of the privilege of engaging in the limited private practice of their respective professions for which they are duly licensed and considered in good standing by the concerned regulatory office.

III. OBJECTIVE:

To promote the professional advancement, growth and competence of PNP licensed professionals in their respective fields of specialization, make them attuned with present developments, and have the opportunity to establish contacts with other professionals in other government agencies or instrumentalities and those in the private sector whose services can later on be considered by the PNP organization in furtherance of its missions and functions.

IV. GUIDELINES:

1. Licensed professionals in the PNP, such as, but not limited to members of the legal profession, doctors of medicine, dentists, criminologists, accountants, and engineers are required to devote their time, energy, and talents to the PNP organization. Private practice of profession, as a rule, is discouraged especially in instances where the exigency of the service demands that the professional concerned must maximize his service to the PNP organization in the accomplishment of his tasks.
2. As a matter of privilege, however, and whenever appropriate and seen fit by the immediate superior officer of the professional concerned, limited engagement in the private practice of profession may be allowed subject to the following conditions:

a. **The applicant is not holding a key position or position of responsibility in the PNP or those positions which can only be filled up pursuant to PNP Circular No. 2000-008, entitled "Guidelines and Procedures Governing the Selection and Placement of Police Commissioned Officers to Key Positions and Other Positions of Responsibility in the PNP".**

b. **The limited practice will not conflict or tend to conflict with the applicant's official functions and shall not compromise, much less excuse, his attendance to command and other activities for which, as a PNP member, he is under obligation to attend. It shall, therefore, be the responsibility of the applicant's immediate superior officer that the privilege, if granted, shall be for the best interest of the service and not of the applicant only.**

c. **For those who joined the PNP organization thru lateral entry, an application for the limited private practice of profession can only be entertained after rendering a continuous satisfactory service of three (3) years from the effective date of their respective appointments.**

d. **In the case of members of the Philippine Bar, their limited private practice shall be confined to civil cases only and to cases that fall within the jurisdiction of quasi-judicial agencies, such as, but not limited to: the Securities and Exchange Commission, the National Housing Land Use Regulatory Board, the Bureau of Customs, provided that the Government is not a party to the case.**

3. **Being just a mere privilege, the authority to engage in the limited private practice is revocable anytime, with or without cause. Further, the authority given is not a bar for the reassignment of the personnel concerned from one police office to another or the imposition of their additional duties and responsibilities as required by the exigency of the service. Thus, lawyers who are not assigned in the Legal Service could be tasked, under Task Force "Legis", to handle service connected cases filed against PNP members. In the same vein, doctors, dentists, and nurses can be detailed to other government hospitals to augment its health personnel, especially in times of calamities and natural disasters.**

4. **It shall be the responsibility of the chiefs of offices or unit commanders to monitor the engagement in the limited private practice of professionals assigned in their respective jurisdiction whether the same is still consistent with the aforementioned objective. At the slightest indication that the interest of the police service is being neglected and held subordinate to the privilege to practice, the authority for such purpose shall be immediately cancelled and appropriate disciplinary action be taken against the professionals concerned for serious neglect of duty.**

V. PROCEDURES:

1. **A written request to engage to limited private practice must be submitted by the professional concerned to his/her immediate chief of office or unit commander as the case may be. It shall be indicated in the request that the private practice shall be pursued for professional advancement and pecuniary gain shall only be incidental and not the primary consideration. The request shall be accompanied by the following documents: [a] license issued by the Professional Regulatory Commission or, in the case of members of the Philippine Bar, certificate of their admission as such, a copy of their IBP receipt evidencing payment of annual membership, and their latest PTR; [b] statement of service; and [c] copy of their**

latest performance evaluation report (PER). For renewal purposes, the applicant shall, in addition, to the foregoing, also attach to his application a complete listing of the cases that he handled and their status.

2. The unit commander or chief of office concerned shall thoroughly evaluate the merit of the request *vis-à-vis* its impact or implication to the overall performance of the unit or office where the applicant is assigned. If meritorious, the unit or office concerned shall favorably indorse the same to the approving authority. If not, the same shall be denied stating the reasons therefor. No appeal or request for reconsideration shall be entertained.

3. The Chief, PNP is the approving authority for all requests to practice profession as favorably recommended by the RD/Director concerned and concurred in by TOPRM, TCDS and TDCA. Unless sooner terminated, the authority to engage in the limited practice shall be valid for two (2) years from the date of approval.


VI. SANCTIONS:

1. Any PNP personnel authorized to engage in the limited private practice of their profession who shall neglect their obligations and responsibilities as members of the PNP shall, in addition to the cancellation of the authority to practice, be administratively charged and sanctioned for serious neglect of duty and, after notice and hearing, shall be accordingly dealt with if warranted by evidence. Any personnel whose authority to practice has been revoked for cause shall not anymore be granted the same authority.

2. Chiefs of offices and unit commanders are tasked to monitor the limited private practice of the personnel assigned in their respective jurisdictions. Failure on their part to perform this obligation shall serve as a ground for administrative prosecution under the doctrine of command responsibility.

VII. EFFECTIVITY:

This Circular shall take effect fifteen (15) days from the filing of a copy thereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII, EO No. 292, s. 1987, otherwise known as the "Revised Administrative Code of 1987".


EDGAR B. AGLIPAY
Police Director General
Chief, PNP



XIX. INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

A. Legal Basis: PNP Memorandum Circular No. 2012-003 dated May 20, 2012

Policy Guidelines On Security Consciousness And Secrecy Discipline In The Recording, Uploading, Posting Or Dissemination Of Information Via The Internet Or Through Other Information And Communications Technology (ICT) Devices By The PNP Personnel.

B. Policy Requirement/Compliance:

1. Information security is a command responsibility. As a policy, the heads of PNP Offices/Units shall, at all times, be responsible for the physical safety and security of all official documents in their custody. They shall ensure that only those authorized personnel are given access to classified information.
2. It is the policy of the PNP that all personnel should be extremely careful in handling and using information, whether classified or not, especially if disclosure of such will affect the image or integrity of the PNP organization.

Guidelines:

- a. All PNP personnel are strictly prohibited to record, upload, post, or disseminate classified information on the internet or through ICT devices. Based on PNP Regulations 200-012, the following are the categories of Classified Information:

1) Top Secret - those information and materials that require the highest degree of protection. Applies only to those information or materials and security aspect of which are paramount and whose unauthorized disclosure would cause exceptionally grave damage or danger to the nation, politically, economically, and to the nation's peace and order and security.

- a) The following are considered "Top Secret" information or materials:

- a.1. Those that may lead to a definite break in the diplomatic relations or which may affect the security of the Philippines; and

- a.2. Those which may lead to the compromise of police and security plans, intelligence operations or drastic political or economic projects, or scientific or technological developments vital to the security.

- b) Examples of information and material which normally will be graded "Top Secret":

- b.1. Strategic plan documenting the overall conduct of the nation's security;
- b.2. National police planning factors for highly classified technical crime equipment and weapons:
 - b.2.1. Planning data and assumptions;
 - b.2.2. Police operations planning factors for highly classified technical crime equipment and weapons;
 - b.2.3. National police intelligence estimate of enemy and criminal elements capabilities; and
 - b.2.4. Force composition and developments.
- b.3. Documents containing consideration in sub-paragraph b.2 directly related to a "Top Secret" national police planning document, the unauthorized disclosure of which standing alone could result in an actual compromise of a particular "Top Secret" plan. These documents do not necessarily include proposed budgets, current peacetime deployment of units or supplies, or peacetime manpower or organization programs of future years;
- b.4. Intelligence documents that contain completed intelligence of such scope that it revealed major intelligence production efforts of the Philippines and which would permit an evaluation by recipients of the success and capabilities of the Philippine Intelligence agencies;
- b.5. Plan or policy governing intelligence operations provided that compromise of such plan or policy or operation will result in exceptionally grave damage to the country and not just to individuals or groups of individuals;
- b.6. Very important political documents dealing with such matter as negotiations for major alliances and the like;
- b.7. Major governmental projects such as drastic proposal to adjust nation's economy or political setup;
- b.8. Matters relating to new and far-reaching experimental, technical and scientific developments in methods of police operations;
- b.9. Critical information about cryptography so far as it relates to devices and equipment under development;
- b.10. Detailed compilation of data to include analysis of the country's geographical, economic and industrial build-up and status which

are essential and satisfying and supporting the nation's security plans; and

b.11. Compilation of secret documents, the aggregation of which increase their overall security value.

2) Secret – those information and materials whose unauthorized disclosure would endanger national security, cause serious injury to the interest or prestige of the nation or of any governmental activity or would be of great advantage to a foreign nation.

a) The information or materials is considered "Secret", if it would:

- a.1. Jeopardize the international relations of the Philippines;
- a.2. Endanger the effectiveness of a program or governmental scheme or policy of vital importance to the security;
- a.3. Compromise national police plans or scientific or technological developments important to the security; and
- a.4. Reveal important intelligence operation.

b) Examples of information and material that normally will be graded "Secret":

- b.1. National Police plans or complete plans for future police operations not included under Top Secret and documents showing the disposition of our police forces, the unauthorized disclosure of which could result in an actual compromise thereof;
- b.2. High-level directives dealing with important negotiations distinct from major negotiations with other countries;
- b.3. Security or other police plans not included under the "Top Secret" or preceding sub-paragraph involving safety of vital areas together with the related particulars of operations;
- b.4. New designs of aircraft, projectiles, armor, and other devices not classified as "Top Secret". Grading of material information or project as "Secret" is however, justified if:
 - b.4.1. It materially influences a major aspects of police tactics;
 - b.4.2. It is sufficiently revolutionary to result in major advance in existing techniques; and
 - b.4.3. It is liable to compromise some other classified projects.
- b.5. Specific information that reveals police capabilities of state of preparedness of the PNP such as detailed organization of existing and reserve units;
- b.6. Particulars of operations in progress such as strength of forces engaged in hostilities or quantity or nature of their equipment, or identity or composition of units in an active area of

operations and adverse report on general morals affecting of major police operations;

- b.7. Police maps, charts and air photograph covering security areas, establishments or installations, such as police ports and airfields, camps, signal installations, etc. Maps, chart or air photographs will be graded in accordance with the basic classification;
- b.8. Intelligence and other information not classified as "Top Secret" but which could reveal a secret source and the value of which depends upon concealment of possession of the same;
- b.9. Communication security devices and cryptographic materials that reveal information of vital importance to the security;
- b.10. Police troop movements in operational areas, to include major shifts of forces and supplies;
- b.11. Intelligence plans and estimates;
- b.12. Order of battle information, location and moves affecting it. Information on enemy and criminal elements, order of battle will be graded according to the classification of the means by which it was obtained;
- b.13. Compilation of confidential matter, the aggregation of which increases their overall security value;
- b.14. Roster or list of intelligence personnel; and
- b.15. Documents that contain the following elements of information concerning police troop movements or individual travel in operational area, either direct or by implication, require a classification of "Secret":
 - b.15.1. Inter-island or inter-zone geographic destinations;
 - b.15.2. Date and time of departure from port of embarkation , port enroute or airport;
 - b.15.3. Route, name or destination of ship or convoy or aircraft;
 - b.15.4. Estimated time of arrival at inter-island or inter-zone destination or ports enroute;
 - b.15.5. The meaning of assigned shipment numbers so far as the inter-island or inter-zone destination is concerned;
 - b.15.6. The inter-island or inter-zone destination represented by a temporary PNP PO number; and

b.15.7. Events enroute involving every action.

- 3) **Confidential** – information and material whose unauthorized disclosure of which, while not endangering the national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to a foreign nation.
- 4) **Restricted** - information and material (other than Top Secret, Secret or Confidential) that should not be published or communicated to everyone except for official purposes shall be classified as "Restricted."

C. Scope/Coverage:

This Memorandum Circular applies to all Uniformed and Non-Uniformed Personnel (NUP) of the PNP.

USE OF GOVERNMENT INFORMATION AND COMMUNICATIONS TECHNOLOGY EQUIPMENT, FACILITIES OR PROPERTIES.

- A. Legal Basis:** PNP Memorandum Circular No. 2010-017 dated September 9, 2010
Authorized Use of Government Information and Communications Technology Equipment, Facilities or Properties.

B. Policy Requirement/Compliance:

1. PNP personnel are prohibited to use government office ICT equipment for personal needs even if said use does not substantially interfere with official business and involves minimal additional expense to the government.
2. Personal use of government office ICT equipment even if the same takes place during the employee's non-work time shall not be tolerated. PNP employees cannot invoke any privilege to use government office ICT equipment for non-government purposes as the same defeats efficiency in the use of limited public resources.

C. Scope/Coverage:

All PNP Personnel.

Administrative Sanction:

Unauthorized or improper use of Government ICT office equipment could result in loss of use or limitations on use of equipment, disciplinary or adverse criminal and administrative actions with penalties and/or PNP personnel being held financially liable for the cost of improper use. Sanctions as provided for under applicable laws, rules and regulations including NAPOLCOM Memorandum Circular No. 2007-001 (Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police) shall govern any of the prohibited acts enumerated above.



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

May 20, 2012

MEMORANDUM CIRCULAR
NUMBER 2012-003

POLICY GUIDELINES ON SECURITY CONSCIOUSNESS AND SECRECY DISCIPLINE IN THE RECORDING, UPLOADING, POSTING OR DISSEMINATION OF INFORMATION VIA THE INTERNET OR THROUGH OTHER INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) DEVICES BY THE PNP PERSONNEL

1. REFERENCES:

- a. Republic Act No. 9995, the *Anti-Photo and Video Voyeurism Act*, dated February 15, 2010;
- b. Republic Act No. 8792, the *Electronic Commerce Act* dated June 14, 2000;
- c. Philippine National Police Regulations No. 200-012 *Promulgating Rules Governing Security of Classified Matters in all Philippine National Police Offices and Units*;
- d. Activation of DICTM pursuant to NHO PNP General Orders Number DPL-09-08 dated April 1, 2009;
- e. NAPOLCOM Memorandum Circular No. 2007-001 (*Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police*); and
- f. Republic Act No. 8713, "*An Act Establishing A Code of Conduct and Ethical Standards for Public Officials and Employees, To Uphold The Time-Honored Principle of Public Office Being A Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and For Other Purposes*", dated February 20, 1989.

2. PURPOSE:

There have been incidents in the past when the image of the PNP was blemished because of the irresponsible actions by some personnel who recorded, uploaded, posted, or disseminated photos, videos and other materials on the internet without proper authorization from their respective commanders. Some of these materials showed some PNP members performing activities that are unofficial and illegal or offensive to public morals.

PNP Regulations 200-012 provides procedures for the proper handling of classified information. However, there is a need to provide clear and concise guidelines that will

regulate the dissemination of declassified information on the Internet, because without exercising extreme care in doing such activity, the PNP might be put in a very embarrassing situation that would compromise its integrity as a law enforcement organization.

Hence, the purpose of this Memorandum Circular is to provide guidelines for the recording, uploading, posting or dissemination through ICT devices of materials considered as official and those that are not official but may contain information detrimental to the image and integrity of the PNP organization.

3. SCOPE:

This Memorandum Circular applies to all Uniformed and Non-Uniformed Personnel (NUP) of the PNP.

4. DEFINITION OF TERMS:

- a. **Classified Matter** – pertains to official information that cannot be released for general consumption either within the government or to the public since such dissemination would be of material value to an enemy or potential enemy. For the categories of classified matter, please see Section 6.a.1 to 6.a.4 of this Memorandum Circular.
- b. **Disseminate** – to publish or spread information, wittingly or unwittingly, regardless of the number of intended recipients.
- c. **ICT Device** – this covers the hardware (computer, mobile phone, digital camera, sound/video recorder, etc.), software, protocols, and storage and communication media used by the device, as a system.
- d. **Internet** – a worldwide interconnection of millions of computer networks and databases. It is popularly referred to as the Information Superhighway, the Web, or simply as the Net. This also includes social networking sites.
- e. **Official matter, material or document** – any material that contains information pertaining to the identity, plans, programs, activities and resources of the PNP. This also includes any information pertaining to a member or members of the PNP who are performing or tasked to perform official functions.
- f. **Photographic Material** – a scanned picture or digitally captured photograph.
- g. **Pirated Software** – a computer software that was acquired through illegal means or duplicated and distributed without authorization.
- h. **Posting** – the act of sending electronic message, sound, photo or video material, wittingly or unwittingly, to a social networking site, forum, chat room, or other ICT device.
- i. **Social Networking Site** – an Internet website that services activities for social interactions such as Facebook, YouTube, Friendster and Twitter.
- j. **Software** – A set of instructions encoded in a computer (and its peripheral equipment) to execute a command or to process data. It uses a computer understandable language. These are the non-physical components, which may be an operating system, a development language, database management

system, network management software, set of computer tools and utilities, or an applicable package, as well as the machine-coded instructions that direct and control the different hardware facilities.

- k. **Uploading** – sending an electronic file or document using e-mail or other means, wittingly or unwittingly, to a website or other ICT device for storage or sharing.
- l. **Video Material** – a whole recording or portions of a movie or other video productions.

5. POLICIES:

- a. Information security is a command responsibility. As a policy, the heads of PNP Offices/Units shall, at all times, be responsible for the physical safety and security of all official documents in their custody. They shall ensure that only those authorized personnel are given access to classified information.
- b. It is the policy of the PNP that all personnel should be extremely careful in handling and using information, whether classified or not, especially if disclosure of such will affect the image or integrity of the PNP organization.

6. GUIDELINES:

- a. All PNP personnel are strictly prohibited to record, upload, post, or disseminate classified information on the Internet or through ICT devices. Based on PNP Regulations 200-012, the following are the categories of Classified Information:
 - 1) **Top Secret** – those information and materials that require the highest degree of protection. Applies only to those information or materials and security aspect of which are paramount and whose unauthorized disclosure would cause exceptionally grave damage or danger to the nation, politically, economically, and to the nation's peace and order and security.
 - a) The following are considered "Top Secret" information or materials:
 - a.1. Those that may lead to a definite break in the diplomatic relations or which may affect the security of the Philippines; and
 - a.2. Those which may lead to the compromise of police or security plans, intelligence operations or drastic political or economic projects, or scientific or technological developments vital to the security.
 - b) Examples of information and material which normally will be graded "Top Secret":
 - b.1. Strategic plan documenting the overall conduct of the nation's security;
 - b.2. National police planning documents that contain worldwide:
 - b.2.1. Planning data and assumptions;
 - b.2.2. Police operations planning factors for highly classified technical crime equipment and weapons;
 - b.2.3. National police intelligence estimate of enemy and criminal elements capabilities; and
 - b.2.4. Force composition and developments.

- b.3. Documents containing consideration in sub-paragraph b.2 directly related to a "Top Secret" national police planning document, the unauthorized disclosure of which standing alone could result in an actual compromise of a particular "Top Secret" plan. These documents do not necessarily include proposed budgets, current peacetime deployment of units or supplies, or peacetime manpower or organization programs of future years;
 - b.4. Intelligence documents that contain completed intelligence of such scope that it revealed major intelligence production efforts of the Philippines and which would permit an evaluation by recipients of the success and capabilities of the Philippine Intelligence agencies;
 - b.5. Plan or policy governing intelligence operations provided that compromise of such plan or policy or operation will result in exceptionally grave damage to the country and not just to individuals or groups of individuals;
 - b.6. Very important political documents dealing with such matters as negotiations for major alliances and the like;
 - b.7. Major governmental projects such as drastic proposal to adjust nation's economy or political setup;
 - b.8. Matters relating to new and far-reaching experimental, technical, and scientific developments in methods of police operations;
 - b.9. Critical information about cryptography so far as it relates to devices or equipment under development;
 - b.10. Detailed compilation of data to include analysis of the country's geographical, economic and industrial build-up and status which are essential in satisfying and supporting the nation's security plans; and
 - b.11. Compilation of secret documents, the aggregation of which increase their overall security value.
- 2) **Secret** - those information and materials whose unauthorized disclosure would endanger national security, cause serious injury to the interest or prestige of the nation or of any governmental activity or would be of great advantage to a foreign nation.
- a) The information or material is considered "Secret", if it would:
 - a.1. Jeopardize the international relations of the Philippines;
 - a.2. Endanger the effectiveness of a program or governmental scheme or policy of vital importance to the security;
 - a.3. Compromise national police plans or scientific or technological developments important to the security; and
 - a.4. Reveal important intelligence operation.
 - b) Examples of information and material that normally will be graded "Secret":
 - b.1. National Police plans or complete plans for future police operations not included under Top Secret and documents showing the disposition of our police forces, the unauthorized disclosure of which could result in an actual compromise thereof;
 - b.2. High-level directives dealing with important negotiations distinct from major negotiations with other countries;
 - b.3. Security or other police plans not included under the "Top Secret" or preceding sub-paragraph involving safety of vital areas together with the related particulars of operations;

- b.4. New designs of aircraft, projectiles, armor, and other devices not classified as "Top Secret". Grading of material information or project as "Secret" is, however, justified if:
 - b.4.1. It materially influences a major aspect of police tactics;
 - b.4.2. It is sufficiently revolutionary to result in major advance in existing techniques; and
 - b.4.3. It is liable to compromise some other classified projects.
- b.5. Specific information that reveals police capabilities or state of preparedness of the PNP such as detailed organization of existing and reserve units;
- b.6. Particulars of operations in progress such as strength of forces engaged in hostilities or quantity or nature of their equipment, or identity or composition of units in an active area of operations and adverse report on general morals affecting major police operations;
- b.7. Police maps, charts and air photographs covering security areas, establishments or installations, such as police ports and airfields, camps, signal installations, etc. Maps, charts or air photographs will be graded in accordance with the basic classification;
- b.8. Intelligence and other information not classified as "Top Secret" but which could reveal a secret source and the value of which depends upon concealment of possession of the same;
- b.9. Communication security devices and cryptographic materials that reveal information of vital importance to the security;
- b.10. Police troop movements in operational areas, to include major shifts of forces and supplies;
- b.11. Intelligence plans and estimates;
- b.12. Order of battle information, location and moves affecting it. Information on enemy and criminal elements' order of battle will be graded according to the classification of the means by which it was obtained;
- b.13. Compilation of confidential matter, the aggregation of which increases their overall security value;
- b.14. Roster or list of intelligence personnel; and
- b.15. Documents that contain the following elements of information concerning police troop movements or individual travel in operational area, either direct or by implication, require a classification of "Secret":
 - b.15.1. Inter-island or inter-zone geographic destinations;
 - b.15.2. Date and time of departure from port of embarkation, port enroute or airport;
 - b.15.3. Route, name or destination of ship or convoy or aircraft;
 - b.15.4. Estimated time of arrival at inter-island or inter-zone destination or ports enroute;
 - b.15.5. The meaning of assigned shipment numbers so far as the inter-island or inter-zone destination is concerned;
 - b.15.6. The inter-island or inter-zone destination represented by a temporary PNP PO Number; and
 - b.15.7. Events enroute involving every action.

3) Confidential - information and material whose unauthorized disclosure of which, while not endangering the national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to a foreign nation.

a) Examples of information material that normally will be graded confidential are:

- a.1. Routine police operations and law enforcement reports that contain information of value but not of vital interest to the criminal elements and enemy of the state;
- a.2. Routine intelligence reports;
- a.3. Plans of government projects such as land development, hydro-electric schemes, road development or development of areas, etc.;
- a.4. Technical matter not of major importance but which has distinct police value or requires protection, new weapons calculated to influence minor tactics, or service test of police equipment of a standard weapon;
- a.5. Police radio frequency and call sign allocations of special significance or those that are changed frequently for security reasons;
- a.6. Materials and devices relating to communication security;
- a.7. Meteorological information of designated areas;
- a.8. Operational and tactical police doctrine or lessons learned in operation;
- a.9. Documents that contain the following elements of information concerning police troop movements or individual travel, either directly or by implication, require a classification of "Confidential":
 - a.9.1. Information or description of unit, movements of non-operational significance in areas within or adjacent to operational areas; and
 - a.9.2. Complete list of tabulation of units combined with and included under a single shipment for overseas shipment. The combination of a single unit, its overseas shipment number and letter, however, is a restricted information.
- a.10. Documents or manual containing technical information used for training in or maintenance of inspection of classified supplies on police operations;
- a.11. Police maps, charts, photomaps and air photographs, the details of which do not warrant Secret classification;
- a.12. Matters, investigations and documents of a personal and disciplinary nature, the knowledge of which is desirable to safeguard for administrative reasons;
- a.13. Ground photographs, negatives, photostats, diagrams, or models of matters deemed to be classified as confidential;
- a.14. Certain compilation of restricted data or items which individually may be classified restricted, but the aggregation of which enhances or increases their security values;
- a.15. Identification of individual casualties prior to release of official notification to the next of kin by the Director for Personnel and Records Management, PNP;
- a.16. Material or information that tends to further enemy propaganda or glorify the achievements of personalities;
- a.17. Extreme losses in material or personnel;
- a.18. Cases of extreme breaches of discipline;
- a.19. False, misleading, or unauthenticated statements about police or personal affairs;
- a.20. Identification of personnel being investigated for misconduct, anomaly or fraud prior to the filing of appropriate court charges or completion of the findings of boards created for such purpose;
- a.21. Roster of police troops (officers and non-officers). This includes list of police personnel with respective rank, designation and assignment;
- a.22. Expenditures on police core functions related to ISO activities; and

a.23. Program of Expenditure (POE) related to any plans, programs, and activities (PPAs) of major PNP offices/units.

4) **Restricted** – information and material (other than Top Secret, Secret or Confidential) that should not be published or communicated to anyone except for official purposes shall be classified as "Restricted".

a) The following are examples of material that normally will be graded "Restricted":

- a.1. Training and technical documents for official use only or not intended for release to the public;
- a.2. Routine information relating to supply and procurement;
- a.3. Maps and aerial photographs of remote areas not important or related to security. Said maps and photographs will be graded in accordance with actual details shown thereon;
- a.4. Ground photographs, negatives, diagrams on models of Restricted Matter;
- a.5. Daily reports and strength returns except those of intelligence units that may warrant a higher classification;
- a.6. Non-tactical radio frequencies and call signs such as those used for training purposes;
- a.7. All PNP publications prescribing policies and procedures not classified as Top Secret, Secret, or Confidential; and
- a.8. Orders, communications, reports and other documents concerning police troop movements that need not be classified any higher if the classified elements of information and unit designations are not included therein and reference to the movement is made by shipment or by main number.

b) Unclassified matter or information, but considered to be official, shall not be uploaded, posted or disseminated on the Internet or through other ICT devices without prior authorization from the Chief, PNP as recommended by the Director for Intelligence (DI).

c) Any unofficial information, regardless of its genuineness (edited or authentic) or form (digital document, photograph, sound, video, etc.) shall not be uploaded, posted or disseminated on the Internet or through other ICT devices if it will jeopardize the integrity of the PNP organization. Hence, the following materials are strictly not allowed for recording, uploading, posting or dissemination on the Internet or through other ICT devices:

- c.1. Photographic or video material showing a member or members of the PNP performing an illegal act like hazing, torture, illegal-gambling, and etc.;
- c.2. Photographic or video material showing a member or members of the PNP in a disturbing or embarrassing situation;
- c.3. Pornographic material or similar information that shows or details a sexual activity or lewdness;
- c.4. Pirated software and other information that would infringe the intellectual property rights of any individual or person;
- c.5. Election campaign slogan or other similar information or material intended for political activities;
- c.6. Information or material that would induce or incite criminal acts; and

c.7. Other information or material that would violate existing laws and pertinent policies, rules and regulations issued by the PNP and the National Police Commission (NAPOLCOM).

- d) Upon approval of this Memorandum Circular, all postings or publications as results of prior acts that will fall under the purview of this policy should be removed from the Internet and other ICT devices.
- e) A member of the PNP is exempted from the prohibition in paragraph c.2, in cases where the exemptions provided under R.A. 9995 (Anti-Photo and Video Voyeurism Act of 2009) are applicable.
- f) Likewise, all PNP personnel, acting on their own personal capacity, are allowed to record, upload, post, or disseminate information on the Internet or through other ICT devices, provided that such information is not in any way related to the PNP.

7. ADMINISTRATIVE SANCTION:

Any violation of the provisions of this Memorandum Circular shall be dealt with administratively, with severe penalties, in accordance with the provisions of NAPOLCOM MC 2007-001, Republic Act No. 6713, and other applicable laws, rules and regulations.

8. RESCISSION:

All PNP policies, directives and other issuances that are inconsistent with the provisions of this Memorandum Circular are hereby deemed rescinded or modified accordingly.

9. EFFECTIVITY:

This Memo Circular shall take effect fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.



Mes
NICANOR A. BARTOLOME, CSEE
Police Director General
Chief, PNP

CPNP 12 11 2014011



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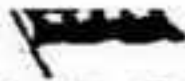
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Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

MEMORANDUM CIRCULAR
NUMBER 2010-017

SEP 09 2010

SUBJECT: AUTHORIZED USE OF GOVERNMENT INFORMATION AND COMMUNICATIONS TECHNOLOGY EQUIPMENT, FACILITIES OR PROPERTIES

1. REFERENCES:

- a. Activation of DICTM pursuant to NHO-PNP General Orders Number DPL-09-08 dated April 1, 2009.
- b. RA 6713 "An Act Establishing A Code Of Conduct And Ethical Standards For Public Officials And PNP personnel, To Uphold The Time-Honored Principle Of Public Office Being A Public Trust, Granting Incentives And Rewards For Exemplary Service, Enumerating Prohibited Acts And Transactions And Providing Penalties For Violations Thereof And For Other Purposes";
- c. RA 3019 "Anti-Graft And Corrupt Practices Act"; and
- d. National Institute of Standards and Technology, US Department of Commercial Policy on Limited Use of Government Equipment including Information Technology

2. PURPOSE:

This circular provides the policy governing the manner in which all PNP personnel utilize government-owned office equipment and supplies including information and communications technology.

3. DEFINITION OF TERMS:

For purposes of this circular, the following terms shall mean:

- a. **Privilege** means, in the context of this policy, that the Philippine National Police is providing the opportunity to its PNP personnel to use government property for authorized/official use in the optimal performance of their official duties and functions. However, this policy does not confer a right to use government office equipment for non-official business/transactions nor does the privilege extend to modifying such equipment, including loading personal software or making configuration changes. Simply put, use of government equipment, facilities or property is a mere privilege on their part and a pure beneficence on the part of the government.
- b. **Government Information and Communications Technology Equipment, Facilities or Property** includes but is not limited to: computers and related peripheral equipment and software, library resources, telephones to include cellular, facsimile machines, photocopiers, office supplies, internet connectivity and access to internet services, and E-mail of the Philippine National Police.

c. **Personal Use** means activity that is conducted for purposes other than accomplishing official or otherwise authorized activity and inures to the benefit of the PNP personnel concerned. PNP personnel are specifically prohibited from using government office equipment to maintain or support a personal transaction or business activity. *Examples of this prohibition include but are not limited to PNP personnel using a Government computer and/or internet connection to run a travel business or investment service.*

d. **Information and Communications Technology** means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement control, display, switching, interchange, transmission, or reception of data or information;

e. **Government Agency** refers to any agency, bureau or organization of the Government of the Republic of the Philippines; and

f. **Government** refers to the Government of the Republic of the Philippines

4. POLICIES:

a. PNP personnel are prohibited to use government office ICT equipment for personal needs even if said use does not substantially interfere with official business and involves minimal additional expense to the government

b. Personal use of government office ICT equipment even if the same takes place during the employee's non-work time shall not be tolerated. PNP employees cannot invoke any privilege to use government office ICT equipment for non government purposes as the same detracts efficiency in the use of limited public resources.

5. GUIDELINES:

a. Use of Equipment and Services

1) PNP personnel are NOT authorized to use Government Office ICT equipment even if said personal use does not result in substantial loss of employee productivity or interference with official duties. Moreover, such personal use though incurring only minimal or negligible additional expense to the Government is prohibited in areas such as

a) Communications infrastructure costs e.g. telephone charges, telecommunications traffic, etc.,

b) Use of consumables in limited or negligible amounts e.g. paper, ink, toner, etc.;

c) General wear and tear on equipment;

d) Data storage on storage devices; and

e) Transmission impacts with moderate E-mail message sizes such as E-mails with small attachments.

b. Inappropriate Personal Use

PNP personnel must conform to a norm of conduct compatible with their standing as members of the law enforcement community. As such, they are expected to conduct themselves professionally in the workplace and to refrain from using government office equipment for activities that are inappropriate.

Misused or inappropriate personal use of government office ICT equipment includes but is not limited to:

1) Any personal use that could cause congestion, delay, or disruption of service to any Government system or equipment. For example video, sound or other large file attachments can degrade the performance of the entire network;

2) Using the Government's ICT systems as a staging ground or platform to gain unauthorized access to other systems;

3) The creation, copying, transmission, or retransmission of chain letters or other unauthorized mass mailings regardless of the subject matter;

4) Using Government ICT office equipment for activities that are illegal, inappropriate, or offensive to fellow PNP personnel or the public. Such activities include, but are not limited to hate speech, or material that ridicules others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation;

5) The creation, download, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials;

6) The creation, download, viewing, storage, copying, or transmission of materials related to illegal gambling, illegal weapons, terrorist activities, and any other illegal activities or activities otherwise prohibited, when the creation, download, viewing, storage, copying, or transmission of the same is not part of his job description;

7) Use for commercial purposes or in support of "for profit" activities or in support of other outside employment or business activity (e.g. consulting for pay, sales or administration of business transactions, sale of goods or services);

8) Engaging in any outside fund-raising activity, endorsing any product or service, participating in any lobbying activity, or engaging in any prohibited partisan political activity;

9) Any use that could generate more than minimal additional expense to the Government;

10) The unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information including computer software and data that includes privacy information, copyrighted, trademarked or material with other intellectual property rights (beyond fair use) proprietary data, or export controlled software or data; and

11) Any type of inappropriate or unauthorized use which is similar or analogous to any of the foregoing.

c. Proper Representation

It is the responsibility of PNP personnel to ensure that they are not giving the false impression that they are acting in an official capacity when they are using government ICT office equipment for non-governmental purposes. Thus, regardless of the intention, simulated official use of government property which inures to the personal benefit of any government employee is prohibited.

d. Access Management

PNP personnel have no inherent right of access to, or use of Government ICT office equipment, facilities, and/or property for personal use.

e. Privacy Expectations

PNP personnel do not have a right, nor should they have an expectation, of privacy while using any government ICT office equipment at any time including accessing the internet, and using E-mail. By using Government ICT office equipment PNP personnel imply their consent to disclosing the contents of any files or information maintained or passed-through Government office equipment.

1) By using government ICT office equipment, consent to monitoring and recording is implied with or without cause, including (but not limited to) accessing the internet/intranet or using E-mail. Any use of Government communications resources therefore is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

2) The head of office or his duly authorized representative may employ monitoring tools to detect any improper use. Electronic communications may be disclosed to PNP personnel in the performance of their official duties. Chief of offices including designated system administrator may access any electronic communications.

f. Other Prohibited Acts and Omissions

1) Allowing, consenting, tolerating the unauthorized/inappropriate access to and/or unauthorized/inappropriate use of Government ICT equipment, facilities or materials by a fellow PNP employee and/or non-PNP personnel.

2) Failure to report the acts or omissions provided under paragraphs 5b and 5f of this Circular.

6. ADMINISTRATIVE SANCTION:

Unauthorized or improper use of Government ICT office equipment could result in loss of use or limitations on use of equipment, disciplinary or adverse criminal and administrative actions with penalties and/or PNP personnel being held financially liable for the cost of improper use. Sanctions as provided for under applicable laws, rules and regulations including NAPOLCOM Memorandum Circular No. 2007-001 (Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police) shall govern any of the prohibited acts enumerated above.

7. RESCISSION:

All PNP policies, directives and other issuances which are inconsistent with the provisions of this Circular are hereby deemed rescinded or modified accordingly.

8. EFFECTIVITY:

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.



JESUS VERZOSA, CEO VI
Police Director General
Chief, PNP



Copy Furnished:
U-Staff P-R-IT
POI, PRO, Div, NSUs
Exec Dir PNP

Limited Potential Use of Government Information and Communications Technology Equipment, Facilities & Resources

XX. RECRUITMENT/SELECTION AND APPOINTMENT

- A. Legal Basis:** NAPOLCOM Memorandum Circular No. 2007-009
Prescribing the Procedures and Guidelines for the Recruitment, Selection and Appointment of PNP Uniformed Personnel and Termination of Service of Newly Appointed Police Officer 1 (PO1) While Still in Temporary Status

B. Policy Requirement/Compliance:

Issuance of Appointment of Orders and Oath Taking

1. After submission of the application folders and other documentary requirements to support the attestation and approval by the CSC of the appointments of the new PO1s, the Appointing Authority shall issue the appropriate orders:
 - a. Appointment Orders effective on the issuance of the appointments in alphabetical order indicating the addresses opposite the PO1 names; and
 - b. Orders according to their ranking with Badge Numbers and PPINs opposite their names. The order of merit established by the Screening Committee through the evaluation of the qualifications and results of interview shall be used in the assignment of the Badge Numbers and PPINs.
2. Any disapproved appointment by the CSC or non-certification by the NAPOLCOM shall be acted upon immediately by recalling the appointment papers and nullifying the appointment orders unless the Appointing Authority files a timely motion for reconsideration or appeal as provided by existing CSC or NAPOLCOM rules and regulations.
3. The Oath Taking shall be scheduled immediately but not earlier than the issuance and effectivity of the appointment issued.

Appointing Authorities

The following shall be the appointing authorities to the rank of Police Officer 1:

- A. The Chief, PNP for applicants recruited at the national office.
- B. The PNP Regional Director for applicants recruited at the regional level.
- C. The Director of the concerned National Support Unit (NSU) for applicants recruited by such particular unit.

Status of Appointment of a Newly Appointed PO1

- A. **Temporary Appointment** shall be issued to a newly recruited PO1 who meets the required minimum qualifications, except the training requirement which is the **PNP Field Training Program (FTP)**. The **FTP** shall be composed of the Public Safety Basic Recruit Course (PSBRC) and the Field Training Exercise (FTX). Such temporary appointment shall not exceed 12 months to be reckoned from the date it was issued.
- B. **Permanent Appointment** shall be issued to a PO1 after the completion of the required PNP Field Training Program for 12 months involving actual experience and assignment in patrol, traffic and investigation.

Procedure on the Termination of Service of PO1s in Temporary Status

All newly recruited PO1 shall be appointed in temporary status for 12 months pending compliance with the Field Training Program (FTP) involving actual experience and assignment in patrol, traffic and investigation. The termination of service shall be done with utmost objectivity and impartiality affording the PNP members concerned the right to due process and equal protection of law. In general, termination shall be in the nature of a summary administrative proceeding.

- A. **Grounds for Termination.** – The services of PNP personnel so appointed may be terminated at any time due to any or combination of the following grounds:
 - 1. **Grave Administrative offense** – the following are the offenses for which a PNP member under temporary status maybe terminated from the police service.
 - a. Grave Misconduct
 - b. Incompetence
 - c. Dishonesty
 - d. Disloyalty to the government
 - e. Serious Irregularities in the Performance of Duties
 - f. Serious Neglect of Duty
 - g. Oppression
 - 2. **Lack of Aptitude in the Service** – This shall refer to any of the following circumstances:
 - a. Academic deficiency arising from failure to obtain a passing grade in the required basic training course in accordance with the established training rules and regulations.

- b. Serious violation of training rules and regulations involving non-academic matters.
 - c. Possession of such habits, traits, conduct or behavior which, when taken on their overall context, tends to manifest and display an undesirable disposition or attitude towards the law enforcement profession.
3. **Failure to complete the required FTP within the prescribe period of 12 months from the time he/she was issued an appointment under temporary status.**
- a. Non-completion of the PSBRC or FTX due to any or combination of the following reasons:
 - a.1. Unauthorized absences or non-appearance in the PSBRC or FTX; and
 - a.2. Non-completion of the PSBRC or FTX due to Physical and/or mental incapacity.

For purposes of this Circular, physical and mental incapacity is defined as follows:

Physical Incapacity – the inability of a PNP uniformed personnel to perform his/her duties and responsibilities due to his/her unit and/or limited physical capacity or capability.

The term "unfit and/or limited physical capacity or capability" shall include the state of being pregnant which, by reason of the risk or detrimental effects involved to both the other and the child she is bearing, prevents her from taking the PSBRC or FTP.

Mental Incapacity – the inability of PNP uniformed personnel to perform his/her duties and responsibilities due to his/her unfit mental condition.

If after an investigation, a PO1 undergoing FTP has been evaluated to be mentally incapacitated or suffering from any mental disturbance, he/she shall be terminated from the police service, even if such incapacity or disturbance is acquired prior to, after, during or outside the police training.

On the other hand, if after such investigation, the PO1 concerned was found to be physically incapacitated or suffering from health problem, he/she shall not be terminated from the police service, unless, such incapacity or health problem rendered

him/her unfit to continue the FTP or perform basic police duties, as may be determined by the appropriate medical officer.

4. Failure to attain or satisfy the weight required within six from appointment if admitted due to a waiver.

B. Termination Authorities

The Chief of the PNP, the PNP Regional Directors, and the NSU Directors as appointing authorities are the Termination Authorities for all new police recruits under temporary status.

C. Termination Procedure

1. Termination from the police service of PO1 under temporary status may be initiated by any concerned individual, police officer or police office/unit based on sworn complaint or statements and documents in support thereof.
2. The Philippine National Training Institute (PNTI) through the Regional Training School (RTS) Director shall issue a Return to Unit Order with the case folder pertaining to the trainees inability to comply with the requirements for the completion of the required FTP for the appointing authority to institute termination proceedings.
3. The respondent PNP member shall be furnished with a copy of the complaint or charges against him/her. He/she shall answer said complaint within three days from receipt thereof, attaching therewith supporting documents or evidence in his/her behalf.

In the case of physical and/or mental incapacity, the duly designated termination authority shall order the conduct of medical/physical/neuropsychiatric examination on the respondent and the result/findings will be used as supporting documents or evidence in the resolution of the case.

4. The duly designated Termination Authority shall immediately order the conduct of a summary hearing within the next three days after receipt of respondent's answer. Summary hearing shall be completed within five days from its commencement.
5. If the respondent fails to answer the charge/s within the prescribed period, the duly designated Summary Hearing Officer/Board shall immediately proceed with the hearing *ex parte*.
6. Being summary in nature, direct examination of witnesses shall be dispensed with and the sworn statements of their witnesses or their affidavits shall take the place of their oral testimonies. Either party

may ask clarificatory questions which shall be limited to the sworn statements and other documents on hand. Clarificatory questions must also be confined to material and relevant issues. Prolonged arguments and other dilatory proceedings shall not be entertained. In so far as may be compatible with the ends of justice, clarificatory questioning shall be limited to not more than 30 minutes for each witness.

7. Within three days after the completion of the hearing, the Termination Authority shall render a decision.
8. The decision on any termination case shall contain the name of the respondent and his/her unit of assignment, a brief statement of the material facts; the findings as established during the hearing, the applicable laws, rules and regulations, jurisprudence, and the disposition thereof.
9. The decision of the appointing authority shall be immediately executory by the issuance of appropriate orders terminating the concerned PO1 from the police service.

Filling up of vacancy due to resignation, separation or termination of a new PO1 recruit within the 12-month period.

- A. The filling up of any vacancy due to the termination of a new PO1 recruit in temporary status caused by resignation, separation or termination from the police service may be made and considered as part of the recruitment activity of the batch of recruits to which the new recruit belongs under the following conditions:
 1. There is a vacancy caused by the resignation, separation or termination of a new PO1 recruit within one month from the date of oath taking.
 2. There are excess qualified applicants and who have been officially declared and published as Alternates in case of any vacancy as contemplated:
 - a. The ICA has not been issued to the attrited PO1 recruit or can still be recovered and transferred to the Alternate (new applicant);
 - b. PPSC-RTS rules and regulations will still allow the PO1-Alternate to join and catch up with the training of the rest of his/her batch members;
 3. If the PPSC-RTS rules and regulations, especially on the number of authorized absences, shall not allow the PO1-Alternate to join the training, the vacancy shall not be filled up anymore and shall be considered a vacancy due to normal attrition.

4. The highest ranked Alternate in the list shall be notified by registered mail or telegraph for him/her to report and accept his/her appointment as PO1 within three working days. Otherwise, the next most ranking Alternate shall be given the opportunity to join the police service.
5. The Appointing Authority shall immediately sign his/her appointment papers and direct the Alternate to report without any delay to STU or PPSC-RTS to join his/her batch in the training. The Chief of PHRDD shall process his/her papers for certification by NAPOLCOM and attestation by CSC without any delay.
6. Upon acceptance of the Alternate of the vacancy, request of a new Badge Number and PPIN shall be made to DPRM.
7. NHQ thru DPRM shall be informed of this filling up of this kind of vacancy by submitting the copies of attested Appointment, Orders of Appointment and Orders assigning the new PO1 of his/her Badge Number and PPIN.
8. It is very important that in every recruitment program and after completion of the selection process, the qualified applicants in excess of the quota shall be declared and published as Alternates. These alternates shall be ranked according to their performance in the different stages of the screening and selection process. The highest ranked alternate shall follow the last Principal Candidate. In the case of PROs, they shall be ranked by provinces/city as the vacancy belonging to the quota of a particular province or highly urbanized city shall be filled up by an alternate from this particular place.

Grant of Leave to new PO1 Recruits who are unable to complete the required PNP Field Training Program (PNP FTP)

A. Leave without Pay and Allowances

1. A new PO1 recruit who is unable to complete the required Field Training Program upon orders/decision of the proper authority shall be granted leave without pay and allowances for a period of not more than one year.
2. The Chief, RPHRDD or ADPRM shall issue the appropriate orders to stop the payment of his/her pay and allowances.
3. He/She shall be reemployed back to the police service under the following conditions:
 - a. Must apply in writing before the recruiting unit where his/her original quota belongs for re-employment;
 - b. Must passed the PAT, PPE, PMDE and Drug Test to be conducted by the Health Service (or RHSU);

- c. Must join the PNP FTP of the new batch of PO1 recruits; and
 - d. Must shoulder initially the Initial Clothing Allowance, if he/she has not received before his/her sick leave.
- 4. The grant of leave and the subsequent re-employment shall result to a gap in the police service of the concerned PO1.
 - 5. A PO1 recruit shall be granted leave under this Section only once.

Causes for non-completion of the PNP FTP

- 1. The following causes for non-completion of the PNP FTP are covered under this Section:
 - a. Pregnancy of married female PO1;
 - b. Major medical operations due to training-related activities; and
 - c. Serious injuries sustained during training-related activities.
- 2. The following causes for non-completion of the PNP FTP are not covered under this Section but shall be treated under Section VIII hereof;
 - a. Pregnancy of an unmarried female PO1 recruit;
 - b. Absence Without Leave or Unauthorized Long Absence;
 - c. Resignation; and
 - d. Serious injuries which are not training-related and attributable to his/her intentional act or negligence.

3. Scope/Coverage:

Newly Appointed Police Officer 1 (PO1) while still in temporary status

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR NO. 2007 - 009

PRESCRIBING THE PROCEDURES AND GUIDELINES FOR THE RECRUITMENT, SELECTION AND APPOINTMENT OF PNP UNIFORMED PERSONNEL AND TERMINATION OF SERVICE OF NEWLY APPOINTED POLICE OFFICER 1 (PO1) WHILE STILL IN TEMPORARY STATUS

WHEREAS, Section 14 of Republic Act No. 8551 amended Section 30 of Republic Act No. 6975 which prescribes the minimum qualifications for appointment of uniformed personnel in the Philippine National Police (PNP);

WHEREAS, the Commission has issued Memorandum Circular Nos. 92-017, 2003-009 and 2005-002 to ensure the entry of highly qualified individuals into the police service and to strengthen the human resource capability of the PNP;

WHEREAS, there is a need to come up with a new circular on recruitment, selection and appointment of Police Officer 1, whether through regular or addition recruitment, providing for uniform standards and procedures for all PNP recruiting units to follow in order to ensure the appointment of the best and most qualified police applicants;

NOW THEREFORE, the Commission, pursuant to its constitutional mandate to administer and control the PNP, **HAS RESOLVED TO PRESCRIBE, AS IT HEREBY PRESCRIBES**, the following procedures and guidelines in the recruitment, selection and appointment of PNP uniformed personnel and termination of service of newly appointed Police Officer 1 while still in temporary status:

Section I. Objectives

To ensure the entry of highly qualified individuals into the police service and to strengthen the human resource capability of the PNP, this Circular aims to:

- A. Establish a system that is characterized by strict observance of the use of merit and fitness and the principle of equal opportunity in the recruitment, selection and appointment of PO1 in the PNP;
- B. Ensure that all appointments are in accordance with existing laws, rules and regulations; and
- C. Ensure that the recruitment quota shall be equitably distributed down to the city/municipal police station level and to give priority to qualified residents in the locality to serve as law enforcers.

Section II. Policies

The following personnel policies on recruitment, selection and appointment are hereby established:

- A. Recruitment of PNP Uniformed Personnel to the rank of Police Officer 1 (PO1) shall be based on the principle of merit and fitness and shall be open to all qualified men and women, subject to limitations provided by law.
- B. The PNP shall reserve ten percent (10%) of its annual regional recruitment quota for qualified women-applicants.

There shall be no discrimination on account of gender, religion, ethnic origin or political affiliation.

- D. The annual attrition recruitment quota, which shall specify the recruitment allocation at the national, regional, provincial, district and city/municipal levels and the respective recruitment quota which shall be equitably distributed to the different Police Regional Offices and selected NSUs shall be approved by the Commission.
- E. There shall be established Screening Commissions at the NHQ, PROs and NSUs that shall be responsible for the widest dissemination of vacancies in their respective areas, the evaluation of applicants' qualifications and the selection of the most qualified applicants to be recommended for appointment into the police service.
- F. To have a wider base for the selection process and for budgetary reasons, the number of applicants for initial screening shall not be more than 150% of the recruitment quota allocated to the particular recruiting unit as approved by the Commission.
- G. No person shall be appointed as Police Officer I unless he or she possesses the minimum qualifications provided for under Section 14, R.A. No. 8551 and in this Circular.
- H. Preference shall be accorded to the applicants who are residents of the city/municipality where the quota is allocated provided they meet the minimum qualification standards and officially endorsed by the city/municipal mayor in accordance with the procedures set in this Circular.
- I. The age, height and weight requirements for initial appointment in the PNP may be waived only when the number of qualified applicants falls below the approved quota after the final interview of the recruiting unit.

The application of a member of an indigenous group for height waiver shall be processed regardless of whether or not the number of applicants falls below the annual quota.

Age, height, weight or educational waiver for applicants other than the members of indigenous group may be granted by the Commission en bloc only while height waiver to indigenous people is granted by the National Regional Directors.

- J. As much as possible and practicable, recruitment shall be conducted by the Police Regional Office and National Support Units simultaneously to prevent the applicants from applying in two or more recruiting units within the Annual recruitment period.
- K. The issuance of Appointment shall be in accordance with Civil Service rules and regulations and this Circular.
- L. The whole recruitment process shall be transparent and conducted with the most reasonable cost on the part of the PNP and the individual applicant.
- M. The strict implementation of this Circular shall be the responsibility of the appointing authority and any violation hereof shall be dealt with accordingly.

Section III. General Qualifications and Standards

- A. **General Qualifications:**
 - 1. A citizen of the Philippines,
 - 2. A person of good moral character,

3. Must have passed the psychiatric/psychological, physical, medical and dental, and drug tests to be administered by the PNP Health Service and Crime Lab Group or by any Napolcom accredited government hospital for the purpose of determining the applicant's physical and mental health;
4. Must possess a formal baccalaureate degree from a recognized learning institution;
5. Must be eligible in accordance with the standards set by the Commission;
6. Must not have been dishonorably discharged from military employment or on AWOL, or Dropped from Rolls from the PNP service or dismissed for cause from any civilian position in the Government;
7. Must have no pending criminal case in any court, including at the Office of the Ombudsman or administrative case if he/she is already an employee of the government ;
8. Must not have been convicted by final judgment of an offense or crime involving moral turpitude;
9. Must be at least one meter and sixty two centimeters (1.62m) in height for male and one meter and fifty seven centimeters (1.57m) for female;
10. Must weigh not more or less than five kilograms (5.0 kg) from the standard weight corresponding to his/her height, age and sex; and
11. Must not be less than twenty-one (21) nor more than thirty (30) years of age.

An applicant shall be considered to be 21 years of age on his/her 21st birth date and shall be considered more than thirty (30) years of age on his/her 31st birth date.

B. The appropriate eligibilities for Police Officer I are those acquired from the following:

1. Napolcom PNP Entrance Examination
2. RA No. 6506 (licensed criminologist)

Section IV. Procedural Guidelines

A. Preparation and approval of PNP Recruitment Program

1. The PNP shall prepare, thru the Directorate for Personnel and Records Management, and submit to the Commission for approval the PNP annual recruitment quota.
 - a. The Regular Recruitment Quota shall be submitted to the Commission within thirty (30) working days from receipt of the EDM advice on the number of new uniformed personnel authorized and funded under the Annual General Appropriation Act. Such regular recruitment quota shall indicate the allocation for all the provinces in the 17 regions and highly urbanized cities including the cities and municipalities in Metro Manila as well as selected National Support Units (NSUs).

3. The DPRM shall distribute, within three (3) working days, copies of the approved recruitment quota to all Directors of recruiting units which, in turn, shall provide within two (2) working days a copy to each of the Police Provincial Directors and City Directors. Thereafter, the PND Directors shall activate and organize their respective screening committees.
4. The Police Provincial Directors shall, within three (3) working days from receipt of the copy of the recruitment quota, inform the city/municipal mayors of their recruitment quota, through their respective Chiefs of Police.
5. The Napolcom Regional Director shall, within ten (10) working days from receipt of their copies, monitor whether or not the city/municipal mayors have been informed of their respective recruitment quota.
6. Within five (5) days from receipt of the approved recruitment quota, the PRO/PPO/City and Municipal Police Stations and the Office of the City/Municipal Mayor shall undertake various recruitment strategies to attract the most number of qualified applicants, such as information drives in school campuses, barangays and housing subdivisions, distribution of posters and leaflets, posting of recruitment quota in conspicuous places, dissemination through hi-media, and other recruitment information strategies.
7. The Chiefs of Police shall, upon receipt of their recruitment quota, post a Notice of Recruitment at the City/Municipal Hall and in two (2) other conspicuous places.

The Notice of Recruitment shall include the following data for the information of prospective applicants:

- a. quota for the city/municipal police station;
- b. vacancies are open for both male and female applicants;
- c. general qualification standards;
- d. documentary requirements;
- e. where to submit the application papers and documents;
- f. deadline for submission; and
- g. schedules of screening/evaluation.

C. Recruitment and Selection Process at the City or Municipal Level (For Attrition Quota only)

1. The screening and evaluation at the municipal/city/district levels shall only start after the lapse ten (10) working days from the publications of their respective recruitment quota. In the case of recruitment direct at the NSU and PRO level, the recruitment and selection process shall start only after the lapse of ten (10) working days from the publications made of unit's recruitment quota.
2. Upon receipt of the recruitment quota, the mayor as chair of the local POC shall create an Ad Hoc Body composed of four (4) members to be chaired by the Vice-Mayor, namely:
 - a. Vice-Mayor;
 - b. DILG CLGOO/MI GOO;
 - c. POC member from the academe; and
 - d. City Director/Chief of Police.

The City Director/Chief of Police shall serve as the Secretarial for this activity. He shall publish the list of applicants in public places and through the local media, if any, to encourage the public to report any information relative to the worthiness of the applicant to become a law enforcer in their community.

3. Applicants shall submit to the City Director/Chief of Police their application folders. In case the applications for police appointment are being filed in other PNP Offices, the applicants shall be advised to submit their papers to the concerned City Director or Chief of Police. The application folder shall contain the following mandatory documents:
 - a. **Duly accomplished CSC Form 212;**
 - b. **Birth Certificate authenticated by the NSO;**
 - c. **Report of Rating of Eligibility authenticated by the issuing authority;**
 - d. **Two (2) pieces 2"x2" black and white picture indicating applicant's name;**
 - e. **Transcript of Scholastic Records and Diploma duly authenticated by the school registrar;**
 - f. **Clearances from the Barangay, Local Police Station, RTC/MTC and NDI; and**
 - g. **Medical certificate issued by the local health officer.**
4. The Secretariat shall consolidate and submit all application folders to the Ad Hoc Body which shall convene to conduct an initial screening and preliminary interview of individual applicants in order to:
 - a. **determine their real residency status;**
 - b. **determine the completeness of the documents required;**
 - c. **establish whether or not the applicant meets the age, height, weight, education and eligibility requirements;**
 - d. **determine his potential and worthiness to be appointed as law enforcer; and**
 - e. **assess his/her personal appearance and conversational ability.**
5. In case the number of qualified applicants from the locality is less than the city/municipal quota, applicants from other localities shall be considered according to the following priority:
 - a. **1st Priority** - those coming from the adjacent cities/municipalities;
 - b. **2nd Priority** - those coming from other cities/municipalities within the province or district.
6. The screening at the municipal/city level shall be completed in seven (7) working days while that in the highly urbanized and Metro Manila cities shall be completed within fifteen (15) working days from commencement thereof. The list of recommendees shall be submitted to the mayor, who shall in turn endorse the list within two (2) working days to the PNP Regional Director, copy furnished the PNP Provincial Director. In case the mayor fails or refuses to endorse the list, the Chairman shall endorse the list to the PNP Regional Director with an explanation on the fact on the failure and/or refusal of the mayor to endorse the same. The number of applicants to be submitted to the Regional Screening Committee shall be equivalent to 200% of the city/municipal quota.

In the case of highly urbanized cities (HUCs), the list of recommendees shall be submitted directly to the PNP Regional Director.

D. Selection and Evaluation process by the PNP Screening Committee

1. The NSU (SAF and IESS) and PRO Screening Committees shall be composed of the following:

POSITION	PROs	NSUs
Chairman	ORDA	Dep Director / DDA
Vice Chairperson	Senior NAPOLCOM Official with Salary Grade 24 or higher	Senior NAPOLCOM Official with Salary Grade 24 or higher
Member	RPOC Member	NPOC Member
Member	Sr. Regional DILG Officer	Private Sector Rep
Member	Women's Rep from the private sector	Women's Rep from the private sector
Secretariat	C, RPHRDD	ADPRM/HRMO

- a. In the Police Regional Office Screening Committee, the Senior Napolcom Official with SG 24 or higher shall be designated by the Napolcom Regional Director. The Regional Peace and Order Council (RPOC) member is one designated by the RPOC Chairman. The senior Regional DILG Officer shall be designated by DILG Regional Director. Lastly, the women's representative shall be one of known probity and shall be designated by the PNP Regional Director.
 - b. In the National Support Unit Screening Committee, the senior NAPOLCOM official with Salary Grade 24 or higher shall be designated by the Vice-Chairperson and Executive Officer. The NPOC member shall be designated by the NPOC Chairman. The private citizen shall be designated by the NPOC Secretary General. Lastly, the women's representative shall be one of known probity and shall be designated by the NSU Director.
2. The Secretariat, headed by the Chief of RPHRDD or ADPRM, shall perform the following functions:
 - a. accept all application folders and initially evaluate the qualifications of applicants and completeness of the required documents;
 - b. advise all applicants initially qualified to stand by and monitor any instructions and publications on the recruitment;
 - c. inform any disqualified applicant of the reason(s) of his/her disqualification or advises any applicant to submit any lacking document immediately for his/her application to be given due course;
 - d. prepare calendar of activities of the screening committee and notices of meetings;
 - e. strictly implement the sequential steps of the screening process by formally and officially endorsing to the next stage only those applicants who passed the preceding stage;
 - f. undertake proper documentation of all activities in all stages of the recruitment process;

5	1000 Meter Run	Male	Female	10.0 points
	3' 25" and Below	10.0 pts		
3' 26" - 3' 46"	16.0 pts			
3' 47" - 4' 07"	14.0 pts			
4' 08" - 4' 28"	12.0 pts			
4' 29" and Up	10.0 pts			
4' 25" and Below	-	18.0 pts		
4' 26" - 4' 46"	-	16.0 pts		
4' 47" - 5' 07"	-	14.0 pts		
5' 08" - 5' 28"	-	12.0 pts		
5' 29" and Up	-	10.0 pts		
GRAND TOTAL				100.00 points
Passing Score (Male and Female)				75.0 points

c. Absolutely, there shall be no retake of the PAI.

6. Applicants who passed the PAI shall undergo Psychiatric or Psychological Examination (PPE) to be administered by the PNP Health Service for purposes of determining the mental capacity and emotional stability of the applicant to perform police functions.

a. The PNP shall coordinate with the AFP Hospital or the Regional DOI for assistance in the conduct of Psychiatric or Psychological Examination on the applicants.

b. A report on who among of the applicants passed and failed the said test duly certified under oath shall be prepared by the PNP officer who conducted the same and submitted to the Screening Committee within three (3) working days from the conduct of said examination.

c. The individualized PPE results shall be submitted to the Secretariat within ten (10) working days.

d. In addition to the publications made by the Secretariat, the Health Service shall publish the PPE results in conspicuous areas of the NP Section (HS) and in the different Regional Health Service Units.

e. Once an applicant fails the PPE, he/she can only be allowed to retake the same after six (6) months. There will be no reevaluation or reconsideration once the applicant has been declared as **FAILED** or **NOT RECOMMENDED**.

7. Applicants who passed the Psychiatric/Psychological Examination shall go through a complete Physical, Medical and Dental Examination (PMDE) to be conducted by the PNP Health Service or accredited diagnostic centers inside the camp (mobile clinic) or outside the camp under the supervision of the PNP Medical Officer and Napokom representative. The tests shall determine whether or not the applicants are in good health and free from any contagious diseases. The items to be covered by the Physical, Medical and Dental Examination are specified under PNP Circular No. 2000-010.

a. A report certified under oath by the PNP Medical Officer and signed by the Committee members present as to who among the applicants passed and failed the PMDE (and the reason behind their failure), shall be submitted to the Screening Committee within five (5) days from the last day of medical and physical examination.

- b. The individualized Summary of the Medical Results shall be submitted to the Secretariat before the Final Deliberation of the Screening Committee.
 - c. In addition to the publications made by the Secretariat, the Health Service shall publish the PMDE results in conspicuous areas of the Health Service and in the different Regional Health Service Units.
 - d. Absolutely, there shall be no retake of the PMDE.
8. Applicants who passed the Physical, Medical and Dental Examinations shall be endorsed to the Screening Committee through the Secretariat for the interview portion.
 9. Prior to the conduct of Final Interview, essay writing shall be administered by the Screening Committee to those who passed the PMDE to determine the applicant's writing skills/stability.
 10. **Final Interview** – The Screening Committee shall interview *on banc* the applicants who successfully passed through the sequential stages including the drug test and character and background investigation.
 - a. The Final Interview shall determine the applicants' aptitude to join the police service, likableness, affability, outside interest, conversational ability, disreputable mannerisms, etc.
 - b. Absolutely, no applicant shall be interviewed unless he/she passes through the sequential process and is declared "Passed" in all those stages.
 11. The PRO Screening Committee shall fill up the city/municipal quota with qualified applicants endorsed by their respective mayors regardless of their ranking in the final list. In case of no qualified or lack of applicants, the following order of priority shall be strictly observed in filling up the quota:
 - a. 1st Priority - those coming from the adjacent cities/municipalities.
 - b. 2nd Priority - those coming from other cities/municipalities within the province or district.
 - c. 3rd Priority - those coming from any part of the region; and
 - d. 4th Priority - those coming from other regions.
 12. The PRO Screening Committee shall have a Summary Table containing the names of the qualified applicants by city and municipality which shall include their age, eligibility, educational and other qualifications, and the result of each examination conducted. The NSU screening shall prepare the same Summary Table without including the city or municipal residence of the applicants.

E. Certification by NAPOLCOM and Attestation by the CSU

1. Simultaneously with the preparation of the list of qualified applicants for the required certification by the NAPOLCOM Regional Directors for recruits at the regional level or Chief, Personnel and Administrative Service (PAS) for NSU recruits, the PNP Regional Director or the NSU Director shall direct the Chief, PHRDD to prepare the appointment papers in five (5) copies of the qualified and eligible using KSS Form Dlg. 33 to be distributed as follows.

Original	-	Appointer
Duplicate	-	PHRDD

Triplicate	-	CSC
Quadruplicate	-	Appointee (initial copy)
Quintuplicate	-	RMD, DPRM

2. The Appointing Authority shall approve and sign the KSS Form PIG-33 and thereafter, submit the same to the proper CSC office for attestation without any delay and waiting for the Certification by the NAPOLCOM Regional Director or the Vice Chairperson and Executive Officer. The rule that it should be submitted within thirty (30) days from the date of issuance thereof, which should be the date appearing on the face of the appointment, shall be strictly observed.

3. Once the appointment is issued by the appointing authority, the appointee shall take his Oath of Office (Pantunumpa sa Kabangalan) as much as possible on the date declared by NEG-FNP and assume the duties of the position as prerequisites for entitlement to receipt of salary. The appointment shall not be consummated without the appointee taking the said oath.

In no case shall an appointee take his oath of office before the issuance of an appointment by the proper appointing authority.

4. The CSC Field/Regional Office is expected to act on the submitted appointments and return the same to the appointing authority at the earliest time. Should the CSC disapprove any appointment, the PNP Regional Director/NSU Director may either file a motion for reconsideration or an appeal to the next higher CSC office within fifteen (15) days from receipt of the disapproved appointment, or terminate the employment and direct the discontinuance of the grant of salary.

5. The Napolcom Regional Director or the Chief, Personnel and Administrative Service shall review and return the certified list of proposed appointees to the PNP Regional Director or NSU Director within three (3) working days from receipt thereof. Any finding that an applicant is not qualified for appointment as Police Officer 1 shall be clearly indicated in the official report to the PNP appointing authority. The concerned PNP appointing authority shall terminate the disqualified Police Officer 1 by immediately recalling the KSS appointment paper from the Civil Service Office and nullifying the appointment order of the latter.

Issuance of Appointment Orders and Oath Taking

- After submission of the application folders and other documentary requirements to support the attestation and approval by the CSC of the appointments of the new PO1s, the Appointing Authority shall issue the appropriate orders:
 - Appointment Orders effective on the issuance of the appointments in alphabetical order indicating the addresses opposite the PO1 names, and
 - Orders according to their ranking with Badge Numbers and PINs opposite their names. The order of merit established by the Screening Committee through the evaluation of the qualifications and results of interview shall be used in the assignment of the Badge Numbers and PINs.
- Any disapproved appointment by the CSC or non-certification by the Napolcom shall be acted upon immediately by recalling the appointment papers and nullifying the appointment orders unless the Appointing Authority files a timely motion for reconsideration or appeal as provided by existing CSC or Napolcom rules and regulations.

3. The Oath Taking shall be scheduled immediately but not earlier than the issuance and effectivity of the appointments issued.

G. Related Guidelines

1. The presence of the Chairperson and Vice Chairperson is required to constitute a quorum of the Screening Committee.
2. The records of the recruitment, selection and appointment shall be available for inspection by the Commission, NHQ PNP, or its duly authorized representatives.
3. Any misrepresentation or concealment of a material fact by the applicant, such as submission of fake eligibility or spurious documents, shall be a cause for the immediate termination from the police service and/or for permanent disqualification for appointment into the police service.

Section V. Appointing Authorities

The following shall be the appointing authorities to the rank of Police Officer I:

- A. The Chief, PNP for applicants recruited at the national office.
- B. The PNP Regional Director for applicants recruited at the regional level.
- C. The Director of the concerned National Support Unit (NSU) for applicants recruited by such particular unit.

Section VI. Status of Appointment of a Newly Appointed PO1

- A. **Temporary Appointment** shall be issued to a newly recruited PO1 who meets the required minimum qualifications, except the training requirement which is the PNP Field Training Program (FTP). The FTP shall be composed of the Public Safety Basic Recruit Course (PSBRC) and the Field Training Exercise (FTX). Such temporary appointment shall not exceed twelve months to be reckoned from the date it was issued.
- B. **Permanent Appointment** shall be issued to a PO1 after the completion of the required PNP Field Training Program for twelve (12) months involving actual experience and assignment in patrol, traffic and investigation.

Section VII. Appointment under A Waiver Program

- A. **Conditions on Waivers for Initial Appointment to the PNP**
 1. The age, height and weight for initial appointment to the PNP may be waived only when the number of qualified applicants falls below the approved national/regional quota.
 2. The Commission on Linc may grant age, height and weight waiver. The Napolcom regional director may grant height waiver to a member of an indigenous group.
 3. Waiver of the age requirement may be granted provided that the applicant shall not be less than twenty (20) nor more than thirty five (35) years of age. For purposes of this paragraph, one is considered to be not over thirty-five (35) years old if he or she has not yet reached his or her thirty-sixth (36th) birthday on the date of the issuance of his or her appointment.

4. Waiver of the height requirement may be granted to a male applicant who is at least 1 meter and 57 cm (1.57m) and to a female applicant who is at least 1 meter and 52 cm (1.52m). Provided, that the minimum height requirement for applicants who belong to indigenous group duly certified by the Office of the Muslim Affairs (OMA), or the National Commission on Indigenous Peoples (NCIP) shall be 1.57m for male and 1.45m for female. Provided, further, that the Commission may require said applicants to submit appropriate proof of their membership in a certain indigenous group.
5. An applicant who is granted a weight waiver shall be given reasonable time but not exceeding six (6) months within which to comply with said requirement. Failure to attain the required weight shall cause the termination from the service.
6. The grant of waiver is not a guarantee for appointment into the police service.
7. The Screening Committee shall, through the Chief of the PNP, request the Commission for the grant of waiver with a certification under which that the qualified applicants fall below the office/unit quota.

B. Factors to be Considered in the Grant of Waivers

1. Outstanding accomplishments or possession of special skills in law enforcement, police work, martial arts, marksmanship and similar skills;
2. Special talents in the field of sports, music, and others,
3. Extensive experience or training in forensic science and other technical services.

C. Selection Criteria under the Waiver Program

1. Applicants who possess the least disqualifications shall take precedence over those who possess more disqualifications.
2. The requirement shall be waived in the following order:
 - a. Age
 - b. Height
 - c. Weight
3. Each applicant for waiver must possess special qualifications, skills, or attributes useful to or needed by the PNP such as those mentioned in letter B Section VII hereof, which are sufficient to compensate for his or her lack of certain minimum qualifications.

D. Reapplication of Separated PNP Members under the Waiver Program

Any PNP member who shall have entered and subsequently been separated under the weight or educational waiver aspects of the program shall be eligible to reapply for appointment to the PNP. Provided, that he or she possesses all the minimum qualifications required by his/her reappointment.

Section VIII. Procedure on the Termination of Service of PO1s in Temporary Status.

All newly recruited PO1 shall be appointed in temporary status for twelve (12) months pending compliance with the Field Training Program (FTP) involving actual experience and assignment in patrol, traffic and investigation. The termination of service shall be done with utmost objectivity and impartiality affording the PNP members concerned the right to due process.

and equal protection of law. In general, termination shall be in the nature of a summary administrative proceeding.

A. Grounds for Termination. - The services of PNP personnel so appointed may be terminated at any time due to any or combination of the following grounds:

1. **Grave Administrative offense** - the following are the offenses for which a PNP member under temporary status maybe terminated from the police service.
 - a. Grave misconduct
 - b. Incompetence
 - c. Dishonesty
 - d. Disloyalty to the government
 - e. Serious irregularities in the performance of duties
 - f. Serious Neglect of duty
 - g. Oppression
2. **Lack of aptitude in the Service** - This shall refer to any of the following circumstances.
 - a. Academic deficiency arising from failure to obtain a passing grade in the required basic training course in accordance with the established training rules and regulations,
 - b. Serious violation of training rules and regulations involving non-academic matters
 - c. Possession of such habits, traits, conduct or behavior which, when taken on their overall context, tends to manifest and display an undesirable disposition or attitude towards the law enforcement profession.
3. **Failure to complete the required FTP within the prescribed period of twelve (12) months from the time he/she was issued an appointment under temporary status.**
 - a. Non-completion of the PSBRC or FTX due to any or combination of the following reasons:
 - a.1. Unauthorized Absences or non-appearance in the PSBRC or FTX;
 - a.2. Non-completion of the PSBRC or FTX due to Physical and/or mental incapacity

For purposes of this Circular, physical and mental incapacity is defined as follows:

Physical Incapacity - the inability of a PNP uniformed personnel to perform his/her duties and responsibilities due to his/her unfit and/or limited physical capacity or capability.

The term "unfit and/or limited physical capacity or capability" shall include the state of being pregnant which, by reason of the risk or detrimental effects involved to both the mother and the child she is bearing, prevents her from taking the PSBRC or FTP.

Mental Incapacity - the inability of a PNP uniformed personnel to perform his/her duties and responsibilities due to his/her unfit mental condition.

if after an investigation, a PO1 undergoing FTP has been evaluated to be mentally incapacitated or suffering from any mental disturbance, he/she shall be terminated from the police service, even if such incapacity or disturbance is acquired prior to, after, during or outside the police training.

On the other hand, if after such investigation, the PO1 concerned was found to be physically incapacitated or suffering from health problem, he/she shall not be terminated from the police service, unless, such incapacity or health problem rendered him unfit to continue the FTP or perform basic police duties, as may be determined by the appropriate medical officer.

4. Failure to attain or satisfy the weight required within six (6) from appointment if admitted due to a waiver.

B. Termination Authorities

The Chief of the PNP, the PNP Regional Directors, and the NSU Directors as appointing authorities are the Termination Authorities for all new police recruits under temporary status.

C. Termination Procedure

1. Termination from the police service of PO1 under temporary status may be initiated by any concerned individual, police officer or police office/unit based on sworn complaint or statements and documents in support thereof.
2. The Philippine National Training Institute (PNTI) through the Regional Training School (RTS) Director shall issue a Return to Unit Order with the case folder pertaining to the trainees inability to comply with the requirements for the completion of the required FTP for the appointing authority to institute termination proceedings.
3. The respondent PNP member shall be furnished with a copy of the complaint or charges against him/her. He/she shall answer said complaint within three (3) days from receipt thereof, attaching therewith supporting documents or evidence in his/her behalf.

In the case of physical and/or mental incapacity, the duly designated termination authority shall order the conduct of medical/physical/neuro-psychiatric examination on the respondent and the results/findings will be used as supporting documents or evidence in the resolution of the case.

4. The duly designated Termination Authority shall immediately order the conduct of a summary hearing within the next three (3) days after receipt of respondent's answer. Summary hearing shall be completed within five (5) days from its commencement.
5. If the respondent fails to answer the charge/s within the prescribed period, the duly designated Summary Hearing Officer/Board shall immediately proceed with the hearing *ex parte*.
6. Being summary in nature, direct examination of witnesses shall be dispensed with and the sworn statements of their witnesses or their affidavits shall take the place of their oral testimonies. Either party may ask clarificatory questions which shall be limited to the sworn statements and other documents on hand. Clarificatory questions must also be confined to material and relevant issues. Prolonged arguments and other dilatory proceedings shall not be entertained. In so far as may be compatible with the ends of justice, clarificatory questioning shall be limited to not more than thirty (30) minutes for each witness.

7. Within three (3) days after the completion of the hearing, the Termination Authority shall render a decision.
8. The decision on any termination case shall contain the name of the respondent and his/her unit of assignment, a brief statement of the material facts; the findings as established during the hearing, the applicable laws, rules and regulations, jurisprudence, and the disposition thereof.
9. The decision of the appointing authority shall be immediately executory by the issuance of appropriate orders terminating the concerned POI from the police service.

D. APPEAL PROCEDURE

1. Decisions of the Termination Authorities may be appealed to the National Police Commission En Banc which shall be taken by filing a notice of appeal before the Termination Authority concerned, furnishing the National Police Commission (Napolcom) with a copy thereof within ten (10) days from receipt of the copy of the decision.
2. **Notice of Appeal and Memorandum On Appeal** - (a) A *Notice of Appeal* shall be filed in three (3) legible copies which shall contain the following: 1) the material dates showing that it was filed on time; 2) the assignment of the specific errors of fact or law, or both, allegedly committed by the terminating authority; and 3) the specific appellate body to which the appeal is being taken.

The appellant shall submit a *Memorandum on Appeal* in three (3) legible copies not later than fifteen (15) days from the filing of the notice of appeal, copy furnished the termination authority. However, the memorandum on appeal may be submitted upon filing the notice of appeal. Proof that copy of the memorandum on appeal was served to the other party must be submitted by the appellant.

(b) In all appealed cases, the title of the case shall remain as it was before the termination authority, but the respondent appealing the case shall be further referred to as the appellant and the prevailing party as the appellee.

3. **Dismissal of the Appeal.** - Failure of the appellant to comply with the requirements provided in paragraphs 1 and 2 (a) shall be sufficient ground for the dismissal of the appeal.
4. **Transmittal of the Records.** - Within fifteen (15) days from receipt of the *Notice of Appeal*, the concerned Termination Authority shall forward the complete original records of the case to the NAPOLCOM en banc, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss of any piece of document thereof. The transmittal of the records shall be a ministerial duty and failure to forward the same shall be a ground for administrative action against the concerned official or personnel for *serious neglect of duty*.
5. **Docketing of Appealed Cases.** - Upon receiving the complete original records, which shall include the exhibits and transcript of stenographic notes from the terminating authority, the NAPOLCOM EN BANC through the Legal Affairs Service shall immediately docket the same by stamping the time and date of receipt on its cover, assigning the appellate case number and entering the same in the docket book which shall be purposely maintained for appealed cases only.
6. **Period to Act on Appeal.** - The Commission shall decide the appeal within the period of (60) days from receipt of the complete records of the case.

7. In case of reversal of the decision of the appointing authority terminating the appellant from the police service, the latter shall be processed and allowed to join the next batch of recruits for purposes of taking and completing the FTP.

E. Reappointment of Terminated PNP Members Who Failed to Complete the Required Basic Recruit Course and Field Training Program

Any newly appointed POI who has been terminated for failure to complete the required FTP within the prescribed period of twelve (12) months may be reappointed to the PNP provided he or she possesses all the minimum qualifications required for reappointment. Provided further, he/she should pass the required FTP. Provided furthermore, that the ground of his termination is not one of those provided in paragraph A(1) of this Section. Provided finally, that only those who have not yet availed of such reappointment shall be eligible.

Section IX / Filling up of vacancy due to resignation, separation or termination of a new PO1 recruit within the 12-month period

A. The filling up of any vacancy due to the termination of a new PO1 recruit in temporary status caused by resignation, separation or termination from the police service may be made and considered as part of the recruitment activity of the batch of recruits to which the new recruit belongs under the following conditions:

1. There is a vacancy caused by the resignation, separation or termination of a new PO1 recruit within one (1) month from the date of oath taking;
2. There are excess qualified applicants and who have been officially declared and published as Alternates in case of any vacancy as contemplated above;
 - a. The ICA has not been issued to the allotted PO1 recruit or can still be recovered and transferred to the Alternate (new appointee);
 - b. PPSC-RTS rules and regulations will still allow the PO1-Alternate to join and catch up with the training of the rest of his batch members;
3. If the PPSC-RTS rules and regulations, especially on the number of authorized absences, shall not allow the PO1-Alternate to join the training, the vacancy shall not be filled up anymore and shall be considered a vacancy due to normal attrition;
4. The highest ranked Alternate in the list shall be notified by registered mail or teletype for him to report and accept his appointment as PO1 within three (3) working days. Otherwise, the next most ranking Alternate shall be given the opportunity to join the police service.
5. The Appointing Authority shall immediately sign his appointment papers and direct the Alternate to report without any delay to SIU or PPSC-RTS to join his batch in the training. The Chief of PHRDD shall process his papers for certification by NAPOLCOM and attestation by CSC without any delay.
6. Upon acceptance of the Alternate of the vacancy, request of a new Badge Number and PPIN shall be made to DPRM.
7. NHQ thru DPRM shall be informed of this filling up of this kind of vacancy by submitting the copies of attested Appointment, Orders of Appointment and Orders assigning the new PO1 of his Badge Number and PPIN.

8. It is very important that in every recruitment program and after completion of the selection process, the qualified applicants in excess of the quota shall be declared and published as Alternates. These Alternates shall be ranked according to their performance in the different stages of the screening and selection process. The highest ranked Alternate shall follow the last Principal Candidate. In the case of PROs, they shall be ranked by provinces/city as the vacancy belonging to the quota of a particular province or highly urbanized city shall be filled up by an alternate from this particular place.

Section X Grant of Leave to new PO1 Recruits who are unable to complete the required PNP Field Training Program (PNP FTP)

A. Leave without Pay and Allowances

1. A new PO1 recruit who is unable to complete the required Field Training Program upon orders/decision of the proper authority shall be granted leave without pay and allowances for a period of not more than one (1) year.
2. The Chief, RPHRUD or ADPRM shall issue the appropriate orders to stop the payment of his/her pay and allowances.
3. He/she shall be reemployed back to the police service under the following conditions:
 - a. Must apply in writing before the recruiting unit where his original quota belongs for re-employment;
 - b. Must pass the PAT, PPE, PMDE and Drug test to be conducted by the Health Service (or RHSU);
 - c. Must join the PNP FTP of the new batch of PO1 recruits;
 - d. Must shoulder initially the initial Clothing Allowance, if he/she has not received before his/her sick leave.
4. The grant of leave and the subsequent re-employment shall result to a gap in the police service of the concerned PO1.
5. A PO1 recruit shall be granted leave under this Section only once.

B. Causes for non-completion of the PNP FTP


1. The following causes for non-completion of the PNP FTP are covered under this Section:
 - a. Pregnancy of a married female PO1;
 - b. Major medical operations due to training-related activities;
 - c. Serious injuries sustained during training-related activities;
2. The following causes for non-completion of the PNP FTP are not covered under this Section but shall be treated under Section VIII hereof:
 - a. Pregnancy of an unmarried female PO1 recruit;
 - b. Absence Without Leave or Unauthorized Long Absence;
 - c. Resignation; and

- d. Serious injuries which are not training-related and attributable to his/her intentional act or negligence.

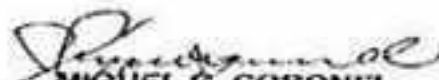
Section XI. Final Provisions

- A. **Separability Clause** - Should any provision of this Memorandum Circular be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.
- B. **Repealing Clause** - All memorandum circulars or issuances or any part thereof, which are inconsistent with this Memorandum Circular are repealed or amended accordingly.
- C. **Penal Clause** - (a) Chiefs of Offices/Unit, Chairman, Vice Chairmen and PNP members of the Screening and Selection Committee including the head and members of the Secretariat who shall fail to strictly observe and comply with the above rules and procedures and other pertinent policies and regulations on appointment of police personnel shall be dealt with under existing rules and regulations. The PNP officer/personnel concerned shall be immediately relieved and shall not be designated to any position of major responsibility. He/she shall not be considered for promotion pending resolution of the case.
- (b) Solicitation in any form of assistance or intercession by officers from outside sources or otherwise for purposes of influencing their termination, appeal or retention to the police service while under temporary status is strictly prohibited under pain of strict disciplinary/administrative action against the PNP officer concerned.
- D. **Effectivity Clause.** - This Circular shall take effect after fifteen (15) days from the filing of a copy thereof at the University of the Philippine Law Center in consonance with Sections 3 and 4 Chapter 2, Book VII of Executive Order No. 202, otherwise known as the "The Revised Administrative Code of 1907," as amended.

ADOPTED this _____, _____ Makati City, Metro Manila, Philippines.

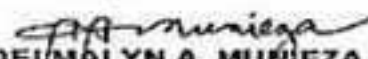

RONALDO V. PUNO
Secretary, DILG
and Chairperson, Napolcom


CELIA V. SANIDAD-LEONES
Commissioner


MIGUEL G. CORONEL
Commissioner


OSCAR C. CALDERON
Commissioner

Attested by:


ADEMALYN A. MUNJEZA
Chief, Secretariat

XXI. CONFINEMENT/TREATMENT AT PNP HEALTH FACILITIES AND OTHER HOSPITALS

A. Legal Basis: PNP Circular No. 2006-18 dated August 15, 2006

Revised Guidelines in the accounting of PNP Uniformed Personnel who are Confined/Treated at PNP Health Facilities and other Hospitals

B. Policy Requirement/Compliance:

- i. The general accounting of personnel is the responsibility of their respective offices/units.
- ii. It shall be the responsibility of the Chief of Office/Immediate Supervisor to know the whereabouts and the status of confined police personnel. It is likewise his/her responsibility to inform the C, RPHRDD and C, RHS (Medical) for validation and assistance. For Camp Crame-based patients, the Chief of Office or duly authorized representative has to notify TDPRM (Attn: C, DLOD) and the Director, HS (Attn: C, MSD) of the confinement of their personnel.
- iii. Except for battle casualties, inclusive period of confinement/hospitalization shall be deducted from the patient's accumulated sick leave. Similarly, out-patients shall apply for sick leave to cover the numbers of days absent.
- iv. PNP Personnel from the PRO, referred or tagged for confinements at PNP GH shall be covered by travel orders.
- v. For patients confined outside PNP Health Facilities, subject person shall inform his/her Chief of office of his/her hospital discharge within three working days which will then serve as basis for his/her EDRD.
- vi. Daily MOD report of admitted and discharged patients of the PNP General Hospital should be submitted to the MSD, ODHS.
- vii. PNP GH and C, RHS (Medical) are responsible for the timely and accurate reporting of patients confined.

Confined in Private or other Government Health Institutions

1. The subject police personnel or next of kin shall inform the Chief of Office/Immediate Supervisor of his/her confinement within 24 hours:
 - a. For personnel assigned at the NHQ, PNP and NSUs, ADP, Admin/Personnel shall immediately notify DLOD, DPRM and MSD, ODHS of details of confinement; and

- b. For personnel assigned at the PROs Chief of Offices/Immediate Supervisor shall immediately notify C, RPHRDD and C, RHS (Medical).
2. TDPRM/RPHRDD shall issue Orders placing said personnel on detail with the Patient Holding Section, MSD, ODHS/Regional Health Service.
3. RHS (Medical) upon notification of patient confinement shall monitor the condition and render the necessary assistance i.e. processing of Philhealth papers and possible transfer to PNPGH. Upon discharge of the patient, RHS shall also submit a Disposition Report to RPHRDD, copy furnished ODHS for record purposes. The RPHRDD shall inform the respective Office of the disposition of the individual within 24 hours upon receipt of the report.
4. Non-observance of para 5.b1, 2 and 3 shall be a cause for non-reimbursement of hospitalization expenses of the concerned personnel.

PNP Uniformed Personnel Treated as Out-Patients

1. Sick in Quarters (SIQ) – Office/unit referral for consultancy treatment thru the Medical Endorsement Letter may be undertaken should a personnel suddenly fell ill in his/her tour of duty. A maximum of 72 hours shall be given for recuperation/recovery chargeable against his/her sick leave.
2. Referral by the PNP General Hospital to other Hospitals

If the patient's condition warrants further evaluation/management or hospitalization which the PNPGH is incapable of, the attending Medical Officer shall prepare the medical Referral Letter. The patients office/unit shall be notified accordingly.

Validation of Medical Certificates

1. In instances where the PNP personnel is seen and examined by physicians other than PNP Medical Officers, concerned unit shall endorse the Medical Certificate to a PNP Health facility for validation by the PNP Medical Officers.
2. The Medical Officer shall validate the medical certificate and indicate the disposition of the patient and shall make the appropriate recommendations based on his/her medical evaluation.
3. Final disposition of the patient (based on the physical profile) shall be exercised by the Chief of Office based on the recommendations of the Medical Officer.

Administrative Sanctions

Any violation/misrepresentation of the provisions of this Circular shall be dealt with in accordance to existing rules and regulation on disciplinary proceedings.

3. Scope/Coverage:

All PNP Personnel.

August 15, 2006

**CIRCULAR
NR 2006-18**

**REVISED GUIDELINES IN THE ACCOUNTING OF PNP UNIFORMED
PERSONNEL WHO ARE CONFINED/TREATED AT PNP HEALTH
FACILITIES AND OTHER HOSPITALS**

1. REFERENCES:

- a. Sections 17, 18 and 19, Rule XVI, Omnibus Rules Implementing Book V of Executive Order No.292 and other Pertinent Civil Service Laws.
- b. Circular No. 2002-009 NHQ, PNP dated May 21, 2002, *"Revised Guidelines in the Filing of Leave of Absence for all PNP Personnel."*
- c. Circular No. 2004-005 NHQ, PNP dated September 9, 2004 *"Reimbursement of Hospitalization Expenses of PNP Uniformed Personnel in Active Service"*
- d. DPRM Memo dated January 3, 2000; subject: *(Endorsement of Patients at PNP Hospitals and Dispensaries).*

2. PURPOSE:

- a. This Circular provides the guidelines to be implemented by PNP Offices in accounting for their respective Uniformed Personnel who are sick, wounded and confined at PNP Health Facilities and other government/private hospitals.
- b. This Circular likewise provides the procedural guidelines to be followed by PNP Health Service Offices in reporting PNP Uniformed Personnel who are confined as In-Patients and the disposition of those who seek consultation and treatment as Out-Patients.

3. DEFINITION OF TERMS:

- a. **PNP Health Facilities** - refers to the PNP General Hospital, Central Dental Dispensary and the Regional Health Service hospitals and dispensaries.
- b. **Medical Attendance** - refers to consultation, treatment and confinement at PNP Health facilities or other health institutions.
- c. **Medical Referral Letter** - refers to a letter request for consultation/confinement at the PNP General Hospital or other PNP health facilities issued and signed by PNP Medical Officers.

d. **Medical Endorsement Letter** – refers to a letter request for consultation, issued and signed by the Chief of Office, the Administrative Officer of the concerned unit or the Liaison Officers of the respective PROs.

e. **Emergency (Life Threatening Cases)** – refers to injuries or illnesses which are life threatening and require immediate medical attention or surgical intervention.

f. **Patient** – refers to PNP Uniformed Personnel.

In-Patient(s) – confined at PNP Health facilities or private/government health institutions.

Out-Patient(s) – sought consultation/treatment at PNP Health facilities but are not confined.

g. **Admission** – refers to the confinement of Uniformed PNP Personnel at any health facility.

h. **Sick Leave** – leave of absence granted only on account of sickness or disability on the part of the employee.

i. **Effective date of Reporting to Duty (EDRD)** – authorized maximum allowable time for administrative preparation and travel.

j. **Battle Casualties** – PNP Uniformed Personnel who sustain injuries while in the performance of duty.

4. GENERAL GUIDELINES:

a. The general accounting of personnel is the responsibility of their respective units/offices.

b. It shall be the responsibility of the Chief of Office/Immediate Supervisor to know the whereabouts and the status of confined police personnel. It is likewise his responsibility to inform the C, RPHRDD and C, RHS (Medical) for validation and assistance. For Camp Crane-based patients, the Chief of Office or duly authorized representative has to notify TDPRM (Attn: C, PTD) and the Director, HS (Attn: C, MSD) of the confinement of their personnel.

c. Except for battle casualties, inclusive period of confinement/hospitalization shall be deducted from the patient's accumulated sick leave. Similarly, out-patients shall apply for sick leave to cover the numbers of days absent.

d. PNP personnel from the PRO, referred or tagged for confinement at PNP GH shall be covered by travel orders.

e. For patients confined outside PNP Health Facilities, subject person shall inform his/her Chief of Office of his/her hospital discharge within three (3) working days which will then serve as basis for his/her EDRD.

f. Daily MOD report of admitted and discharged patients of the PNP General Hospital should be submitted to the MSD, ODHS.

g. PNP GH and C, RHS (Medical) are responsible for the timely and accurate reporting of patients confined.

5. PROCEDURAL GUIDELINES ON ACCOUNTING OF PNP PATIENTS:

a. Confined at PNP GH

1) RHS (Medical) should properly refer patients seeking consultation/confinement at the PNP General Hospital using the prescribed form. Chief of PNP Health Facility must inform the patient's Chief of Office/Immediate Supervisor and the C, RPHRDD of such action.

2) The Medical Referral Letter for admission should indicate the Rank, Full Name (First, Last and Middle Name), Badge Nr, Specific Unit assignment and other pertinent personal data. The referral letter should also indicate the initial diagnosis, the initial medical/surgical management done, date of issuance and must be duly signed by referring PNP Medical Officer.

3) Aside from the Travel Orders issued by their respective PROs, Certificate of Duty Status must be presented to eliminate the practice of being hospitalized/confined as an excuse to negate AWOL cases or to advance self-serving interest.

4) Only emergency cases are authorized for DIRECT ADMISSIONS. All other cases need the medical referral letter.

5) Within twenty four (24) hours from the time of admission, the PNP GH Medical Records shall inform the unit concerned thru radio message or any appropriate means of communication of the confinement of the Uniformed PNP Personnel.

During weekends (Saturdays, Sundays and holidays) it will be the responsibility of the Admin Duty Officer to prepare the radio message/communication, based on the MOD report.

6) The Medical Records, PNP GH shall consolidate the listings of the admissions and discharges and submit daily to the Office of the Director, Health Service (Attn: C, Medical Service Division) for subsequent submission to the Directorate for Personnel and Records Management for issuance of appropriate Orders placing them on detail with the Patient Holding Section, MSD, ODHIS.

7) Upon issuance by DPRM of the detail Orders, Chief, Patient Holding Section, shall in turn prepare the radio message to the respective Police Regional Offices informing them of the status of their personnel indicating the Authority for confinement (SO Nr, date of issuance, and date of effectivity) and for records purposes.

8) C, RPHRDD of PROs shall in turn acknowledge the message and make the necessary adjustment of records and dissemination to the patients' respective offices.

9) Upon discharge, the Medical Records, PNP GH shall issue a Certificate of Patient Disposition, indicating thereto the final diagnosis,

physician's recommendation and physical profile of the individual. Effective date of Reporting to Duty (EDRD) shall be reckoned from the date of discharge.

Patients found unfit for further police service and therefore recommended for Disability Separation (Physical Profile of P4) shall be reassigned to the Administrative Holding Office (AHO), HSS while awaiting disposition by the National Police Commission (NAPOLCOM).

b. Confined in Private or other Government Health Institutions

1) The subject police personnel or next of kin shall inform the Chief of Office/Immediate Supervisor of his/her confinement within 24 hours:

a) For personnel assigned at NHQ, PNP and NSUs, ADP, Admin/Personnel shall immediately notify PTD, DPRM and MSD, ODHS of details of confinement; and

b) For personnel assigned at the PROs Chief of Offices/Immediate Supervisor shall immediately notify C, RPHRDD and C, RHS (Medical).

2) TDPRM/ RPHRDD shall issue Orders placing said personnel on detail with the Patient Holding Section, MSD, ODHS/Regional Health Service.

3) RHS (Medical) upon notification of patient confinement shall monitor the condition and render the necessary assistance i.e. processing of Philhealth papers and possible transfer to PNPGH. Upon discharge of the patient, RHS shall also submit a Disposition Report to RPHRDD, copy furnished ODHS for record purposes. The RPHRDD shall inform the respective Office of the disposition of the individual within 24 hours upon receipt of the report.

4) Non-observance of para 5.b1, 2, and 3 shall be a cause for non-reimbursement of hospitalization expenses of the concerned personnel.

c. PNP Uniformed Personnel Treated as Out-Patients

1) **Sick in Quarters (SIQ)** – Office/unit referral for consultancy treatment thru the Medical Endorsement Letter may be undertaken should a personnel suddenly fell ill in his/her tour of duty. A maximum of seventy-two (72) hours shall be given for recuperation/recovery chargeable against his/her sick leave.

2) **Referral by the PNP General Hospital to other Hospitals**
- If the patient's condition warrants further evaluation/ management or hospitalization which the PNPGH is incapable of, the attending Medical Officer shall prepare the Medical Referral Letter. The patients office/unit shall be notified accordingly.

d. Validation of Medical Certificates

1) In instances where the PNP personnel is seen and examined by physicians other than PNP Medical Officers, concerned unit shall endorse the Medical Certificate to a PNP Health facility for validation by the PNP Medical Officers.

2) The Medical Officer shall validate the medical certificate and indicate the disposition of the patient and shall make the appropriate recommendations based on his medical evaluation.

3) Final disposition of the patient (based on the physical profile) shall be exercised by the Chief of Office based on the recommendations of the Medical Officer.

6. ACCOUNTING REPORT OF CONFINED PNP UNIFORMED PERSONNEL:

The PNPGH shall submit the list of admitted patients to PHS, MSD, ODHS. Offices concerned shall record and enter the admission of their personnel in the PNP Uniformed Personnel Accounting Report. Following the prescribed format (Annex D). ODHS shall submit subsequently the list to DPRM. The RHS shall likewise submit the same list to the RPHRDD.

7. ADMINISTRATIVE SANCTIONS:

Any violation/misrepresentation of the provisions of this Circular shall be dealt with in accordance to existing rules and regulation on disciplinary proceedings.

8. REPEALING CLAUSE:

All rules, regulations and other issuances inconsistent with these revised guidelines are repealed or modified accordingly.

9. EFFECTIVITY:

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippine Law Center in consonance with Sections 3 and 4 of Chapter 2, Book V.11 of Executive Order No. 292, otherwise known as the *"Revised Administrative Code of 1987"*, as amended.




OSCAR C CALDERON
Police Director General
Chief, PNP



ANNEXES

- "A" Medical Referral Letter
- "B" Medical Endorsement Letter
- "C" Report of Disposition
- "D" List of Admitted Patients
- "E" List of Discharged Patients

MEDICAL REFERRAL LETTER

TO:

FROM:

SUBJECT: Medical Referral

DATE:

1. Respectfully referring

2. For evaluation.

Medical Officer (On Duty)

MEDICAL ENDORSEMENT LETTER

MEMORANDUM

FOR :

FROM :

SUBJECT :

DATE :

Chief of Office

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
HEALTH SERVICE
PNP GENERAL HOSPITAL
Camp Crame, Quezon City

REPORT OF DISPOSITION

MEMORANDUM

FOR :

SUBJECT :

DATE :

_____ is discharged from confinement this hospital.

Date of Admission : _____

Date of Discharge : _____

Admitting Diagnosis : _____

Final Diagnosis : _____

Disposition : _____

Remarks/Recommendation : _____

=====

FOR THE CHIEF, PNPGH:

Signature Over Printed Name

Republic of the Philippines
 Department of the Interior and Local Government
 NATIONAL POLICE COMMISSION
 PHILIPPINE NATIONAL POLICE
 HEALTH SERVICE
 Camp Crame, Quezon City

LIST OF ADMITTED PATIENTS

MEMORANDUM

FOR :

FROM :

DATE :

RANK/NAME/BADGE NO.	UNIT ASSIGNMENT	DATE/TIME OF ADMISSION	ADMITTING DIAGNOSIS

Republic of the Philippines
 Department of the Interior and Local Government
 NATIONAL POLICE COMMISSION
 PHILIPPINE NATIONAL POLICE
 HEALTH SERVICE
 Camp Oate, Quezon City

LIST OF DISCHARGED PATIENTS

MEMORANDUM

FOR :

FROM :

DATE :

RANK/NAME/BAGGE NO.	UNIT ASSIGNMENT	DATE/TIME OF DISCHARGE	FINAL DIAGNOSIS	DISPOSITION

XXII. RANDOM/MANDATORY DRUG TEST OF PERSONNEL

A. Legal Basis: PNP Memorandum Circular No. 2012-006 dated June 8, 2012
Policies and Procedures in the Conduct of Random/Mandatory
Drug Test and Drug Test of PNP Uniformed Personnel Involved in
Dangerous Drugs.

B. Policy Requirement/Compliance:

1. Random/Mandatory Drug Test of Personnel pursuant to Sec. 14 of RA No. 8551 and Sec 36(e) of the IRR of RA No. 9165.

- a. The conduct of random/mandatory drug test shall be in the presence of any PNP personnel who is more senior than the one being subjected to drug test;
- b. The PNP Crime Laboratory (CL) shall furnish the subject of the drug test with a form to be filled-out by the latter wherein he/she should state that he/she is not using any prohibited drugs or if he/she is taking regulated drugs prescribed by a competent physician, he/she shall so declare;
- c. If found positive during the screening test, PNP Personnel have the right to challenge the result of the screening test within 15 days upon receipt of the result through a confirmatory test conducted by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH) or by the National Reference Laboratory (NRL), provided that, said laboratory has Gas Chromatograph-Mass Spectrometer (GCMS) or High Performance Liquid Chromatography-Mass Spectrometer (HPLC-MS) equipment or other similar equipment to ensure a result that is free from human intervention, and provided further that, the same specimen submitted for random/mandatory test on which the PNP personnel were found positive shall be brought personally by the examiner-on-case to witness the challenge. Payment for the confirmatory test shall be at the expense of the challenging party;
- d. The conduct of screening and confirmatory tests shall be subject to the guidelines provided by the Dangerous Drugs Board in its Board Regulation No. 7 dated August 1, 2003 with subject, General Guidelines for the Implementation of Mandatory Drug Testing to Officers and Members of the Military, Police and Other Law Enforcement Agencies, and Applicable PNP Policies;
- e. Should the drug test yield positive without being challenged pursuant to para 3 above, a mandatory confirmatory test shall be conducted by the

PNP Crime Laboratory within five days after the lapse of the prescribed period to challenge the result;

- f. If found positive after the confirmatory test, the same shall be a prima facie evidence that will serve as the basis for his/her separation from the service pursuant to Sec. 14 of RA No. 8551; and
 - g. The DPRM will, in turn, issue a notice of such positive results to the subject PNP Personnel and require them to answer on why they should not be separated/retired despite such positive results of drug use.
2. PNP Personnel Apprehended/Arrested for Violating the Provisions of RA No. 9165:
- a. PNP personnel apprehended or arrested for violating the provisions of RA No. 9165, also known as the "Comprehensive Dangerous Drugs Act of 2002," shall be subjected to screening laboratory examination or test within 24 hours, if the apprehending or arresting officer has reasonable ground to believe that the person apprehended or arrested, on account of physical signs or symptoms or other visible or outward manifestation, is under the influence of dangerous drugs;
 - b. The PNP CL shall furnish the subject of the drug test with a form to be filled-out by the latter wherein he/she should state that he/she is not using any prohibited drugs or if he/she is taking regulated drugs prescribed by a competent physician, he/she shall so declare;
 - c. If found positive during the screening test, the PNP personnel have the right to challenge the result of the screening test within 15 days upon receipt of the result through a confirmatory test conducted by any of the drug testing laboratories accredited and monitored by the DOH in the presence of a PNP CL representative;
 - d. The conduct of screening and confirmatory tests shall be subject to strict regulation approved and prescribed by competent authorities; and
 - e. Whether found positive or negative for use of prohibited/dangerous drugs, the provision of NMC No. 2007-001 shall be applied.

C. Scope/Coverage:

All PNP Uniformed personnel involved in Dangerous Drugs.



Republic of the Philippines
Department of the Interior and Local Government
National Police Commission
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF PNP
Camp Crame, Quason City

JUN 08 2012

PNP MEMORANDUM
CIRCULAR No. 2012-006

**POLICIES AND PROCEDURES IN THE CONDUCT OF RANDOM / MANDATORY
DRUG TEST AND DRUG TEST OF PNP UNIFORMED PERSONNEL INVOLVED IN
DANGEROUS DRUGS**

1. REFERENCES:

- a. Republic Act (RA) No. 6975, as amended by RA No. 8551.
- b. RA No. 9185 entitled, *"An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended, Providing Funds Therefor, and for Other Purposes"* and its Implementing Rules and Regulations (IRR);
- c. NAPOLCOM Memorandum Circular (NMC) No. 2007-001; and
- d. PNP Circular No. DIDM 03-02 dated July 16, 2003.

2. PURPOSE AND SCOPE:

This Circular aims to provide policies, guidelines and procedures in the conduct of a random/mandatory drug test and the drug testing of PNP uniformed personnel involved in dangerous drugs.

3. DEFINITION OF TERMS. The following terms, as used in this Circular, shall be defined as follows:

- a. **Confirmatory Test** – An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific, which will validate and confirm the result of the screening test.
- b. **Continuing Qualifications** – Minimum qualifications for entry in the PNP that must always be present during employment in the PNP and the absence of any of them at any given time shall be a ground for separation or retirement from the service.
- c. **Mandatory Drug Test** - It is a drug test required or commanded by the authority to the PNP personnel in some instances, such as schooling, promotion, etc., in order to detect the use of illegal or dangerous drugs.
- d. **Notice** - Written information intended to apprise PNP uniformed personnel of the assessment or findings of the PNP or any competent authority in which their interests are involved, or informing them of some facts which it is their right to know and the obligation of the notifying party to communicate.

- e. **Random Drug Test** - A drug test conducted to PNP personnel without specific pattern, plan or order to detect the use of illegal or dangerous drugs.
- f. **Retirement under Sec. 14 of RA No. 8551.** - Retirement of PNP personnel who are fifty (50) years of age and above and have served the government for at least twenty (20) years.
- g. **Optional Retirement** - Retirement upon accumulation of at least twenty (20) years of satisfactory active service upon the request of the PNP personnel and with the approval of the NAPOLCOM (Sec. 40 of RA No. 6975).
- h. **Separation from the Service** - For purposes of this Circular, the term shall mean the severance from the service of PNP personnel below 50 years of age and have served in the government for less than 20 years, but found positive for dangerous drugs, in accordance with Section 14 of R.A. No. 8551.
- i. **Screening Test** - A rapid test performed to establish a potential/presumptive positive result pursuant to the standards set forth under existing laws, rules and regulations.

4. POLICIES:

- a. The non-use of prohibited drugs is a continuing qualification that all police officers must strictly observe.
- b. For the purpose of determining compliance with the continuing requirements on the non-use of prohibited drugs, the PNP shall conduct a regular or random drug test. However, all PNP personnel assigned with the anti-illegal drug units shall undergo a mandatory drug test semi-annually.
- c. Section 14, RA No. 8551 should apply to all personnel found positive of using prohibited drugs during random or mandatory drug testing, while NMC No. 2007-001 should govern all other violations of RA No. 9165 without prejudice to any criminal liability as stated in the case of PSUPT CESAR R OUANO, JR vs. SPO3 William Billy B Chan, DILG Appeal Case No. 09-163.
- d. The prosecution and disposition of cases involving illegal drugs shall be given priority among other administrative cases.
- e. Reports, incidents or referrals concerning involvement of PNP personnel in dangerous drugs must be immediately investigated. Concerned personnel shall be required to undergo a drug test.
- f. The immediate superior officer shall be held accountable for "neglect of duty" under the doctrine of "command responsibility" if he has knowledge that his subordinate/s used or is using prohibited drugs, and despite such knowledge, he/she did not take preventive or corrective action either before, during or immediately after its commission.

5. PROCEDURES

a. RANDOM/MANDATORY DRUG TEST OF PERSONNEL PURSUANT TO SEC 14 OF RA No. 8551 AND SEC. 36 (e) OF THE IRR OF RA No. 9165:

- a.1) The conduct of random/mandatory drug test shall be in the presence of any PNP personnel who is more senior than the one being subjected to drug test;
- a.2) The PNP Crime Laboratory (CL) shall furnish the subject of the drug test with a form to be filled-out by the latter wherein he/she should state that he/she is not using any prohibited drugs or if he/she is taking regulated drugs prescribed by a competent physician, he/she shall so declare;
- a.3) If found positive during the screening test, PNP personnel have the right to challenge the result of the screening test within fifteen (15) days upon receipt of the result through a confirmatory test *conducted by any of the drug testing laboratories accredited and monitored by the Department of Health (DOH) or by the National Reference Laboratory (NRL)*, provided that, said laboratory has Gas Chromatograph-Mass Spectrometer (GCMS) or High Performance Liquid Chromatography-Mass Spectrometer (HPLC-MS) equipment or other similar equipment to ensure a result that is free from human intervention, and, provided further that, the same specimen submitted for random/mandatory test on which the PNP personnel were found positive shall be brought personally by the examiner-on-case to witness the challenge. Payment for the confirmatory test shall be at the expense of the challenging party;
- a.4) The conduct of screening and confirmatory tests shall be subject to the guidelines provided by the Dangerous Drugs Board in its Board Regulation No. 7 dated August 1, 2003 with subject, General Guidelines for the Implementation of Mandatory Drug Testing to Officers and Members of the Military, Police and Other Law Enforcement Agencies, and Applicable PNP Policies;
- a.5) Should the drug test yield positive without being challenged pursuant to para 3 above, a mandatory confirmatory test shall be conducted by the PNP Crime Laboratory within five (5) days after the lapse of the prescribed period to challenge the result;
- a.6) If found positive after the confirmatory test, the same shall be a prima facie evidence that will serve as the basis for his/her separation from the service pursuant to Sec. 14 of RA No. 8551; and
- a.7) The DPRM will, in turn, issue a notice of such positive results to the subject PNP personnel and require them to answer on why they should not be separated/retired despite such positive results of drug use.

b. PNP PERSONNEL APPREHENDED/ARRESTED FOR VIOLATING THE PROVISIONS OF RA NO. 9165:

- b.1) PNP personnel apprehended or arrested for violating the provisions of RA No. 9165, also known as the "Comprehensive Dangerous

Drugs Act of 2002," shall be subjected to screening laboratory examination or test within twenty-four (24) hours, if the apprehending or arresting officer has reasonable ground to believe that the person apprehended or arrested, on account of physical signs or symptoms or other visible or outward manifestation, is under the influence of dangerous drugs;

- b.2) The PNP CL shall furnish the subject of the drug test with a form to be filled-out by the latter wherein he/she should state that he/she is not using any prohibited drugs or if he/she is taking regulated drugs prescribed by a competent physician, he/she shall so declare;
- b.3) If found positive during the screening test, the PNP personnel have the right to challenge the result of the screening test within fifteen (15) days upon receipt of the result through a confirmatory test conducted by any of the drug testing laboratories accredited and monitored by the DOH in the presence of a PNP CL representative;
- b.4) The conduct of screening and confirmatory tests shall be subject to strict regulation approved and prescribed by competent authorities; and
- b.5) Whether found positive or negative for use of prohibited/dangerous drugs, the provision of NMC 2007-001 shall be applied.

6. SEPARABILITY CLAUSE:

If any part or provision of this Circular is held unconstitutional or invalid, the other provisions shall not be affected.

7. REPEALING CLAUSE:

PNP Circular No. DIDM 03-02 dated July 16, 2003 is hereby repealed while other PNP issuances or parts thereof which are contrary to or inconsistent with this Circular are hereby amended, modified or likewise repealed accordingly.

8. EFFECTIVITY:

This Circular takes effect fifteen (15) days from the date of publication. A copy thereof will be forwarded to the University of the Philippines Law Center pursuant to Sections 3 and 4 of Chapter 2, Book VII of EO No. 292, otherwise known as the Administrative Code of 1987.



Mie
RICANOR A. BARTOLOME, CSEE
Police Director General
Chief, PNP

CPNP 12 12 504372



5043472



"To Serve and Protect"

XXIII. RESTRICTIVE CUSTODY

A. Legal Basis: PNP Memorandum Circular No. 2009-016 dated September 3, 2009

Delegation of authority to Place Police Personnel under Restrictive Custody and Prescribing Guidelines in the Implementation of Restrictive Custody both a Preventive Measure and a Punishment

B. Policy Requirement/Compliance:

1. Any PNP member charged with a grave administrative and or criminal case classified under Sec. 1(d) Rule 4 NAPOLCOM Memorandum Circular No. 2007-001 may be place under the restrictive custody of their Regional Director or Equivalent Supervisors. This can be done immediately after the filing of such administrative complaint, even before the conduct of preliminary investigation or after the filing of a criminal complaint, upon proper evaluation and recommendation of the investigator from the Directorate for Investigation and Detective Management (DIDM) or concerned Regional Investigation and Detective Management Division (RIDMD) and, order issued by the Chief, PNP, the Regional Director or Equivalent Supervisor as the case may be;
2. The CPNP, Regional Director or Equivalent Supervisor may issue orders placing under restrictive custody any subordinate pending investigation for a period as deemed necessary under the following conditions:
 - a. Confinement of the PNP Personnel within the camp and proper accounting and monitoring of their activities from time to time;
 - b. When movement outside the camp is warranted, they should be properly escorted on a one-on-one basis; and
 - c. Maintenance of a logbook containing all records of accounting of his person, activities, places of destinations, time of departure, time of arrival, name of escorts, names of visitors allowed with passes duly approved.

The period within which the PNP personnel is to be placed under restrictive custody shall not be considered part of the actual penalty to be imposed if found culpable of the grave administrative/criminal case.

Any disciplinary authority other than the Regional Director or Equivalent Supervisor as defined in this Circular, may recommend to the CPNP or to the concerned Regional Director or Equivalent Supervisor, the placing of a PNP personnel under restrictive custody as a form of preventive measure.

The order placing the PNP personnel under restrictive custody is immediately executory.

- d. After due notice and hearing, Provincial Directors or their Equivalent Supervisors and Regional Directors or their Equivalent Supervisors may place any police personnel assigned within their jurisdiction under restrictive custody following the conditions in paragraph 2 of this Section; and
- e. A police personnel under restrictive custody may be given or assigned administrative duties within the limits of the "restrictive custody" area and during the period of restrictive custody. However, he should be required to turn over his issued firearm to the responsible supply officer or PNCO within the same period of custody.

C. Scope/Coverage:

This circular aims to delegate the authority to place police personnel under restrictive custody as a form of preventive measure down to the Regional Directors and Equivalent Supervisors.

It also aims to prescribe the procedures that shall govern the placing of a police personnel under restrictive custody as a form of preventive measure, even before the conduct of preliminary investigation, during the pendency of a grave administrative case or even after the filing of a criminal complaint, grave in nature, against such police personnel.

It further provides the guidelines and conditions to be followed in placing a police personnel under restrictive custody not only as a preventive measure but also as a form of punishment.



Republic of the Philippines
 Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
 OFFICE OF THE CHIEF, PNP
 Camp Crane, Quezon City

SEP 03 2009

PNP MEMORANDUM CIRCULAR
 NO. 2009-016

SUBJECT: DELEGATION OF AUTHORITY TO PLACE POLICE PERSONNEL UNDER RESTRICTIVE CUSTODY AND PRESCRIBING GUIDELINES IN THE IMPLEMENTATION OF RESTRICTIVE CUSTODY, BOTH AS A PREVENTIVE MEASURE AND A PUNISHMENT

1. REFERENCES:

- a. RA 6975, Section 26;
- b. RA 8551, Section 52;
- c. NAPOLCOM Memorandum Circular 2007-001;
- d. Jurisprudence (SPO2 Manalo vs. PNP Chief Calderon, et al. G.R. No. 178920, Oct 15, 2007); and
- e. Section 52; (b) (4) Title VI, RA 8551.

2. SCOPE/COVERAGE:

This Circular aims to delegate the authority to place police personnel under restrictive custody as a form of preventive measure down to the Regional Directors and Equivalent Supervisors.

It also aims to prescribe the procedures that shall govern the placing of a police personnel under restrictive custody as a form of preventive measure, even before the conduct of preliminary investigation, during the pendency of a grave administrative case or even after the filing of a criminal complaint, grave in nature, against such police personnel.

It further provides the guidelines and conditions to be followed in placing a police personnel under restrictive custody not only as a preventive measure but also as a form of punishment.

3. NATURE OF THE ACTION:

Restrictive Custody under these Policy Guidelines is a form of preventive measure which is non-disciplinary in character and does not result in the forfeiture of any benefits on the part of the PNP Personnel.

It also includes restrictive custody as a form of penalty under Section 1, b) and c), Rule 4 of NAPOLCOM Memorandum Circular 2007-001.

4. DEFINITION OF TERMS:

a. **Restrictive Custody** - refers only to nominal restraint which is beyond the ambit of habeas corpus. It is neither actual nor effective restraint. It is a permissible precautionary measure to assure the PNP authorities that the police officer concerned is always accounted for.

b. **RD Equivalent Supervisors** - PNP Officers occupying positions/designations equivalent to that of Regional Directors who are vested with disciplinary authority over personnel of their respective offices such as but not limited to the following:

- 1) Director, National Administrative Support Unit
- 2) Director, National Operational Support Unit
- 3) Director, Police District Offices, National Capital Region Police Office
- 4) In case the equivalent supervisor is an officer-in-charge, he may conduct investigation and submit his recommendation to the C, PNP.

c. **PD Equivalent Supervisors** - PNP officers occupying positions/designations equivalent to that of Provincial Directors shall include the following:

- 1) Group Director, Regional Mobile Group; and
- 2) Chief of the Regional Unit of Administrative and Operational National Support Units.

5. PROCEDURES/GUIDELINES:

a. Any PNP member charged with a grave administrative and or criminal case classified under Sec. 1 (d) Rule 4 NAPOLCOM Memorandum Circular No. 2007-001 may be placed under the restrictive custody of their Regional Director or Equivalent Supervisors. This can be done immediately after the filing of such administrative complaint, even before the conduct of preliminary investigation or after the filing of a criminal complaint, upon proper evaluation and recommendation of the investigator from the Directorate for Investigation and Detective Management (DIDM) or concerned Regional Investigation and Detective Management Division (RIDMD) and, order issued by the Chief, PNP, the Regional Director or Equivalent Supervisor as the case may be;

b. The C, PNP, Regional Director or Equivalent Supervisor may issue orders placing under restrictive custody any subordinate pending investigation for a period as deemed necessary under the following conditions:

- 1) Confinement of the PNP Personnel within the camp and proper accounting and monitoring of their activities from time to time;
- 2) When movement outside the camp is warranted, they should be properly escorted on a one-on-one basis; and
- 3) Maintenance of a logbook containing all records of accounting of his person, activities, places of destinations, time of departure, time of arrival, name of escorts, names of visitors allowed with passos duly approved.

The period within which the PNP personnel is to be placed under restrictive custody shall not be considered part of the actual penalty to be imposed if found culpable of the grave administrative/criminal case.

Any disciplinary authority other than the Regional Director or Equivalent Supervisor as defined in this Circular, may recommend to the C, PNP, or to the concerned Regional Director or Equivalent Supervisor, the placing of a PNP personnel under restrictive custody as a form of preventive measure.

The order placing the PNP personnel under restrictive custody is immediately executory.

c. After due notice and hearing, Provincial Directors or their Equivalent Supervisors and Regional Directors or their Equivalent Supervisors may place any police personnel assigned within their jurisdiction under restrictive custody following the conditions in paragraph 2 of this Section; and

d. A police personnel under restrictive custody may be given or assigned administrative duties within the limits of the "restrictive custody" area and during the period of restrictive custody. However, he should be required to turn over his issued firearm to the responsible supply officer or PNCO within the same period of custody.

6. REPEALING CLAUSE:

All PNP issuances which are contrary to or inconsistent with this Circular are hereby amended or repealed accordingly.

7. EFFECTIVITY:

This Circular shall take effect after fifteen (15) days from the filing of a copy thereof at the University of the Philippine Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order 292, otherwise known as "The Revised Administrative Code of 1987", as amended.



JESUS A. VERZOSA, CEO VI
Police Director General
Chief, PNP



XXIV. ATTRITION

- A. Legal Basis:** DPRM Memorandum dated July 31, 2013
Implementation of the PNP Attrition by Non-Promotion after the
Grace Period Provided for under RA No. 9708

B. Policy Requirement/Compliance:

Under Section 3, NMC No. 2008-005, the following are the means of attrition:

1. Attrition by attainment of maximum tenure in position;
2. Attrition by relief;
3. Attrition by demotion in position;
4. Attrition by non-promotion;
5. Inefficiency based on poor performance during the last two successive annual rating periods;
6. Inefficiency based on poor performance for three cumulative annual ratings;
7. Physical and/or mental incapacity (PMI) to perform police functions and duties;
8. Failure to pass the required entrance examination twice and/or finish the required career courses except for justifiable reasons;
9. Refusal to take a periodic PNP Physical Fitness Test without justifiable reason;
10. Failure to take PNP Physical Fitness Test for four consecutive periodic tests due to health reasons;
11. Failure to pass PNP Physical Fitness Test for two consecutive periodic tests or four cumulative periodic tests; and
12. Non-compliance with the minimum qualification standards for the permanency of original appointment.

According to Section 2(1), IRR of NMC No. 2008-005, priority for attrition shall be those with medical cases which have depleted the Reimbursement Hospitalization Expense (RHE) budget of the PNP Section 2(m) of the same IRR also provides that in implementing the various means of attrition, the PNP shall start from the highest ranked PCOs to the lowest ranked PNCOs.

The other modes of attrition shall remain in effect and strictly enforced, and that the Attrition by Non-Promotion be resumed by September 2014 after the lapse of the grace period provided for under RA No. 9708. However, uniformed PNP Personnel who have rendered more than 15 years of service and exhibited exemplary performance are exempted from attrition due to non-promotion, provided that their exemplary performance as stated in RA No. 9708 shall only be determined by the Commission upon compliance of the following requirements:

- i. Affidavit of undertaking stating therein that he/she has not FOUND GUILTY of any offense (criminal or administrative);

ii. Should have obtained an average rating of at least "Very Satisfactory" (VS) in Performance Evaluation Rating (PER) for a period of two years based on the new PNP IPER system;

iii. He/She shall no longer be promoted to the next higher rank unless he/she has complied with the necessary requirements for promotion; and

iv. Moreover, former PC personnel who want to obtain the required baccalaureate degree as stated in Sec. 23 of RA No. 8551, may avail the PNP Comprehensive Educational Assistance Program.

C. Scope/Coverage:

All uniformed PNP personnel pursuant to any means mentioned in Section 25 to 29 of RA No. 8551.



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
Camp Crame, Quezon City

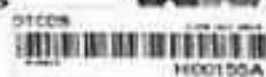


MEMORANDUM

FOR : CPNP
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TDCO
THRU : TACDS
FROM : TDFRM

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*Pl: TDFRM
He is no in
instructions of CPNP.
Thanks.*



SEP 30 2013
DATE
APPROVED / DISAPPROVED
C, PNP

SUBJECT : Implementation of the PNP Attrition by Non-Promotion
After the Grace Period Provided for under RA No. 9708



DATE : JUL 31 2013

1. References:

- a. Section 24 to 30 of RA No. 8551;
- b. RA No. 9708 and its IRR;
- c. NAPOLCOM Memorandum Circular (NMC) No. 2008-005 and its IRR; and
- d. NAPOLCOM Resolution No. 2012-185.

2. This pertains to the Verbal Instruction of the CPNP to abolish the PNP Attrition System.

3. The PNP Attrition System refers to the retirement/separation from the police service of a PNP uniformed personnel pursuant to any means mentioned in Section 25 to 29 of RA No. 8551. It is a mode of separation from the service to promote professionalism, competency and efficiency in the police service. The prescribing policies, procedures and guidelines governing the attrition system was provided under NAPOLCOM Memorandum Circular (NMC) No. 2008-005 issued on March 28, 2008 and made effective on May 18, 2008. The Implementing Rules and Regulations (IRR) was issued by the PNP on August 7, 2008 and made effective on August 22, 2008. Simply put, the full implementation of the Attrition System came about ten (10) years after the effectivity of RA No. 8551.

4. Under Section 3, NMC No. 2008-005, the following are the means of attrition:

- a. Attrition by attainment of maximum tenure in position;
- b. Attrition by relief;
- c. Attrition by demotion in position;
- d. Attrition by non-promotion;
- e. Inefficiency based on poor performance during the last two (2) successive annual rating periods;
- f. Inefficiency based on poor performance for three (3) cumulative annual ratings;
- g. Physical and/or mental incapacity (PMI) to perform police functions and duties;
- h. Failure to pass the required entrance examination twice and/or finish the required career courses except for justifiable reasons;
- i. Refusal to take a periodic PNP Physical Fitness Test without justifiable reason;

- j. Failure to take PNP Physical Fitness Test for four (4) consecutive periodic tests due to health reasons;
- k. Failure to pass PNP Physical Fitness Test for two (2) consecutive periodic tests or four (4) cumulative periodic tests; and
- l. Non-compliance with the minimum qualification standards for the permanency of original appointment.

5. According to Section 2(l), IRR of NMC No. 2008-005, priority for attrition shall be those with medical cases which have depleted the Reimbursement Hospitalization Expense (RHE) budget of the PNP. Section 2(m) of the same IRR also provides that in implementing the various means of attrition, the PNP shall start from the highest ranked PCOs to the lowest ranked PNOOs.

6. Later, the House of Congress approved Republic Act No. 9708, entitled "An Act Extending For Five (5) Years The Reglementary Period For Complying With The Minimum Educational Qualification For Appointment To The Philippine National Police (PNP) And Adjusting The Promotion System Thereof, Amending For The Purpose Pertinent Provisions Of Republic Act No. 6975 And Republic Act No. 8551 And For Other Purpose." Then the NAPOLCOM issued Implementing Rules and Regulations on September 20, 2010, providing among others that PNP members who are already in the service upon the effectivity of RA No. 8551 shall be given five (5) years to obtain the minimum educational qualification preferably in law enforcement related courses to be reckoned from the date of the effectivity of RA No. 9708 (August 12, 2009). The IRR also provides that for concerned PNP members rendering more than 15 years of service and who have exhibited exemplary performance as determined by the Commission, shall no longer be required to obtain a baccalaureate degree and shall be deemed exempted from attrition due to non-promotion.

7. In November 2010, 69 PNP uniformed personnel (PCOs - 3; PNOOs - 66) were referred to the PNP/SGH for evaluation of their **physical and/or mental incapacity to perform police functions and duties (PMI)**. As of this report, the following are the updates on the PMI cases of the respondents:

	PCO	PNOO	TOTAL
TPPD/retired	1	13	14
Compulsorily/optionally retired	1	22	23
Posthumously retired/separated/deceased	0	8	8
Physically/mentally capable	0	12	12
Pending for NAPOLCOM approval of TPPD	0	4	4
Pending for RHE evaluation/MSD deliberation	1	4	5
Archived (DFR)	0	3	3
TOTAL	3	66	69

8. From 2009 to 2012, the PNP was able to screen and deliberate two hundred sixty-one (261) second-level PCOs who were candidates for **Attrition due to non-promotion for a continuous period of ten (10) years.**

Exempted from attrition	227
Attrited (optionally retired)	6
Deferred until August 2014 (pending attrition proceedings)	23
Archived (DFR/Dismissed from the service)	5
TOTAL	261

9. Those PCOs found to have complied with the requirements for promotion, retired (compulsory/optional/posthumous) and one who was a recipient of a medal of valor award were exempted from attrition.

10. As regards the attrition of PNCOs who were not promoted to the next higher rank for a continuous period of 10 years, Atty. Manuel L. Pontanal, Regional Director, NAPOLCOM Regional Office (RO) 3 wrote a Letter to the Chairman, NAPOLCOM dated September 9, 2011 and echoed the sentiments of the 619 affected PNCOs of PRO 3:

- a. They cannot earn the required bachelor's degree because their children are still studying and they only rely on their salaries and benefits for education of their children;
- b. That they are satisfactorily performing the duties and responsibilities; that instead of entailing government costs to pay for their attrition, it is better to maintain them because they are experienced, trained and performing police officers, rather than the government spending for the recruitment and training of their replacement; and
- c. That they beg for the same consideration extended to PNP personnel who are not college graduates but are protected under RA No. 9708.

11. On the aforementioned premises, RD, NAPOLCOM RO 3 recommended that the total number of attritable PNP personnel due to non-promotion should be determined, and if it is found to be comparable to the number of personnel who are college undergraduates who can benefit under RA No. 9708, a similar bill favoring them should also be proposed and that the implementation of the attrition program in the PNP be deferred.

12. In response to the issues of PRO 3, PDG NICANORA BARTOLOME, then CPNP, sent a Letter to the Chairman, NAPOLCOM with the view that the issues raised are more apparent than real. The CPNP proposed that the attrition system should be implemented by allowing the PRO Attrition Screening Committee and the Attrition Board to exercise their mandates to determine the attritability or non-attritability of the concerned personnel, and that it is more prudent for PRO 3 to continue with the attrition proceedings it already commenced. In early 2012, an estimated 8,648 police officers assigned to different PNP units were being subjected to attrition due to non-promotion. This includes the MNLF integratees. In support to the recommendation of NAPOLCOM Regional Office 3, the RD, PRO ARMM wrote a Letter dated November 16, 2011 to Atty. Joseph S. Celis, then Acting Regional Director, NAPOLCOM ARMM Regional Office. RD, PRO ARMM claimed that there were one thousand ninety (1,090) PNP uniformed personnel including 621 Moro National Liberation Front (MNLF) integratees assigned to their Police Regional Office who were scheduled for attrition because they were not promoted for the past 10 years for having failed to meet the minimum qualification standards with respect to education or eligibility. Citing the Final Peace Agreement entered into between the Government of the Republic of the Philippines (GRP) and the MNLF in 1996, RD, PRO ARMM speculated that such attrition may send a wrong signal that the Philippine government is not serious in its desire to end the Muslim secessionist movement and is reneging on its commitment to reintegrate former MNLF fighters into mainstream society thereby providing them and their families a decent means of livelihood opportunity.

13. In response thereto and to address the issue, the NAPOLCOM issued Resolution No. 2012-185 on May 18, 2012 deferring the implementation of the Attrition by Non-Promotion of PNP Uniformed Personnel under NMC No. 2008-005 and extending to 5 years the reglementary period for complying with the minimum educational qualification for appointment to the PNP or until August 2014. Thus, all PNP units were directed to remind their respective uniformed personnel including former members of the MNLF (an estimate of 701) who were integrated into the PNP to comply with the education, training and eligibility requirements for promotion so that they will not be affected once the implementation of said attrition resumes by August 2014 or after the lapse of the grace period provided for in RA No. 9708.

14. However, the other modes of attrition as provided under NMC No. 2008-005 shall remain in effect and be strictly enforced. Thus, all PNP units were also reminded to continue with the implementation of the other modes of attrition.

15. Of this means of attrition, one of which is the **Attrition due to non-compliance with the minimum qualification standards for the permanency of original appointment**. Ten (10) PO1's assigned with the PNP Maritime Group (MG) were separated from the service effective on August 31, 2011 based on the decision of the Director, PNP MG. All of them filed a Motion for Reconsideration but only one (1) was granted after he was found to have complied with the requirements for the permanency of his original appointment. Subsequently, six (6) of them filed an appeal claiming that their attrition should be deferred pursuant to NAPOLCOM Resolution No. 2012-185, while the three (3) failed to appeal their case. Later, the Commission En banc issued Resolutions denying the appeal of the five (5) PNCOs considering that their attrition does not fall under attrition due to non-promotion but of the above mentioned means where the implementation of the same remains in effect. The PNP has not yet received a resolution of the appeal of the remaining appellant as of this report. On the other hand, the appeal of PSUPT EDGARDO L. PEREZ, who was attrited due to non-promotion, was granted by the Commission considering, among others, that there is merit on his contention that the election ban prevalent at that time prevented him from securing a T.O. position and that during the pendency of his appeal, the Commission issued Resolution No. 2012-185.

16. It is the desire of the CPNP to abolish the PNP Attrition System due to the aforementioned issues. However, there is a need to amend the law within which would take time and resources because the attrition program is already in place upon the passage of RA No. 8551, as amended by RA No. 9708 and supplemented by NMC No. 2008-005 and its IRR and NAPOLCOM Resolution No. 2012-185.

17. The bulk of candidates for attrition are due to non-promotion. However, there are more than enough considerations being given to them. Aside from the fact that there is a deferment of the attrition due to non-promotion until August 2014 for the concerned PNP member to obtain the required baccalaureate degree, those who have rendered more than 15 years of service and who have exhibited exemplary performance to be determined by the Commission shall no longer be required to obtain a baccalaureate degree and shall be deemed exempted from attrition due to non-promotion.

18. In view of the foregoing, this Directorate recommends that the other modes of attrition shall remain in effect and strictly enforced, and that the Attrition by Non-Promotion be resumed by September 2014 after the lapse of the grace period provided for under RA No. 9708. However, uniformed PNP personnel who have rendered more than 15 years of service and exhibited exemplary performance are exempted from attrition due to non-promotion, provided that their exemplary performance as stated in RA No. 9708 shall only be determined by the Commission upon compliance of the following requirements:

- a. Affidavit of undertaking stating therein that he/she has not been FOUND GUILTY of any offense (criminal or administrative);
- b. Should have obtained an average rating of at least "Very Satisfactory" (VS) in Performance Evaluation Rating (PER) for a period of two (2) years based on the new PNP IPER system; and
- c. He/she shall no longer be promoted to the next higher rank unless he/she has complied with the necessary requirements for promotion.
- d. Moreover, former PC personnel who want to obtain the required baccalaureate degree as stated in Sec. 23 of RA 8551, may avail the PNP Comprehensive Educational Assistance Program

19. For your consideration and approval.


CATALINA S. CUY, CEO VI
Police Director

Part II –Classification of Offenses:

A. Light Offenses

1. Legal Basis:

RA No. 8531 dated January 11, 1999 – PNP Reform and Reorganization Act of 1998; and

NMC No. 2007-001 dated March 6, 2007 – The Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police.

2. Jurisdiction:

a. Chief of Police or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restriction to specified limits, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed 15 days.

b. The supervisor equivalent to a Chief of Police is the officer-in-charge of the police station, the district commander of the PNP Mobile Force, or any other officer classified as such by the Commission;

3. Classification:

a. Simple Neglect of Duty – Shall include but not limited to the following:

1. fail to supervise, inspect and control subordinates directly under his command as to their punctuality, attendance, prescribed attire, proper use and maintenance of equipment, preparation and submission of reports, efficient performance of their duties and responsibilities, and the observance of good order, conduct, behavior and discipline;

2. fail to take corrective action by way of warning, advise, admonition, suggestion or disciplinary action to subordinate, or to report such conduct when such subordinate is committing or has already committed a dereliction, irregularity or violation of departmental rules and regulations;

3. fail to order or cause the investigation of a subordinate reported to him as absent without leave;

4. fail to disseminate any order, directive or instruction;

5. fail to coordinate to cooperate with other law enforcement agencies and their personnel;

6. Absent oneself from office without having filed the necessary application for leave or secured the approval of the superior officer for a period not exceeding three days in a month;

7. fail or refuse to give his name and badge number when properly requested;

8. fail to report upon declaration of alert levels;

9. fail to report on duty in prescribed uniforms with badge, identification card, service firearm and other required equipment, except those not required to wear the prescribed uniform by reason of the exigency of the service;

10. fail to keep an official appointment with a complainant, informer or crime witnesses without lawful justification;

11. fail to submit a written report to his superior officer immediately or within a reasonable time after accidental firing of his firearm, when time and circumstances would permit;

12. fail to take custody of government issued property from a member under his supervision who is suspended, separated, retired or dead;

13. fail to conduct within a reasonable period, proper, thorough and complete investigation when assigned to do so;

14. fail to thoroughly search for, collect, preserve and identify evidence in any arrest or investigation conducted by him;

15. fail to take proper custody, record, tag, and identify property entrusted to him as evidence;

16. be delayed unnecessarily in attending to or in performing a duty;

17. fail to report to his superior officer his inability or incapability to report for duty, attend a conference, general inspection, or participate in an operation;

18. delay or fail to respond to a call for assistance;

19. fail to inform his superior as to the result of action taken on a call or dispatch;

20. fail to report to his superior officer a hazardous condition or dangerous situation;

21. fail to prepare and submit properly written reports within the prescribed period of time, if required by standing regulations;

22. fail to report to a new assignment within 10 days from the order of reassignment without sufficient reason; and

23. leave his post or beat before the end of tour of duty or leave without the required turn over to the incoming duty personnel.

b. Simple Irregularity in the Performance of Duty - shall include but not limited to the following;

1. drive a marked police vehicle while not in prescribed uniform, except those who are not required to do so by reason of the exigency of the service;

2. use siren and/or red blinker light while not responding to an emergency or not in hot pursuit of a fleeing criminal or law violator;

3. malingering, loaf or consort with others while on duty or arrange with another member to take his place during his tour of duty, without prior approval of his superior;

4. allow unauthorized member of the PNP to drive marked or unmarked police vehicles;

5. interfere or obstruct the work of other members or change the assignment or tour of duty of subordinates not belonging to his offices/units;

6. arrange with another member to take his post or tour of duty without superior's approval.

c. **Slight or Simple Misconduct** – shall include but not limited to the following:

1. fail to salute officials, dignitaries, superior officers and other officials entitled thereto or the national colors during the playing of the national anthem;

2. fight, threaten or quarrel with any member of the police force; provided, that when the member being challenged or threatened is one of higher rank, the charge shall be that of Grave Misconduct;

3. read newspaper, books or periodicals while in uniform and on street duty;

4. be untidy or couth in his personal appearance and behave in an ungentlemanly or undignified manner;

5. fail to recognize and satisfy any just debt;

6. engage in private business or practice his vocation or profession during off duty hours without approval of proper authority;

7. solicit attorneys, bondsmen or guarantors for arrested or confined persons;

8. fail to be home or to be at the place of confinement without legitimate reason after having been reported sick or suffering injuries;

9. use rude or insulting language or exhibit similar rudeness to the public;

10. fail to report for record with the Complaint or Desk Officer a case prior to its investigation;

11. allow or tolerate idlers, fixers or persons of questionable character to stay or loiter in his office, post or place of assignment without any legitimate reason or purpose;

12. fail to maintain cleanliness and orderliness in his office, premises, post or surroundings;

13. use official forms, letterheads, seals and stamps privately or in violation of protocol; provided, that when they are used for committing fraud or dishonesty, the charge shall be Grave Misconduct;

14. be found to have the odor or smell of alcohol on his breath while on duty, or possesses alcoholic beverages on his person, police vehicle, post or office; and

15. make or conduct unauthorized solicitations of contributions from subordinates or private persons.

B. Less Grave Offenses

1. Legal Basis

RA No. 8531 dated January 11, 1999 – PNP Reform and Reorganization Act of 1998; and

NMC No. 2007-001 dated March 6, 2007 – The Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police.

2. Jurisdiction:

a) Chief of Police or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restriction to specified limits, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: *Provided*, that, in all cases, the total period shall not exceed 15 days.

The supervisor equivalent to a Chief of Police is the is the Officer-in-Charge of the police station, the district commander of the PNP Mobile Force, or any other officer classified as such by the Commission;

b) Provincial Director or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restrictive custody, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: *Provided*, that, in all cases, the total period shall not exceed 30 days.

The supervisor equivalent to a PNP Provincial Director is the Head of the Regional Mobile Force, the Head of the Regional Unit of Administrative and Operational National support Units, the Director of a Police District Office, or any officer classified as such by the Commission;

c) Police Regional Director or equivalent supervisor shall have the power to impose upon any member the administrative penalty of dismissal from the service. He may also impose the penalty of admonition or reprimand, restrictive custody, withholding of privileges, forfeiture of salary, demotion, or any combination of the foregoing: *Provided*, that, in all cases, the total period shall not exceed 60 days.

The supervisor equivalent to a PNP Regional Director is the Director of a PNP administrative and operational support or any other officer classified as such by the Commission; and

d) The Chief of the PNP shall have the power to impose the administrative penalty of dismissal from the service, suspension or forfeiture of salary, or any combination of thereof for a period not exceeding 180 days: *Provided*, That the Chief, PNP shall have the authority to place a PNP member under restrictive custody during the pendency of an administrative case for a grave offense or a criminal case or a serious offense filed against said member.

3. Classification:

A. Less Grave Offenses:

1) Less Grave Neglect of Duty- - shall include not limited to the following:

a. fail to execute lawful orders from higher authority or tolerate any subordinate to ignore or ridicule any order, rule or regulation;

b. fail to make immediate correction or take appropriate action when a dereliction, irregularity or violation of law or duty is being committed in his

presence by a subordinate under his command, or fail to report the same to his commanding officer within 24 hours;

c. fail to prepare disciplinary or administrative complaint or take such other disciplinary action as may be necessary against a subordinate under his command who has committed a serious dereliction, violation or irregularity;

d. fail to comply with any lawful order or instruction of a superior officer or the Chief of Police;

e. fail to report immediately to his superior officer, or to the Chief of Police the injury, illness, death, or escape of a prisoner who is under his custody;

f. fail to communicate to the Chief of Police, through channels, any valuable information that will lead to the apprehension of a wanted person, or furnish clues for the solution of a case, or for the recovery of stolen property;

g. fail to issue a Traffic Citation Ticket (TCT) or Temporary Operator's Permit (TOP) to an offending driver whose license is already confiscated;

h. fail to turn in the used of Traffic Citation Ticket or Temporary Operator's Permit together with confiscated the driver's license at the end of his tour of duty or within 24 hours, or fail to account for the TCT's or TOP's issued to and used by him;

i. fail to report as a peace officer any incident, condition or occurrence witnessed by or reported to him which calls for immediate police action;

j. fail to properly patrol his beat, sector or post or to leave or abandon the same without being properly relieved; fail to take appropriate action concerning vice conditions in his beat and/or give written report of the same to his superior;

k. fail to report to his superior officer, within a reasonable period, injury inflicted by him to a person or animal, damage or loss of government property while on or off duty;

l. fail to comply with the order of a court of competent jurisdiction;

m. willfully violate office regulations and/or refuse or neglect to comply with said provisions;

n. sleep on his post while performing patrol or guard duty;

o. absent oneself from office without having filed the necessary application leave or secured the approval of the superior officer for a period of more than three days but not exceeding 15 days.

2) Less Grave Irregularities in the Performance of Duties – Shall include but not limited to the following:

a) apply for and serve a search or seizure warrant in any establishment or private house without the knowledge or approval of the Chief of Police or his superior officer;

b) use traffic violation reports duly validated by the Land Transportation Office (LTO), the Metro Manila Development Authority (MMDA), or city or municipal government;

c) use traffic violation reports which duly validated by the LTO, MMDA, or city/municipal government but are not issued to him for traffic enforcement work;

d) use the official insignia, markings and seal of the police force in any privately owned vehicle, without the authority of the Chief of Police/superior officer; and

e) disregard or violate traffic rules and regulations while driving a police vehicle when not in hot pursuit and not responding to an emergency call.

3) Less Grave Misconduct – Shall include but not limited to the following:

a) take advantage to his position by procuring goods and commodities at a losing price to an unwilling seller, or partake of food, drinks and cigarettes free of charge;

b) engage in regulated gambling or games of chance, while on duty;

c) be drunk and disorderly while on off duty, or drunk while on duty and in uniform or in recognizable uniform of the force;

d) maliciously intrigue against the honor of a co-officer, or indulge in idle gossip or spread rumors that tend to discredit member;

e) exhibit marked discourtesy in the course of official duties or use profane or insulting language to any superior officer;

f) serve as escort or security officer, whether on foot or by motor vehicle, for any private individual regardless of his status in social or religious circles on any occasion, unless authorized by the chief of police or the appropriate officials authorized to do so;

g) take a trip abroad without approved leave and approval of the authorities concerned; and

h) borrow or solicit money or any valuable from his subordinates unless the latter is engaged in the lending business.

C. Grave Offenses

1. Legal Basis:

RA No. 8531 dated January 11, 1999 – PNP Reform and Reorganization Act of 1998; and

NMC No. 2007-001 dated March 6, 2007 – The Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police.

2. Jurisdiction:

The Chief PNP shall have the power to impose the administrative penalty of the dismissal from the service, suspension or forfeiture of salary, or any combination thereof for a period not exceeding 180 days; *Provided*, that the Chief of the PNP shall have the authority to place a PNP member under restrictive custody during the pendency of an administrative case for a grave offense or a criminal case or a serious offense filed against said member.

3. Classification:

a. Serious Neglect of Duty – Shall include but not limited to the following:

1) fail or refuse to take command in an emergency in order to carry out police duty, being the officer present with the highest rank, grade or position;

2) fail to prevent or suppress the criminal act of a subordinate being committed in his presence or fail to report the same to the Chief of Police within 24 hours after discovery;

3) fail to apprehend and/or arrest a person under circumstances where it is his duty to do so;

4) fail to return personal effects of released prisoners or other property used in evidence the release of which is ordered by a competent authority or court;

5) fail to perform his assigned mission or fail to participate in an operation for the security of the President, or other high ranking officials of the Philippines or foreign heads of state;

6) fail to administer first aid when able and/or convey to the hospitals, victims of traffic accidents, persons shot or stabbed, persons electrocuted and other who are dying and in need of urgent medical or surgical attention;

7) fail to quell a disturbance or to protect a person from death or injury when able to do so;

8) fail to help a brother peace officer in apprehending or arresting a violator who resists, or in subduing one assaulting the arresting officer, or in disarming an armed violator or in coming to the succor of another officer who is wounded, injured or outnumbered;

9) fail to appear and testify in court, prosecutor's office, the PNP disciplinary authorities, appellate bodies, the IAS or any other quasi-judicial body when duly notified or subpoenaed as witness. If his non-appearance resulted in the dismissal of the case or the acquittal of the accused; or when he is the principal witness or the arresting officer, the penalty of dismissal from the service shall be imposed;

10) absent oneself from the office without having filed the necessary application for leave or secured approval of the authorized official for a period of more than 15 days prior to the enjoyment of the leave.

b. **Serious Irregularities in the Performance of Duties** – Shall include but not limited to the following:

1) act as a bodyguard or security guard for any public official or candidate for any elective public office or position or any other person within three months immediately preceding any election and within one month thereafter, without authority from the Commission on Election;

2) acts as bodyguard or security guard for the person or property of any public official, or private person unless approved by the proper authorities concerned;

3) reveal secret or confidential police matters and information which jeopardize police mission and operations, or which cause injury or damage to citizens;

4) unauthorized establishment of checkpoints in any public thoroughfare for the purpose of stopping or searching vehicles or persons or if authorized does not comply with the Rules set by the PNP;

5) unauthorized escorting of any vehicle carrying highly dutiable or taxable goods, merchandise, appliances or machinery;

6) failure to turn over to the police station within a reasonable period any apprehended or arrested person;

7) countermand any lawful order of the mayor, chief of police, or his superior officer;

8) perform the duties and functions of customs or immigration authorities without proper deputation in accordance with law; and

9) escort or allow other members to escort detention prisoners outside the jail in order to attend a funeral, visit a sick relative, or solicit a bond without an order of the court or proper jurisdiction.

c. Grave Misconduct - Shall include but not limited to the following:

1) maltreat or abuse any prisoner or detained person under his custody;

2) receive for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;

3) join a strike or refuse to report for duty in order to secure changes in terms and conditions of his employment, or to oust the chief of police or any other officer from office;

4) contract loans of money or other property from persons with whom the PNP office has business relations;

5) solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between the giver and receiver and the motivation. A thing of monetary value is one which is evidently or materially excessive by its very nature;

6) directly or indirectly have financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

7) own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee, nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law;

8) publicly consort with women of ill repute and/or scandalously cohabit with or maintain a wife other than his legitimate spouse;

9) fail or refuse to surrender or deposit his service firearm, badge, identification card and police vehicle, if any, to his superior officer upon demand during the period of suspension;

10) willful failure to pay just debts or obligation due to the government;

11) appropriate for his or allow another person the beneficial use any stolen property that is recovered, found or abandoned;

12) solicit money, valuable or favor for the amicable settlement of cases under investigation;

13) engage directly or indirectly in partisan political activities or take part in any election except to vote;

14) deliberately or through gross negligence, destroy, damage or lose government property entrusted to him for official use;

15) mutilate, deface or destroy any driver's license, traffic citation ticket or temporary operators permit issued in lieu thereof;

16) inflict physical injuries upon a suspect to force the latter to give a confession;

17) act as a mediator or fixer for the return of any stolen vehicle or property whether held for ransom or not; and

18) commit any act or omission that constitutes a crime punishable under the Revised Penal Code or Special Laws.

d. Oppression – Any member of the police force who shall abuse his authority in a tyrannical, cruel and high-handed manner shall be guilty of Oppression.

e. Gross Incompetence – When the offense or negligence is committed by reason of manifest lack of adequate ability and fitness on the part of the respondent member for the satisfactory performance of police duties, the erring member shall be guilty of Gross Incompetence.

f. Disloyalty to the Government – Any member of the PNP who shall abandon or renounce his loyalty to the government of the Republic of the Philippines or who shall advocate the overthrow of the government, through covert or overt acts, shall be guilty of Disloyalty to the Government. He shall be punished with the maximum penalty of dismissal from the service.

g. Dishonesty – Any member of the police force who shall conceal, alter, or distort the truth in a matter of fact relevant to his office, or connected with the performance of his duties shall be guilty of Dishonesty. It shall include but not limited to the following:

1) any member who shall knowingly enter in his Information Sheet or CSC 212 Form, or in his Individual Police Profile, facts which are not true, or conceal or distort material facts;

2) makes a false report or entry in the police blotter or any department record;

3) gives deliberate false testimony against or in favor of a person facing a criminal or administrative charge;

4) destroy, conceal, or tamper physical evidence to be presented in court or any office conducting an investigation by exchanging, altering, damaging or diluting as to affect its original appearance, composition and content; and

5) intentionally provide the public with false information affecting public interest.

Part III - PENALTY:

1. Legal Basis:

RA No. 8531 dated January 11, 1999 – PNP Reform and Reorganization Act of 1998; and

NMC No. 2007-001 dated March 6, 2007 – The Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police.

2. Jurisdiction:

Citizen's Complaint, Breach of Internal Discipline and Summary Dismissal Powers of the NAPOLCOM, CPNP and the Regional Directors.

Citizen's Complaint	Breach of Internal Discipline	Summary Dismissal Powers of the NAPOLCOM, CPNP and the REGIONAL DIRECTORS
<p>a. Chiefs of Police or Directors of City Police Offices, where the offense is punishable by withholding of privileges; restriction; to specified limits; suspension or forfeiture of salary; or any combination thereof, for a period not exceeding 15 days;</p> <p>b. Mayors of Cities and Municipalities, where the offense is punishable by withholding of privileges; restriction to specified limits; suspension or forfeiture of salary; or any combination thereof for a period of not less than 16 days but not exceeding 30 days;</p> <p>c. People's Law Enforcement Board (PLEB), where the offense is punishable by withholding of privileges; restriction to</p>	<p>a. Provincial Directors or Equivalent Supervisors, where imposable penalty is admonition or reprimand; restrictive custody; withholding of privileges, forfeiture of salary or suspension; or any combination of the foregoing: Provided, that in all cases, the total period shall not exceed 30 days;</p> <p>b. Regional Directors or Equivalent Supervisors, have jurisdiction over offenses punishable by dismissal from the service and those where the imposable penalties are admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion; or any</p>	<p><u>Summary Dismissal Case</u> – Summary dismissal case is one where the maximum penalty imposable is dismissal from the service and the offense falls under any of the following:</p> <p>a. Where the charge is serious and evidence of guilt is strong;</p> <p>b. When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charge;</p> <p>c. When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer; and</p> <p>d. When any member or officer has been absent</p>

<p>specified limits, suspension or forfeiture of salary; or any combination thereof, for a period exceeding 30 days; demotion or by dismissal from the service; and</p> <p>d. <i>All other citizen's complaints against PNP members, who are not assigned in the municipal station or city police office/ station or in areas where no PLEB is organized, shall be filed with the provincial or regional Internal Affairs Service where the offense was committed; provided, that the jurisdiction of the summary dismissal authorities shall not be affected.</i></p>	<p>combination of the foregoing: Provided, that in all cases, the total period shall not exceed 60 days; and</p> <p>d. Chief of the PNP has jurisdiction over offenses punishable by dismissal from the service; demotion; suspension or forfeiture of salary, or any combination thereof for a period not exceeding 180 days. The Chief of the PNP has the authority to place police personnel under restrictive custody during the pendency of grave administrative or criminal case against him.</p>	<p>without official leave for continuous of 30 days calendar days or more; Provided, that where dropping from the rolls is resorted to as a mode of separation from the service, the police officer can no longer be charged for Serious Neglect of Duty arising from absence without official leave (AWOL) and vice versa.</p> <p>Where filed,- The complaint may be filed before the following disciplinary authorities:</p> <p>a. PNP Regional Directors; b. Chief of the PNP; and c. The National Police Commission En Banc.</p>
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3. Application of Penalty

A. For Simple or Light Offenses:

1. Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from one day to 10 days (minimum period); and

2. Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from 11 days to 20 days (medium period);

3. Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from 21 days to 30 days (maximum period).

B. For Less Grave Offenses:

1. Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from 31 days to 40 days (minimum period);

2. Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from 41 days to 50 days (medium period); and

3. Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from 51 days to 59 days (maximum period).

C. For Grave Offenses:

1. Sixty days to Six months suspension (minimum period);

2. One rank demotion (medium period); and

3. Dismissal from the service (maximum period).

Limitation in the Imposition of Penalties – In case of forfeiture of salary the amount shall not exceed the equivalent of one month salary.

The penalty of *“Withholding of Privileges”* shall be confined to deferment of vacation leave privileges, participation in training grants or programs and such other similar privileges normally enjoyed by civil service employees.

Part IV - Qualifying Circumstances. – In the determination of penalties to be imposed, mitigating and aggravating circumstances attendant to the commission of the offense/s shall be considered.

A) The following are mitigating circumstances:

1. illness;
2. good faith;
3. length of service in the government;
4. awards and commendations; and
5. analogous circumstances.

B) The following are aggravating circumstances:

1. taking advantage of official position;
2. taking undue advantage of subordinate;
3. use of government property in the commission of the offense;
4. repeatedly charged;
5. offense is committed during office hours and/or within the premises of the government office or building;
6. employment of fraudulent means to commit or conceal the offense;
7. intoxication;
8. being a recidivist;
9. offense committed in consideration of a price or reward;

10. when the victim is a minor, feeble minded or physically disabled;
11. when offense is committed in cooperation with two or more persons;
12. utilizing minor in the commission of the offense; and
13. analogous circumstances.

C) Guidelines in the Application of Penalties. – The imposition of the penalty shall be made in accordance with the manner herein below provided:

1. Like penalties shall be imposed for like offenses and only one penalty shall be imposed for each case. "Each case" means one administrative case which may involve one or more charges or counts.

2. The minimum period of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.

3. The medium period of the penalty shall be imposed where no mitigating and aggravating circumstances are present.

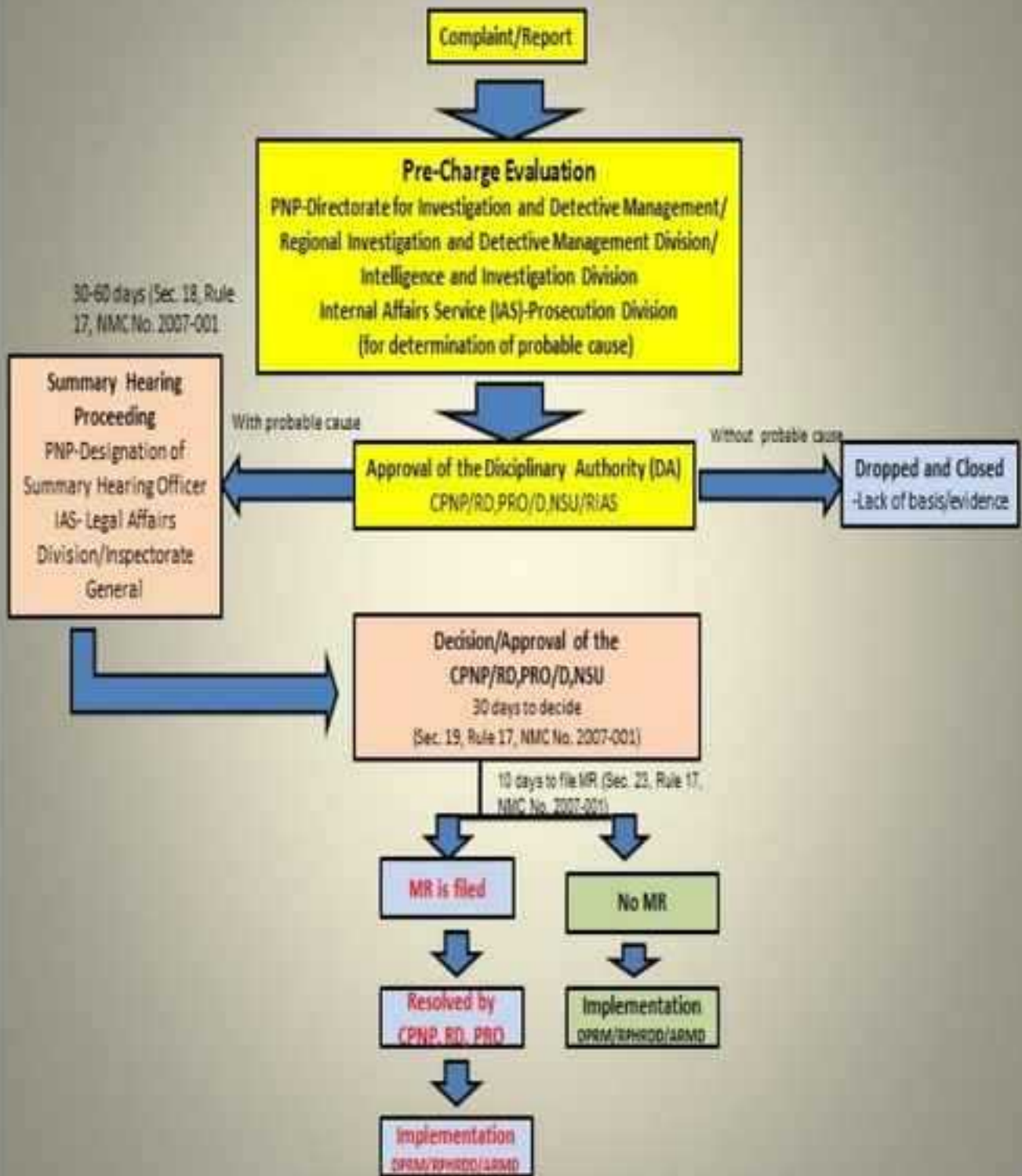
4. The maximum period of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

5. Where aggravating and mitigating circumstances are present, rule (b) shall be applied where there are more mitigating circumstances present; rule (c) shall be applied where the circumstances equally off-set each other; rule (d) shall be applied when there are more aggravating circumstances.

6. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

7. In the appreciation of any mitigating circumstance in favor of the respondent or of any aggravating circumstance against him, the same must be invoked or pleaded by the party concerned, otherwise, such circumstances shall not be considered in the determination of the penalty to be imposed.

DISPOSITION OF CASES FOR UNIFORMED PERSONNEL



2. Procedure of Administrative Proceeding

Filing of Complaint	<ul style="list-style-type: none">• An administrative complaint may be initiated by filing a written and sworn statement or letter-complaint or formal complaint attaching therein a certificate of non-forum shopping duly subscribed and sworn to by the complained accompanied by affidavits of witnesses and with material allegations.
Evaluation of Complaint	<ul style="list-style-type: none">• Upon receipt of the complaint, the disciplinary authority concerned shall designate the officer who shall conduct the evaluation of the same to determine whether it shall be:<ul style="list-style-type: none">a. closed or dropped outright for lack of probable cause;b. referred to the appropriate disciplinary authority;c. treated as a grievance/request for assistance which may be referred to the concerned office or government agency; ord. recommended for summary hearing.
Drafting of Pre-Charge Evaluation/Report and Charge Sheet	<ul style="list-style-type: none">• All complaints for pre-charge evaluation shall be stamped on its face with the date and time of its receipt and an assigned reference number, and shall be recorded in a docket book exclusively maintained for that purpose.• Within three days from receipt of the complaint or the referral from other disciplinary authority or investigative agencies, the assigned officer shall evaluate the same and submit his recommendation to the concerned authority for proper disposition.

Summary Hearing Proceedings Formal Hearing and Disposition of Cases

- **Assignment of Hearing Officers**
- **Notice/Summonses** - within three days upon receipt of the complaint by the SHO, he shall issue summons to the respondent directing him to submit his answer within five days from receipt thereof.
- **Answer** - the answer shall be in writing, under oath and must contain material facts, which may either be a specific denial or affirmation of the allegations in the complaint. It shall be accompanied by documentary or other evidence, if there be any, in support of the defense, copy furnished the complainant. It shall also contain a list of witnesses and their individual addresses, whenever appropriate.
 - The answer shall be filed in three copies either personally or by registered mail, with proof of appropriate service to the complainant. If the answer is sent by registered mail, it is deemed filed on the date and hour of receipt stamped by the post office on the envelope. Said envelope shall be kept and made an integral part of the answer and records of the case.
 - No motion to dismiss, motion for bill of particulars or any other motion shall be allowed, and the filing of the same shall not interrupt the running of the reglementary period for filing an answer.
- **Effect of Failure/Refusal to File Answer**
 - Failure of the respondent to file an answer within the reglementary period shall be considered as a general denial of the charges.
- **Effect of Admission by Respondent**

	<p>- When the respondent in his answer admits his culpability to the charge, the hearing shall, nonetheless, proceed in order to determine the degree of his responsibility, and the appropriate penalty to be imposed.</p>
	<ul style="list-style-type: none"> • Pre-Hearing Conference <p>Within 10 days from receipt of the answer, the disciplinary authority or IAS shall conduct the pre-hearing conference for the purpose of:</p> <ol style="list-style-type: none"> a. defining and simplifying the issues of the case; b. entering into admissions and/or stipulations of facts; c. limiting the number of witnesses to be presented; d. scheduling the dates of hearing; e. marking of exhibits; and f. threshing out matters relevant to the case. Witnesses not included in the pre-hearing stipulations shall in no case shall be allowed to testify. <p>The parties may agree that summary hearing be dispensed with, instead, memorandum or position papers be submitted.</p> <p>The conference shall be completed within two days and the proceedings shall be duly recorded and attested by the parties and/or counsels.</p> <p>Whether the parties are represented by counsel or not, they shall be made to sign the certificate of readiness to appear at the scheduled hearings. In the said certification, the date of hearing agreed upon by the parties</p>

shall be strictly followed to avoid unnecessary delay in the proceedings.

Hearing Proper - Within five days from the pre-hearing conference, the summary hearing of the case shall proceed.

Order of Summary Hearing

- The order of the summary hearing shall be as follows:

a. The complainant shall adduce evidence with proper identification and marking thereof of his exhibits;

b. The respondent shall then present evidence in support of his defense with proper identification and marking thereof of his exhibits;

c. The proceedings being summary in nature, direct examination of witnesses shall be dispensed with and the sworn statements/affidavits of witnesses, after proper identification and affirmation on the truth of the contents thereof, shall take the place of their oral testimony, except for witnesses who appeared pursuant to a subpoena; and

d. Clarificatory questions may be allowed, if requested by either party, but shall be confined strictly to material and relevant matters and, insofar, as may be compatible with the ends of justice.

- **Submission of Position Papers** - The hearing officer may require the parties to submit their respective position papers within 10 days from the date the summary hearing is terminated.

Right to Counsel – Parties have the right to avail of counsel. If the parties at

the start of proceedings appear without counsel, they shall be informed of the right to avail of one if they so desire. However, the hearings shall proceed as scheduled even in the absence of counsel.

If a party is not represented by counsel, the Hearing Officer shall mark the exhibits presented during the preliminary conference and may propound clarificatory questions, if necessary.

Postponement – Postponement of hearing should be discouraged and shall be allowed only in meritorious cases, such as illness of a party or his/her counsel and/or other similar unavoidable causes. A request for postponement on the ground of illness shall be supported by a duly sworn medical certificate.

Prohibition of Reassignment of Respondent During the Pendency of an Administrative Case.- A respondent PNP member shall not be reassigned or transferred to another city/municipal police station police station or unit during the pendency of the case, unless the concerned disciplinary authority or IAS certifies that the presence of the respondent is no longer necessary. Any superior who violates this provision shall be administratively liable for irregularity in the performance of duty.

- **Effect of Failure to Prosecute -** The failure to prosecute the case during the hearing, despite due notice, shall be a sufficient ground to drop the complaint where the culpability of the respondent could not be established or proven without the testimony of the complaining witnesses. However, before dropping

the complaint, the disciplinary authority or designated hearing officer shall exert best efforts to locate the complainant and his witnesses and to inquire into the reason(s) for their failure to prosecute the case.

In cases where the culpability of the respondent can be established by evidence other than the testimony of the complainant, non-appearance of the latter shall not be a ground to terminate the proceedings. The disciplinary authority or hearing officer shall endeavor to continue with the hearing and secure the attendance of other vital witnesses, upon proper motion by the prosecution.

- **Effect of Failure or Refusal of Respondent to Appear** - If the respondent, despite due notice, fails or refuses to appear without justifiable reason during the scheduled hearings, he is deemed to have waived his right to be present and to submit evidence.

The respondent shall however, be afforded every opportunity to adduce his evidence during the pendency of the case.

- **Effect of Compulsory Retirement** -The compulsory retirement of the respondent shall not affect the pendency of his administrative case and the award of retirement benefits due him shall be to its final disposition.

Effect of Death - Death of the respondent during the pendency of the case shall terminate the administrative proceedings and has the effect of exoneration.

Upon presentation of a certified true copy of the death certificate, a resolution dismissing the case shall be

issued by the concerned disciplinary authority, appellate body or IAS, where the case is pending.

- **Submission of Report of Investigation -** The hearing officer of the disciplinary authority and IAS, whenever applicable, shall have 30 days to submit the report of the investigation accompanied by the complete original records from the date the case is submitted for resolution. The report of investigation shall contain the findings of facts and the corresponding recommendation. In cases filed before the IAS, the provincial director, regional director and the Inspector General shall resolve and forward the recommendation to the disciplinary authority, within 30 days from receipt of the report of investigation from the hearing officers:
- **Period to Render Decision -** The disciplinary authority shall decide the case within 30 days from receipt of the Report of Investigation, or IAS resolution: *Provided*, that failure of the disciplinary authority to decide on the IAS recommendation within the above-prescribed period shall render the same final and the disciplinary authority is mandated to implement the Decision.
- **Contents of Decision-** The decision shall contain the full name of the parties, rank and assignment of the respondent, the offense charged, a brief statement of the material and relevant facts, the findings as established during the hearing, the conclusion, the applicable laws, rules and regulations, jurisprudence, and the disposition thereof.
- **Respondent Found Liable for an Offense Separate and Distinct from which he was Charged -** A respondent may be found culpable of an offense

separate and distinct from that for which he was charged: *Provided*, that the acts constituting the offense of which he was found guilty were alleged in the complaint, and the respondent has been given the opportunity to answer.

- **Finality of Decision** - The disciplinary action imposed upon a member of the PNP shall be final and executory: *Provided*, that a disciplinary action imposed by the regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the Regional Appellate Board within 10 days from receipt of the copy of the notice of decision: *Provided, further*, that the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within 10 days from receipt thereof: *Provided, furthermore*, that the Regional or National Appellate Board, as the case may be, shall decide the appeal within 60 days from receipt the notice of appeal: *Provided, finally*, that the decision of the National Appellate Board and the Regional Appellate Board may be appealed to the Secretary of the Interior and Local Government.
- **Motion for Reconsideration** - The party adversely affected may file a motion for reconsideration from the decision rendered by the disciplinary authority within 10 days from receipt of a copy of the decision on the following grounds:
 - a) Newly discovered evidence which, if presented, would materially affect the decision rendered; or
 - b) Errors of law or irregularities have been committed prejudicial to the substantial rights and interest of the movant.

	<p>The filing of a motion for reconsideration shall stay the execution of the disciplinary action sought to be reconsidered. Only one motion for reconsideration shall be allowed and the same shall be considered and decided by the disciplinary authority within 15 days from receipt thereof.</p> <ul style="list-style-type: none">• Certificate of Finality - The disciplinary authority or appellate body shall issue a certificate of finality of decision, or resolution finally disposing of the case when no motion for reconsideration or appeal is filed within the prescribed period.
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Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
371 Sen. Gil Puyat Ave, Makati City

**MEMORANDUM CIRCULAR NO.
2007-001**

**UNIFORM RULES OF PROCEDURE
BEFORE THE ADMINISTRATIVE DISCIPLINARY AUTHORITIES AND
THE
INTERNAL AFFAIRS SERVICE OF THE
PHILIPPINE NATIONAL POLICE**

Pursuant to Republic Act No. 6975, otherwise known as "*The Department of the Interior and Local Government Act of 1990*", as amended by Republic Act No. 8551, the following Rules of Procedure are hereby prescribed and promulgated.

RULE 1

PRELIMINARY PROVISIONS

Section 1. *Title* - These Rules shall be known and cited as the *Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police (PNP)*.

Section 2. *Scope and Application*. - These Rules shall apply to all administrative cases filed against uniformed members of the PNP before the different administrative disciplinary authorities and the Internal Affairs Service (IAS).

Section 3. *Construction*. - These Rules shall be liberally construed to attain just and expeditious disposition of administrative complaints and cases against PNP members, ensure public accountability and utmost discipline in the police service.

Section 4. *Nature of Proceedings.* – The investigation and hearing before the administrative disciplinary authorities and the IAS shall be summary in nature and shall not strictly adhere to the technical rules of procedure and evidence applicable in judicial proceedings. The Provisions of the Civil Service Law, Rules and Regulations as well as the Revised Rules of Court shall be suppletorily applicable.

PART 1

ADMINISTRATIVE DISCIPLINARY AUTHORITIES,, INTERNAL AFFAIRS SERVICE, APPELLATE BODIES AND THEIR RESPECTIVE JURISDICTION

RULE 2

GENERAL PROVISIONS

Section 1. *Definition of Terms.* – As used in these *Rules*, the following terms shall be understood to mean as follows:

a) *Answer* – a pleading in which a respondent or other adverse party sets forth the negative and affirmative defenses upon which he relies;

b) *Appellate Bodies* – shall refer to the Regional Appellate Board (RAB) and National Appellate Board (NAB) of the Commission; and Secretary of the Interior and Local Government (SILG);

c) *Breach of Internal Discipline* – any offense committed by a member of the PNP involving minor offense affecting the order and discipline within the police organization;

d) *Citizen's Complaint* – a formal charge initiated by a natural or juridical person or his/its duly authorized representative or guardian on account of an injury, damage or disturbance sustained as a result of an irregular or illegal act or omission of a PNP member;

e) *Commission* – shall refer to the National Police Commission as constituted pursuant to Republic Act No. 6975 as amended;

f) *Complaint* – a written and sworn statement regarding a wrong, grievance or injury sustained by a person;

g) *Complainant* – one who initiates a complaint against a uniformed member of the PNP, either as complaining witness or as a concerned government agency or office;

h) *Conduct Unbecoming of a Police Officer* – any act or behavior of a police officer, irrespective of rank, done in his official or private capacity which, in dishonoring or disgracing himself as a police officer, seriously compromising his character and standing in the PNP in such a manner as to indicate vitiated or corrupt state of moral character which shows his unworthiness to remain in the police service;

i) *Decision* – the written disposition of the disciplinary authority or appellate body stating clearly the facts and the law upon which it is based;

j) *Disciplinary Authorities* – shall refer to the city or municipal mayors; chiefs of police or equivalent supervisors; provincial directors or equivalent supervisors; regional directors or equivalent supervisors; People's Law Enforcement Board (PLEB); Chief of the PNP; National Police Commission En Banc (NAPOLCOM);

k) *Equivalent Supervisors* – PNP Officers occupying positions/designations equivalent to that of Chief of Police, Provincial Director and Regional Director who are vested with disciplinary authority over personnel of their respective officers, charged with minor offenses involving breach of internal discipline as provided under Section 41 (d) of R.A. 6975, as amended.

For the purpose of these *Rules*, the following are considered supervisors equivalent to the Chief of Police, Provincial Director and Regional Director, respectively:

1. The supervisor equivalent to the Chief of Police shall include:
 - a. Group Director, Provincial Mobile Group.
2. The supervisors equivalent to the Provincial Police Director shall include the following:
 - a. Group Director, Regional Mobile Group;
 - b. Chief of the Regional Unit of Administrative and Operational National Support Units;
3. The supervisors equivalent to the Regional Police Director shall include the following:
 - a. Director, PNP Administrative National Support Unit;
 - b. Director, PNP Operational National Support Unit;
 - c. Director, Police District Office, National Capital Region Police Office,

In case the head of the various levels of command is an officer-in-charge, he may conduct investigation and submit his recommendation to the next higher disciplinary authority.

l) *Finality of Decision* – there is finality of decision when upon the lapse of ten (10) days from receipt, or notice of such decision, no motion for reconsideration or appeal has been filed in accordance with these Rules;

m) *Formal Charge* – a complaint initiated before any of the disciplinary authorities or IAS after finding the existence of probable cause;

n) *Forum Shopping* – the filing of several complaints arising from one and the same cause of action involving the same parties asking for the same relief with the different administrative disciplinary authorities, the Internal Affairs Service and the Office of the Ombudsman;

o) *Jurisdiction* – the authority vested by law to hear and decide a case;

p) *Minor Offense* – any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include but not limited to simple misconduct; negligence; insubordination; frequent absences and tardiness; habitual drunkenness; and gambling prohibited by law;

q) *Moral Turpitude* – includes everything which is done contrary to justice, honesty, modesty, or good morals;

r) *Newly Discovered Evidence* – that evidence which could not have been discovered and produced during the hearing of the case despite due diligence, and if presented, would probably alter the decision;

s) *Pending Case* - refers to a case when the respondent had been formally charged before any of the disciplinary authorities or IAS; or an appeal is pending with any of the appellate bodies;

t) *Recidivist* – a person who has been previously penalized for a grave offense and is again charged of another or the same grave offense;

u) *Reglementary Period* - the period required by law or these Rules to perform a specific act. In the computation of a period of time, the first day shall be excluded and the last day shall be included unless it falls on a Saturday, Sunday or legal holiday, in which case the last day shall fall on the next working day;

v) *Repeatedly Charged* – when a police officer was formally charged administratively for at least three (3) times and was found culpable in any one of them and meted a penalty not lower than sixty (60) days suspension;

w) *Serious Charge* – refers to a complaint involving an offense where the maximum imposable penalty is dismissal from the service;

x) *Subpoena Ad Testificandum* – a process directed to a person requiring him to appear and testify in an investigation or hearing;

y) *Subpoena Duces Tecum* – a process directing a person to appear and bring with him books, documents or things under his control in an investigation or hearing;

z) *Substantial Evidence* – such relevant evidence as a reasonable mind might accept as adequate to support a conclusion;

aa) *Summary Hearing Officer* – an officer designated by the disciplinary authority or IAS to conduct the formal hearing, and to submit a report of investigation;

bb) *Summary Proceeding* – an expeditious administrative proceeding conducted consistent with due process to determine the culpability or innocence of the respondent; and

cc) *Summons*- is a written notice informing the respondent that he is charged with an offense and directing him to file his answer.

Section 2. Principle of Exclusivity. – When a complaint or charge is filed against a PNP member, it shall be heard and decided exclusively by the disciplinary authority which first acquired original jurisdiction over the case: *Provided*, that offenses which carry a higher or lower imposable penalty shall be referred to the appropriate disciplinary authority: *Provided further*, that any disciplinary authority or the IAS who shall take cognizance of any complaint beyond his jurisdiction and renders a decision thereon, the same shall be void and shall not be a bar to the filing of a complaint against the PNP member before the proper disciplinary authority . Any disciplinary authority or IAS Officer who violates this provision shall be proceeded against administratively for *serious irregularity in the performance of duty*.

Section 3. Prohibition against Forum Shopping or Multiple Filing of Complaints. – To avoid multiplicity of cases for the same cause of action, the complainant shall certify under oath in his pleading, or in a sworn certification annexed thereto, and simultaneously filed therewith, to the truth of the following facts and undertaking:

a) That the complainant has not filed or commenced any complaint involving the same cause of action in any other disciplinary authority, IAS or Office of the Ombudsman;

b) That to the best of the complainant's knowledge, no such complaint is pending before any other disciplinary authority, IAS or Office of the Ombudsman;

c) That if there is any such complaint which is either pending or may have been terminated, the complainant must state the status thereof; and

d) That if the complainant should thereafter learn that a similar action or proceeding has been filed or is pending before any other police disciplinary authority, IAS or Office of the Ombudsman, the complainant must report such fact within five (5) days from knowledge.

Section 4. *Effect of Forum Shopping.* – Violation of the prohibition against forum shopping shall be a ground for the dismissal of the case *motu proprio* or upon motion of the respondent.

Section 5. *Application of the Principle of Res Judicata / Bar by Prior Judgment.* For a prior judgment in an administrative case to constitute a bar to a subsequent administrative action, the following requisites must concur:

- a) It must be a final judgment or order;
- b) The disciplinary authority rendering the same must have jurisdiction over the subject matter and over the parties;
- c) It must be a judgment on the merits; and
- d) There must be between the two (2) cases, identity of parties, subject matter and cause/s of action.

Section 6. *When a respondent is a Presidential Appointee.* – After a formal charge is filed, a respondent who is a presidential appointee can only be subjected to summary hearing after a clearance for such purpose is obtained from the Office of the President. The report of investigation together with the complete original records of the case shall be submitted to the Office of the President through the Commission.

A. ORIGINAL JURISDICTION

RULE 3

CITIZEN'S COMPLAINT

Section 1. *Where may be filed.* – A citizen's complaint against any member of the municipal police station or city police office/station may be filed before the following disciplinary authorities:

- a) *Chiefs of Police or Directors of City Police Offices*, where the offense is punishable by withholding of privileges; restriction to specified limits; suspension or forfeiture of salary; or any combination thereof, for a period not exceeding fifteen (15) days;
- b) *Mayors of Cities and Municipalities*, where the offense is punishable by withholding of privileges; restriction to specified limits; suspension or forfeiture of salary; or any combination thereof, for a period of not less than (16) days but not exceeding thirty (30) days;
- c) *People's Law Enforcement Board (PLEB)*, where the offense is punishable by withholding of privileges; restriction to specified limits; suspension or forfeiture of

salary; or any combination thereof, for a period exceeding thirty (30) days ; demotion or by dismissal from the service;

d) All other citizen's complaints against PNP members, who are not assigned in the municipal station or city police office/ station or in areas where no PLEB is organized, shall be filed with the provincial or regional Internal Affairs Service where the offense was committed; *Provided*, that the jurisdiction of the summary dismissal authorities shall not be affected.

RULE 4

BREACH OF INTERNAL DISCIPLINE

Section 1. *Where shall be filed.* – A complaint for breach of internal discipline shall be brought before the following disciplinary authorities:

a) *Chiefs of Police or Equivalent Supervisors*, where the imposable penalty is admonition; reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any combination of the foregoing; *Provided*, that in all cases, the total period shall not exceed fifteen (15) days;

b) *Provincial Directors or Equivalent Supervisors*, where imposable penalty is admonition or reprimand; restrictive custody; withholding of privileges, forfeiture of salary or suspension; or any combination of the foregoing; *Provided* , that in all cases, the total period shall not exceed thirty (30) days;

c) *Regional Directors or Equivalent Supervisors* have jurisdiction over offenses punishable by dismissal from the service and those where the imposable penalties are admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion ; or any combination of the foregoing; *Provided*, that in all cases, the total period shall not exceed sixty (60) days; and

d) Chief of the PNP has jurisdiction over offenses punishable by dismissal from the service; demotion; suspension or forfeiture of salary, or any combination thereof for a period not exceeding one hundred eighty (180) days. The Chief of the PNP has the authority to place police personnel under restrictive custody during the pendency of a grave administrative or criminal case against him.

RULE 5

SUMMARY DISMISSAL POWERS OF THE NAPOLCOM, CHIEF, PNP AND THE PNP REGIONAL DIRECTORS

Section 1. *Summary Dismissal Case.* – Summary dismissal case is one where the maximum penalty imposable is dismissal from the service and the offense falls under any of the following cases:

- a) Where the charge is serious and evidence of guilt is strong;
- b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charge;
- c) When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer; and
- d) When any member or officer has been absent without official leave for continuous of thirty (30) calendar days or more; *Provided*, that where dropping from the rolls is resorted to as a mode of separation from the service, the police officer can no longer be charged for Serious Neglect of Duty arising from absence without official leave (AWOL) and vice versa.

Section 2. *Where filed.* – The complaint may be filed before the following disciplinary authorities:

- a) PNP Regional Directors or Directors of the National Support Units;
- b) Chief of the PNP; and
- c) The National Police Commission En Banc.

RULE 6

INTERNAL AFFAIRS SERVICE

Section 1. *Organization.* – The Inspector General shall establish the national, regional and provincial offices of Internal Affairs Service (IAS) in order to effectively and efficiently carry out its mandated functions.

Section 2. *Powers and Functions.* – IAS shall perform the following powers and functions:

- a) pro-actively conduct inspection and audits on PNP personnel and units;
- b) investigate complaints and gather evidence in support of an open investigation;
- c) conduct summary hearings on PNP members facing administrative charges;
- d) submit a periodic report on the assessment, analysis, and evaluation of the character and behavior of PNP personnel and units to the Chief, PNP and the Commission;
- e) file appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case; and
- f) provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

Section 3. *Jurisdiction.* – The IAS shall conduct *motu proprio* investigation on the following cases:

- a) incidents where a police personnel discharges a firearm;
- b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of police operation;
- c) incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- d) incidents where a suspect in the custody of the police was seriously injured;
- e) incidents where the established rules of engagement have been violated.

Section 4. *Inclusion of Supervisor and Superiors in IAS Investigations.* – The immediate superior or supervisor of the personnel or units being investigated under Section 3 hereof shall be automatically included in the investigation of the IAS to exclusively determine lapses in administration or supervision.

Section 5. *Disciplinary Recommendations of the IAS.* –

- a) Any uniformed PNP personnel found guilty of any of the cases mentioned in Section 3 and any immediate superior or supervisor found negligent under Section 4 of Rule 6 of these *Rules* shall be recommended automatically for dismissal or demotion, as the case may be.
- b) Recommendations by the IAS for the imposition of disciplinary measures against erring PNP personnel, once final, cannot be revised, set-aside, or unduly delayed by any disciplining authority without just cause. Any PNP disciplining authority who fails to act or

who acts with abuse of discretion on the recommendation of the IAS shall be made liable for *gross neglect of duty*. The case of erring disciplinary authority shall be submitted to Director General for proper disposition.

Section 6. *Appeals from IAS Resolution Dismissing an Administrative Complaint.* – Resolutions of the Prosecution Division of the National IAS Office or Regional IAS dismissing the administrative complaint for lack of probable cause may be appealed to the Inspector General. Decisions of the Inspector General affirming the Resolutions of the Regional IAS may be appealed to the NAB.

B. APPELLATE JURISDICTION

RULE 7

REGIONAL APPELLATE BOARD

Section 1. Composition. –

a) The Regional Appellate Board (RAB) shall be composed of a senior officer of the NAPOLCOM regional office as chairperson and one (1) representative each from the PNP, and the Regional Peace and Order Council (RPOC) as members.

b) The RPOC representative shall be designated by way of a resolution of the Council; and the PNP representative shall be designated by the PNP Regional Director. The designations shall be confirmed by the Vice-Chairperson and Executive Officer of the Commission.

c) The term of office of the members representing the PNP and RPOC shall be three (3) years from the date of confirmation of their designation unless sooner revoked by their respective organization. Such members shall hold office until their successors shall have been chosen and qualified. The NAPOLCOM Regional Director may recommend for the revocation of the designation of the members to the RPOC or PNP Regional Director, as the case may be, by reason of sickness, non-performance or inability to perform their duty; and request for their replacements.

Section 2. *Quorum.* – The presence of the chairperson and any one of its members constitutes a quorum. If the chairperson or any member is related to the complaining witness or respondent within fourth civil degree by affinity or consanguinity, he/she shall be disqualified from participating in the deliberation of the appeal. In case of disqualification of the chairperson, a RAB chairperson from another NAPOLCOM regional office or another senior official of the Commission shall be designated by the Vice-Chairperson and Executive Officer to sit as chairperson of the Board in the disposition of that particular case.

Section 3. *What are appealable.* – The following are appealable to the Regional Appellate Board:

a) Decisions of the PLEB where the penalty imposed is demotion or dismissal from the service;

b) Decisions of the PNP Regional Director or equivalent supervisor, where the penalty imposed is demotion or dismissal from the service;

c) Decisions of city and municipal Mayors in cases falling within their respective jurisdictions; and

d) Disciplinary recommendations of the Regional IAS which were not acted upon by the PNP Regional Director or equivalent supervisor within thirty (30) days from submission by the Regional IAS, where the recommended penalty is demotion or dismissal from the service.

Section 4. *Raffle of Appealed Cases.* – In regions where there are two (2) or more RAB divisions, a raffle shall be conducted whenever there is/are newly docketed case/s.

Section 5. *Deliberations.* – The Board shall deliberate on cases appealed to it at least once a month.

RULE 8

NATIONAL APPELLATE BOARD

Section 1. *Composition.* – The National Appellate Board shall be composed of the four (4) regular commissioners and shall be chaired by the Vice-Chairperson and Executive Officer.

Section 2. *What are Appealable.* – The following are appealable to the National Appellate Board:

a) Decisions of the Chief of the PNP where the penalty imposed is demotion or dismissal from the service;

b) Disciplinary recommendations of the Inspector General, IAS that were not acted upon by the Chief, PNP within thirty (30) days from submission by the Inspector General, IAS, where the recommended penalty is demotion or dismissal; and

c) Decisions of the Inspector General affirming the Resolution of the regional IAS dismissing the complaint for lack of probable cause.

RULE 9

APPELLATE JURISDICTION OF THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT

Section 1. *Jurisdiction of the Secretary.* – Decisions of the National Appellate Board (NAB) and the Regional Appellate Board (RAB) may be appealed to the Secretary of the Department of the Interior and Local Government (SILG) in accordance with the provisions of Rule 20 hereof.

RULE 10

APPELLATE JURISDICTION OF THE CIVIL SERVICE COMMISSION

Section 1. *Appellate Jurisdiction of the Civil Service Commission* – Decisions of the Secretary of the Department of the Interior and Local Government (SILG) in the exercise of his appellate jurisdiction and decisions of the NAPOLCOM *en banc* as summary dismissal authority may be appealed before the Civil Service Commission in accordance with its Rules.

C. SPECIAL PROVISIONS

RULE 11

PEOPLE'S LAW ENFORCEMENT BOARD (PLEB) CREATION, FUNCTION, COMPOSITION, TERM OF OFFICE AND QUORUM

Section 1. *Creation.* – The *Sangguniang Panlungsod/bayan* in every city and municipality shall create such number of People's Law Enforcement Boards (PLEBs) as may be necessary; *Provided*, that there shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel and for each of the legislative districts in a city.

Section 2. *Functions, Powers and Duties.* – The PLEB has the power to hear and decide citizen's complaints within its jurisdiction filed against any member of the municipal police station or city police station/office.

Section 3. *Composition.* – The PLEB shall be composed of the following:

a) A member of the *Sanggunian Panlungsod/bayan* chosen by his/her respective *sanggunian*;

b) A punong-barangay of the city or municipality concerned chosen by the *liga ng mga Barangay*; and

c) Three (3) other members, who can be removed only for cause, chosen by the city / municipal peace and order council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a woman and another, a member of the Bar, or in the absence thereof, a college graduate, or, the principal of the central elementary school in the locality.

The Chairperson of the PLEB shall be elected from among its members.

Except as provided in this Section or as may be provided by law, a public official or employee is disqualified for appointment or designation as member of the PLEB.

Applying the provisions of Article 152, Chapter IV, Title III, Book II of the Revised Penal Code, the members of the PLEB are considered persons in authority.

Section 4. Resolution and Executive Order Constituting the PLEB. – The *Sangguniang Panlungsod/bayan* shall pass a resolution formally organizing the members of the PLEB, a copy thereof shall immediately be submitted to the City/ Municipal Mayor who shall, within five (5) days from receipt of the same, issue the appropriate executive order adopting the resolution of the *sanggunian* concerned. A copy of said Executive Order shall be furnished the NAPOLCOM Regional Office within ten (10) days from issuance.

Section 5. Term of Office. – The term of office of the members of the PLEB shall be for a period of three (3) years from assumption of office unless sooner removed for cause or some other valid grounds. Such member shall hold office until his/ her successor shall have been chosen and qualified.

The tenure of office of a PLEB member who has been designated as such by virtue of his election to the *Sangguniang panlungsod/bayan* or his membership with the Association of Barangay Captains ends upon the expiration of his term of office as *Sangguniang panlungsod/bayan member* or as Barangay Chairman. If reelected, and subsequently re-designated to the PLEB, he must take a new oath of office.

Section 6. Budget Allocation. – The annual budget of the city or municipality shall include an item and the corresponding appropriation for the maintenance and operation of their local PLEB(s).

Section 7. Quorum. – The presence of three (3) members of the PLEB shall constitute a quorum: *Provided, however*, that a vote of at least three (3) members shall be required in rendering a decision.

If for any reason, the chairperson is absent or is disqualified from participating in the hearing, the members, there being a quorum, shall elect from among themselves a temporary chairperson to perform the duties of a chairperson.

When a PLEB member , after sufficient notice , fails or refuses to attend the hearings and/ or deliberations of the Board without any valid and justifiable reason and it could not proceed for lack of quorum, the Chairperson or the designated presiding officer may request the *Sangguniang Panlungsod/bayan* or the *Liga ng mga Barangay* or the City/ Municipal Peace and Order Council, as the case may be, to designate a temporary representative to enable the body to constitute a quorum: *Provided*, that such temporary representative shall act as such only for the specific case.

Section 8. *Disqualification by Reason of Affinity or Consanguinity.* – The Chairperson or any member of the PLEB who is related to the complainant or respondent by affinity or consanguinity within the fourth civil degree shall be disqualified from participating in the proceeding and the case shall be tried by the remaining members: *Provided*, that there is a quorum. In the event that the PLEB could not proceed with the hearing for lack of quorum, the Peace and Order Council, the *Sangguniang Panlungsod/bayan*, or the *Liga ng mga Barangay* of the city/municipality concerned shall appoint a temporary member for that specific case only.

PART II

COMMON PROVISIONS

RULE 12

VENUE

Section 1. *Venue.* – The administrative complaints or cases against any PNP member shall be filed before the disciplinary authority or IAS having territorial jurisdiction where the offense was committed, except citizen's complaints falling under Rule 3 Section 1 (d).

For this purpose, when an administrative offense falling within the jurisdiction of the Commission was allegedly committed within Metro Manila; the complaint may be filed before the Central Office through its Inspection, Monitoring and Investigation Service (IMIS) or its National Capital Region Office. In other cases, the same shall be filed with the Regional Office having territorial jurisdiction where the offense was committed.

The preliminary evaluation, the designation of the summary hearing officer and the conduct of summary hearing, if warranted, shall be undertaken by the Regional Office, and thereafter the required Report of Investigation, together with the original records of the case, shall be forwarded to the Commission en banc through the Legal Affairs Service.

Section 2. *Transfer of Venue.* – The NAPOLCOM En Banc, the Chief, PNP or the Inspector General may upon motion of either party, order a change of venue for administrative cases pending before their respective offices on the following grounds:

a) When any of the parties is exerting efforts to harass, intimidate, coerce or unduly influence the other party, his witnesses or immediate members of the family to withdraw the complaint or retract their statements;

b) When there is imminent and direct threat to the life and limb of any of the parties so as to frustrate the successful investigation of the administrative case;

c) When any of the parties is harmed the cause of which or the motive is closely related to the pending case; or

d) To better serve the ends of justice.

RULE 13

COMMENCEMENT OF COMPLAINT

Section 1. *How initiated.* –

a) An administrative complaint may be initiated by filing a written and sworn statement before any disciplinary authority or the IAS, accompanied by affidavits of witnesses, if any, and other evidence in support thereof.

The complaint shall be accompanied by a *certificate of non-forum shopping* duly subscribed and sworn to by the complainant. If the complaint is not accompanied by a *certificate of non-forum shopping*, the complainant shall be required to submit the same within five (5) days from notice; otherwise the complaint shall be dismissed.

b) However, if the complaint is verbally made with the PNP, IAS, or NAPOLCOM, the concerned agency shall assist the complainant in preparing his complaint-affidavit and other documents in support thereof.

c) In case of a letter complaint, which is neither under oath nor based on official reports, the evaluator shall require the complainant and witnesses to affirm their signatures and to execute affidavits to substantiate the complaint.

Such complaint shall likewise be accompanied by a *certificate of non-forum shopping*.

d) An anonymous complaint may be the basis of a formal complaint provided that the material allegations contained therein may be validated.

Section 2. *Contents of a Complaint.* – The complaint shall contain the following;

a) Full name and address of the complainant;

- b) Full name, rank and station or assignment of the respondent/s; and
- c) A narration of the material facts which show the act or omission constituting the offense allegedly committed, the place, date and time of commission of the offense.

Section 3. *Evaluation.* – Upon receipt of the complaint, the disciplinary authority concerned shall designate the officer who shall conduct the evaluation of the same to determine whether it shall be:

- a) closed or dropped outright for lack of probable cause;
- b) referred to the appropriate disciplinary authority;
- c) treated as a grievance/request for assistance which may be referred to the concerned office or government agency; or
- d) recommended for summary hearing.

Any recommendation by the evaluator closing or dropping an administrative complaint for lack of probable cause shall, in all cases, be approved by the concerned disciplinary authority or IAS.

If after pre-charge evaluation probable cause is found to exist which warrants the conduct of summary hearing, the recommendation of the evaluator for the conduct of the same shall be approved by the disciplinary authority or IAS. When the authority to conduct the pre-charge evaluation is delegated by the disciplinary authority to any of its Office, the approval of the said recommendation shall be made by the Head thereof.

RULE 14

PRE-CHARGE EVALUATION

Section 1. *Pre-charge Evaluation.* – Pre-charge evaluation is a process to determine the existence of probable cause based on the allegations on the complaint and supporting evidence.

Section 2. *Action on the Complaint.* – All complaints for pre-charge evaluation shall be stamped on its face with the date and time of its receipt and an assigned reference number, and shall be recorded in a docket book exclusively maintained for that purpose.

Within three (3) days from receipt of the complaint or the referral from other disciplinary authority or investigative agencies, the assigned officer shall evaluate the same and submit his recommendation to the concerned disciplinary authority for proper disposition.

RULE 15

FILING AND ASSIGNMENT OF CASES FOR FORMAL HEARING

Section 1. *When Deemed Filed.* – Upon receipt of the approved pre-charge evaluation report that the respondent should be administratively charged together with the complete records of the complaint, the office tasked by the disciplinary authority to maintain the records of administrative cases, shall enter the case into its official docket by stamping on the face of the report or complaint the time and date of receipt and assign a case number to it.

A docket book shall be maintained by the said office and shall contain, among others, the following data of the case: date and time of receipt from the evaluator, the case number; the name of the parties; the offense charged; the hearing officer to whom the case was assigned; the date decision was rendered; the implementing orders; proof of service of decision; date appeal was filed; date the decision became final and certificate of finality was issued; and other relevant and material data.

The case shall be deemed formally filed and pending upon receipt and entry of the same in the official docket of the disciplinary authority or IAS. The office tasked to maintain the docket of administrative cases shall inform PNP Directorate for Investigation and Detective Management (DiDM) of the pending cases, as well as the PNP unit where the respondent is assigned.

Section 2. *Assignment of Hearing Officers.* - Except in cases filed before the PLEBs, the disciplinary authority or the IAS shall within five (5) days from receipt and docketing of the complaint, assign and transmit the same to a hearing officer.

RULE 16

PREVENTIVE SUSPENSION

Section 1. *Preventive Suspension of the Respondent by the Disciplinary Authority and IAS.* – The concerned disciplinary authority or IAS, upon motion of the complainant may, at any time after a case is formally filed but before the presentation of complainant's evidence is terminated, place the respondent/s on preventive suspension for a period not exceeding ninety (90) days under any of the following circumstances:

- a) That the charge is serious or grave and the evidence of guilt is strong; or
- b) There is evidence to show that the respondent is exerting efforts to harass, intimidate, coerce, or unduly influence the complainant or his/her witnesses into

withdrawing his complaint or retracting his sworn statement or that of his witnesses against the respondent or to tamper with the evidence.

Section 2. *Request for Preventive Suspension by the PLEB.* – In the following cases the superior office shall not deny a request for preventive suspension:

- a) When the respondent refuses to heed the PLEB's summons or subpoena;
- b) When the PNP personnel have been charged with offenses involving bodily harm or grave threats;
- c) When the respondent is in a position to tamper with the evidence; and
- d) When the respondent is in a position to unduly influence the witnesses.

Any superior who fails to act on any request for suspension without valid grounds shall be held administratively liable for *serious neglect of duty*.

Section 3. *Entitlement to Reinstatement and Salary.* – A member of the PNP who may have been suspended from office in accordance with R.A No. 6975 as amended, or who shall have been separated from office, shall upon exoneration from the charges against him, be entitled to reinstatement and to prompt payment of salary, allowances and other benefits withheld from him by reason of such suspension or separation.

RULE 17

FORMAL HEARING AND DISPOSITION OF CASES

Section 1. *Summons.* – Within three (3) days upon receipt of the complaint by the Hearing Officer, he shall issue the summons to be served upon the respondent, directing him to submit his *answer* within five (5) days from receipt thereof, together with whatever documentary evidence the respondent may have in support of his defense.

Section 2. *Answer.* – The *answer* shall be in writing, under oath and must contain material facts, which may either be a specific denial or affirmation of the allegations in the complaint, It shall be accompanied by documentary or other evidence, if there be any, in support of the defense, copy furnished the complainant. It shall also contain a list of witnesses and their individual addresses, whenever appropriate.

The *answer* shall be filed in three (3) copies either personally or by registered mail, with proof of appropriate service to the complainant. If the *answer* is sent by registered mail, it is deemed filed on the date and hour of receipt stamped by the post office on the envelope. Said envelope shall be kept and made an integral part of the answer and records of the case.

No motion to dismiss, motion for bill of particulars or any other motion shall be allowed, and the filing of the same shall not interrupt the running of the reglementary period for filing an answer.

Section 3. *Effect of Failure/Refusal to File Answer.* – Failure of the respondent to file an answer within the reglementary period shall be considered as a general denial of the charges.

Section 4. *Effect of Admission by Respondent.* – When the respondent in his answer admits his culpability to the charge, the hearing shall, nonetheless, proceed in order to determine the degree of his responsibility, and the appropriate penalty to be imposed.

Section 5. *Pre-Hearing Conference* – Within ten (10) days from receipt of the answer, the disciplinary authority or IAS shall conduct the pre-hearing conference for the purpose of:

- a) defining and simplifying the issues of the case;
- b) entering into admissions and/or stipulations of facts;
- c) limiting the number of witnesses to be presented;
- d) scheduling the dates of hearing;
- e) marking of exhibits; and

f) threshing out matters relevant to the case. Witnesses not included in the pre-hearing stipulations shall in no case shall be allowed to testify.

The parties may agree that summary hearing be dispensed with, instead, memorandum or position papers be submitted.

The conference shall be completed within two (2) days and the proceedings shall be duly recorded and attested by the parties and/or counsels.

Whether the parties are represented by counsel or not, they shall be made to sign the certificate of readiness to appear at the scheduled hearings. In the said certification, the date of hearing agreed upon by the parties shall be strictly followed to avoid unnecessary delay in the proceedings.

Section 6. *Hearing Proper.* – Within five (5) days from the pre-hearing conference, the summary hearing of the case shall proceed.

Section 7. *Order of Summary Hearing.* – The order of the summary hearing shall be as follows:

- a) The complainant shall adduce evidence with proper identification and marking thereof of his exhibits;

b) The respondent shall then present evidence in support of his defense with proper identification and marking thereof of his exhibits;

c) The proceedings being summary in nature; direct examination of witnesses shall be dispensed with and the sworn statements/affidavits of witnesses, after proper identification and affirmation on the truth of the contents thereof, shall take the place of their oral testimony, except for witnesses who appeared pursuant to a subpoena;

d) Clarificatory questions may be allowed, if requested by either party, but shall be confined strictly to material and relevant matters and, insofar, as may be compatible with the ends of justice.

Section 8. *Submission of Position Papers.* – The hearing officer may require the parties to submit their respective position papers within ten (10) days from the date the summary hearing is terminated.

Section 9. *Right to Counsel.* - Parties have the right to avail of counsel. If the parties at the start of proceedings appear without counsel, they shall be informed of the right to avail of one if they so desire. However, the hearings shall proceed as scheduled even in the absence of counsel.

If a party is not represented by counsel, the Hearing Officer shall mark the exhibits presented during the preliminary conference and may propound clarificatory questions, if necessary.

Section 10. *Postponement.* – Postponement of hearing should be discouraged and shall be allowed only in meritorious cases, such as illness of a party or his/her counsel and/or other similar unavoidable causes. A request for postponement on the ground of illness shall be supported by a duly sworn medical certificate.

Regardless of the ground invoked, not more than two (2) postponements shall be granted for either of the parties. Thereafter, the hearing shall proceed as scheduled.

Section 11. *Prohibition of Reassignment of Respondent During the Pendency of an Administrative Case.* – A respondent PNP member shall not be reassigned or transferred to another city/municipal police station or unit during the pendency of the case, unless the concerned disciplinary authority or IAS certifies that the presence of the respondent is no longer necessary. Any superior who violates this provision shall be administratively liable for *irregularity in the performance of duty.*

Section 12. *Effect of Failure to Prosecute.* – The failure to prosecute the case during the hearing, despite due notice, shall be a sufficient ground to drop the complaint where the culpability of the respondent could not be established or proven without the testimony of the complaining witnesses. However, before dropping the complaint, the disciplinary authority or

designated hearing officer shall exert best efforts to locate the complainant and his witnesses and to inquire into the reason(s) for their failure to prosecute the case.

In cases where the culpability of the respondent can be established by evidence other than the testimony of the complainant, non-appearance of the latter shall not be a ground to terminate the proceedings. The disciplinary authority or hearing officer shall endeavor to continue with the hearing and secure the attendance of other vital witnesses, upon proper motion by the prosecution.

Section 13. Effect of Failure or Refusal of Respondent to Appear. – If the respondent, despite due notice, fails or refuses to appear without justifiable reason during the scheduled hearings, he is deemed to have waived his right to be present and to submit evidence.

The respondent shall however, be afforded every opportunity to adduce his evidence during the pendency of the case.

Section 14. Effect of Compulsory Retirement. – The compulsory retirement of the respondent shall not affect the pendency of his administrative case and the award of retirement benefits due him shall be subject to its final disposition.

In the event that the respondent who has retired is found guilty and the penalty of suspension is imposed, the corresponding amount relative to the period of suspension shall be deducted from that portion of his retirement benefits that are allowed by law.

Section 15. Effect of Death. – Death of the respondent during the pendency of the case shall terminate the administrative proceedings and has the effect of exoneration.

Upon presentation of a certified true copy of the death certificate, a resolution dismissing the case shall be issued by the concerned disciplinary authority, appellate body or IAS, where the case is pending.

Section 16. Stenographic Records of the Proceedings. – The entire proceedings during the conduct of summary hearing shall be taken in shorthand or stenotype, if there is a stenographer.

The stenographer shall immediately transcribe the transcript of stenographic notes taken, but in no case beyond fifteen (15) days from the date of the hearing: *Provided however*, that if the case is deemed submitted for report of investigation/resolution/decision, he shall transcribe all the stenographic notes within ten (10) days.

A transcript of the records made and certified to as correct by the official stenographer or steno typist shall be a *prima facie* correct statement of the proceedings.

Section 17. Where Services of Stenographer Not Available – In areas and cases, where the services of a stenographer are not available to the disciplinary authority or IAS, a substantial account of the proceedings duly certified to as correct by the disciplinary authority or hearing officer shall suffice.

Section 18. *Submission of Report of Investigation.* – The hearing officer of the disciplinary authority and IAS, whenever applicable, shall have thirty (30) days to submit the report of the investigation accompanied by the complete original records from the date the case is submitted for resolution. The report of investigation shall contain the findings of facts and the corresponding recommendation.

In cases filed before the IAS, the provincial director, regional director and the Inspector General shall resolve and forward the recommendation to the disciplinary authority, within thirty (30) days from receipt of the report of investigation from the hearing officers.

Section 19. *Period to Render Decision.* – The disciplinary authority shall decide the case within thirty (30) days from receipt of the Report of Investigation, or IAS resolution: *Provided* that failure of the disciplinary authority to decide on the IAS recommendation within the above-prescribed period shall render the same final and the disciplinary authority is mandated to implement the Decision.

Section 20. *Contents of Decision.* – The decision shall contain the full name of the parties, rank and assignment of the respondent, the offense charged, a brief statement of the material and relevant facts, the findings as established during the hearing, the conclusion, the applicable laws, rules and regulations, jurisprudence, and the disposition thereof.

Section 21. *Respondent Found Liable for an Offense Separate and Distinct from which he was Charged* – A respondent may be found culpable of an offense separate and distinct from that for which he was charged: *Provided*, that the acts constituting the offense of which he was found guilty were alleged in the complaint, and the respondent has been given the opportunity to answer.

Section 22. *Finality of Decision.* – The disciplinary action imposed upon a member of the PNP shall be final and executory: *Provided*, that a disciplinary action imposed by the regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the Regional appellate board within ten (10) days from receipt of the copy of the notice of decision: *Provided, further*, that the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within ten (10) days from receipt thereof: *Provided, furthermore*, that the regional or National Appellate Board, as the case may be, shall decide the appeal within sixty (60) days from receipt of the notice of appeal: *Provided, finally*, that the decisions of the National Appellate Board and Regional Appellate Board may be appealed to the Secretary of the Interior and Local Government.

Section 23. *Motion for Reconsideration.* – The party adversely affected may file a motion for reconsideration from the decision rendered by the disciplinary authority within ten (10) days from receipt of a copy of the decision on the following grounds:

a. Newly discovered evidence which, if presented, would materially affect the decision rendered; or

b. Errors of law or irregularities have been committed prejudicial to the substantial rights and interest of the movant.

The filing of a motion for reconsideration shall stay the execution of the disciplinary action sought to be reconsidered. Only one (1) motion for reconsideration shall be allowed and the same shall be considered and decided by the disciplinary authority within fifteen (15) days from receipt thereof.

Section 24. *Certificate of Finality.* – The disciplinary authority or appellate body shall issue a certificate of finality of decision, or resolution finally disposing of the case when no motion for reconsideration or appeal is filed within the prescribed period.

RULE 18

SERVICE OF NOTICES AND SUMMONS

Section 1. *To whom and by whom served.* – All notices and summons to the respondent shall be served by handing the same to the respondent in person, or, if he refuses to receive and sign for it, by tendering it to him. The process server of the disciplinary authority or IAS shall effect said service.

Section 2. *How Served.* – All notices and summons to the respondent shall be personally delivered to him at his official station or residence. If for any reason, the respondent cannot be located thereat, the notices and summons shall be served at his last known address as appearing in his personal file with the Administrative Office.

However, if service by the disciplinary authority, IAS or Appellate Body cannot be accomplished under the foregoing modes, the notices and summons directed to the respondent shall be endorsed to his Chief of Police or equivalent supervisor who shall have the duty to serve the same to him personally within five (5) days from receipt.

In all cases, the *Return* shall be made within twenty-four (24) hours from service, either personally or by registered mail.

Section 3. *Constructive Service.* – If, for whatever justifiable reason, the respondent cannot be served personally, service may be made by leaving a copy of the notice and summons at the respondent's official station.

Section 4. *Responsibility of the Administrative/ Personnel Officer.* – The Administrative/Personnel Officer of a unit, office or station shall compile and keep a complete record of the residential addresses of all the PNP uniformed personnel assigned within his area of responsibility.

RULE 19

FILING AND SERVICE OF PLEADINGS, PROCESSES AND DECISIONS

Section 1. *Filing of Pleadings.* – The filing of pleadings by the parties shall be made by presenting the original copies thereof to the concerned disciplinary authority, IAS or Appellate Body or by sending them by registered mail with proof that the other party was served with a copy.

The date and time of the receipt shall be indicated on the face of the original document and the receiving copies. In case the above-indicated documents were sent by registered mail, the date and time of actual receipt shall be the time and date of receipt as stamped on the envelope. The envelope is required to be attached to the document as part of the record.

Section 2. *Service of Subpoenas and Interlocutory Orders.* – Subpoenas and other interlocutory orders shall be served personally in the manner provided for under Rule 18 hereof; *Provided however*, that if the complainant and / or respondent is represented by counsel , service of orders to the counsel shall be deemed service to his client.

Section 3. *Service of Final Orders/Decisions/Resolutions.* – Final orders, decisions, and resolutions shall be docketed after its release by the disciplinary authority, IAS or Appellate Body and copies thereof shall be served upon the parties personally or by registered mail.

Section 4. *Implementation of Final Orders/ Decisions, or Resolutions which Have Become Final and Executory.* – Final orders, decisions, or resolutions which have become final and executory shall be referred to the PNP Regional Director or his equivalent supervisor or the Director, Directorate for Personnel and Records Management (DPRM) for implementation within five (5) days from receipt of the request or order of the disciplinary authority or appellate body to implement the same, copy furnished Director, PNP Finance Service; Directorate for Investigation and Detective Management (DIDM); and the respondent's unit assignment.

Any PNP officer charged with the implementation of a *Decision* which has become final and executory who fails to implement the same shall be liable for *serious neglect of duty*.

RULE 20

APPEAL

Section 1. *How appeal is taken; time of filing* – Appeals from the decisions of the disciplinary authority, Regional Appellate Board, National Appellate Board or recommendation of IAS which ripened into a decision due to inaction by the disciplinary authority, shall be taken by the party adversely affected by filing a notice of appeal and furnishing a copy thereof to the

other party and the appellate body, with the deciding authority within ten (10) days from receipt of a copy of the decision.

Section 2. *Notice of Appeal and Memorandum on Appeal.* –

(a) A *Notice of Appeal* shall be filed in three (3) legible copies which shall contain the following:

- 1) the material dates showing that it was filed on time;
- 2) the assignment of the specific errors of fact or law, or both, allegedly committed by the disciplinary authority; and
- 3) the specific appellate body to which the appeal is being taken.

The appellant shall submit a Memorandum on Appeal in three (3) legible copies not later than fifteen (15) days from the filing of the notice of appeal, copy furnished the other party. However, the memorandum on appeal may be submitted upon filing the notice of appeal. Proof that copy of the memorandum on appeal was served to the other party must be submitted by the appellant.

(b) In all appealed cases, the title of the case shall remain as it was before the disciplinary authority, but the party appealing the case shall be further referred to as the appellant and the prevailing party as the appellee.

Section 3. *Dismissal of the Appeal.* – Failure of the appellant to comply with the requirements provided in Sections 1 and 2 (a) of this *Rule* shall be sufficient ground for the dismissal of the appeal.

Section 4. *Transmittal of the Records.* – Within fifteen (15) days from receipt of the *Notice of Appeal*, the concerned disciplinary authority shall forward the complete original records of the case to the appellate body, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss of any piece of document thereof. The transmittal of the records shall be a ministerial duty and failure to forward the same shall be a ground for administrative action against the concerned official or personnel for *serious neglect of duty*.

Section 5. *Docketing of Appealed Cases.* – Upon receiving the complete original records, which shall include the exhibits and transcript of stenographic notes from the disciplinary authority, the appellate body shall immediately docket the same by stamping the time and date of receipt on its cover, assigning the appellate the case number and entering the same on the docket book which shall be purposely maintained for appealed cases only.

Section 6. *Period to Act on Appeal.* – The Regional Appellate Board and the National Appellate Board shall decide the appeal within the period of sixty (60) days from receipt of the complete records of the case.

Failure of the RAB to decide the appeal within sixty (60) days from receipt of the case records shall render the decision of the disciplinary authority final without prejudice to the filing of an appeal by the party adversely affected to the Secretary of the Department of the Interior and Local Government.

Should the RAB fail to decide the appeal within the reglementary period provided in this Section, the concerned Board shall automatically make a written explanation to the Commission En Banc on its failure to do so.

The Commission En Banc shall order the conduct of investigation against the Chairman and the PNP representative of the concerned Board if it appears from the explanation that an evident neglect of duty was committed by the Board.

Section 7. *Withdrawal of Appeal.* – At any time before the appellate body renders its decision finally resolving the appeal, the appellant, as a matter of right, can withdraw the same; which shall consequently, render the appealed decision final and executory. No motion to reinstate the appeal shall be allowed.

PART III

ADMINISTRATIVE OFFENSES AND PENALTIES

RULE 21 OFFENSES

Section 1. *Offenses Punishable.* – The following are the offenses punishable and defined as follows:

1) *Neglect of Duty or Nonfeasance* – is the omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; implies a duty as well as its breach and the fact can never be found in the absence of duty.

2) *Irregularities in the Performance of Duty or Misfeasance* – is the improper performance of some act which might lawfully be done.

3) *Misconduct or Malfeasance* – is any wrongful, improper or unlawful conduct motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except where necessity may demand; it does not necessarily imply corruption or criminal intention.

4) *Incompetence* – is ignorance or the material lack of adequate ability and fitness for the satisfactory performance of police duties. This refers to any physical, intellectual, psychological and moral quality, the lack of which substantially incapacitates a person to perform the duties of a police officer.

5) *Oppression* – imports an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of unlawful powers or other means, in depriving an individual of his property or liberty against his will, is generally an act of oppression.

6) *Dishonesty* – is the concealment or distortion of truth in a matter of fact relevant to one's office, or connected with the performance of his duties or connected with the performance of his duties; and

7) *Disloyalty to the Government* – consists of the abandonment or renunciation of one's loyalty to the government of the Philippines, or advocating the overthrow of the government, through overt and covert acts.

Section 2. *Classification of Offenses.* – For purposes of determining jurisdiction and applying the appropriate penalty, administrative offenses are classified into light, less grave and grave.

A. LIGHT OFFENSES:

1) Simple Neglect of Duty – Shall include but not limited to the following:

a) fail to supervise, inspect and control subordinates directly under his command as to their punctuality, attendance, prescribed attire, proper use and maintenance of equipment, preparation and submission of reports, efficient performance of their duties and responsibilities, and the observance of good order, conduct, behavior and discipline;

b) fail to take corrective action by way of warning, advise, admonition, suggestion or disciplinary action to subordinate, or to report such conduct when such subordinate is committing or has already committed a dereliction, irregularity or violation of departmental rules and regulations;

c) fail to order or cause the investigation of a subordinate reported to him as absent without leave;

d) fail to disseminate any order, directive or instruction;

e) fail to coordinate or cooperate with other law enforcement agencies and their personnel;

f) Absent oneself from office without having filed the necessary application for leave or secured the approval of the superior officer for a period not exceeding three (3) days in a month;

- g) fail or refuse to give his name and badge number when properly requested;
- h) fail to report upon declaration of alert levels;
- i) fail to report on duty in prescribed uniforms with badge, identification card, service firearm and other required equipment, except those not required to wear the prescribed uniform by reason of the exigency of the service.
- j) fail to keep an official appointment with a complainant, informer or crime witnesses without lawful justification;
- k) fail to submit a written report to his superior officer immediately or within a reasonable time after accidental firing of his firearm, when time and circumstances would permit;
- l) fail to take custody of government issued property from a member under his supervision who is suspended, separated, retired or dead;
- m) fail to conduct within a reasonable period, proper, thorough and complete investigation when assigned to do so;
- n) fail to thoroughly search for, collect, preserve and identify evidence in any arrest or investigation conducted by him;
- o) fail to take proper custody, record, tag, and identify property entrusted to him as evidence;
- p) be delayed unnecessarily in attending to or in performing a duty;
- q) fail to report to his superior officer his inability or incapability to report for duty, attend a conference, general inspection, or participate in an operation;
- r) delay or fail to respond to a call for assistance;
- s) fail to inform his superior as to the result of action taken on a call or dispatch;
- t) fail to report to his superior officer a hazardous condition or dangerous situation;
- u) fail to prepare and submit properly written reports within the prescribed period of time, if required by standing regulations;
- v) fail to report to a new assignment within ten (10) days from the order of reassignment without sufficient reason;

w) leave his post or beat before the end of tour of duty or leave without the required turn over to the incoming duty personnel.

2) Simple Irregularity in the Performance of Duty - Shall include but not limited to the following:

a) drive a marked police vehicle while not in prescribed uniform, except those who are not required to do so by reason of the exigency of the service;

b) use siren and/or red blinker light while not responding to an emergency or not in hot pursuit of a fleeing criminal or law violator;

c) malingering, loaf or consort with others while on duty or arrange with another member to take his place during his tour of duty, without prior approval of his superior;

d) allow unauthorized member of the PNP to drive marked or unmarked police vehicles;

e) interfere or obstruct the work of other members or change the assignment or tour of duty of subordinates not belonging to his unit/ offices;

f) arrange with another member to take his post or tour of duty without superior's approval.

3. Slight or Simple Misconduct - Shall include but not limited to the following:

a) fail to salute officials, dignitaries, superior officers and other officials entitled thereto or the national colors during the playing of the national anthem;

b) fight, threaten or quarrel with any member of the police force; provided, that when the member being challenged or threatened is one of higher rank, the charge shall be that of Grave Misconduct;

c) read newspaper, books or periodicals while in uniform or in street duty;

d) be untidy or couth in his personal appearance and behave in an ungentlemanly or undignified manner;

e) fail to recognize and satisfy any just debt;

f) engage in private business or practice his vocation or profession during off duty hours without approval of proper authority;

g) solicit attorneys, bondsmen or guarantors for arrested or confined persons;

h) fail to be home or to be at the place of confinement without legitimate reason after having been reported sick or suffering injuries;

- i) use rude or insulting language or exhibit similar rudeness to the public;
- j) fail to report for record with the Complaint or Desk Officer a case prior to its investigation;
- k) allow or tolerate idlers, fixers or persons of questionable character to stay or loiter in his office, post or place or assignment without any legitimate reason or purpose;
- l) fail to maintain cleanliness or orderliness in his office, premises, post or surroundings;
- m) use official forms, letterheads, seals and stamps privately or in violation of protocol; provided, that when they are used for committing fraud or dishonesty, the charge shall be Grave Misconduct;
- n) be found to have the odor or smell of alcohol on his breath while on duty, or processes alcoholic beverages on his person, police vehicle, post or office;
- o) make or conduct unauthorized solicitations of contributions from subordinates or private persons.

B. LESS GRAVE OFFENSES:

1) Less Grave Neglect of Duty – Shall include but not limited to the following:

- a) Fail to execute lawful orders from higher authority or tolerate any subordinate to ignore or ridicule any order, rule or regulation;
- b) fail to make immediate correction or take appropriate action when a dereliction, irregularity or violation of law or duty is being committed or has been committed in his presence by a subordinate under his command, or fail to report the same to his commanding officer within twenty-four (24) hours;
- c) fail to prepare disciplinary or administrative complaint or take such other disciplinary action as may be necessary against a subordinate under his command who has committed a serious dereliction, violation or irregularity;
- d) fail to comply with any lawful order or instruction of a superior officer or the Chief of Police;
- e) fail to report immediately to his superior officer or to the Chief of Police the injury, illness, death or escape of a prisoner who is under his custody;
- f) fail to communicate to the Chief of Police, through channels, any valuable information that will lead to the apprehension of a wanted person, or furnish clues for the solution of a case, or for the recovery of stolen property;

g) fail to issue a Traffic Citation Ticket (TCT) or Temporary Operator's Permit (TOP) to an offending driver whose license is already confiscated;

h) fail to turn in the used of Traffic Citation Ticket or Temporary Operator's Permit together with the confiscated driver's license at the end of his tour of duty or within twenty-four (24) hours, or fail to account for the TCT's or TOP's issued to and used by him;

i) fail to report as a peace officer any incident, condition or occurrence witnessed by or reported to him which calls for immediate police action;

j) fail to properly patrol his beat, sector or post or to leave or abandon the same without being properly relieved; fail to take appropriate action concerning vice conditions in his beat and/or give written report of the same to his superior;

k) fail to report to his superior officer, within a reasonable period, injury inflicted by him to a person or animal, damage or loss of government property while on or off duty;

l) fail to comply with the order of a court of competent jurisdiction;

m) willfully violate office regulations and/or refuse or neglect to comply with said provisions;

n) sleep on his post while performing patrol or guard duty;

o) absent oneself from office without having filed the necessary application leave or secured the approval of the superior officer for a period of more than three (3) days but not exceeding fifteen (15) days.

2) Less Grave Irregularities in the Performance of Duties – Shall include but not limited to the following:

a) apply for and serve a search or seizure warrant in any establishment or private house without the knowledge or approval of the Chief of Police or his superior officer;

b) use traffic violation traffic reports which are not duly validated by the Land Transportation Office (LTO), the Metro Manila Development Authority (MMDA), or city or municipal government;

c) use traffic violation reports duly validated by the LTO, MMDA, or city/municipal government but are not issued to him for traffic enforcement work;

d) use the official insignia, markings and seal of the police force in any privately owned vehicle, without the authority of the Chief of the Police/superior officer;

e) disregard or violate traffic rules and regulations while driving a police vehicle when not in hot pursuit and not responding to an emergency call.

3) Less Grave Misconduct – Shall include but not limited to the following:

- a) take advantage to his position by procuring goods and commodities at a losing price to an unwilling seller, or partake of food, drinks and cigarettes free of charge;
- b) engage in regulated gambling or games of chance while on duty;
- c) be drunk and disorderly while on off duty, or drunk while on duty and in uniform or in recognizable uniform of the force;
- d) maliciously intrigue against the honor of a co-officer, or indulge in idle gossip or spread rumors that tend to discredit member;
- e) exhibit marked discourtesy in the course of official duties or use profane or insulting language to any superior officer;
- f) serve as escort or security officer, whether on foot or by motor vehicle, for any private individual regardless of his status in social or religious circles on any occasion, unless authorized by the chief of police or the appropriate officials authorized to do so;
- g) take a trip abroad without approved leave and approval of the authorities concerned;
- h) borrow or solicit money or any valuable from his subordinates unless the latter is engaged in the lending business.

C. GRAVE OFFENSES:

1) Serious Neglect of Duty – Shall include but not limited to the following:

- a) fail or refuse to take command in an emergency in order to carry out police duty, being the officer present with the highest rank, grade or position;
- b) fail to prevent or suppress the criminal act of a subordinate being committed in his presence or fail to report the same to the Chief of Police within twenty-four (24) hours after discovery;
- c) fail to apprehend and/or arrest a person under circumstances where it is his duty to do so;
- d) fail to return personal effects of released prisoners or other property used in evidence the release of which is ordered by a competent authority or court;
- e) fail to perform his assigned mission or fail to participate in an operation for the security of the President, or other high ranking officials of the Philippines or foreign heads of state;

f) fail to administer first aid when able and/or convey to the hospitals, victims of traffic accidents, persons shot or stabbed, persons electrocuted and other who are dying and in need of urgent medical or surgical attention;

g) fail to quell a disturbance or to protect a person from death or injury when able to do so;

h) fail to help a brother peace officer in apprehending or arresting a violator who resists, or in subduing one assaulting the arresting officer, or in disarming an armed violator or in coming to the succor of another officer who is wounded, injured or outnumbered;

i) fail to appear and testify in court, prosecutor's office, the PNP disciplinary authorities, appellate bodies, the IAS or any other quasi-judicial body when duly notified or subpoenaed as witness. If his non-appearance resulted in the dismissal of the case or the acquittal of the accused; or when he is the principle witness or the arresting officer, the penalty of dismissal from the service shall be imposed;

j) Absent oneself from the office without having filed the necessary application for leave or secured approval of the authorized official for a period of more than fifteen (15) days prior to the enjoyment of the leave.

2) Serious Irregularities in the Performance of Duties – Shall include but not limited to the following:

a) act as a bodyguard or security guard for any public official or candidate for any elective public office or position or any other person within three (3) months immediately preceding any election and within one (1) month thereafter, without authority from the Commission on Election;

b) acts as bodyguard or security guard for the person or property of any public official, or private person unless approved by proper authorities concerned;

c) reveal secret or confidential police matters and information which jeopardize police mission and operations, or which cause injury or damage to citizens;

d) Unauthorized establishment of checkpoints in any public thoroughfare for the purpose of stopping or searching vehicles or persons or if authorized does not comply with the Rules set by the PNP;

e) unauthorized escorting of any vehicle carrying highly dutiable or taxable goods, merchandise, appliances or machinery;

f) failure to turn over to the police station within a reasonable period any apprehended or arrested person;

g) countermand any lawful order of the mayor, chief of police, or his superior officer;

h) perform the duties and functions of customs or immigration authorities without proper deputation in accordance with law;

i) escort or allow other members to escort detention prisoners outside the jail in order to attend a funeral, visit a sick relative, or solicit a bond without an order of the court or proper jurisdiction.

3) Grave Misconduct – Shall include but not limited to the following:

a) maltreat or abuse any prisoner or detained person under his custody;

b) receive for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;

c) join a strike or refuse to report for duty in order to secure changes in terms and conditions of his employment, or to oust the chief of police or any other officer from office;

d) contract loans of money or other property from persons with whom the PNP office has business relations;

e) solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between the giver and receiver and the motivation. A thing of monetary value is one which is evidently or materially excessive by its very nature;

f) directly or indirectly have financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

g) own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee, nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law;

h) publicly consort with women of ill repute and/or scandalously cohabit with or maintain a wife other than his legitimate spouse;

i) fail or refuse to surrender or deposit his service firearm, badge, identification card and police vehicle, if any, to his superior officer upon demand during the period of suspension;

j) willful failure to pay just debts or obligation due to the government;

k) appropriate for his or allow another person the beneficial use any stolen property that is recovered, found or abandoned;

l) solicit money, valuable or favor for the amicable settlement of cases under investigation;

m) engage directly or indirectly in partisan political activities or take part in any election except to vote;

n) deliberately or through gross negligence, destroy, damage or lose government property entrusted to him for official use;

o) mutilate, deface or destroy any driver's license, traffic citation ticket or temporary operator's permit issued in lieu thereof;

p) inflict physical injuries upon a suspect to force the latter to give a confession;

q) act as a mediator or fixer for the return of any stolen vehicle or property whether held for ransom or not; and

r) commit any act or omission that constitutes a crime punishable under the Revised Penal Code or Special Laws.

4) Oppression – Any member of the police force who shall abuse his authority in a tyrannical, cruel and high-handed manner shall be guilty of Oppression.

5) Gross Incompetence – When the offense or negligence is committed by reason of manifest lack of adequate ability and fitness on the part of the respondent member for the satisfactory performance of police duties, the erring member shall be guilty of Gross Incompetence.

6) Disloyalty to the Government – Any member of the PNP who shall abandon or renounce his loyalty to the government of the Republic of the Philippines or who shall advocate the overthrow of the government, through covert or overt acts, shall be guilty of Disloyalty to the Government. He shall be punished with the maximum penalty of dismissal from the service.

7) Dishonesty – Any member of the police force who shall conceal, alter, or distort the truth in a matter of fact relevant to his office, or connected with the performance of his duties shall be guilty of Dishonesty. It shall include but not limited to the following:

a) any member who shall knowingly enter in his Information Sheet or CSC 212 Form; or in his Individual Police Profile, facts which are not true, or conceal or distort material facts;

b) makes a false report or entry in the police blotter or any department record;

c) gives deliberate false testimony against or in favor of a person facing a criminal or administrative charge;

d) destroy, conceal, or tamper physical evidence to be presented in court or any office conducting an investigation by exchanging, altering, damaging or diluting as to affect its original appearance, composition and content;

e) Intentionally provide the public with false information affecting public interest.

RULE 22

PENALTIES

Section 1. *Imposable Penalties.* – The following are the penalties that may be imposed in police administrative cases:

- a) Withholding of privileges
- b) Restriction of specified limits
- c) Restrictive custody
- d) Forfeiture of salary
- e) Suspension
- f) any combination of penalties under section 1, subparagraphs (a) to (e)
- g) One (1) rank demotion
- h) Dismissal from the service

Section 2. *Range of penalties.* – The penalties for light, less grave and grave offenses shall be made in accordance with the following ranges:

For Light Offenses:

1) Withholding of privileges; restriction to specified limits; restrictive custody, suspension or forfeiture of salary; or any combination thereof from one (1) day to ten (10) days (minimum period);

2) Withholding of privileges; restriction to specified limits; restrictive custody, suspension or forfeiture of salary; or any combination thereof from eleven (11) days to twenty (20) days (medium period);

3) Withholding of privileges; restriction to specified limits; restrictive custody, suspension or forfeiture of salary; or any combination thereof from twenty one (21) days to thirty (30) days (maximum period);

For Less Grave Offenses:

1) Withholding of privileges; restriction to specified limits; restrictive custody, suspension or forfeiture of salary; or any combination thereof from thirty one (31) days to forty (40) days (minimum period);

2) Withholding of privileges; restriction to specified limits; suspension or forfeiture of salary; or any combination thereof from forty one (41) days to fifty (50) days (medium period);

3) Withholding of privileges; restriction to specified limits; restrictive custody, suspension or forfeiture of salary; or any combination thereof from fifty one (51) days to fifty nine (59) days (maximum period);

For Grave Offenses:

1) Sixty (60) days to Six (6) months suspension (minimum period);

2) One (1) rank demotion (medium period);

3) Dismissal from the service (maximum period).

Section 3. *Limitation in the Imposition of Penalties.* – In case of forfeiture of salary the amount shall not exceed the equivalent of one (1) month salary.

The penalty of *“Withholding of Privileges”* shall be confined to deferment of vacation leave privileges, participation in training grants or programs and such other similar privileges normally enjoyed by civil service employees.

Section 4. *Qualifying Circumstances.* – In the determination of penalties to be imposed, mitigating and aggravating circumstances attendant to the commission of the offense/s shall be considered.

a) The following are mitigating circumstances:

- 1) illness;
- 2) good faith;
- 3) length of service in the government;
- 4) awards and commendations;
- 5) analogous circumstances.

b) The following are aggravating circumstances:

- 1) taking advantage of official position;
- 2) taking undue advantage of subordinate;
- 3) use of government property in the commission of the offense;
- 4) repeatedly charged;
- 5) offense is committed during office hours and/or within the premises of the government office or building;
- 6) employment of fraudulent means to commit or conceal the offense;
- 7) intoxication;
- 8) being a recidivist
- 9) offense committed in consideration of a price or reward;
- 10) when the victim is a minor, feeble minded, or physically disabled;
- 11) when offense is committed in cooperation with two (2) or more persons;
- 12) utilizing minor in the commission of the offense; and
- 13) analogous circumstances.

Section 5. *Guidelines in the Application of Penalties.* – The imposition of the penalty shall be made in accordance with the manner herein below provided:

a) Like penalties shall be imposed for like offenses and only one penalty shall be imposed for each case. "Each case" means one administrative case which may involve one or more charges or counts.

b) The minimum period of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.

c) The medium period of the penalty shall be imposed where no mitigating and aggravating circumstances are present.

d) The maximum period of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

e) Where aggravating and mitigating circumstances are present, rule (b) shall be applied where there are more mitigating circumstances present; rule (c) shall be applied where the circumstances equally off-set each other; rule (d) shall be applied when there are more aggravating circumstances.

f) If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

g) In the appreciation of any mitigating circumstance in favor of the respondent or of any aggravating circumstance against him, the same must be invoked or pleaded by the party concerned, otherwise, such circumstances shall not be considered in the determination of the penalty to be imposed.

Section 6: *Administrative Disability Inherent in Certain Penalties.* – The following are the administrative disabilities inherent in certain penalties:

a) The penalty of dismissal, which results in the separation of the respondent from the service, shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the disqualification for re-employment in the government service;

b) The penalty of suspension, which consists in the temporary separation or cessation of work of the respondent for the duration of the sanction, shall carry with it that of disqualification for promotion and withholding of privileges corresponding to the period of suspension.

c) The penalty of forfeiture of salary, which consists of an amount not exceeding one (1) month salary, shall carry with it that of disqualification for promotion corresponding to the period of the penalty imposed.

RULE 23

MISCELLANEOUS PROVISIONS

Section 1. *Authority to Administer Oath.* – In addition to the officials who, under the existing laws, are authorized to administer oaths, officers designated to conduct pre-charged evaluation and hearing officers of the Commission, PNP, IAS, the Chairmen and members of the PLEB and Regional Appellate Boards have the authority to administer oaths on matters connected with the performance of their duties.

Section 2. *Authority to Issue Subpoena Ad Testificandum and Subpoena Duces Tecum.* – The disciplinary authorities, IAS and their hearing officers shall have the authority to issue subpoena ad testificandum and subpoena duces tecum.

Section 3. *Monthly Report.* – Within the first week of each month all disciplinary authorities, IAS and appellate bodies are required to submit a report to the regional office of the NAPOLCOM or the Commission en Banc, furnishing a copy thereof their respective heads of office, indicating the following data/information:

- a) List of newly filed / received or raffled cases, revived, reinstated case, or cases transferred/referred or re-raffled from other office /officers;
- b) List if investigated, heard, resolved / decided, or pending cases;
- c) List of cases transferred/ referred or re-raffled to other offices/ officers stating clearly the reason for such transfer /referral or re-raffle; and
- d) List of cases with suspended proceedings stating clearly the reason for its suspension.

Section 4. *Effect of a Pending Case.* – Pendency of an administrative case before any of the administrative disciplinary authorities, IAS or appellate body shall be a bar to promotion.

Section 5. *Issuance of Clearance / Certification.* – Any disciplinary authority, IAS or appellate body or its authorized official upon written request and payment of legal fee shall issue a clearance or certification indicating the pendency or non-pendency of an administrative case against any PNP member. The request shall contain the name of the requesting party, name of the police officer subject of the verification and the purpose of the request.

A disciplinary authority, IAS or appellate body shall not require personal appearance of the police officer and other clearance or document from him or the requesting party except for NAPOLCOM, PNP and IAS national offices which may require clearances or certification from their lower units or offices.

RULE 24

TRANSITORY PROVISIONS

Section 1. *Repealing Clause.* – Memorandum Circular Numbers 93-024, 96-010, 98-014, 99-006, 99-014, 2002-010, 2002-013 are repealed. All other NAPOLCOM issuances or portions thereof inconsistent with this Memorandum Circular are hereby superseded or modified accordingly.

Section 2. *Application to Pending Cases.* – These Rules shall apply to pending cases with the different disciplinary authorities, appellate bodies and IAS, *Provided however*, that the offenses and penalties reclassified under these Rules shall have retroactive effect insofar as they are favorable to the respondent.

Section 3. *Separability Clause* – Any portion of this memorandum circular inconsistent with the organic law or declared unconstitutional shall not affect the validity of the other provisions.

Section 4. *Effectivity Clause*. – This Memorandum Circular shall be effective after fifteen (15) days following the completion of its publication in at least two (2) newspapers of general circulation nationwide.

Issued this 6th day of March 2007 at Makati City.

(Original signed)

RONALD V PUNO

Chairperson

(Original signed)

LINDA L. MALENAB-HORNILLA

*OIC-Office of the Vice-Chairperson & Executive
Officer*

(Original signed)

CECELIA V. SANIDAD-LEONES

Commissioner

(Original signed)

MIGUEL G. CORONEL

Commissioner

(Original signed)

OSCAR C. CALDERON

Commissioner

Attested by:

(Original signed)

ADEMALYN A. MUTIEZA

Chief, Secretariat

PART II – Classification of Offenses and Penalties:

1. Legal Basis:

- Revised Rules on Administrative Cases in the Civil Service (RRACCS) dated November 18, 2011;
- Revised Uniformed Rules on Administrative Cases in the Civil Service (RURACCS); and
- Section 12 (2), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292).

2. Jurisdiction:

The Civil Service Commission shall hear and decide administrative cases instituted by or brought before it, directly or on appeal, including contested appointments and review decisions and actions of its offices and of the agencies attached to it.

Cases Cognizable by the Civil Service Commission

A. Disciplinary

1. Decisions of Civil Service Commission Regional Offices brought before it on appeal or petition for review;
2. Decisions of heads of agencies imposing penalties exceeding 30 days suspension or fine in an amount exceeding 30 days salary brought before it on appeal;
3. Complaints brought against Civil Service Commission personnel;
4. Complaints against officials who are not presidential appointees;
5. Decisions of heads of agencies imposing penalties not exceeding 30 days suspension or fine equivalent thereto but violating due process;
6. Requests for transfer of venue of hearing on cases being heard by Civil Service Commission Regional Offices;
7. Appeals from the order of preventive suspension; and
8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

B. Non-Disciplinary

1. Decisions of heads of agencies on personnel actions;
2. Decisions of Civil Service Commission Regional Offices;

3. Requests for favorable recommendation on petition for the removal of administrative penalties or disabilities;
4. Protest against appointments, or other personnel actions, involving non-presidential appointees;
5. Requests for Extension of Service;
6. Reassignment of public health workers and public social workers brought before it on appeal;
7. Request for correction of personal information in the records of the Commission within five years before mandatory retirement; and
8. Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

Cases Cognizable by Regional Offices

A. Disciplinary

1. Cases initiated by, or brought before, the Civil Service Commission Regional Offices provided that the alleged acts or omissions were committed within the jurisdiction of the Regional Office, including Civil Service examination anomalies or irregularities and/or the persons complained of are rank-and-file employees of agencies, local or national, within said geographical areas;
2. Complaints involving Civil Service Regional Office personnel who are appointees of said office; and
3. Petitions to place respondent under preventive suspension.

B. Non-Disciplinary

1. Disapproval/Recall of Approval/Invalidation of appointments brought before it on appeal;
2. Decisions of head of agencies, except those of the department secretaries and bureau heads within their geographical boundaries relative to protests and other personnel actions and other non-disciplinary actions brought before it on appeal;
3. Requests for accreditation of services; and
4. Requests of correction of personal information in the records of the Commission not falling under Section 7 (B) Item 7 of this Rules.

3. Classification of Offenses and Penalties:

A. Grave Offenses punishable by Dismissal from the service:

1. Serious Dishonesty;
2. Gross Neglect of Duty;
3. Grave Misconduct;
4. Being Notoriously Undesirable;
5. Conviction of a crime involving moral turpitude;
6. Falsification of official document;
7. Physical or mental incapacity or disability due to immoral or vicious habits;
8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
11. Nepotism; and
12. Disloyalty to the Republic of the Philippines and to the Filipino people.

B. Grave Offenses punishable by suspension of six months and one day to one year for the first offense and dismissal from the service for the second offense:

1. Less serious dishonesty;
2. Oppression;
3. Disgraceful and immoral conduct;
4. Inefficiency and incompetence in the performance of official duties;
5. Frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours;
6. Refusal to perform official duty;
7. Gross Insubordination;
8. Conduct prejudicial to the best interest of the service;
9. Directly or indirectly having financial and material interest in any transaction requiring the approval of his/her office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

10. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his/her office, unless expressly allowed by law;
11. Disclosing or misusing confidential or classified information officially known to him/her by reason of his/her office and not made available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest;
12. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and
13. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his/her office.

C. The grave offense of inefficiency and incompetence in the performance of official duties is punishable by Demotion. In this case, the guilty person shall be appointed to the next lower position to which he/she is qualified in the plantilla of the agency. In case there is no such next lower position available, he/she shall suffer diminution in salary corresponding to the next lower salary grade.

D. Less Grave Offenses punishable by suspension of one month and one day suspension to six months for the first offense; and dismissal from the service for the second offense:

1. Simple Neglect of Duty;
2. Simple Misconduct;
3. Discourtesy in the course of official duties;
4. Violation of existing Civil Service Law and rules of serious nature;
5. Insubordination;
6. Habitual Drunkenness;
7. Unfair discrimination in rendering public service due to party affiliation or preference;
8. Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of their spouses and unmarried children under 18 years of age living in their households;
9. Failure to resign from his/her position in the private business enterprise within 30 days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her shareholdings or interest in private business enterprise within 60 days from assumption of public office

when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and

10. Engaging directly or indirectly in partisan political activities by one holding non-political office.

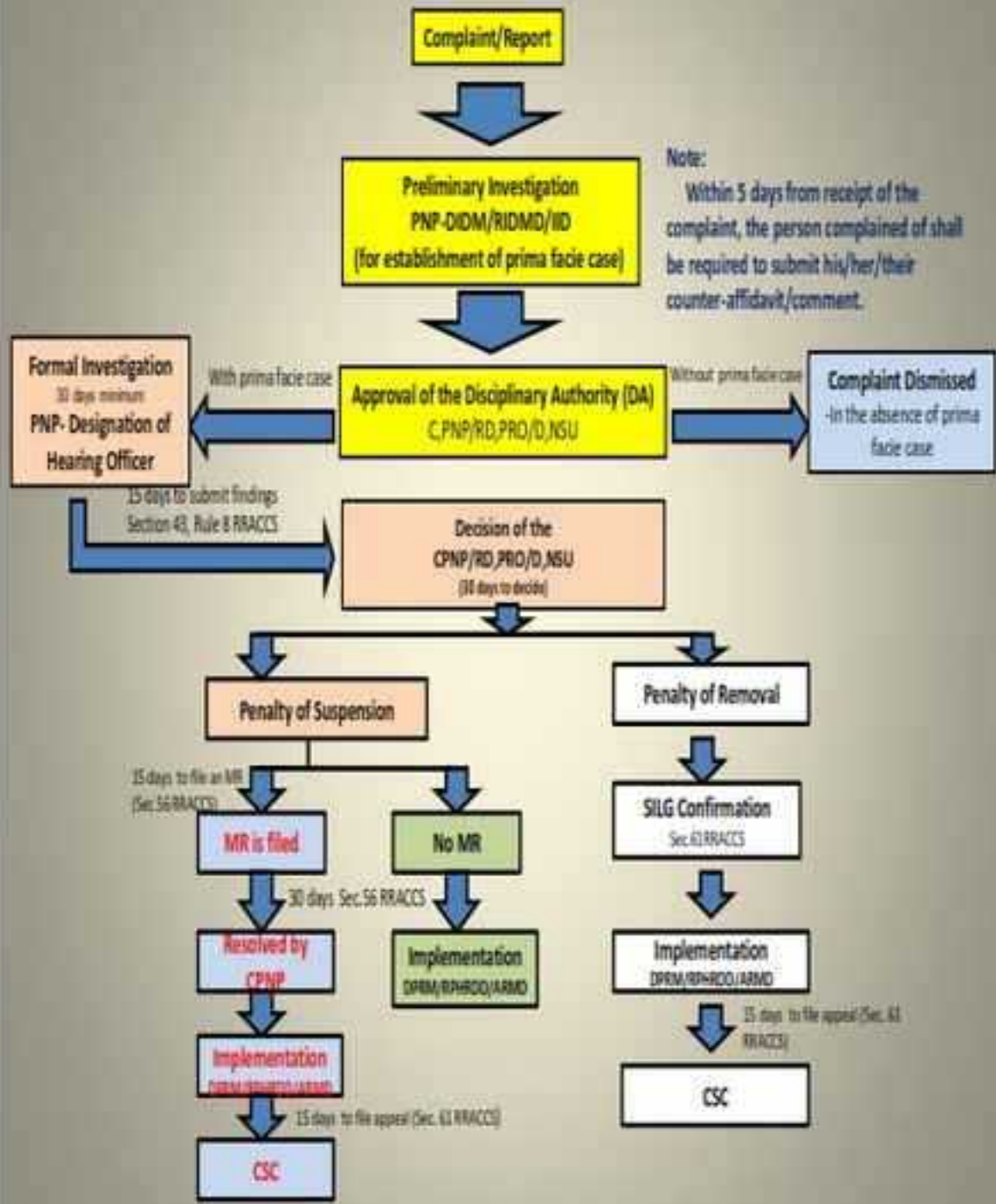
E. The Less Grave Offense of Simple Dishonesty is punishable by suspension of one month and one day to six months for the first offense; six months and one day to one year for the second offense; and dismissal for the third offense.

F. Light Offenses punishable by reprimand for the first offense; suspension of one to 30 days for the second offense; and dismissal from the service for the third offense:

1. Simple discourtesy in the course of official duties;
2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
3. Violation of reasonable office rules and regulations;
4. Frequent unauthorized tardiness (Habitual Tardiness);
5. Gambling prohibited by law;
6. Refusal to render overtime service;
7. Disgraceful, immoral or dishonest conduct prior to entering the service;
8. Borrowing money by superior officers from subordinates;
9. Willful failure to pay just debts or willful failure to pay taxes due to the government;
The term "just debts" shall apply only to:
 - a. Claims adjudicated by a court of law, or
 - b. Claims the existence and justness of which are admitted by the debtor.
10. Lobbying for personal interest or gain in legislative halls and offices without authority;
11. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority;
12. Failure to act promptly on letters and request within 15 working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
13. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise

- provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
14. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;
 15. Engaging in private practice of his/her profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his/her official functions; and
 16. Pursuit of private business, vocation or profession without the permission required by the Civil Service rules and regulations.

DISPOSITION OF CASES FOR NON-UNIFORMED PERSONNEL



<p>Filing of Complaint</p>	<ul style="list-style-type: none"> • Administrative proceedings may be initiated by the disciplining authority <i>motu proprio</i> or upon complaint of any other person. The complaint shall contain the following: <ul style="list-style-type: none"> - Full name and address of the complainant; - Full name and address of the person/s complained of as well as his/her/their position/s and office/s; - A narration of the relevant and material facts which shows the acts or omissions allegedly committed; - Certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and - Certification or statement of non-forum shopping.
<p>Preliminary Investigation</p>	<ul style="list-style-type: none"> • Within five days from receipt of the complaint sufficient in form and substance, the person/s complained of shall be required to submit his/her/their counter-affidavit/ comment. <ul style="list-style-type: none"> - If a prima facie case is established during the investigation, the disciplining authority may issue either a formal charge or a notice of charge/s. - In the absence of a prima facie case the complaint shall be dismissed.
<p>Submission of Investigation Report/ Issuance of Formal Charge</p>	<ul style="list-style-type: none"> • Within five days from the termination of the preliminary investigation, the investigating officer shall submit the Investigation Report with recommendation and the complete records of the case to the disciplining authority. • The formal charge shall contain a specification of charge/s, a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn

	<p>statements covering the testimony of witnesses, a directive to answer the charge/s in writing, under oath in not less than 72 hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge/s, and a notice that he/she may opt to be assisted by a counsel of his/her choice.</p>
<p>Formal Investigation</p>	<ul style="list-style-type: none"> • A formal investigation shall be conducted by the disciplining authority where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one, in which case, the investigation shall be held not earlier than five days nor later than 10 days from receipt of the respondent's answer or upon the expiration of the period to answer. • Submission of Position Paper/Memorandum <ul style="list-style-type: none"> - At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and submit the case for resolution without any need for further hearings. • Pre-Hearing Conference <ul style="list-style-type: none"> Purposes: <ul style="list-style-type: none"> Stipulation of facts; Simplification of issues; Identification and marking of evidence of the parties; Waiver of objections to admissibility of evidence; Limiting the number of witnesses, and their names; Dates of subsequent hearings; and Such other matters as may aid in the prompt and just resolution of the case.

	<ul style="list-style-type: none">• The failure of the respondent to attend the pre-hearing conference constitutes a waiver to participate in the pre-hearing conference but may still participate in the formal investigation upon appropriate motion.• Hearing shall be conducted on the hearing dates set by the Hearing Officer or as agreed upon during the pre-hearing conference.• At the start of the hearing, the hearing officer shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.• If after being apprised of the right to counsel, respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right thereto.• Before taking the testimony of a witness, the hearing officer shall place him/her under oath and then take his/her name, address, civil status, age and complete name and address of employment.• A sworn statement of the witness/es properly identified and affirmed shall constitute direct testimony, copy furnished the other party.• Appearance of Counsel – Any counsel who is a member of the Bar appearing before any hearing or investigation shall manifest orally or in writing, his/her appearance for either the respondent or complainant, stating his/her full name, Roll Number, IBP receipt and complete address which should not be a P.O. box address where he/she can be served with
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notices and other pleadings.

Order of Hearing:

- a. The prosecution shall present its evidence;
 - b. The respondent shall present evidence in support of his/her defense; and
 - c. There may be rebuttal or sur-rebuttal.
- **Objections** – All objections raised during the hearing shall be resolved by the hearing officer. However, objections that cannot be ruled upon by the hearing officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority. The hearing officer shall admit all evidence formally offered subject to the objection/s interposed against its admission.
 - **Markings** – All documentary evidence or exhibits shall be properly marked by letters (A,B,C, etc.) if presented by the prosecution and by numbers (1,2,3, etc.) if presented by the respondent. These shall form part of the complete records of the case.
 - **Record of Proceedings** – Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording.
 - **Filing of Pleadings** – All pleadings filed by the parties with the disciplining authority shall be copy furnished the other party with proof of service. Any pleadings sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery,

	<p>the date stamped thereon by the disciplining office.</p> <ul style="list-style-type: none"> • Effects of the Pendency of an Administrative Case – Pendency of an administrative case shall not disqualify respondent from promotion and other personnel actions or from claiming maternity/paternity benefits. • A pending administrative case shall be construed as such when the disciplining authority has issued a formal charge or a notice of charge/s to the respondent. • Formal Investigation Report – Within 15 days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the hearing officer to the disciplining authority. The complete records of the case shall be attached to the report of investigation. • The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared.
<p>Rendition of Decision</p>	<ul style="list-style-type: none"> • When Case is Decided – The disciplining authority shall decide the case within 30 days from receipt of the Formal Investigation Report. • Motion for Reconsideration - The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within 15 days from receipt thereof. A motion for extension of time to file a motion for reconsideration is not allowed. • Grounds – The motion for

	<p>reconsideration shall be based on any of the following:</p> <ul style="list-style-type: none">- New evidence has been discovered which materially affects the decision rendered; or- The decision is not supported by the evidence on record; or- Errors of law or irregularities have been committed prejudicial to the interest of the movant. <ul style="list-style-type: none">• Finality of Decisions – A decision rendered by the disciplining authority whereby a penalty of suspension for not more than 30 days or a fine in an amount not exceeding 30 days' salary is imposed, shall be final, executory and not appealable unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal when the issue raised is violation of due process.• If the penalty imposed is suspension exceeding 30 days, or fine in an amount exceeding 30 days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.
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Revised Rules on Administrative Cases in the Civil Service



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FOREWORD

The Civil Service Commission is the premier human resource institution of the government. Part of its constitutional mandate is to promulgate rules and procedures relating to civil service matters, including administrative discipline of civil servants. Pursuant to its stated mandate, the Commission has through the years formulated the necessary procedural guidelines that would govern the disposition of civil service cases and matters.

Essentially, the need to promulgate procedural guidelines cannot be overemphasized. They ensure a certain degree of consistency, predictability and stability, which values are integral in upholding the rule of law. Indeed, with rules and regulations properly laid down, there would be less occasion for personal whims and caprices. In other words, arbitrariness would be reduced in the decision-making process. Needless to state, the decision-makers would be guided in their course of actions, whether it be in deciding disciplinary cases involving their own workforce or in adjudicating actions involving other personnel actions.

For quite sometime, the rules of procedure governing the disposition of both disciplinary and non-disciplinary cases in the civil service have been embodied in the Uniform Rules in Administrative Cases in the Civil Service (URACCS), which the Commission promulgated in 1999 to supplant the earlier procedural guidelines. This issuance has worked well but just like any human creation, it has also its own share of flaws and shortcomings, which have manifested through the years.

Intent on addressing these infirmities, and consistent with its current thrust to achieve zero backlog of cases and the disposition of cases within forty days, the Commission has revisited the URACCS and after rigorous and painstaking review, the result is now what is in you

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RESOLUTION

Pursuant to Section 6, Article IX-A of the 1987 Constitution, the Civil Service Commission *en banc* may promulgate its own rules concerning pleadings and practices before it or before any of its offices. Such rules however shall not diminish, increase, or modify substantive rights. Likewise, Section 12 (2), Chapter 3, Title I, Subtitle (A), Book V of the Administrative Code of 1987 (Executive Order No. 292) empowers the Civil Service Commission among others, to prescribe, amend and enforce rules and regulations to effectively carry into effect the provisions of the Civil Service Law and other pertinent laws which includes the procedure in administrative cases in the Civil Service.

NOW, THEREFORE, the Commission hereby adopts and promulgates the following rules concerning disciplinary and non-disciplinary proceedings in administrative cases in the Civil Service.

GENERAL PROVISIONS

Rule 1

APPLICABILITY AND CONSTRUCTION

Section 1. Title. – This Rules shall be known and cited as the **Revised Rules on Administrative Cases in the Civil Service (RRACCS)**.

Section 2. Coverage. – This Rules shall apply to all disciplinary and non-disciplinary administrative cases brought before the Civil Service Commission, agencies and instrumentalities of the National Government, local government units, and government-owned or controlled corporations with original charters except as may be provided by law.

Sexual harassment cases shall be primarily governed by the Administrative Rules on Sexual Harassment Cases (CSC Resolution No. 01-0940 dated May 21, 2001). This Rules shall apply suppletorily to said cases.

Section 3. Construction. – This Rules shall be liberally construed in order to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases.

Administrative investigations shall be conducted without strict recourse to the technical rules of procedure and evidence applicable to judicial proceedings.

Section 4. Definition of Terms. – The terms hereunder shall be construed as follows:

- a. **AGENCY** refers to any bureau, office, commission, administration, board, committee, institute, corporation with original charter, whether performing governmental or proprietary function, or any other unit of the national government as well as provincial, city or municipal government.
- b. **APPOINTING OFFICER** refers to the person or body duly authorized to issue appointments in the civil service.
- c. **CIVIL SERVICE** is the generic term which refers to all men and women in all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters.
- d. **CIVIL SERVICE COMMISSION FIELD OFFICES (CSCFOs)** refer to the Civil Service Commission Field Offices under the direct supervision of the Civil Service Commission Regional Office, each headed by a Field Director.
- e. **CIVIL SERVICE COMMISSION REGIONAL OFFICES (CSCROs)** refer to the sixteen (16) Civil Service Commission Regional Offices and those that may be subsequently created, each headed by a Regional Director.
- f. **COMMISSION** refers to the Civil Service Commission composed of the Chairman and two (2) Commissioners.
- g. **DEPARTMENT** refers to any of the executive departments or entities having the category of a department, including the judiciary, legislative and the other constitutional commissions.
- h. **DISCIPLINING AUTHORITY** refers to the person or body duly authorized to impose the penalty provided for by law or rules.

- i. **FORUM-SHOPPING** refers to the filing of several administrative actions or complaint either simultaneously or successively before another agency or any tribunal having jurisdiction over the case against the same party involving the same essential facts, circumstances, acts, causes of action or relief, and all raising substantially the same issues either pending in, or already resolved adversely by, some other tribunal or agency.
- j. **PARTY ADVERSELY AFFECTED** refers to the respondent against whom a decision in an administrative case has been rendered or to the disciplining authority in an appeal from a decision reversing or modifying the original decision.
- k. **PERSON COMPLAINED OF** refers to the person who is the subject of a complaint but who is not yet issued a notice of charge/s or formal charge by the disciplining authority.
- l. **PERSONNEL ACTION** refers to any action denoting the movement or progress of personnel in the Civil Service which shall include appointment promotion, transfer, reinstatement, reemployment, reappointment, detail, reassignment, secondment, demotion and separation from the service.
- m. **PROBATIONARY EMPLOYEE** refers to the employee who is required to undergo a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the Position Description Form (PDF).
- n. **RESPONDENT** refers to the person who is issued a notice of charge/s or formal charge by the disciplining authority.
- o. **QUALIFIED NEXT-IN-RANK** refers to the employee appointed on a permanent basis to a position previously determined to be a next-in-rank to the vacancy and who meets the requirements for appointment thereto as previously determined by the appointing authority and approved by the Commission.

Rule 2

JURISDICTION AND VENUE OF ACTIONS

Section 5. *Jurisdiction of the Civil Service Commission.* – The Civil Service Commission shall hear and decide administrative cases instituted by or brought before it, directly or on appeal, including contested appointments and review decisions and actions of its offices and of the agencies attached to it.

Section 6. *Referral of Case or Matter to the Proper Office.* - In the event that an administrative case or matter is filed before the Commission or any of its Regional Offices, but jurisdiction over such case or matter properly belongs to another CSCRO or to the Commission, the same shall be forwarded to the appropriate office.

Section 7. *Cases Cognizable by the Civil Service Commission.* –The Civil Service Commission shall take cognizance of the following cases:

A. **Disciplinary**

1. Decisions of Civil Service Commission Regional Offices brought before it on appeal or petition for review;
2. Decisions of heads of agencies imposing penalties exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary brought before it on appeal;
3. Complaints brought against - Civil Service Commission personnel;
4. Complaints against officials who are not presidential appointees;
5. Decisions of heads of agencies imposing penalties not exceeding 30 days suspension or fine equivalent thereto but violating due process;
6. Requests for transfer of venue of hearing on cases being heard by Civil Service Commission Regional Offices;
7. Appeals from the order of preventive suspension; and

8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumeration.

B. Non-Disciplinary

1. Decisions of heads of agencies on personnel actions;
2. Decisions of Civil Service Commission Regional Offices;
3. Requests for favorable recommendation on petition for the removal of administrative penalties or disabilities;
4. Protests against appointments, or other personnel actions, involving non-presidential appointees;
5. Requests for Extension of Service;
6. Reassignment of public health workers and public social workers brought before it on appeal;
7. Request for correction of personal information in the records of the Commission within five (5) years before mandatory retirement; and
8. Such other analogous actions or petitions arising out of or in relation with the foregoing enumeration.

Section 8. Cases Cognizable by Regional Offices. – Except as otherwise directed by the Commission, the Civil Service Commission Regional Offices shall take cognizance of the following cases:

A. Disciplinary

1. Cases initiated by, or brought before, the Civil Service Commission Regional Offices provided that the alleged acts or omissions were committed within the jurisdiction of the Regional Office, including Civil Service examination anomalies or irregularities and/or the persons complained of are rank-and-file employees of agencies, local or national, within said geographical areas;

2. Complaints involving Civil Service Regional Office personnel who are appointees of said office; and
3. Petitions to place respondent under preventive suspension.

B. Non-Disciplinary

1. Disapproval/Recall of Approval/Invalidation of appointments brought before it on appeal;
2. Decisions of heads of agencies, except those of the department secretaries and bureau heads within their geographical boundaries relative to protests and other personnel actions and other non-disciplinary actions brought before it on appeal; and
3. Requests for accreditation of services; and
4. Requests for correction of personal information in the records of the Commission not falling under Section 7 (B) Item 7 of this Rules.

Section 9. Jurisdiction of Heads of Agencies. –The Secretaries and heads of agencies, and other instrumentalities, provinces, cities and municipalities shall have original concurrent jurisdiction with the Commission over their respective officers and employees. They shall take cognizance of complaints involving their respective personnel. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (30) days salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.

DISCIPLINARY CASES

Rule 3

COMPLAINT

Section 10. *Who May Initiate.* – Administrative proceedings may be initiated by the disciplining authority *motu proprio* or upon complaint of any other person.

Section 11. *Requisites of a Valid Complaint.* – Except when initiated by the disciplining authority or his/her authorized representative, no complaint against a civil service official or employee shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. In cases initiated by the proper disciplining authority or his/her authorized representative, a show cause order is sufficient.

No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.

The complaint in triplicate copies shall be written in a clear, simple and concise language and in a systematic manner as to apprise the person complained of, of the nature and cause of the accusation against him/her and to enable him/her to intelligently prepare his/her defense or answer/comment. However, should there be more than one (1) person complained of, the complainant is required to submit additional copies corresponding to the number of persons complained of.

The complaint shall contain the following:

- a. full name and address of the complainant;
- b. full name and address of the person/s complained of as well as his/her/their position/s and office/s;
- c. a narration of the relevant and material facts which shows the acts or omissions allegedly committed;
- d. certified true copies of documentary evidence and affidavits of his/her witnesses, if any; and
- e. certification or statement of non-forum shopping.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its refiling upon compliance with the above requirements.

Section 12. *When and Where to File a Complaint.* – Except when otherwise provided for by law, an administrative complaint may be filed at anytime with the Commission or any of its Regional Offices, heads of departments, agencies, provinces, cities, municipalities and other instrumentalities.

Section 13. *Withdrawal of the Complaint.* – The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person/s complained of, the same should be given due course.

Section 14. *Action on the Complaint.* – Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall require the person/s complained of to submit a Counter-Affidavit/Comment under oath within three (3) days from receipt of order requiring him/her/their comment/s.

Rule 4

PRELIMINARY INVESTIGATION

Section 15. *Preliminary Investigation; Definition.* – A Preliminary Investigation is a proceeding undertaken to determine whether a prima facie case exists to warrant the issuance of a formal charge. It involves a fact-finding investigation or an ex-parte examination of records and documents submitted by the complainant and the person/s complained of, as well as documents readily available from other government offices.

Section 16. *How conducted.* – Within five (5) days from receipt of the complaint sufficient in form and substance, the person/s complained of shall be required to submit his/her/their counter-affidavit/comment. Where the complaint is initiated by the disciplining authority, the disciplining authority or his authorized representative shall issue a show-cause memorandum directing the person/s complained of to explain why no administrative case should be filed against him/her/them. The latter's failure to submit the comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without his/her counter-affidavit/comment.

If necessary, the parties may be summoned to a conference where the investigator may propound clarificatory and other relevant questions.

For cases filed before the Commission or any of its Regional Offices, the preliminary investigation may be entrusted to lawyers of other agencies pursuant to Section 117 of this Rules.

Section 17. *Duration of the Investigation.* – A preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the disciplining authority and shall be terminated within twenty (20) days thereafter.

Section 18. *Investigation Report.* – Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Investigation Report with recommendation and the complete records of the case to the disciplining authority.

Section 19. *Decision or Resolution After Preliminary Investigation.* – If a *prima facie* case is established during the investigation, the disciplining authority may issue either a formal charge or a notice of charge/s pursuant to Rule 5 of this Rules.

In the absence of a *prima facie* case, the complaint shall be dismissed.

Rule 5

FORMAL CHARGE

Section 20. *Issuance of Formal Charge; Contents.* – After a finding of a *prima facie* case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain a specification of charge/s, a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge/s in writing, under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charge/s, and a notice that he/she may opt to be assisted by a counsel of his/her choice.

Section 21. *Notice of Charge/s.* – In instances where the complaint was initiated by a person other than the disciplining authority, the disciplining authority

may issue a written notice of the charge(s) against the person complained of to which shall be attached copies of the complaint, sworn statement and other documents submitted. The notice shall contain the charges against the person complained of with a statement that a *prima facie* case exists. It shall also include a directive to answer the charge(s) in writing, under oath in not less than seventy-two (72) hours from receipt thereof, and a notice that he/she may opt to be assisted by a counsel of his/her choice.

Section 22. *Prohibited Pleadings.* - The disciplining authority shall not entertain requests for clarification, bills of particulars, motions to dismiss or motions to quash or motions for reconsideration. If any of these pleadings are interposed by the respondent, the same shall be considered an answer and shall be evaluated as such.

Rule 6

ANSWER

Section 23. *Requisites and Contents.* - The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of one's case.

Section 24. *Failure to File an Answer.* - If the respondent fails or refuses to file his/her answer to the formal charge or notice of charge/s within the period provided in the formal charge or notice of charge/s which shall not be less than three (3) days from receipt thereof, he/she shall be considered to have waived his/her right to submit the same and the case may be decided based on available records.

Rule 7

PREVENTIVE SUSPENSION

Section 25. *Preventive Suspension, nature.* -Preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the official or employee charged may be removed from the scene of his/her alleged misfeasance/malfeasance/nonfeasance while the same is being investigated.

Section 26. When Issued; Grounds. – Upon petition of the complainant or *motu proprio*, the proper disciplining authority may issue an order of preventive suspension upon service of the formal charge or notice of charge/s, or immediately thereafter to any subordinate officer or employee under his/her authority pending an investigation, if

- A) The charge involves:
 - 1. Dishonesty;
 - 2. Oppression;
 - 3. Grave Misconduct;
 - 4. Neglect in the Performance of Duty;
 - 5. Administrative offenses which are punishable by dismissal from the service on its second or third offense; or
 - 6. If there are reasons to believe that the respondent is guilty of charges which would warrant his/her removal from the service.

- B) An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance, malfeasance or nonfeasance to preclude the possibility of:
 - 1. exerting undue influence or pressure on the witnesses against him/her, or
 - 2. tampering with evidence that may be used against him/her.

- C) In lieu of preventive suspension, for the same purpose, the proper disciplining authority or head of office, may reassign respondent to other unit of the agency during the formal hearings.

Section 27. Duration of Preventive Suspension. – Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days in the case of national agencies or sixty (60) days in the case of local government units. When the administrative case against an officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of preventive suspension, he/she shall be automatically reinstated in the service unless the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension. Any period of delay caused by motions filed by the respondent shall be added to the period of preventive suspension. Provided, that where the order of

preventive suspension is for a period less than the maximum period, the disciplining authority undertakes to finish the formal investigation within the said period and is precluded from imposing another preventive suspension. Provided, further, that should the respondent be on authorized leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Section 28. Remedies from the Order of Preventive Suspension. – The respondent may file an appeal to the Commission within fifteen (15) days from receipt thereof. Pending appeal, the same shall be executory. A motion for reconsideration from the order of preventive suspension shall not be allowed.

Section 29. Payment of Back Salaries During Preventive Suspension. – The payment of back salaries during the period of suspension shall be governed by the following:

- a. A declaration by the Commission that an order of preventive suspension is null and void on its face entitles the respondent official or employee to immediate reinstatement and payment of back salaries corresponding to the period of the unlawful preventive suspension without awaiting the outcome of the main case.

The phrase “null and void on its face” in relation to a preventive suspension order, imports any of the following circumstances:

- i) The order was issued by one who is not authorized by law;
 - ii) The order was not premised on any of the conditions under Section 26 (A and B) of this Rule;
 - iii) The order of preventive suspension was issued without a formal charge or notice of charges;
 - iv) While lawful in the sense that it is based on the enumerated grounds, the duration of the imposed preventive suspension has exceeded the prescribed periods, in which case the payment of back salaries shall correspond to the excess period only.
- b. A declaration of invalidity of a preventive suspension order not based on any of the reasons enumerated in Section 29(a), shall result in the reinstatement of the official or employee concerned. The payment of back salaries shall, however, await the final outcome of the principal

case. If the official or employee is fully exonerated of the charge/s or when the penalty imposed in the principal case is reprimand, he or she shall be paid such back salaries. Otherwise, no back salaries shall be awarded.

The phrase "full exoneration" contemplates a finding of not guilty for the offense/s charged. Downgrading of the charge to a lesser offense shall not be construed as "full exoneration" within the contemplation of these guidelines.

Even if the respondent official or employee be eventually found innocent of the charge/s proffered against him/her, the same shall not give rise to payment of back salaries corresponding to the period of preventive suspension in the absence of any finding of its illegality.

Rule 8

FORMAL INVESTIGATION

Section 30. *Conduct of Formal Investigation; When Held.* – A formal investigation shall be conducted by the disciplining authority where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one, in which case, the investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer or upon the expiration of the period to answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge unless the period is extended by the disciplining authority in meritorious cases.

For this purpose, the Commission may entrust the formal investigation to lawyers of other agencies pursuant to Section 117 of this Rules.

Section 31. *Submission of Position Paper/Memorandum.* – At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and submit the case for resolution without any need for further hearings.

Section 32. *Pre-Hearing Conference.* – At the commencement of the formal investigation, the hearing officer shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence of the parties;
- d. Waiver of objections to admissibility of evidence;
- e. Limiting the number of witnesses, and their names;
- f. Dates of subsequent hearings; and
- g. Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference is binding on both parties unless in the interest of justice, the hearing officer may allow a deviation from the same.

The conduct of a pre-hearing conference is mandatory. The failure of the respondent to attend the pre-hearing conference constitutes a waiver to participate in the pre-hearing conference but may still participate in the formal investigation upon appropriate motion.

Section 33. *Continuous Hearing Until Terminated; Postponement.* – Hearings shall be conducted on the hearing dates set by the Hearing Officer or as agreed upon during the pre-hearing conference.

Each party may be granted one (1) postponement upon oral or written request.

If respondent fails or refuses to appear or is not represented by counsel during the scheduled hearings despite due notice, the investigation shall proceed and the respondent shall be deemed to have waived his/her right to present evidence in his/her favor during the said hearing.

Section 34. *Preliminary Matters.* – At the start of the hearing, the hearing officer shall note the appearances of the parties and shall proceed with the reception of evidence for the complainant.

If after being apprised of the right to counsel, respondent appears without the aid of a counsel, he/she shall be deemed to have waived his/her right thereto.

Before taking the testimony of a witness, the hearing officer shall place him/her under oath and then take his/her name, address, civil status, age, and complete name and address of employment.

A sworn statement of the witness/es properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

Clarificatory questions may also be asked.

Section 35. Appearance of Counsel. – Any counsel who is a member of the Bar appearing before any hearing or investigation shall manifest orally or in writing, his/her appearance for either the respondent or complainant, stating his/her full name, Roll Number, IBP receipt and complete address which should not be a P.O. box address where he/she can be served with notices and other pleadings. If the lawyer is a government employee, he/she shall be required to present an authority to practice profession which should come from the agency head or the agency head's authorized representative.

Section 36. Order of Hearing. – Unless the hearing officer directs otherwise, the order of hearing may be as follows:

- a. The prosecution shall present its evidence;
- b. The respondent shall present evidence in support of his/her defense;
- c. There may be rebuttal or sur-rebuttal;

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memorandum which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 37. Objections. – All objections raised during the hearing shall be resolved by the hearing officer. However, objections that cannot be ruled upon by the hearing officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The hearing officer shall admit all evidence formally offered subject to the objection/s interposed against its admission.

Section 38. Markings. – All documentary evidence or exhibits shall be properly marked by letters (A,B,C, etc.) if presented by the prosecution and by numbers (1,2,3, etc.) if presented by the respondent. These shall form part of the complete records of the case.

Section 39. Issuance of Subpoena. – The hearing officer may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena duces tecum* for the production of documents or things.

If a party desires the attendance of a witness and/or the production of documents, he/she shall make a request for the issuance of the necessary *subpoena ad testificandum* and/or *subpoena duces tecum*, at least seven (7) days before the scheduled hearing.

Section 40. Record of Proceedings. – Records of the proceedings during the formal investigation may be taken in shorthand or stenotype or any other means of recording.

Section 41. Filing of Pleadings. – All pleadings filed by the parties with the disciplining authority shall be copy furnished the other party with proof of service. Any pleadings sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the disciplining office.

Section 42. Effects of the Pendency of an Administrative Case. – Pendency of an administrative case shall not disqualify respondent from promotion and other personnel actions or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a formal charge or a notice of charge/s to the respondent.

Section 43. Formal Investigation Report. – Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the hearing officer to the disciplining authority. The complete records of the case shall be attached to the report of investigation.

The complete records shall be systematically and chronologically arranged, paged and securely bound to prevent loss. A table of contents shall be prepared.

Rule 9

DECISION

Section 44. *When Case is Decided.* – The disciplining authority shall decide the case within thirty (30) days from receipt of the Formal Investigation Report.

Section 45. *Finality of Decisions.* – A decision rendered by the disciplining authority whereby a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall be final, executory and not appealable unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal when the issue raised is violation of due process.

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the same shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

PENALTIES

Rule 10

SCHEDULE OF PENALTIES

Section 46. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

- A. The following grave offenses shall be punishable by dismissal from the service :
1. Serious Dishonesty;
 2. Gross Neglect of Duty;
 3. Grave Misconduct;
 4. Being Notoriously Undesirable;

5. Conviction of a crime involving moral turpitude;
6. Falsification of official document;
7. Physical or mental incapacity or disability due to immoral or vicious habits;
8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
11. Nepotism; and
12. Disloyalty to the Republic of the Philippines and to the Filipino people.

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

1. Less serious dishonesty;
2. Oppression;
3. Disgraceful and immoral conduct;

4. Inefficiency and incompetence in the performance of official duties;
5. Frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours;
6. Refusal to perform official duty;
7. Gross Insubordination;
8. Conduct prejudicial to the best interest of the service;
9. Directly or indirectly having financial and material interest in any transaction requiring the approval of his/her office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;
10. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his/her office, unless expressly allowed by law;
11. Disclosing or misusing confidential or classified information officially known to him/her by reason of his/her office and not made available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the public interest;
12. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and
13. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his/her office.

- C. The grave offense of Inefficiency and Incompetence in the performance of official duties is punishable by Demotion. In this case, the guilty person shall be appointed to the next lower position to which he/she is qualified in the plantilla of the agency. In case there is no such next lower position available, he/she shall suffer diminution in salary corresponding to the next lower salary grade.
- D. The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense; and dismissal from the service for the second offense:
1. Simple Neglect of Duty;
 2. Simple Misconduct;
 3. Discourtesy in the course of official duties;
 4. Violation of existing Civil Service Law and rules of serious nature;
 5. Insubordination;
 6. Habitual Drunkenness;
 7. Unfair discrimination in rendering public service due to party affiliation or preference;
 8. Failure to file sworn statements of assets, liabilities and net worth, and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in their households;
 9. Failure to resign from his/her position in the private business enterprise within thirty (30) days from assumption of public office when conflict of interest arises, and/or failure to divest himself/herself of his/her shareholdings or interest in private business enterprise within sixty (60) days from assumption of public office when conflict of interest arises; Provided, however, that for those who are already in the service and conflict of interest arises, the official or employee must either resign or divest himself/herself of said interest within the periods hereinabove provided, reckoned from the date when the conflict of interest had arisen; and

10. Engaging directly or indirectly in partisan political activities by one holding non-political office.
- E. The less grave offense of Simple Dishonesty is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense.
- F. The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:
1. Simple discourtesy in the course of official duties;
 2. Improper or unauthorized solicitation of contributions from subordinate employees and by teachers or school officials from school children;
 3. Violation of reasonable office rules and regulations;
 4. Frequent unauthorized tardiness (Habitual Tardiness);
 5. Gambling prohibited by law;
 6. Refusal to render overtime service;
 7. Disgraceful, immoral or dishonest conduct prior to entering the service;
 8. Borrowing money by superior officers from subordinates;
 9. Willful failure to pay just debts or willful failure to pay taxes due to the government;

The term "just debts" shall apply only to:

- a. Claims adjudicated by a court of law, or
- b. Claims the existence and justness of which are admitted by the debtor.

10. Lobbying for personal interest or gain in legislative halls and offices without authority;
11. Promoting the sale of tickets in behalf of private enterprises that are not intended for charitable or public welfare purposes and even in the latter cases, if there is no prior authority;
12. Failure to act promptly on letters and request within fifteen (15) working days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
13. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees;
14. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;
15. Engaging in private practice of his/her profession unless authorized by the Constitution, law or regulation, provided that such practice will not conflict with his/her official functions; and
16. Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations.

Section 47. *Penalty of Fine.* – The following are the guidelines for the penalty of fine:

1. Upon the request of the head of office or the concerned party and when supported by justifiable reason/s, the disciplining authority may allow payment of fine in place of suspension if any of the following circumstances are present:
 - a. When the functions/nature of the office is impressed with national interest such as those involved in maintenance of peace and order, health and safety, education; or

- b. When the respondent is actually discharging frontline functions or those directly dealing with the public and the personnel complement of the office is insufficient to perform such function; and
 - c. When the respondent committed the offense without utilizing or abusing the powers of his/her position or office.
2. The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day fine; Provided, that in Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.
 3. The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine is final and executory and, therefore, not subject of appeal or any other similar relief.
 4. The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount he/she has already paid.
 5. Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:
 - a. Fine equivalent to one (1) month salary shall be paid within two (2) months;
 - b. Fine equivalent to two (2) months salary shall be paid within four (4) months;
 - c. Fine equivalent to three (3) months salary shall be paid within six (6) months;
 - d. Fine equivalent to four (4) months salary shall be paid within eight (8) months;

- e. Fine equivalent to five (5) months salary shall be paid within ten (10) months; and
 - f. Fine equivalent to six (6) months salary shall be paid within twelve (12) months.
6. The fine shall be paid to the agency imposing the same, computed on the basis of respondent's salary at the time the decision becomes final and executory.

Section 48. *Mitigating and Aggravating Circumstances.* – In the determination of the penalties to be imposed, mitigating and/ or aggravating circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

- a. Physical illness;
- b. Good faith;
- c. Malice;
- d. Time and place of offense;
- e. Taking undue advantage of official position;
- f. Taking undue advantage of subordinate;
- g. Undue disclosure of confidential information;
- h. Use of government property in the commission of the offense;
- i. Habituality;
- j. Offense is committed during office hours and within the premises of the office or building;
- k. Employment of fraudulent means to commit or conceal the offense;
- l. First offense;
- m. Education;
- n. Length of service; or
- o. Other analogous circumstances.

In the appreciation thereof, the same must be invoked or pleaded by the proper party, otherwise, said circumstances will not be considered in the imposition of the proper penalty. The disciplining authority, however, in the interest of substantial justice may take and consider these circumstances *motu proprio*.

Section 49. *Manner of Imposition.* – When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

- a. The **minimum** of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The **medium** of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The **maximum** of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- d. Where aggravating and mitigating circumstances are present, paragraph [a] shall be applied where there are more mitigating circumstances present; paragraph [b] shall be applied when the circumstances equally offset each other; and paragraph [c] shall be applied when there are more aggravating circumstances.

Section 50. *Penalty for the Most Serious Offense.* – If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

Section 51. *Duration and effect of administrative penalties.* – The following rules shall govern the imposition of administrative penalties:

- a. The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability.
- b. The penalty of demotion shall entail appointment to the next lower position to which respondent is qualified or diminution of salary to next lower grade if there is no such position available.
- c. The penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year.

Suspension of one day or more shall be considered a gap in the continuity of service. During the period of suspension, respondent shall not be entitled to all monetary benefits including leave credits.

- d. The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory. Fines shall be paid within a period not exceeding one (1)

year reckoned also from the date when decision becomes final and executory.

- e. The penalty of reprimand shall not carry with it any accessory penalty nor result in the temporary cessation of work. In the event the penalty of reprimand was imposed on appeal as a result of modification of the penalty of suspension or dismissal from service, the respondent shall be entitled to the payment of back salaries and other benefits which would have accrued during the period of his/her suspension or dismissal.

Section 52. Administrative Disabilities Inherent in Certain Penalties. –

- a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.
- b. The penalty of demotion shall carry with it disqualification from promotion for one (1) year.
- c. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension.
- d. The penalty of fine shall carry with it disqualification from promotion for the same period he/she was fined.
- e. The accessory penalties inherent in the penalty of suspension provided in Section 51 (c) of the Rules shall continue to apply when the penalty of fine is imposed in lieu of suspension.

Should the respondent fail to pay in full the fine within the prescribed period, he/she shall be deemed to have failed to serve the penalty imposed, hence, the disqualification for promotion shall remain in effect until such time that the fine is fully paid.

- f. The penalty of reprimand shall not carry with it any accessory penalties.
- g. A warning or admonition shall not be considered a penalty.

Section 53. *Effects of Exoneration on Certain Penalties.* –

- a. In case the penalty imposed is a fine, the same shall be refunded.
- b. In case there is demotion, he/she shall be restored to his/her former position, without loss of seniority rights. Respondent shall also be entitled to the payment of salary differentials during the period the demotion was imposed.
- c. In case the penalty imposed is suspension, he/she shall immediately be reinstated to his/her former post without loss of seniority rights and with payment of back salaries and all benefits which would have accrued as if he/she has not been illegally suspended.
- d. In case the penalty imposed is dismissal, he/she shall immediately be reinstated without loss of seniority rights with payment of back salaries and all benefits which would have accrued as if he/she has not been illegally dismissed.
- e. The respondent who is exonerated by final judgment shall be entitled to the leave credits for the period he/she had been out of the service.

REMEDIES

Rule 11

SETTLEMENT IN ADMINISTRATIVE CASES

Section 54. *Who may avail.* – In cases of light offenses where the act is purely personal on the part of the private complainant and the person complained of and there is no apparent injury committed to the government, settlement of offenses may be considered. Provided that settlement can no longer be applied for the second offense of the same act committed by the person complained of.

Section 55. *Guidelines.* – The following are the guidelines in the settlement of purely personal matters in administrative cases:

- a. Compromise settlement shall be allowed only for administrative light offenses where the act is purely personal between the private complainant and the person complained of and there is no apparent injury to the government;

- b. Upon filing of the complaint, the disciplining authority shall determine whether the offense is purely personal or can be the subject of settlement;

The following cases may be the subject of settlement and/or compromise:

1. Borrowing money by superior officers from subordinates;
2. Willful failure to pay just debts;
3. Simple Misconduct resulting from misunderstanding/fight between respondent and complainant provided that the act is not committed within office premises;
4. Discourtesy in the course of official duties; and
5. Other analogous circumstances/cases.

In these enumerated cases, compromise or settlement can no longer be applied for the second time the same act is committed;

The grant of back salaries and other benefits may likewise be subject of settlement and/or compromise;

- c. If the offense can be the subject of settlement, the Action Officer assigned shall order the respondent to comment and to indicate therein whether he/she is willing to submit the case for settlement;
- d. If person complained of opted for settlement, the Action Officer assigned shall issue an order requiring the appearance of parties;
- e. If settlement succeeds, a compromise agreement shall be executed between the parties and attested by the Action Officer;
- f. The compromise agreement shall be binding on the parties and shall be considered a decision on the merits which cannot be impugned unless it is shown that there was duress on its execution on any of the parties;
- g. A Decision shall be issued by the Disciplining Authority based on the Compromise Agreement;
- h. If during the settlement process, the parties failed to settle their differences, the Action Officer shall issue an order terminating the process and continue with the investigation of the case; and

- j. In case of non-compliance with the compromise agreement, the case may likewise be reopened for investigation until the final determination of the case.

MOTION FOR RECONSIDERATION IN DISCIPLINARY CASES

Section 56. *Filing.* – The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within fifteen (15) days from receipt thereof. A motion for extension of time to file a motion for reconsideration is not allowed.

Section 57. *When deemed filed.* – A motion for reconsideration sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 58. *Grounds.* – The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered; or
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 59. *Limitation.* – Only one motion for reconsideration shall be entertained. If a second motion for reconsideration is filed notwithstanding its proscription under this Rules, the finality of action shall be reckoned from the denial of the first motion for reconsideration.

Section 60. *Effect of Filing.* – The filing of a motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered.

APPEAL IN DISCIPLINARY CASES

Section 61. *Filing.* – Subject to Section 45 of this Rules, decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty (30) days salary, may be appealed to the Commission within a period of fifteen (15) days from receipt thereof. In cases the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and then finally to the Commission.

All decisions of heads of agencies are immediately executory pending appeal before the Commission. The decision imposing the penalty of dismissal by disciplining authorities in departments is not immediately executory unless confirmed by the Secretary concerned. However, the Commission may take cognizance of the appeal pending confirmation of its execution by the Secretary.

Section 62. *When deemed filed.* – An appeal sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 63. *Appeal Fee.* – The appellant shall pay an appeal fee and a copy of the official receipt thereof shall be attached to the appeal.

Section 64. *Perfection of an Appeal.* – To perfect an appeal, the appellant shall submit three (3) copies of the following documents:

- a. Appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence. The appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining authority. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment, within fifteen (15) days from receipt, to the appellate authority.
- b. Proof of service of a copy of the appeal memorandum to the disciplining office;

- c. Proof of payment of the appeal fee; and
- d. A statement or certificate of non-forum shopping.

When an appellant fails to comply with any of the above requirements within the reglementary period, the Commission shall direct compliance within a period of not more than ten (10) days from receipt thereof, with a warning that failure to comply shall be construed as failure to perfect an appeal and shall cause the dismissal of the appeal with prejudice to its refiling.

Section 65. *Effect of Filing.* – Except for cases requiring confirmation of the Department Secretary concerned and cases decided by the CSCROs, an appeal shall not stop the decision from being executory.

Section 66. *When to Remand an Appealed Case to Agency of Origin.* – If on appeal, the Commission finds that the disciplining authority violated respondent-appellant's right to due process such as the failure to issue a formal charge, the Commission shall dismiss the appealed case and order the immediate reinstatement of the respondent with payment of back salaries and other benefits. However, the dismissal of the case shall be without prejudice on the part of the disciplining authority to re-file it in accordance with law.

If a formal charge has been issued but the disciplining authority has violated respondent-appellant's right to procedural due process, the Commission shall remand the appealed case to the agency of origin for further proceedings to be conducted within three (3) calendar months from the date of receipt of the case records, unless there is delay due to the fault, negligence or petition of the respondent, or an extension is granted by the Commission on meritorious grounds. The period of delay shall be excluded in the computation of the prescribed period. Within fifteen (15) days from the termination of the proceedings, the disciplining authority shall render his/her decision.

If at the end of the three (3) month period, the disciplining authority failed to conduct further proceedings, the Commission upon motion of the respondent-appellant shall vacate and set aside the appealed decision and declare the respondent-appellant exonerated of the charge/s. If the respondent-appellant is under preventive suspension, he/she shall be immediately reinstated and shall be entitled to back salaries and other benefits.

The Commission shall evaluate requests for extension of the three (3)-month period and may grant the same on meritorious grounds guided by the principles of justice and fair play. All requests for extension shall not be for more than twenty (20) days.

For this purpose, the CSCRO Directors concerned shall monitor the implementation of the CSC Resolution remanding the case to the agency of origin and to submit a report to the Commission Proper.

Rule 13

PETITION FOR REVIEW

Section 67. *Petition for Review of CSCRO Decisions.* – A party may elevate the decision of the Civil Service Commission Regional Office dismissing the complaint for lack of a *prima facie* case or where the formal charge issued was for a lower offense, through a petition for review before the Commission within fifteen (15) days from receipt of said decision.

Section 68. For the purpose of this Rule, all appeals from the decisions of the Civil Service Commission Regional Offices to the Commission shall be denominated as a Petition for Review.

Section 69. *Petition for Review of Decisions of Agencies.* – A decision of an agency head dismissing a complaint for lack of *prima facie* case or issuance of a formal charge for a lower offense is not subject to appeal or petition for review before the Commission.

Section 70. *Petition for Review with the Court of Appeals.* – A party may elevate a decision of the Commission before the Court of Appeals by way of a petition for review under Rule 43 of the 1997 Revised Rules of Court.

Rule 14

REMOVAL OF ADMINISTRATIVE PENALTIES OR DISABILITIES

Section 71. *Recommendation for Removal of Administrative Penalties or Disabilities; Requirements.* – In meritorious cases and upon recommendation of the Commission, the President may commute or remove administrative penalties or disabilities imposed upon officers or employees in disciplinary cases, subject to such terms and conditions as he/she may impose in the interest of the service.

Subject to existing guidelines, a petition for a favorable recommendation for the grant of removal of administrative penalties or disabilities may be filed by a dismissed or disciplined employee with the Commission upon submission of the following:

- a. certified true copy of the decision in the disciplinary case;
- b. favorable recommendation by the disciplining authority or head of office from which he/she was dismissed;
- c. certification from reputable members of the community where he/she resides that he/she is a good parent/family member and/or neighbor, law abiding and active member of community and civic organizations;
- d. proof of non-pendency of an appeal/petition for review relative to his/her disciplinary case before any court/tribunal; and
- e. proof of payment of filing fee.

Section 72. The following are the guidelines for the grant of favorable recommendation for the removal of administrative penalties or disabilities:

- a. Apart from compliance with the procedural requirements, the petitioner must demonstrate through specific and positive action and behavior that he/she has become a useful member of the community. Affidavits from respectable persons in the community attesting that the petitioner is a law-abiding citizen, an active member of the community and civic organizations, a good person and neighbor, and one who has the respect of the members of the community, shall be presented;
- b. A minimum of three (3) years should have lapsed, from the time of the finality of the decision dismissing the petitioner from the service, in order that the petitioner may be considered as to have truly undergone moral reformation;
- c. The petitioner seeking the removal of administrative penalties or disabilities must have recognized/accepted his/her guilt in his/her petition to show that he/she is repentant/remorseful of the consequences of his/her act, in addition to the above-mentioned requirements;

- d. Non-admission or acceptance of guilt by the petitioner will not be required when he/she has been acquitted in the criminal case which has been decided on the merits and in effect declared the innocence of the petitioner;
- e. In cases where a petitioner is above sixty-five (65) years of age, the Commission shall favorably recommend the removal of his/her administrative penalties or disabilities, provided that he/ she complies with the procedural requirements and submits proof of moral reformation; and
- f. In cases where the person is found guilty of depriving the government of money or property, restitution shall be required before the Commission can favorably recommend the removal of administrative penalties or disabilities.

CONTEMPT OF THE COMMISSION

Rule 15

PROCEDURE FOR CONTEMPT

Section 73. *Contumacious/Contemptuous Acts Punishable.* – An official or employee or any person found guilty of, disobedience of or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command or injunction of the Commission may be punished for indirect contempt.

Section 74. *How proceedings are commenced.* – Proceedings for indirect contempt may be initiated motu proprio by the Commission by an order requiring the respondent to show cause why he/she should not be punished for indirect contempt. A motion to cite for indirect contempt may also be filed with the Commission. In both cases proceedings shall be conducted at the Office for Legal Affairs, Civil Service Commission.

The conduct of proceedings in indirect contempt cases shall follow as far as applicable, the procedure required in the conduct of disciplinary investigation provided under this Rules, inclusive of, among others the conduct of Preliminary Investigation, Issuance of Formal Charge, Formal Investigation and Rendition of Decision.

Section 75. Hearing. – Upon the day set for the hearing, the Commission shall proceed to investigate the charge and consider such comment, answer, defense or testimony as the respondent may make or offer. Failure to attend the scheduled hearing and to give a satisfactory explanation in writing to the Commission will result in the waiver of the respondent to be present during the hearing.

Section 76. Punishment, if found guilty. – If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be punished by a fine of One Thousand (P1,000.00) Pesos per day for every act of indirect contempt. Each day of defiance of, or disobedience to, or non-enforcement of a final order, resolution, decision, ruling, injunction or processes, shall constitute an indirect contempt of the Commission. If the contempt consists in the violation of an injunction or omission to do an act which is still within the power of the respondent to perform, the respondent shall, in addition, be made liable for all damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct, disobedience to, defiance of a lawful order, and/or such other contumacious acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.

NON-DISCIPLINARY CASES

Rule 16

INVALIDATION OR DISAPPROVAL OF APPOINTMENT

Section 77. Invalidation or Disapproval; Who May Appeal. – Either the appointing authority or the appointee may assail the invalidation or disapproval of an appointment.

Section 78. Where and When to File. – Appointments invalidated or disapproved by the CSCFO may be appealed to the CSCRO while those invalidated or disapproved by the CSCRO may be appealed to the Commission within the fifteen (15) day reglementary period.

To facilitate prompt actions on invalidated or disapproved appointments, motions for reconsideration filed with the CSCFO shall be treated as an appeal to the CSCRO and a Motion for Reconsideration at the CSCRO will be treated as an appeal to the Commission and all the records thereof including the comments of the CSCFO or CSCRO shall, within ten (10) days from receipt of the latter, be forwarded to the CSCRO or the Commission as the case may be.

The action of the CSCRO concerned may be appealed to the Commission within fifteen (15) days from receipt thereof.

The appeal filed before the CSCROs and the Commission shall comply with the requirements for the perfection of an appeal enumerated in Sections 113 and 114.

RULE 17

PROTEST

Section 79. *Protest; Who may File.* – Only a qualified next-in-rank employee may file a protest against an appointment made in favor of another who does not possess the minimum qualification requirements.

Section 80. *Where to File.* – A qualified next-in-rank employee shall have the right to appeal initially to the head of agency, then to the Civil Service Commission Regional Office, and then to the Civil Service Commission Proper.

Section 81. *When to File.* – Protest may be filed within fifteen (15) days from the announcement and/or posting of appointments subject of protest.

For this purpose, all appointments or promotions shall be duly announced and/or posted in bulletin boards or at conspicuous places in the Department or Agency within thirty (30) days from issuance of the appointments.

Section 82. *Effect on the Protested Appointment.* – A protest shall not render an appointment ineffective nor bar the approval thereof, by the Civil Service Commission Field, Regional Office or the Commission, as the case may be, but the approval shall be subject to the final outcome of the protest.

Section 83. *Effect of Withdrawal of Protest.* – A protest or an appeal in this case may be withdrawn at any time as a matter of right. The withdrawal of the protest or appeal shall terminate the protest case.

Section 84. *When Deemed Filed.* – A protest is deemed filed, in case the same is sent by registered mail, on the postmark date on the envelope which shall be attached to the records of the case, and in case of personal delivery, on the date stamped by the agency or the Commission.

Section 85. *Transmittal of Records.* – In cases where the protest is filed with the Commission, the head of department or agency shall forward his/her comment and the records of the case within ten (10) days from receipt of the copy of the protest. The records shall be systematically and chronologically arranged, paged and securely bound to prevent loss and shall include the following:

- a. Statement of duties or job description of the contested position;
- b. Duly accomplished and updated personal data sheets of the parties with certified statement of service records attached;
- c. Certified copy of the protested appointment; and
- d. Comparative assessment of the qualifications of the protestant and protestee.

Section 86. *Dismissal of Protest.* – A protest shall be dismissed on any of the following grounds:

- a. The protestant is not qualified next-in-rank;
- b. The protest is not directed against a particular protestee but to "anyone who is appointed to the position" or directed to two or more protestees;
- c. The protest is not in accordance with the required form as prescribed in this Rules;
- d. No appointment has been issued;
- e. The protest is filed outside of the 15-day reglementary period as provided in Section 81 hereof;
- f. Non-payment of the filing fee; or
- g. Non-submission of a certificate of non-forum shopping.

Section 87. *Finality of Decision.* – Decision on a protest case shall become final after fifteen (15) days from receipt thereof and no motion for reconsideration or appeal has been filed.

Section 88. Available Remedies. –

- a. The decision of the heads of agencies other than the Department Secretaries may be appealed to the CSCRO within fifteen (15) days, and finally to the Commission.

The decision of the Department Secretaries may be appealed within the same period to the Commission.

In cases where the protest is filed within the department or agency, the protestant may file a motion for reconsideration of the adverse decision, ruling or action within fifteen (15) days from receipt with the same agency.

- b. In cases where the appeal is filed with the CSCRO, a motion for reconsideration may be filed with the same office within fifteen (15) days from the receipt of the adverse decision, and then to the Commission within the same period.

The protestant shall furnish a copy of his/her appeal to the head of agency concerned who shall submit his/her comment to the CSCRO within ten (10) days.

- c. The appeal filed before the CSCROs and the Commission shall comply with the requirements for the perfection of an appeal enumerated in Section 114.

Section 89. Effect of Decision. – In case the protest is finally decided against the protestee, the approval of his/her appointment shall be recalled and the appointment shall be considered disapproved. The protestee shall be reverted to his/her former position, if applicable.

Rule 18

**CORRECTION OF PERSONAL INFORMATION IN
THE RECORDS OF THE COMMISSION**

Section 90. When and Where to File. – All requests for correction of personal information made within five (5) years before mandatory retirement shall be submitted to the Commission for evaluation and decision. All requests for correction of personal information should be filed not later than one (1) year before the applicant's expected date of retirement.

All other requests made earlier than five (5) years from mandatory retirement shall be submitted to the CSCRO with jurisdiction and shall be acted upon within fifteen (15) days from receipt of the requests. Copies of the Order or Decision shall be submitted by the CSCRO concerned, to the Civil Service Commission through the Commission Secretariat and Liaison Office.

Section 91. Required Documents. – The following documents shall be submitted together with the request:

- a. Original Certificate of Live Birth duly authenticated by the Local Civil Registrar of the municipality or city where the birth was registered or recorded or the National Statistics Office, or in its absence, a court order;
- b. Personal Affidavit of Discrepancy;
- c. Affidavit of Two Disinterested Witnesses; and
- d. Photocopy of documents sought to be corrected.

A filing fee shall be paid and a receipt thereof shall be attached to the request together with a photocopy of the documents sought to be corrected.

Section 92. Supporting Documents. - When the submitted Certificate of Live Birth is issued on the basis of late registration, original or duly authenticated supporting documents must be submitted, in addition to the requirements enumerated in the immediately preceding section, to warrant the correction or change of information in the records of the Commission, to wit:

- a. Baptismal certificate, unless it has been lost or destroyed during a war, fire, natural calamity or any other fortuitous event, in which case, a certification issued by the proper church authority must be submitted. If the requesting party was not issued any baptismal certificate or was not baptized, an affidavit attesting to such fact must be submitted. In both cases, other authentic and reliable documents which show the information or data requested to be corrected must be also be submitted together with the request.
- b. Affidavits of Two (2) Disinterested Witnesses; and
- c. Other employment, personal or school records which support the entry reflected in the belatedly registered birth certificate and which entry is requested to be reflected in the records of the Commission as the true and correct entry.

Rule 19

DROPPING FROM THE ROLLS

Section 93. *Grounds and Procedure for Dropping from the Rolls.* – Officers and employees who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically and mentally unfit to perform their duties may be dropped from the rolls subject to the following procedures:

a. Absence Without Approved Leave

1. An officer or employee who is continuously absent without official leave (AWOL) for at least thirty (30) working days shall be separated from the service or dropped from the rolls without prior notice. He/She shall, however, be informed of his/her separation not later than five (5) days from its effectivity which shall be sent to the address appearing on his/her 201 files or to his/her last known address;
2. If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work order shall be served on the official or employee at his/her last known address on record. Failure on his/her part to report to work within the period stated in the order shall be a valid ground to drop him/her from the rolls.
3. If it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty (30) working days, three (3) times in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

b. Unsatisfactory or Poor Performance

1. An official or employee who is given two (2) consecutive unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his/her unsatisfactory performance for a semester and is sufficiently warned that

a succeeding unsatisfactory performance shall warrant his/her separation from the service. Such notice shall be given not later than thirty (30) days from the end of the semester and shall contain sufficient information which shall enable the official or employee to prepare an explanation.

2. An official or employee, who for one evaluation period is rated poor in performance, may be dropped from the rolls after due notice. Due notice shall mean that the officer or employee is informed in writing of the status of his/her performance not later than the fourth (4th) month of that rating period with sufficient warning that failure to improve his/her performance within the remaining period of the semester shall warrant his/her separation from the service. Such notice shall also contain sufficient information which shall enable the official or employee to prepare an explanation.

c. Physically Unfit

1. An officer or employee who is continuously absent for more than one (1) year by reason of illness may be declared physically unfit to perform his/her duties and the head of office in exercise of his/her sound judgment may consequently drop him/her from the rolls.
2. An officer or employee who is intermittently absent by reason of illness for at least two hundred sixty (260) working days during a twenty four (24) – month period may also be declared physically unfit by the head of office.
3. An officer or employee who is behaving abnormally and manifests continuing mental disorder and incapacity to work as reported by his/her co-workers or immediate supervisor and confirmed by a competent physician, may likewise be dropped from the rolls.
4. For the purpose of the three (3) preceding paragraphs, notice shall be given to the officer or employee concerned containing a brief statement of the nature of his/her incapacity to work.

Section 94. *Written Notice; Who Signs.* – The written notice mentioned in the preceding paragraphs may be signed by the person exercising immediate supervision over the official or employee. However, the notice of separation shall be signed by the appropriate appointing authority or head of office.

Section 95. Order of Separation; Immediately Executory. – The order of separation is immediately executory pending appeal, unless the Commission, on meritorious grounds, directs otherwise.

Section 96. Dropping From the Rolls; Non-Disciplinary in Nature. – This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental incapacity is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government.

Rule 20

EXTENSION OF SERVICE

Section 97. Extension of Service. When Allowed. – In meritorious cases, the Commission may allow the extension of service of a person who has reached the compulsory retirement age of sixty-five (65), for a period of six (6) months only unless otherwise stated. Provided that, such extension may be for a maximum period of one (1) year for one who will complete the fifteen (15) years of service required under the GSIS Law.

Section 98. Request for Extension of Service. – A request for extension shall be made by the head of office and shall be filed with the Commission not later than three (3) months prior to date of the official/employee's compulsory retirement.

The following documents shall be submitted to the Commission:

- a. Request for extension of service signed by the Head of Office, containing the justifications for the request;
- b. Certification that the employee subject of the request is still mentally and physically fit to perform the duties and functions of his/her position;
- c. Certified true copy of the employee's Certificate of Live Birth;
- d. Service Record of the employee if the purpose of the extension is to complete the fifteen (15) year service requirement under the GSIS law; and
- e. Proof of payment of filing fee.

The only basis for Heads of Offices to allow an employee to continue rendering service after his/her 65th birthday is a Resolution of the Commission granting the request for extension. Absent such resolution, the salaries of the said employee shall be for the personal account of the responsible official.

Section 99. *Effect of Grant of Extension of Service.* – An employee on service extension shall be entitled to salaries, allowances and other remunerations, that are normally considered part and parcel of an employee's compensation package, subject to the existing regulations on the grant thereof.

Rule 21

ACCREDITATION OF SERVICE

Section 100. *Request for Accreditation of Service.* – Officials and employees who rendered actual services pursuant to defective appointments or without any appointment except those who have already retired, may request the inclusion of said services in their official service record in the Commission.

Section 101. *Documents to be Submitted.* – In support of said request, the following documents shall be submitted to the CSC Regional Office:

- a. Updated service records prepared by the Personnel Officer/ Administrative Officer of the agency where the subject services sought to be recorded were rendered.
- b. The disapproved appointment subject of the accreditation of service and any of the following:
 1. Index of salary payments;
 2. Payroll;
 3. Vouchers;
 4. Copy of leave card;
 5. Daily Time Records or Bundy Cards;
 6. Copies of Payroll/Voucher on the payment of loyalty bonus/ overtime pay/ salary differentials;
 7. Income tax returns;
 8. Withholding tax receipts;
 9. GSIS insurance policy; or

10. Remittance records of contributions made either by the employees or by the employer to the PAG-IBIG fund, GSIS or other institutions, or remittance records of salary/multipurpose loan deduction, subject to verification with said institution.
- c. In the absence of the appointment subject of the accreditation of service, the following documents should be submitted in support of the request:
1. Updated service record;
 2. Index of salary payments; and any of the following:
 - 2.1. Payroll or voucher;
 - 2.2. Copy of leave card;
 - 2.3. Daily Time Records or Bundy Cards;
 - 2.4. Copies of Payroll/Voucher on the payment of loyalty bonus/overtime pay/ salary differentials;
 - 2.5. Income tax returns;
 - 2.6. Withholding tax receipts;
 - 2.7. GSIS insurance policy; or
 - 2.8. Remittance records of contributions made either by the employees or by the employer to the PAG-IBIG fund, GSIS or other institutions, or remittance records of salary/multipurpose loan deduction, subject to verification with said institution.
- d. An Affidavit or Certification alone issued by the Personnel Officer / Administrative Officer and the Head of the Agency that the employee concerned was employed in said agency during the period subject of the accreditation will not be sufficient to prove the rendition of services, but the same may be considered as a supporting document to corroborate any of the requirements submitted by the employee in any request for accreditation of service.

REQUEST TO DECLARE POSITION AS NON -CAREER/CAREER

Section 102. *Request to Declare Position as Non-Career.* – All requests to declare position as non-career shall be made by the head of the agency. No declaration shall be allowed except when the subject position is actually vacant and it is sufficiently shown that the position is primarily confidential in nature despite its initial classification as a career position.

Section 103. *Documents to be Submitted.* – In requests of this nature, the head of the agency shall submit the following documents:

- a. Letter-request signed by the head of the agency;
- b. Position Description Forms of the position/s subject of the request;
- c. Copy of the Plantilla of Positions of the agency;
- d. Certification of the head of the agency that the position/s subject of the request are actually vacant;
- e. Copy of the agency's organizational chart; and
- f. Proof of payment of filing fee.

Section 104. *Guidelines for Conversion of Positions from Non-Career to Career.* – Requests for conversion of positions from non-career to career shall be made by the head of the agency. Incumbents of converted non-career to career can be appointed to said positions only if they are qualified and such fact should be specified in the CSC Resolution itself.

The 'vested right' principle should not be applied when positions are converted from non-career to career since it is contrary to the merit and fitness principle.

In request for conversion of positions from non-career to career, all documents enumerated in Section 103 hereof shall be submitted except for the certification that the position/s subject of the request is actually vacant.

REMEDIES IN NON-DISCIPLINARY CASES

Section 105. *Filing of a Motion for Reconsideration.* – Motion for reconsideration may be filed on appeals dismissed by the Commission.

Section 106. *When deemed filed.* – A motion for reconsideration sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 107. *Grounds.* – The motion for reconsideration shall be based on any of the following:

- a. New evidence has been discovered which materially affects the decision rendered; or
- b. The decision is not supported by the evidence on record; or
- c. Errors of law or irregularities have been committed prejudicial to the interest of the movant.

Section 108. *Limitation.* – Only one motion for reconsideration shall be entertained. If a second motion for reconsideration is filed notwithstanding its proscription under this Rules, the finality of action shall be reckoned from the denial of first motion for reconsideration.

Section 109. *Appeal from Invalidation of Appointments and Protest.* – The appeal from invalidation of appointments and protest shall be subject to the rules stated in Rule 16 and Rule 17.

Section 110. *Appeal from Decisions on Other Personnel Actions.* – Other personnel actions, such as, but not limited to, separation from the service due to unsatisfactory conduct or want of capacity during probationary period, dropping from the rolls due to Absence Without Official Leave (AWOL), physical and mental unfitness, and unsatisfactory poor performance, protest, action on appointments, reassignment, transfer, reappointment, detail, secondment, demotion, or termination of services, may be brought to the CSCRO, by way of an appeal.

Section 111. *When and Where to File.* – A decision or ruling of an agency head may be appealed within fifteen (15) days from receipt thereof by the party adversely affected to the CSCRO and finally, to the Commission within the same period.

However, if the decision is made by the Department Secretary, the same shall be appealable to the Commission within fifteen (15) days from receipt thereof.

A motion for reconsideration may be filed with the same office which rendered the decision or ruling within fifteen (15) days from receipt thereof.

Section 112. *When deemed filed.* – An appeal sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case. In case of personal delivery, it is deemed filed on the date stamped thereon by the proper office.

Section 113. *Appeal Fee.* – The appellant shall pay an appeal fee and a copy of the official receipt thereof shall be attached to the appeal.

Section 114. *Perfection of an Appeal.* – To perfect an appeal, the appellant shall submit three (3) copies of the following documents:

- a. Appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence. The appeal memorandum shall be filed with the appellate authority, copy furnished the appointing authority. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, pagged and securely bound to prevent loss, with its comment, within fifteen (15) days from receipt, to the appellate authority.
- b. Proof of service of a copy of the appeal memorandum to the appointing authority;
- c. Proof of payment of the appeal fee; and
- d. A statement or certificate of non-forum shopping.

When an appellant fails to comply with any of the above requirements within the reglementary period, the Commission shall direct compliance within a period of ten (10) days from receipt thereof, with a warning that failure to comply shall be

construed as failure to perfect an appeal and shall cause the dismissal of the appeal with prejudice to its refiling.

Section 115. Effect of Decision. – Where the Commission, on appeal, sets aside, modifies or reverses the decision whereby an employee was dropped from the rolls, he/she shall be reinstated immediately to his/her former post with payment of back salaries and other monetary benefits.

In case of illegal termination, the employee shall be reinstated with payment of back salaries. In case of disapproval, invalidation, recall and revocation of appointments, the appointee shall be restored to his/her former position without loss of seniority rights.

In case of reassignment, transfer, detail, or secondment, he/she shall be restored to his/her former position.

In case of demotion in rank, salary or status, he/she shall be restored to his/her former rank, salary, and status.

MISCELLANEOUS PROVISIONS

Rule 24

FEES AND OTHER MATTERS

Section 116. Schedule of Fees. – The following is the schedule of filing fees subject to revision when the need arises:

a.	Complaint	P500.00
b.	Petition for Contempt	P500.00
c.	Protest (Initial)	P500.00/pleading
d.	Appeal (Disciplinary/Non-Disciplinary)	P500.00/pleading
e.	Appeal from Disapproved Appointments	P500.00/for each appointee
f.	Petition for Review of Administrative Cases	P500.00

g.	Request for Recommendation For Removal of Administrative Penalties or Disabilities	P500.00/petitioner
h.	Correction of Personal Information in CSC Records	P500.00
i.	Request for Extension of Service	P500.00
j.	Conversion of Positions	P300.00/ position
k.	Accreditation of Service	P500.00
l.	Clearance for No Pending Administrative Case	P100.00
m.	Certified True Copies of CSC Resolutions/ Authenticated Copies of Documents / Records	P10.00/page

Section 117. Deputation by CSC of other lawyers. – The Commission may deputize lawyers of other agencies and similar officials to conduct preliminary and formal investigation and to make the necessary report and recommendation within the period specified in Sections 17 and 43.

Section 118. Execution of CSCRO Decisions. – The decisions of the CSCROs shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration or an appeal with the Commission is seasonably filed, in which case the execution of the decision shall be held in abeyance.

Section 119. Execution of the Decisions of the Commission. – The decisions of the Commission shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

For this purpose, the CSCROs shall monitor and assist in the effective and immediate implementation of these decisions.

Section 120. Effect of Pendency of Petition for Review/Certiorari with the Court. – The filing and pendency of a petition for review with the Court of Appeals or certiorari with the Supreme Court shall not stop the execution of the decision of the Commission unless the Court issues a restraining order or an injunction.

Section 121. *Non-execution of Decision.* – Any officer or employee who wilfully refuses or fails to implement the final resolution, decision, order or ruling of the Commission to the prejudice of the public service and the affected party, may be cited in indirect contempt of the Commission and may be administratively charged with Conduct Prejudicial to the Best Interest of the Service or Neglect of Duty or be held criminally liable under Section 67 of Book V, of Executive Order No. 292 otherwise known as the Administrative Code of 1987.

Section 122. *Computation of Period.* – In computing any period of time prescribed by this Rules, the first day shall be excluded and the last day included unless it be a Saturday, a Sunday or a legal holiday or a special non-working day, in which case the period shall run until the end of the next working day which is neither a Saturday, a Sunday nor a legal holiday.

Copies of decisions and other communications shall be served on the counsel of record if one is represented by a counsel, if he/she has none, the same shall be served to the party concerned. The period to perfect a motion for reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, as the case may be.

Section 123. *Effectivity.* – This Rules shall take effect after fifteen (15) days from date of publication in a newspaper of general circulation.

Section 124. *Repealing Clause.* – The Uniform Rules on Administrative Cases in the Civil Service as prescribed in CSC Resolution No. 99-1936 dated August 31, 1999 and circularized through CSC Memorandum Circular No. 19, s. 1999, and all other memorandum circulars, resolutions, rules or regulations inconsistent with this Rules are hereby repealed or modified accordingly.

Quezon City.

(Sgd.) **FRANCISCO T. DUQUE III, MD, MSc**
Chairman

(Sgd.) **MARY ANN Z. FERNANDEZ-MENDOZA**
Commissioner

(Sgd.) **RASOL L. MITMUG**
Commissioner

Attested by:

(Sgd.) **DOLORES B. BONIFACIO**
Director IV
Commission Secretariat and Liaison Office

**CSC Resolution No. 1101502 was published Nov. 21, 2011 in The Manila Times.*

II. PRE-CHARGE EVALUATION GUIDE

Complaint

"An administrative complaint may be initiated by filing a written and sworn statement before any disciplinary authority, or the IAS accompanied by affidavits of witnesses, if any, and other evidence in support thereof." (Sec 1 Rule 13 of NAPOLCOM Memorandum Circular 2007-001).

1. Upon receipt of the complaint or report from either a private complainant or the personnel's immediate supervisor or the concerned office, the Office of Disciplinary Authority/IAS shall immediately refer the complaint to his Inspectorate or Chief, Investigation, as the case may be, and direct him to assist the complainant to reduce the complaint into an **Affidavit** duly subscribed or notarized. (refer to *Sample Complaint Sheet page 26 and Sample Affidavit of Complaint page 28*)

Note: #1

Who may subscribe the Affidavit of Complaint?

a. For PNP Uniformed Personnel — Officials of the Commission who are appointed by the President, as well as officers of the PNP from rank of Inspector to Senior Superintendent, shall have the power to administer oaths on matters which are connected with the performance of their official duties. (Section 50 of RA 6975 as amended)

b. For Civilian – PCOs of the Pre Charge evaluation/investigation offices pursuant to Section 50 of RA 6975 as amended, or a notary public or any person authorized to administer oath.

Note: #2

The Chief, Investigation/Pre-Charge Evaluator shall have three (3) days to evaluate the complaint, exclusive of the 5-day period to file the Certificate of Non-Forum Shopping and/or investigation and validation (Sec 2, Rule 14, NPC MC 2007-001). He shall maintain two (2) copies of all the documents of the PCE, and once approved, he shall retain one (1) copy at the office of the Inspectorate/Chief, Investigation, while one (1) copy shall be forwarded to Personnel or Admin Section of the concerned office.

2. The Chief, Investigation shall immediately determine if the person being complained about is within the administrative jurisdiction of the Disciplinary Authority/local IAS. If the person being complained about is outside or not within

the administrative jurisdiction of the disciplinary authority/local IAS, the complaint shall be referred to the office of the concerned Disciplinary Authority/IAS.

3. If the person being complained about is within the administrative jurisdiction of the Disciplinary Authority/local IAS, the Chief, Invest shall undertake any of the following:
 - a. If the complaint is a verbal/personal complaint from a Walk-in Complainant, the Chief, Investigation shall assist in reducing the complaint into an affidavit, or require the complainant to submit an Affidavit of Complaint along with affidavits of witnesses and other evidence. The Chief, Invest shall likewise require from the complainant a Certificate of Non-Forum Shopping which shall be a requirement before the pre-charge evaluation can be conducted;

Note:

The Certificate of Non-Forum Shopping shall be required to be submitted by the complainant within five (5) days from notice, otherwise, the complaint shall be dismissed. (Sec 1 para 2, Rule 13 NAPOLCOM MC 2007-001). However, the Insp/Chief, Investigation shall inform the complainant of the dismissal of said complaint. (refer to Sample Certificate of Non-Forum Shopping page 30)

- b. If the complaint is a Letter-Complaint, the Chief, Invest shall contact or notify the complainant thru a letter or other official means and require him/her to affirm his/her signature, and to further require to execute and submit (or assist him in submitting) an Affidavit of Complaint and a Certificate of Non-Forum Shopping;
- c. If the complainant in the letter-complaint fails to submit an affidavit, the letter-complaint shall be treated similar to an anonymous complaint which shall be investigated and validated;
- d. If the complaint is from an Anonymous Complainant, the Chief, Invest shall within five (5) days investigate, validate and gather evidence on the matter being complained about as a basis to determine the validity of the complaint; *(Sec 1d, Rule 13 NPC MC 2007-001)*
- e. If after the investigation and validation, the material allegations in the Anonymous Complaint are not validated, the complaint shall be recommended for outright dismissal;
- f. However, if after the investigation and validation the material allegations in the anonymous complaint are validated, the Inspectorate/Chief, Investigation, now acting as the Nominal Complainant, shall issue a Certificate of Non-Forum Shopping and subsequently have the Pre-Charge Evaluation conducted.

Pre-Charge Evaluation

"Pre-charge Evaluation is a process to determine the existence of probable cause based on the allegations on the complaint and supporting evidence."
(Sec. 1, Rule 14 of NAPOLCOM Memorandum Circular No 2007-001)

4. The Chief, Invest shall designate from among his personnel or officers the pre-charge evaluator or he himself may evaluate, as the case may be.
5. The Pre-Charge Evaluator shall ensure that the reporter/complainant has submitted his affidavit as well as other documents, affidavits of witnesses and other evidence; or, if it is an *anonymous letter*, the complaint *must be accompanied* by a copy of the Investigation Report.

Note:

The complaint affidavit shall be accompanied by a Certificate of Non-forum Shopping duly subscribed and sworn to by the complainant. If the complaint is not accompanied by Certificate of Non-Forum Shopping, the complainant shall be required to submit the same within five (5) days from notice; otherwise the complaint shall be dismissed. (Sec 1 para2, Rule 13 of NAPOLCOM Memorandum Circular 2007-001)

6. The Pre-Charge Evaluator shall assign a docket number to the complaint filed and shall be recorded into the docket book exclusively for the purpose.
7. Upon receipt of the affidavit of complaint and the certificate of non-forum shopping, or the Investigation Report and its validating evidence as the case may be, the Pre-Charge Evaluator will review/evaluate the case **within three (3) days**. The Pre-Charge Evaluator will determine whether it shall be recommended for any of the following: (Sec 3, Rule 13 of NAPOLCOM Memorandum Circular 2007-001).
 - a. **Closed and/or dropped for lack of probable cause;**

Note:

Any recommendation by the pre-charge evaluator closing and/or dropping an administrative complaint for lack of probable cause shall in all cases be approved by the Chief, Invest or the Chief, Prosecution Division of IAS. (refer to Sample PCE "Dropped or Closed" page 31)

- b. **Referred to the appropriate disciplinary authority;**

If the pre-charge evaluation determines that the offense for which the respondent is liable for is beyond the jurisdiction of the Disciplinary Authority, the case shall be elevated to the appropriate office through a memorandum. (refer to Sample PCE "Referred to Appropriate Authority" page 33)

c. Treated as a grievance/request for assistance which may be referred to the concerned office or government agency,

d. **Recommended for Summary Hearing;**

If the pre-charge evaluation finds that **probable cause** exists which warrants the conduct of summary hearing, (Sec 3, Rule 13 of NAPOLCOM MC 2007-001) the Chief, Investigation shall submit a memorandum for the approval of the concerned Disciplinary Authority or Chief/Head of the local IAS recommending the offense for which the person being complained of shall be indicted. Once approved, the Chief, Investigation shall prepare the Charge Sheet which shall become part of the case folder and which shall be forwarded to Personnel/Admin Section or to the designated IAS Summary Hearing Officer for the conduct of summary hearing. (refer to Sample PCE "Recommendation for Summary Hearing" page 35 and Sample Charge Sheet page 38)

Note #1.

The recommendation or result of the Pre-Charge Evaluation shall be in memorandum format and it should be approved by the concerned disciplinary authority or Chief of the local IAS.

Note #2.

Refer to Rule 21 of NAPOLCOM Memo Circular 2007-001 for an enumeration of the OFFENSES administratively punishable and their respective classifications.

Note#3.

In case of PCE conducted by DIDM, the venue of summary hearing must be indicated in the PCE Report pursuant to PNP Memo Circular No. 2010-021 dtd Nov 3, 2010.

Approval by Disciplinary Authority

8. With the concurrence of the DIDM/RIDMD or Chief, Investigation Section the recommendation of the Pre-Charge Evaluator shall be endorsed, thru a memorandum, with the report of evaluation to the Disciplinary Authority or the chief of the local IAS requesting for the latter's approval.
9. Once approved by the disciplinary authority, the Chief, Investigation Section shall, within three (3) days, prepare a memo or letter addressed to the complainant informing the party of the result of the evaluation and the approval by the disciplinary authority in consonance with Section 5 (a) of RA 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials: "Act promptly on letters and requests. - All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or

other means of communications sent by the public. The reply must contain the action taken on the request." (refer to Sample Memo and Letter to Complainant pages 39-40)

Note:

Simultaneously (within 3 days), the Chief, Invest shall also send a memo to the PNP personnel being complained about/ respondent to ensure that he/she is immediately made aware of the complaint filed against him/her as well as the decision of the disciplinary authority and, if probable cause did exist, avoid duplication of proceedings more particularly if the investigation was initiated motu proprio. (refer to Sample Memo to PNP Personnel being complained of page 41)

10. The Inspectorate/Chief, Investigation shall forward two (2) copies of the case folder together with the Charge Sheet and the Pre-Charge Evaluation report, which have been approved by the Disciplinary Authority for summary hearing, to DLOD/RLOS or Personnel/Admin Section of the concerned office or the designated IAS SHO which shall undertake the following:

- Retain one (1) copy of the records of the administrative case.
- Enter the data of the case into its Official Docket:
 - a. Date;
 - b. time of receipt from the evaluator;
 - c. case number;
 - d. name of parties;
 - e. offense charge;
 - f. hearing officer;
 - g. implementing orders;
 - h. other relevant and material data.

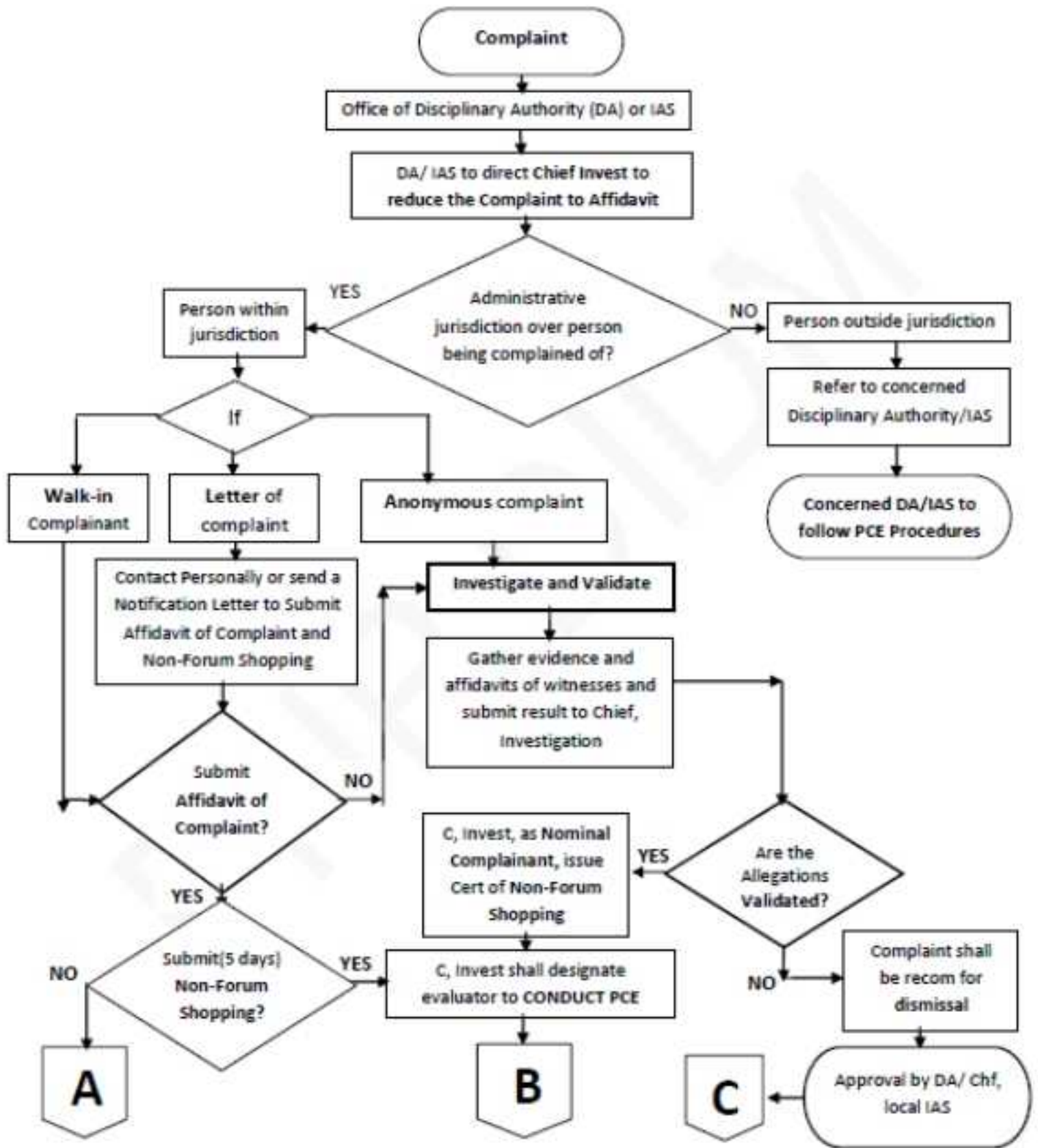
Personnel Section Action

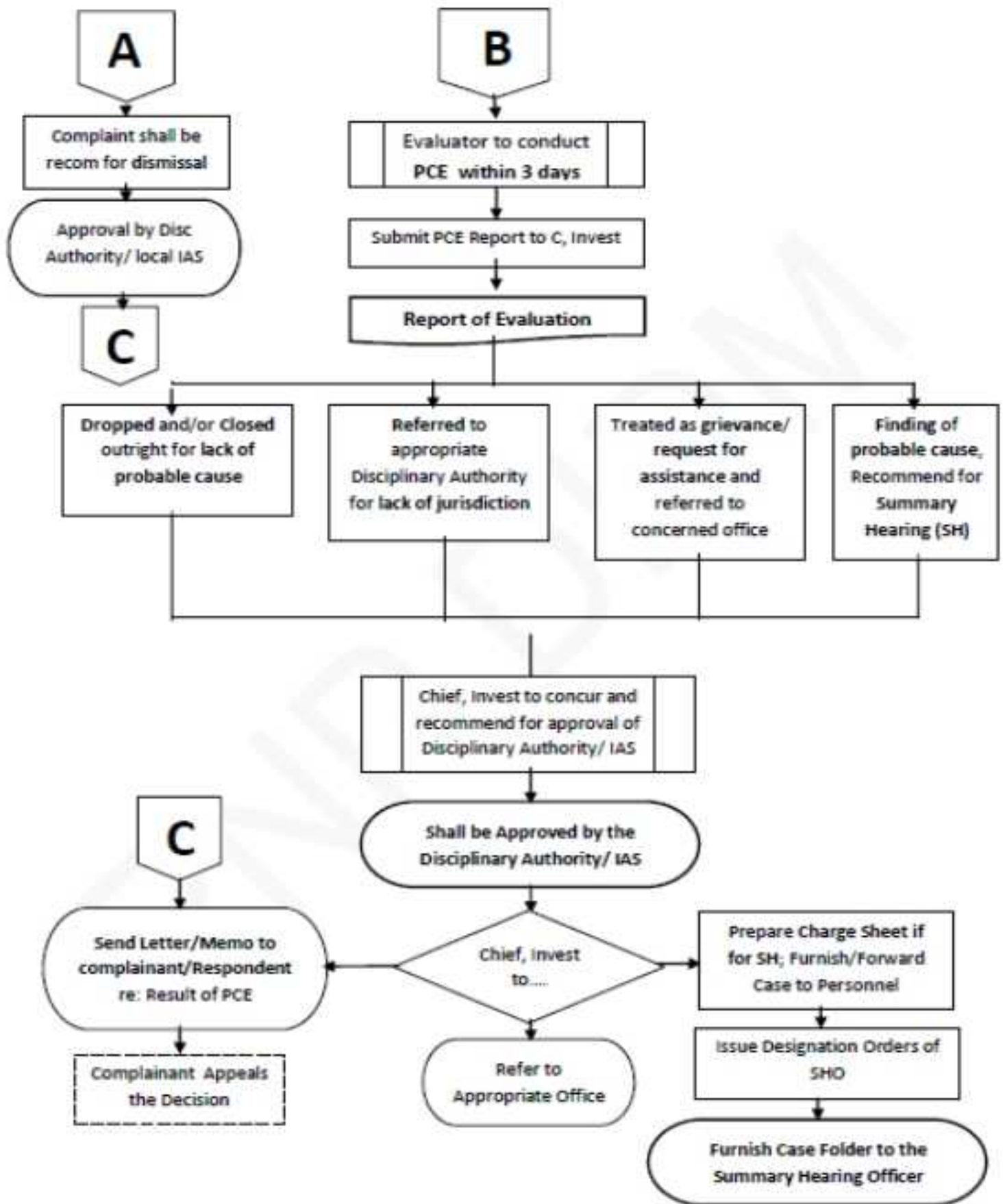
11. The DLOD/RLOS or Personnel Section or Admin Officer of the concerned Unit shall issue an order assigning/designating the Summary Hearing Officer (SHO) as approved. A complete set of the case folder will then be turned over by the Personnel/Admin section to the assigned/designated Summary Hearing Officer with the appropriate receipt indicating its contents and the number of pages therein.

Note:

The Personnel/Admin office or the concerned office may also employ or designate a recorder who will assist the hearing officer and may assign process server/s who will serve the summons.

PRE-CHARGE EVALUATION FLOWCHART





SAMPLE Complaint Sheet

(HEADING)

COMPLAINT SHEET (Fill-up as completely as possible)

Docket No. _____

Date Filed _____

Rank/Name of Respondent/s:

Unit Assignment/Address:

Time, Date and Place of Occurrence:

Name of Complainant: _____

Address:

Contact/Telephone Number:

Witness/es Name, Address and Telephone Number:

1) _____

—

2) _____

—

3) _____

—

—

Sample AFFIDAVIT OF COMPLAINT

REPUBLIC OF THE PHILIPPINES)
CITY OF SAN FERNANDO) s.s.
X-----X

AFFIDAVIT OF COMPLAINT

I, _____, of legal age, married/single,
Filipino, _____ (Name of Complainant)
with _____ mailing _____ address _____ at

→ _____ (Other information of the complainant)
After having duly sworn to in accordance with the law hereby dispose and state that:

(Complainant's Version of the Complaint and Statement of facts of the case)

That, I execute this affidavit to attest to the truthfulness of the foregoing facts and for the purpose of filing an Administrative complaint against (rank, name and assignment) _____ for _____

That, further I hereby declare under oath that this complaint is not a form of harassment or retaliation and the supporting evidence/documents herein are authentic and from verifiable source and fully aware of the consequence of being held liable for perjury in case of false or misrepresentation in this affidavit.

IN WITNESS WHEREOF, I have hereunto affixed my signature ___ day of _____ 20__ in _____, Philippines.

Affiant Sayeth Naught.

(Affiant Name and Signature)

SUBSCRIBED AND SWORN to before me this ____ day of _____,
200_, complainant exhibiting to me his/her Residence Certificate No. _____
issued at _____ on _____ 200_

(Person authorized to administer an oath or A Notary Public)

CERTIFICATION

This is to certify that I personally examined the affiant and I am fully satisfied that he/she voluntarily executed and understood his/her affidavit.

(Person authorized to administer an oath or a Notary Public)

SAMPLE CERTIFICATE OF NON-FORUM SHOPPING

(HEADING)

CERTIFICATE OF NON-FORUM SHOPPING

I, _____, of legal age,
(name of complainant)
resident of _____

_____ (complete address)
under oath depose and state:

That I am filing an administrative complaint against
_____ (rank and name of personnel being complained of)
assigned _____ at

_____ (Unit address)
for _____ before this office;
(Offense if specified by complainant)

That I have not filed nor commenced such action or proceedings involving the same act or omission with any other administrative disciplinary authority or forum;

That to the best of my knowledge, no such action or proceeding is pending before any of said forum;

That if there is any action or proceeding which is either pending or may have been terminated, I must state the status thereof;

And that if I should thereafter learn that a similar action or proceeding has been filed or is pending before any other administrative disciplinary authority, I undertake to inform such fact within five (5) days from such notice to this office or to the disciplinary authority where the original complaint or pleading has been filed.

Affiant

SUBSCRIBED AND SWORN to before me this _____ day of _____, 200_, complainant exhibiting to me his/her Residence Certificate No. _____ issued at _____ on _____ 200_

(Administering Officer)

SAMPLE

Pre-Charge Evaluation with Recommendation that a Case be "DROPPED and/or CLOSED"

(HEADING)

MEMORANDUM

FOR : Regional Director

THRU : DRDA _____
DRDO _____
CDS _____

FROM : C, RIDMD

SUBJECT : Pre- Charge Evaluation against PO1 Juan Dela Cruz

DATE : August 17, 2009

I. AUTHORITY:

1. Memo from C, PCES dated August 6, 2007 endorsed by Acting Chief, Operations Branch dated August 10, 2007 with subject: Disciplinary Action, Request for (Tab "A"). (If internal discipline)

2. Affidavit Complaint (If civilian complainant)

II. MATTERS TO BE EVALUATED:

3. To determine the existence or non-existence of a probable cause to indict PO1 Juan Dela Cruz for Violation of Rule 21, Sec. 2 (A) sub para p of NAPOLCOM Memorandum Circular No. 2007-001, for Neglect of Duty relative to his failure to report at as Team Leader tasked to secure Press people covering the 40th ASEAN Ministerial Meeting.

III. FACTS OF THE CASE:

4. On August 10, 2007 a Memo from Acting Chief, Operations Branch was endorsed to this Office to conduct disciplinary action against PO1 Juan Dela Cruz for failure to report and perform his assigned tasked as Team Leader of Team Alpha to secure press people during the 40th ASEAN Ministerial Meeting (Tab "B").

5. Notices of Appearance dated August 13, 2007 was sent to the Chief PCAS to appear before this Office to shed light regarding the said matter. On August 13, 2007, C, PCAS appeared before this Office and was given five (5) days to formalize the complaint (Tab "C").

6. On August 18, 2007 C, PCAS submitted his sworn affidavit complaint, stating that subject PNCO indeed absent as Press Security during 40th ASEAN Ministerial Meeting

and this was corroborated by SPOI Bravo who checked the attendance of every policemen deployed on that day.

DISCUSSION:

7. Records show that subject PNCO was absent during the 40th ASEAN Ministerial Meeting. Tab "D"). However, in a separate report from Team Leader/Supervisor subject PNCO called up their attention that he cannot perform his duty as Press Security during 40th ASEAN Ministerial Meeting. According to the affidavit of his Supervisor/Team Leader, SPO4 Henry Sy, averred that on July 21, 2007, PO1 Dela Cruz informed him thru txt message that he cannot performed his duty as Press Security to the 40TH AMM due to infected toe/ eczema (Tab "E"). During the course of evaluation it appearing that there was miscommunication with regards to the case of subject PNCO.

CONCLUSION:

8. Foregoing, considered and after stringent perusal of the case of subject PNCO, this Office finds no probable cause to indict PO1 Dela Cruz for violation of NAPOLCOM Memo Circular No. 2007-01.

RECOMMENDATION:

9. **WHEREFORE**, premises considered, the undersigned evaluator recommends that since no probable cause exists against PO1 Dela Cruz, this case be considered dropped and/or closed.

10. Further recommend approval of para 9 above.

Rank/Name/Signature of Evaluator-on-case

I concur with the findings and recommendation of the evaluator.

Rank/Name/Signature of C, Investigation

Approved:

Rank/Name/Signature of Disciplinary Authority

Date of approval

SAMPLE Memorandum Recommending for case to be Referred to the Appropriate Disciplinary Authority

(HEADING)

MEMORANDUM

FOR : Regional Director
ATTN : C, RIDMD
FROM : PD, Nueva Ecija
SUBJECT : Pre-Charge Evaluation against PO1 Cesar Asar
DATE : July 12, 2009

I. AUTHORITY:

1. Incident Report rendered by Insp. Maria Clara, C, Opns Section NEPPO, dtd June 22, 2009 re Alleged threats at Gabaldon Nueva Ecija.
2. Endorsement Letter dated _____ from M/GEN ANGELO PINATUBO, AFP, Fort Magsaysay, Cabanatuan City;

MATTERS TO BE INVESTIGATED:

4. To determine the facts that surrounding the circumstances on the alleged simple threats committed by PO1 Cesar Asar against Ms. Juan Dela Cruz;
5. To determine further if subject PNCO is administratively liable or not.

II. FACTS OF THE CASE:

6. _____

III. DISCUSSION:

7. _____

IV. CONCLUSION:

8. After a careful assessment of the case at hand, the evaluator-on-case arrived on a conclusion that a prima facie case exist against subject PNCO for violation of Rule 21, Section 2 Para C sub para 3 (r) which reads "commit any act or omission that constitutes a crime punishable under the Revised Penal Code or Special Laws" under NAPOLCOM Memorandum Circular No. 2007-001.

V. RECOMMENDATION:

9. WHEREFORE, the undersigned recommends that the case against PO1 Cesar Asar be referred to the RIDMD for evaluation and disposition as the impossible penalty for GRAVE MISCONDUCT is beyond the disciplinary power of the Provincial Director.

Provincial Director

APPROVED:

Disciplinary Authority

**SAMPLE Memorandum with Recommendation
for Summary Hearing
(HEADING)**

MEMORANDUM

FOR : Regional Director

THRU : DRDA _____
DRDO _____
TCDS _____

FROM : Chief, RIDMD

SUBJECT : Pre-Charge Evaluation conducted against
PO1 Juan Dela Cruz

DATE : August 17, 2009

1. References:

- a. Memo from Chief PCE dated December 26, 2008 with subject: Pre-Charge Evaluation, Re: Alleged Indiscriminate firing committed by P01 Juan Dela Cruz at K-9 Unit quarter, Davao International Airport, last December 18, 2008; and
- b. Other allied documents.

2. This has reference to the alleged indiscriminate firing committed by P01 Dela Cruz assigned with 42ND Unit PRO9 at Davao International Airport, Sasa, Davao City, last December 18, 2008.

3. Records further disclosed that at around 1:30 am of December 18, 2008 at 42ND quarters, while P02 Pedro Estapo was sleeping at said quarters, he was awakened by a gun shot. Accordingly, he saw P01 Juan Dela Cruz seated on an adjacent plastic mono block chair looking at him and seemed to be under the influence of liquor. Subsequently P02 Estapo then asked P01 Dela Cruz what happened and allegedly P01 Dela Cruz pulled-out his service issued firearm and told him that he was the one who accidentally fired his firearm and accordingly uttered some threatening remarks to him.

4. Based from the statement of P01 Dela Cruz he averred that on the said date when the incident occurred, he was off duty as Explosive Detection Dog Handler. That a few hours before the incident his wife texted him and informed him that she is finally pregnant, after a long wait, that feeling elated, he and P01 Jay Cuna his classmate, went to Davao City proper and strolled on board a motorcycle. That although he came across a live concert at BakBak Place located at F. Torres Street, Davao City, and even though said place is serving liquor, they never attempted to drink nor engaged in any drinking session at the said place. He further

averred that at around 1:30 am said date, upon his return at K-9 quarters he attempted to unlock his belt in a manner so he could urinate but unfortunately, his service firearm a 9mm Glock 17 Pistol fell off from his inside holster and when he tried to catch the same he accidentally pulled the trigger causing said accidental fire. That unfortunately, P02 Estapo while sleeping at their quarters was awakened by the noise and the latter asked him what happened to which he allegedly politely replied that his gun accidentally went off.

5. On the allegation of P02 Estapo that he uttered threatening remarks, P01 Dela Cruz vehemently denied said allegation and averred that he was aware and what happened on the said time and date, and that he could not do such actuation to P02 Estapo as he respected P02 Estapo not only as his co-handler but as his senior. That in fact, ever since he entered the service, he never got involved in any quarrel nor offended his co-handler within his Unit.

6. On the other hand, the affidavit of SP01 Bastian, Team leader of the K-9 Unit AVSEGROUP detailed at Davao International Airport, averred that when he arrived at their quarters, he saw his two (2) companions P02 Estapo and P01 Dela Cruz, and accordingly P02 Estapo uttered the words, to quote "*Pre bata mo nagmaoy*" P02 Estapo then told him that he will go home to settle some problem and subsequently drove his car and left the area. That at around 4:30 am same date he was awakened by the sound of a vehicle and noticed that it was P02 Estapo who arrived. Thereafter, P02 Estapo informed him that he went to Buhangin Police Station and had the incident put into blotter, then the latter presented him an extract copy of the blotter. Thereafter, he directed P02 Estapo to inform PSSUPT NEIL CABANGA thru text messages about the said incident. SP01 Bastian did not mention that P01 Dela CRuz was drunk nor seemed to be drunk when he saw him.

7. After perusal of the entire case records of this present case, it can be observed specifically based from the affidavit of P02 Estapo that he was able to fabricate a story as he told his Team leader SP01 Bastian that he will go home to settle some problem, but P02 Estapo went to Buhangin Police Station to have the said incident blotted. Moreover, P02 Estapo failed to secure affidavit of any witness who could precisely attest his allegation against P01 Dela Cruz for allegedly uttering threatening remarks to him.

8. Further, it can be gleaned from the records that after undergoing paraffin test at Regional Crime Laboratory Office XI, NEGATIVE result on both hands of P01 Dela Cruz, clearly indicates the absence of gunpowder nitrates, hence, said incident was purely accidental, contrary to the allegation of P02 Estapo that P01 Dela Cruz indiscriminately fired his issued firearm. Moreover, P01 Dela Cruz readily submitted himself for alcohol test to prove that he was not under the influence of liquor, unfortunately, said test is not available at the Department of Pathology and Laboratories at Davao Medical Center. However, what is evident is that P01 Dela Cruz failed to immediately inform his Superior Officer or submit a written report relative to the accidental firing of his issued firearm Cal. 9mm Glock 17 Pistol, instead he just slept at their quarters together with SP01 Sebastian rather than go to their Office and report the said incident, thus, constituting "NEGLECT" on his part.

9. Comes the charge of Misconduct rendered by 8th PCAS wherein it stated that accidental firing constitutes MISCONDUCT, after evaluation conducted by this Office it was affirmed that the actuation by P01 Juan Dela Cruz constituted Neglect and not Misconduct. As the high court ruled Misconduct – implies malice or wrongful intent, not error of judgment- (Suroza v. Honrado, Adm. Matter No. 2026 – CFI, December 19, 1981; 110 SCRA 396.) Since the incident was ACCIDENTAL firing, it cannot be considered as misconduct, as the term ACCIDENTAL means there is absence of a wrongful intent. On the case of Dela Cruz v. Capital Insurance & Surety Co., 123 Phil 1414, it was ruled that ACCIDENTAL – that which happens by chance or fortuitously, without intention and design, and which is unexpected, unusual and unforeseen. Further, reads thus; Accident – An occurrence out of the usual course of events which happens suddenly and unexpectedly, without any design on the part of the person affected and which ordinary prudence could not have granted against, CABANAS vs LADRERA, 61-og 5539.

10. Wherefore, premises considered this Office opines that the infraction committed by P01 Juan Dela Cruz fails under Simple Neglect of Duty, pursuant to NAPOLCOM Memorandum Circular No. 2007-001, under Rule 21, Section 2, Para A(1), sub para k. (Light Offense) to wit: “fail to submit a written report to his superior officer immediately or within a reasonable time after accidental firing, of his firearm, when time and circumstances would permit”. 28

As the high court ruled that – Neglect of Duty is to fail to give due attention, especially to the performance of a task or duty”. DUNGCA, Jose M., CSC Resolution No. 97 – 3280, July 7, 1997 citing MAGALLANES v. PROVINCIAL BOARD, 66OG 7839.

11. FOREGOING, respectfully recommend that this case against P01 Juan Dela Cruz for LESS GRAVE NEGLIGENCE OF DUTY, pursuant to afore-cited NAPOLCOM provision be elevated for Summary Proceeding to properly determine the extent of his administrative liability and for him to have full opportunity to offer controverting evidence and convince this jurisdiction that he did not commit the act complained of.

12. Further recommend that this case be referred to the Director as the appropriate Disciplinary Authority

13. Further request approval of Para 11, above.

Rank/Name/Signature C, PCE

I concur with the findings and recommendation of the evaluator.

Rank/Name/Signature of C, RIDMD

Approved:

Rank/Name/Signature of Disciplinary Authority

Date of approval

SAMPLE Charge Sheet (HEADING)

PHILIPPINE NATIONAL POLICE,
Complainant,

-versus-

Administrative Case No.
4PCAS-09-10-01
For: Simple Misconduct
(Offense)

SPO1 Juan Dela Cruz
Respondent.

X-----X

CHARGE SHEET

The undersigned nominal complaint hereby accuses the above-named respondent of _____ pursuant to RA 8551 in _____ (Offense) relation to NAPOLCOM Memorandum Circular 2007-001, committed as follows:

"That _____ (State Facts of the Case)

_____"

Contrary to existing PNP laws, Rules and Regulations.

_____, Philippines. _____, 20_____
(City) (Month) (Day) (Year)

Name and signature
Chief, PCID/RIDMD/C, Invest Sec

SAMPLE Memorandum to Disciplinary Authority
Re Pre-Charge Evaluation
(HEADING)

MEMORANDUM

FOR : Regional Director

THRU : DRDA _____
DRDO _____
TCDS _____

FROM : C, RIDMD/R7

SUBJECT : Admin Case filed against SPO1 Juan Dela Cruz
and Ms Maria Clara

DATE : September 17, 2009

1. References: Memo from Acting Chief, PCE with subject Pre-Charge Evaluation re: Illegal Facilitation and Violation of Screening Procedures dtd July 27, 2009.

2. Above reference pertains to the Pre-Charge Evaluation by then Acting Chief, PCE for administrative offense of Illegal Facilitation and Violation of Screening Procedure allegedly committed by SPO1 Juan Dela Cruz and Ms Maria Clara which transpired on June 19, 2009 at Silangan City.

3. Based on the records submitted before this Office, on June 19, 2009, during the Convention of League of Governors at Convention hall check area, Provincial Capitol, Ms Clara committed lapses in her duty as female frisker, when a lady visitor identified later as Mrs. Angel Alferos passed the security area without undergoing the required mandatory inspection, was never challenged and was allowed to pass through. Apparently, Ms Clara averred that SPO1 Juan Dela Cruz whispered to her to allow Mrs. Angela Alferos to pass through.

4. On the other hand, SPO1 Juan Dela Cruz committed lapses when he authorized Mrs. Alferos to pass through the main session hall without undergoing inspection. Aside from this, SPO1 Dela Cruz was also reported performing his official duty as VIP facilitator without presenting pertinent documents that is the memorandum, authorizing him to discharge the function of VIP facilitator during the convention of governors.

5. In this regard, this Office found probable cause to indict SPO1 Juan Dela Cruz committing Less grave Neglect of Duty pursuant to NAPOLCOM Memorandum Circular Number 2007-001, Rule 21, section 2, Para B1 (Less Grave Offenses), sub-para m which reads "wilfully violate office regulations and/or refuse or

neglect to comply with said provisions" and Ms Maria Clara for committing violation of reasonable office rules and regulations pursuant to Rule IV, Section 52, Para C – Light Offense, sub-para 3 of the Uniform Rules on Administrative Cases in the Civil Service.

6. From the foregoing, this Office recommends the following:
 - a. That Summary Hearing Proceeding be conducted against SPO1 Juan Dela Cruz to further determine his administrative culpability;
 - b. That the administrative case against Ms Maria Clara be transmitted to USEC. ANDRES BONIFACIO, Administrator, Office for Transportation Security for their appropriate action.
7. Further, recommend approval of Para 6, above and signature on the attached Memo addressed to USEC. ANDRES BONIFACIO.

JUAN MIGUEL LUNA
Police Senior Superintendent

SAMPLE Memo to a PNP Complainant re Result of PCE
(HEADING)

MEMORANDUM

TO : _____
(Complainant)

FROM : TDIDM/RIDMD/PD/COP/C, invest

SUBJECT : Result of the Complaint

DATE : August 17, 2009

1. References:

- a. Decision signed by Chief, PCID dated August 20, 2009.
- b. PNP SO# 2009-001 dated August 21, 2009 re Suspension of SPO1 Juan Dela Cruz.

2. This has reference to the administrative case you filed against SPO1 Juan Dela Cruz for alleged Grave Misconduct pursuant to NAPOLCOM Memorandum Circular Number 2007-001 (indicate specific sections and Rules) tantamount to _____

3. Please be informed that this Office conducted the Pre-Charge Evaluation to determine the existence of probable cause based on the allegation of your complaint and the supporting evidence. The evaluator-on-the-case have found no probable cause to indict SPO1 Juan Dela Cruz and recommended the case be dropped or close. The Disciplinary Authority have subsequently approved said recommendation

4. For information and reference.

For the Chief, PNP/RD/PD/COP/local IAS
(Disciplinary Authority):

Chief Invest/ PCEID

Name/Rank/Signature

SAMPLE Letter to Private Complainant re Result of PCE

(HEADING)

01 September 2010

Mercedez Mayuga
Brg. Ginoo, San Rafael
Sampaloc Manila

Dear Ms Mayuga

Greetings!

This has reference to the complaint you filed against SPO1 Juan Dela Cruz, MPD-NCRPO for alleged Physical Injuries in violation of NAPOLCOM Memorandum Circular Number 2007-001 (Indicate the specific section/rules) tantamount to Grave Misconduct.

Please be informed that this Office conducted the Pre-Charge Evaluation to determine the existence of probable cause based on the allegation of your complaint and the supporting evidence. The evaluator-on-the-case have found no probable cause to indict SPO1 Juan Dela Cruz and recommended the case be dropped or closed and the Disciplinary Authority subsequently approved said recommendation.

Thank you for referring the matter to this office, you are always welcome to visit or communicate with our office should you have any other concerns.

For your reference and information.

Respectfully yours,

CRISOSTOMO IBARRA
Police Senior superintendent
Chief, RIDMD NCRPO / local IAS

SAMPLE Memo to PNP Personnel being complained of
(HEADING)

MEMORANDUM

TO : (PO1 Ramon Diaz)
(Rank/Name/office address of PNP Personnel being Complained of)

FROM : TDIDM/RIDMD/PD/COP/C, invest

SUBJECT : Result of the Pre-Chare Evaluation

DATE : March 25, 2011

1. References:

- a. Result of PCE as Approved by (disciplinary authority);
- b. Decision signed by Chief, PCEID dated August 20, 2009;

2. This has reference to the complaint filed against you by SPO1 Juan Dela Cruz for alleged absence from duty as Duty Personnel of Operations Section of PSPG on 20 March 2011 which is tantamount to LESS GRAVE NEGLECT OF DUTY pursuant to (indicate specific sections and Rules) OF NAPOLCOM Memorandum Circular Number 2007-001.

3. Please be informed that this Office conducted the Pre-Charge Evaluation to determine the existence of probable cause based on the allegations in the complaint and the supporting evidence. The evaluator-on-the-case have found probable cause to indict you and recommended that the case against you for LESS GRAVE NEGLECT OF DUTY, pursuant to afore-cited NAPOLCOM provision, be elevated for Summary Proceeding to properly determine the extent of your administrative liability and for you to have full opportunity to offer controverting evidence. The Disciplinary Authority have subsequently approved said recommendation and said case has been forwarded to DPRM/ARMD/Personnel Section for their appropriate action.

4. For information and reference.

For the Chief PNP/RD/PD/COP/local IAS
(Disciplinary Authority):

Chief, PCEID/Invest

Name/Rank/Signature

IV. SUMMARY HEARING GUIDE

" Apply thine heart unto instruction, and thine ears to words knowledge."

(Proverbs 23:12)

II. SUMMARY HEARING GUIDE

Initial Action of Summary Hearing Officer

1. Receipt of Case Folder by Summary Hearing Officer (SHO):

The Summary Hearing Officer, upon receipt of the case folder, shall have at most sixty (60) days to resolve the case.

2. Three (3) days from receipt of case folder:

Upon the receipt of the case folder which contains the Pre-Charge Evaluation report from concerned office, the Summary Hearing Officer shall:

a. Read and understand the procedure on the summary hearing proceedings contained in this PNP Pre-Charge Evaluation and Summary Hearing Guide 2011 and sign the certificate that the Summary Hearing Officer has read and understood the guidelines contained therein;

b. Forward the certificate of receipt to Personnel (Attn: DLOD);

c. The Summary Hearing Officer shall issue a summons to the respondent within three (3) days from receipt of the case folder, requiring the respondent to file his answer within five (5) days from the receipt of the summons. (Sec 1 & 2, Rule 17 of NAPOLCOM Memorandum Circular 2007-001) The summons shall include a copy of the Complaint affidavit with its annexes attached, and it shall be served by means of the following in a sequential order: (refer to Sample Summons page 54)

1. Personal delivery (office/residence or last known add); or
2. Substituted Service (received by husband/wife or relative); or
3. Constructive Service (leaving a copy at official station); or
4. Mail (Registered mail).

Note:

In a substituted service where the husband/wife or relative refuses to acknowledge receipt, the process server will execute an affidavit on the refusal by the husband/wife or relative to receive the summons.

3. Five (5) days after the receipt of the summons by the respondent:

The respondent shall have five (5) days from the receipt of the summons to file an Answer which shall be in three (3) copies. (Sec 1, Rule 17 of NAPOLCOM Memorandum Circular 2007-001). (refer to Sample Answer of Respondent page 55)

respondent, the SHO will count five (5) days within which the respondent shall submit his answer. If, the respondent fails to submit his answer within five(5) days, it shall be considered a **general denial** of the offense charged on the part of the respondent and the SHO shall then **summon the complainant and respondent for the Pre-Hearing Conference within ten (10) days.** (Sec 3, Rule 17).

4. Ten (10) days from receipt of answer or failure to answer on the part of the respondent:

The SHO shall notify or **summon the respondent and complainant for the Pre-Hearing Conference within ten (10) days** reckoned either from receipt of the respondent's answer or from the expiration of the 5-day period to file an answer. (Sec 5, Rule 17 of NAPOLCOM MC 2007-001). (refer to Sample Notice of Pre-Hearing Conference page 56)

Note:

The Notice should indicate the intention of the Pre-Hearing Conference such as; Defining and simplifying the issues of the case; Entering into admission and/or stipulation of facts; Limiting the number of witness to be presented; Scheduling the dates of hearing; Marking of exhibits; and Threshing out other matters relevant to the case.

Pre-Hearing Conference

The Summary Hearing Officer shall conduct the **Pre-Hearing Conference which should be completed in two (2) days.** The Pre-Hearing Conference shall have the following purposes: (Sec 5, Rule 17 of NAPOLCOM MC 2007-001). (refer to Sample SHO Pre-Hearing Conference Script page 57)

- a. Defining and simplifying the issues of the case;
- b. Entering into admission and/or stipulation of facts;
- c. Limiting the number of witness to be presented;
- d. Scheduling the dates of hearing;
- e. Marking of exhibits; and
- f. Threshing out other matters relevant to the case.

If both the complainant and the respondent are present or represented by counsel, the SHO shall immediately proceed with the **Pre-Hearing Conference.**

Note.

- *Marking of complainant's affidavit and exhibits shall be by letters. Example: Affidavit of Complaint marked Exhibit "A"*

- **Marking of respondent's answer and exhibits shall be by numbers: Example: Answer Affidavit marked Exhibit "1"**

Whether the parties are represented by counsel or not, the Summary Hearing Officer shall require them to sign the Certificate of Readiness to appear at the scheduled hearings which shall be set within five (5) days after the pre-hearing conference. At most three (3) hearing dates shall be set to give allowance for absences of any of the parties, and the schedule agreed upon shall be strictly followed to avoid unnecessary delay in the proceedings. (Sec 5, Rule 17). (refer to Sample Certificate of Readiness to Appear for Hearing page 61)

The SHO shall inform both parties and their counsels that the administrative proceeding is summary in nature and emphasize that the scheduled hearings shall be strictly followed.

Note #1.

- **Minutes of Pre-Hearing Conference shall be recorded and maintained by Summary Hearing Officer and attested by both parties/or their counsel within ten (10) days. (Sec 17, Rule 17) All documents must be compiled in the case folder for safe keeping and safety. (refer to Sample Minutes of Pre-hearing Conference page 62)**

Note #2.

- **The Summary Hearing Officer can accept additional evidence or exhibits only during the Pre-Hearing Conference.**

Note #3.

- **Even if the respondent admits to his culpability, a hearing shall still be conducted to consider mitigating and aggravating circumstances and determine the appropriate penalty. (Sec 4, Rule 17)**

Note #4.

- **The Summary Hearing Officer shall schedule no more than three (3) hearing dates over a seven (7)-day period as he may deem necessary.**

The Summary Hearing Officer shall inform the parties that they may agree to dispense with the conduct of a summary hearing and instead submit their respective memoranda or position papers within ten (10) days from the pre-hearing conference (Sec 5, Rule 17). If both parties agree, the Summary Hearing Officer will require both parties to sign an agreement to dispense with the hearing proper and he may then resolve the case based on the position papers submitted within twelve (12) days from date of receipt of the position papers. (refer to Sample Agreement to Dispense Summary Hearing page 60)

Even if one or both of the parties are absent, the SHO shall nevertheless proceed with the Pre-Hearing Conference with the marking of the exhibits submitted by both parties, setting the scheduled dates of the hearing within five (5) days, signing of the Certificate of Readiness by the present party, and accomplishing the other purposes of the conference. The SHO shall subsequently issue another summons to the absent party/ies to appear for the hearing proper. The summons shall be served with proof of receipt/certificate of service. (Refer to Sample Forms Pre-Hearing Script.)

5. Five (5) days from termination of the Pre-Hearing Conference:

Hearing Proper

The Hearing Officer will immediately set the date of summary hearing proper within five (5) days from the Pre-Hearing Conference. (refer to Sample Summary Hearing Officer's Script for Hearing Proper page 66)

Note:

It is mandated that the summary hearing of a case shall proceed within five (5) days from the termination of the Pre-Hearing Conference. (Sec 6, Rule 17).

Note:

The summary hearing shall not be a trial-type proceeding but rather it shall be a clarificatory hearing in case there are clarificatory questions to be profounded. It shall not exceed three (3) settings and shall be confined strictly to material and releveant matters pertaining to a particular case.

If the respondent admits to the offense during the hearing proper, the Summary Hearing Officer shall nevertheless proceed with the summary hearing proper to determine the appropriate penalty for the offense (Sec 4, Rule 17 of NAPOLCOM Memorandum Circular 2007-001). The Summary Hearing Officer shall subsequently submit the resolution with the appropriate recommendation to the disciplinary authority.

If the complainant is absent (or both are absent) during the summary hearing proper, the Summary Hearing Officer shall serve another summons within five (5) days with proof of receipt/certificate of service. The Summary Hearing Officer shall serve a summons to the complainant for at least three (3) times for as long as the complainant fails to attend the scheduled hearing.

If on the third scheduled date, the complainant is still absent from the summary hearing proper even after being summoned at least three (3) times, the Summary Hearing Officer may resolve the case and may use the complainant's absence as a ground to recommend the dropping of the complaint where the culpability of the respondent could not be established

without the testimony of the complainant. However, if there is probable cause, the hearing may still proceed and the witness/es shall be asked to affirm their affidavits. (Sec 12, Rule 17 of NAPOLCOM Memorandum Circular 2007-001).

If the complainant is present but the respondent is absent during summary hearing proper, the Summary Hearing Officer shall serve another summons to the respondent within five (5) days with proof of receipt/certificate of service. The Summary Hearing Officer shall serve a summons to the respondent at least three (3) times for as long as the respondent fails to attend the scheduled hearing.

If on the third scheduled date, the respondent still fails to appear for the summary hearing proper without justifiable reason, he/she is deemed to have waived his right to be present and submit evidence and the Summary Hearing Officer may proceed with the hearing proper. (Sec 13, Rule 17).

If both parties are present during the summary hearing, the Summary Hearing Officer shall conduct the hearing proper. The complainant shall affirm his complaint affidavit and other exhibits, and the respondent shall also affirm his answer and other exhibits. In any case, the hearing being summary in nature, clarificatory questions may be allowed if requested, but direct examination of witnesses shall be dispensed with. (Sec 7, Rule 17)

The Summary Hearing Officer may schedule another or additional hearings as he/she deems it necessary. At all times, minutes of the proceeding shall be maintained by the Summary Hearing Officer.

Note:

Stenographic notes/minutes of the hearing shall be maintained by Summary Hearing Officer which shall be certified by the disciplinary authority or the hearing officer and preferably attested by both parties/or their counsel within ten (10) days. (Sec 17, Rule 17) All documents must be compiled in the case folder for safe keeping and safety. (refer to Sample Minutes of Hearing Proper page 69)

(Refer to Sample Forms SHO Script for Hearing Proper page 66)

6. Ten (10) days from termination of hearing proper:

After the termination of summary hearing proper, the Summary Hearing Officer, if he deems it necessary to resolve the case, may require both parties to submit their position papers ten (10) days after the Summary Hearing Proper (Sec 8, Rule 17 of NAPOLCOM Memorandum Circular 2007-001). (refer to Sample Position Paper page 72)

Note:

The Position papers may help the Summary Hearing Officer in drafting the resolution.

7. Twelve (12) days from deadline for submission of Position Papers:

Report of Investigation (Resolution)

The Summary Hearing Officer shall submit his Report of Investigation (Resolution) together with the draft Decision to the disciplinary authority within twelve (12) days from the submission of position paper from both parties. (refer to Sample Report of Investigation/Resolution page 72-94 and Draft Decision page 95)

- Refer to *Rule 22 NPC MC 2007-001* for PENALTIES

If both parties signify their preference not to submit their position paper, the Summary Hearing Officer shall submit his/her resolution and draft Decision within twelve (12) days from the date of termination of the Summary Hearing proper to the Disciplinary Authority thru the Personnel or Admin section of the concerned office.

If any or both parties signify their intention to submit position papers but fails to do so within ten (10) days from the termination of the summary hearing proper, the Summary Hearing Officer shall submit his/her resolution together with the draft Decision within twelve (12) days reckoned from the date of expiration of the ten (10) days grace period to submit the position paper.

Note.

The Summary Hearing Officer will turn over the entire case folder of the respondent with the draft decision to the Personnel or Admin section of the concerned office/Head of local IAS. In return, the case folder will be properly received by the concerned office.

Personnel Section Action

8. Five (5) days from receipt of resolution from SHO by Per/Admin Section:

The Personnel/Admin section shall endorse the case folder with the draft decision to the disciplinary authority within five (5) days from receipt of the entire case folder from the SHO for the decision/approval of the disciplinary authority.

The disciplinary authority shall render his decision/approval based on the recommendation of the Hearing Officer within thirty(30) days. (Sec 19, Rule 17)

The Personnel/Admin of the concerned office shall serve the copy of the decision personally to the respondent. Respondent shall sign and indicate the time and date of receipt of the proof of service. If the respondent is not available or refuses to receive a copy of the decision, the server shall resort to substituted service. If substituted service is not possible, server shall transmit the copy of the decision by registered mail, and, in any case shall execute an affidavit of proof of service.

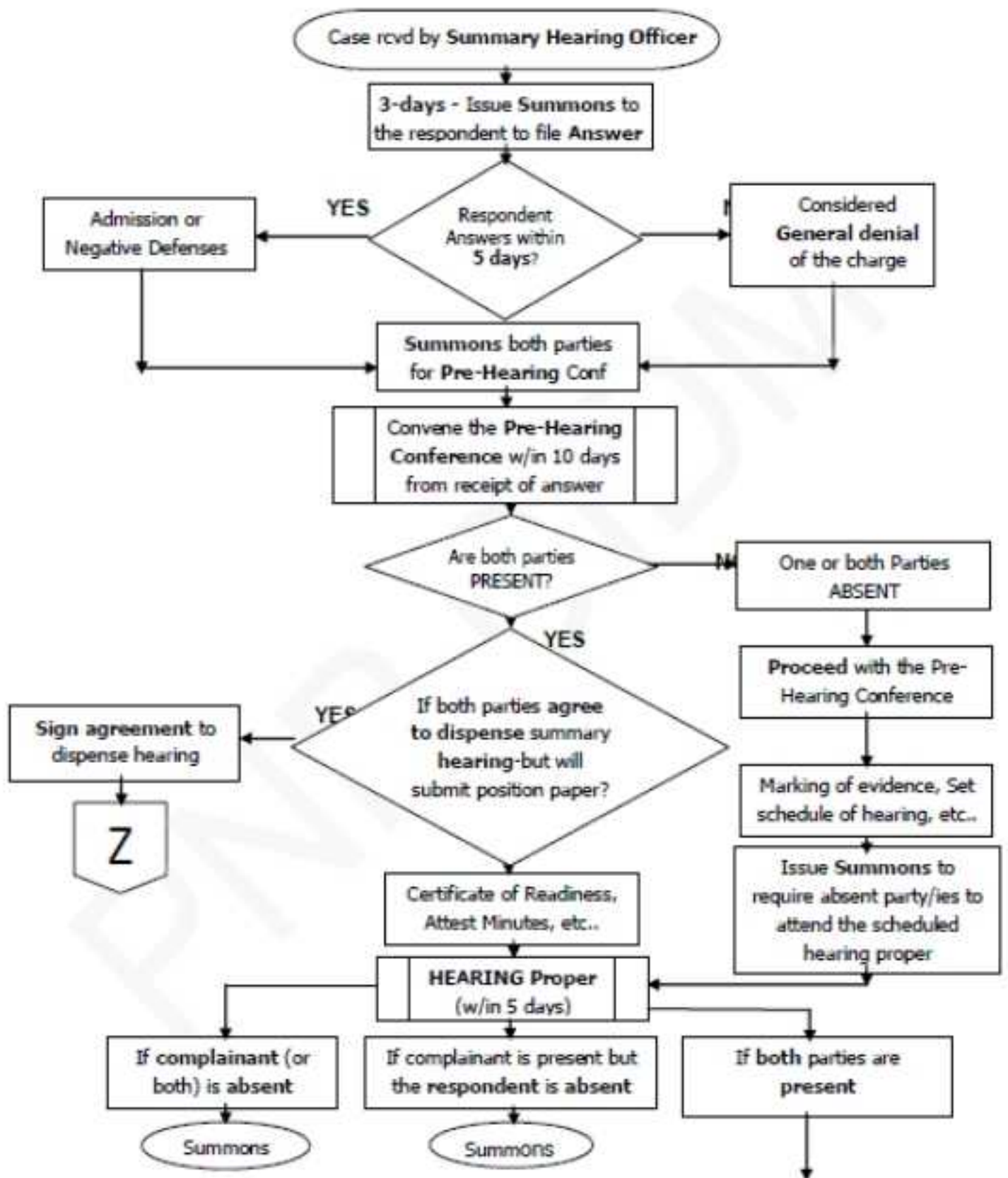
Similarly, the Personnel or Admin section shall send a letter/memo addressed to the complainant within five (5) days from the decision/approval of the disciplinary authority to inform the complainant of the result of the summary hearing and the decision of the disciplinary authority.

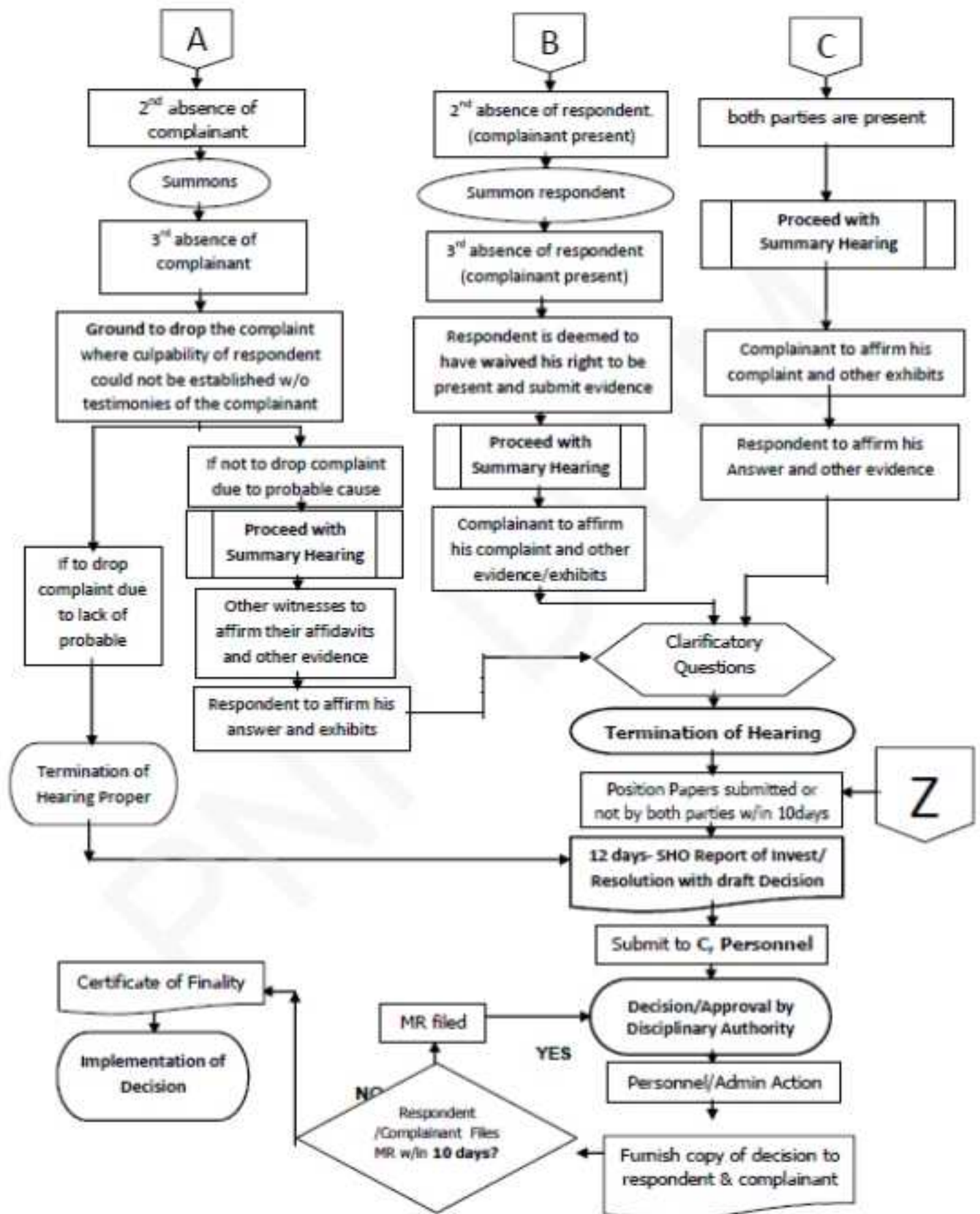
The Personnel or Admin section of the concerned office shall prepare a certificate of finality of the decision or resolution to be signed by the disciplinary authority finally disposing of the case when no motion for reconsideration or appeal is filed within the prescribed period of ten (10) days from receipt by the respondent of the copy of the decision. (Sec 24, Rule 17)

(END OF SH GUIDE)

“Knowledge is a comfortable and necessary retreat and shelter for us in an advanced age; and if we do not plant it while young, it will give us no shade when we grow old.” (Lord Chesterfield)

SUMMARY ADMINISTRATIVE PROCEEDINGS FLOWCHART





SAMPLE Summons
(HEADINGS)

PHILIPPINE NATIONAL POLICE,
Complainant,

-versus-

Administrative Case No.
4th PCAS-09-10-01

For: Grave Misconduct

SPO1 Juan Dela Cruz,
Respondent

x-----x

S U M M O N S

TO: SPO1 Juan Dela Cruz
_____ (address)

GREETINGS:

You are notified that the attached Complaint, together with all its annexes, has been filed with this office for formal hearing in consonance with the Uniformed Rules of Procedure Before the Administrative Disciplinary Authorities and Internal Affairs Service of the Philippine National Police (NAPOLCOM memorandum Circular 2007-001).

Wherefore, you are hereby directed to submit your Answer, containing a list of your witnesses and their individual addresses, if obtaining, accompanied by documentary or other evidence you may have in support of your defense, within five (5) days from receipt of the summon; copy furnished the complainant.

Failure to submit your Answer shall be considered as a general denial of the charges and the summary hearing shall proceed ex-parte.

Witness my hand this _____ day of _____ 200_ at _____
Philippines.

Summary Hearing Officer

SAMPLE Answer of Respondent
(HEADING)

PHILIPPINE NATIONAL POLICE,
Complainant,

-versus-

Administrative Case No.
09-10-01

For: Grave Misconduct

SPO1 Juan Dela Cruz,
Respondent.

x-----x

ANSWER

Comes now, respondent, by (himself or through the undersigned counsel), unto this Honorable Office, most respectfully submit the instant Answer, and in support thereof, state, that;

1. Herein respondent specifically (denies/affirm) the allegations as contained in paragraph no. ___ of the complaint, the truth of the matter being that _____ (statement of facts and circumstances) _____

2. _____

_____;

PRAYER

WHEREFORE, It is most respectfully prayed before this Honorable Office that the instant complaint be dismissed for lack of merit.

Just and equitable relief, under the premises, are likewise prayed for.

(Date and place of execution)

Name and Signature of Respondent
Or Counsel of the Respondent
Address:

SUBSCRIBED AND SWORN to before me this ____ day of _____, 200_, complainant exhibiting to me his/her Residence Certificate No. _____ issued at _____ on _____ 200_

(Person authorized to administer an oath)

SAMPLE Notice of Pre-Hearing Conference

(HEADING)

PHILIPPINE NATIONAL POLICE,
Complainant,

-versus-

Administrative Case No.
09-10-01

For: Grave Misconduct

SPO1 Juan Dela Cruz,
Respondent.

X-----X

NOTICE OF PRE-HEARING CONFERENCE

Pursuant to Sec. 5, Rule 17, NAPOLCOM memorandum Circular No. 2007-001, this case is hereby set for its pre-hearing conference on _____ at _____

_____ (Date) _____ (time)
o'clock A.M./P.M. at _____
(complete address of the venue)

_____ for the purpose of:

- a. Defining and simplifying the issues of the case;
- b. Entering into admission and/or stipulation of facts;
- c. Limiting the number of witness to be presented;
- d. Scheduling the dates of hearing;
- e. Marking of exhibits; and
- f. Threshing out other matters relevant to the case.

Parties are hereby reminded that witness/es not included in the pre-hearing stipulations shall in no case be allowed to testify.

Furthermore, parties may agree that summary hearing be dispensed with, instead, memorandum or position papers be submitted.

And finally, the absence of counsel shall not preclude the parties from signing the certificate of readiness to appear at the scheduled hearing, which shall be strictly followed to avoid unnecessary delay in the proceedings.

Given this _____ day of _____, 201__.
(Date) (Month)

(Summary Hearing Officer)

SAMPLE: Summary Hearing Officer's Pre-Hearing Conference Script

Good Morning/Good Afternoon, Sir/Madam. Welcome to the Office of

(SHO's Office/Venue)
I am _____

(name and rank of the SHO)
As the designated Summary Hearing Officer of the case against respondent
_____ for _____

(rank and name) (offense)
docketed under _____, I now call to order this pre-hearing
conference. (docket nr)

Are both of the parties present?

I want to inform both parties that you have the right to be represented by counsel.

Is the complainant represented by counsel/attorney?

Is the respondent represented by counsel/attorney?

We are now conducting this pre-hearing conference for the purpose of the following:

- 1) defining and simplifying the issues of the case;
- 2) entering into admission and/or stipulation of facts;
- 3) limiting the number of witness to be presented;
- 4) scheduling the dates of hearing;
- 5) marking of exhibits; and
- 6) threshing out other matters relevant to the case.

May I also inform both parties that among the matters that we may discuss and/or take-up is the possibility or willingness of both parties to enter into an agreement to settle the case.

Now, may we know what are the issues raised by the complainant? (SHO explains that by issues, this refers to basis of the complaint and complainant's presentation should be focused mainly on the charge against the respondent.....)

What are the issues raised by the respondent?

What is the admission of the complainant? (SHO explains that by admission, this refers to information, events, activities and documents which are acceptable to the other respondent as true)

What is the admission of the respondent?

Based on the admission of the complainant and the respondent, do you now agree that these are the stipulated facts? (SHO shall enumerate what has been stipulated.)

Note for SHO: Stipulation is an agreement between parties to a dispute or court action that a certain fact is true or uncontested.

How many witnesses and their respective names would the complainant present?

How many witnesses and their respective names would the respondent present?

What are the exhibits that the complainant wish to submit and mark? We shall now mark complainant's affidavits and exhibits using letters.

What are the exhibits that the respondent wish to submit and mark? We shall now mark respondent's affidavits and exhibits using numbers.

Now, before we set the dates of the hearing proper, I wish to inform the complainant and the respondent that pursuant to Sec 5, Rule 17 of NAPOLCOM Memo Circular 2007-001, you may agree that the summary hearing proper be dispensed with, and instead you will be required to submit memorandum or position papers within ten (10) days from this pre-hearing conference. If you both agree and opt to dispense with the hearing proper, you will be required to sign an Agreement to Dispense the Hearing Proper and I will resolve the case based on the position papers you will submit and the sets of evidence you have submitted. Otherwise, we will proceed with the hearing proper as will be scheduled.

Now, may I know the decision of both parties? If you agree to dispense the hearing please sign the agreement and we will then terminate this pre-hearing conference.

(If both parties opt to dispense the hearing proper.)

May I now ask both parties to sign the Agreement to Dispense the Hearing Proper.

Please submit your Position Papers within 10 days.

This Pre-hearing conference is now terminated. Thank You.

(If both parties opt to proceed with the hearing)

As both parties want to proceed with the hearing proper, may we know and agree as to what are our hearing dates for the hearing proper? What time would be most convenient for everybody? I would like to inform both parties that pursuant to Sec 6, Rule 17 of NAPOLCOM MC 2007-001, the date of the hearing proper shall be scheduled within five (5) days from the termination of this pre-hearing conference.

May we know and agree as to what are our hearing dates for the hearing proper? What time would be most convenient for everybody? I would like to inform both parties that pursuant to Sec 6, Rule 17 of NAPOLCOM MC 2007-001, the date of the hearing proper shall be scheduled within five (5) days from the termination of this pre-hearing conference.

I also want to remind both parties that pursuant to Sec 5, Rule 17, both parties shall sign the certificate of readiness to appear at the scheduled hearings. We have to set at least three (3) hearing dates over a period of not more than seven (7) days to give allowance to issue summons to absent parties.

It is AGREED and UNDERSTOOD that the agreed dates of hearing are NONTRANSFERABLE in nature and as such, the hearing shall proceed on the said dates despite the absence of either or both parties/counsels, for any reason whatsoever.

So let us now agree to the date/s and time.

(After the hearing dates are set, both parties must sign the Certificate of Readiness)

May I now ask both parties to sign the Certificate of Readiness.

I would like to further inform the complainant and respondent that pursuant to the same provision, Sec 5, Rule 17 of NAPOLCOM Memo Circular 2007-001, the administrative proceedings is summary in nature thus the date of the hearing agreed upon by the parties in the Certificate of Readiness shall be strictly followed to avoid unnecessary delays in the proceedings.

We will no longer send you summons for the hearing proper except for the absent party, but we will expect you to be present on the set schedule/s.

Both parties shall also attest to the minutes of the pre-hearing conference which shall be prepared as soon as possible or within 10 days.

We are now terminating our Pre-Hearing Conference.

Thank you and good day.

-pcsapim-

SAMPLE Agreement to Dispense Summary Hearing

(HEADING)

PNP AVIATION SECURITY GROUP
NUMBER

ADMINISTRATIVE

CASE

Complainant,

AVSEGROUP-OGI-2009-022

-versus-

FOR: Less Grave Misconduct

PO1 Juan Dela Cruz
Respondents.

X-----X

AGREEMENT TO DISPENSE SUMMARY HEARING PROCEEDINGS

COMES NOW, both herein complainant and respondent, unto this Honorable Office, most respectfully submit the instant Agreement, and allege that:

Herein complainant, _____, agrees that
(Name of Complainant)
the summary hearing proper is dispensed with and instead agrees to submit his/her memorandum or position paper within (10) days upon signing of this Agreement; and

Herein respondent, _____ likewise agree that
(Name of Respondent)
the summary hearing proper is dispensed with and instead agrees to submit his/her memorandum or position paper within ten (10) days upon the signing of this Agreement;

VERIFICATION

We, _____ and

(Name of Complainant) (Name of Respondent)
adversary parties in the above captioned case, do hereby depose and state, that:

1. We caused the preparation of the instant Agreement; and
2. We understood the contents thereof to the best of our knowledge based on the records of the case.

(Name of Complainant)

(Name of Respondent)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 200_, complainant exhibiting to me his/her Residence Certificate No. _____ issued at _____ on _____ 200_

(Summary Hearing Officer)

SAMPLE Certificate of Readiness to Appear for Hearing

(HEADING)

-versus-

Administrative Case No.
4th PCAS-09-10-01
For: Grave Misconduct

SPO1 Juan Dela Cruz,
Respondent

x-----x

CERTIFICATE OF READINESS TO APPEAR FOR HEARING

This certifies that the undersigned party-litigants and their respective counsels are available and ready to appear during the hearing of the above-entitled case, which is set on the following dates and time:

_____	at	_____
(Date/time)		(Venue)
_____	at	_____
(Date/time)		(Venue)
_____	at	_____
(Date/time)		(Venue)
_____	at	_____
(Date/time)		(Venue)

It is AGREED and UNDERSTOOD that the afore-specified dates of hearing are INTRANSFERRABLE in nature and as such, the hearing shall proceed on the said dates despite the absence of either or both parties/counsels, for any reason whatsoever.

The status of this case as of today: _____
(Proceed with hearing proper or hearing is dispense with)

Dated this _____ day of _____ 20__ at _____
(Day) (Month) (Year) (Venue)

(Complainant or Counsel for Complainant)

(Respondent or Counsel for Respondent)

Witness

Witness

SAMPLE Minutes of Pre-Hearing Conference
(HEADING)

PHILIPPINE NATIONAL POLICE,
Complainant,

-versus-

Administrative Case No.
09-10-01

For: Grave Misconduct

SPO1 Juan Dela Cruz,
Respondent.

x-----x

MINUTES OF PRE-HEARING CONFERENCE

This is to certify that on the pre-hearing conference conducted at ____ o'clock
this ____ day of _____ the following
proceeding took place:

The SHO welcomed the parties to the Office of
_____, introduced

(SHO's Office/Venue)

himself and called the pre-hearing conference to order.

Summary Hearing Officer: Are both of the parties present?

COMPLAINANT:

RESPONDENT:

SHO: I want to inform both parties that you have the right to be represented by
counsel. Is the complainant represented by counsel/attorney?

C: _____

SHO: Is the respondent represented by counsel/attorney?

R: _____

SHO: We are now conducting this pre-hearing conference for the purpose of: 1) defining and simplifying the issues of the case; 2) entering into admission and/or stipulation of facts; 3) limiting the number of witness to be presented; 4) scheduling the dates of hearing; 5) marking of exhibits; and 6) threshing out other matters relevant to the case.

SHO: Now, may we know what are the issues raised by the complainant?

C: _____

SHO: What are the issues raised by the respondent?

R: _____

SHO: What are the admissions of the complainant?

C: _____

SHO: What are the admissions of the respondent?

R: _____

SHO: Based on the admission of the complainant and the respondent, do you now agree that these are the stipulated facts?
(SHO shall enumerate what has been stipulated.)

SHO: How many witnesses and their respective names would the complainant present?

C: names of witnesses _____

SHO: How many witnesses and their respective names would the respondent present?

R: names of witnesses _____

SHO: What are the exhibits that the complainant wish to submit and mark?

C: The following evidence were marked/submitted (by letters of the alphabet):

SHO: What are the exhibits that the respondent wish to submit and mark?

R: The following evidence were marked/submitted (by numbers):

SHO: Are there other matters relevant to the case which the complainant or the respondent wish to thresh out?

C: _____

R: _____

SHO: Before we set the dates of the hearing proper, I wish to inform the complainant and the respondent that you may agree that the summary hearing proper be dispensed with, and instead memorandum or position papers be submitted within ten(10) days from this pre-hearing conference. If you opt to dispense with the hearing proper, you will be required to sign an agreement to dispense the hearing proper and I will resolve the case based on the position papers you will submit and the evidence you have submitted. Otherwise, we will proceed with the hearing proper. May I know the decision of both parties? It is shall be agreed and understood that the dates of hearing are intransferrable in nature and as such, the hearing shall proceed on the said dates despite the absence of either or both parties/counsels, for any reason whatsoever.

C: _____
R: _____

SHO: We must now have to agree as to what are the dates for the hearing proper? And what time would be most convenient for everybody? The date of the hearing proper shall be scheduled within five(5) days from the date of this pre-hearing conference and we have to set at least three(3) hearing dates over a seven(7)-day period to give allowance to issue summons to any absent parties.

C: _____

R: _____

SHO: The hearing proper is now set on _____(date/s)_____ at _____(time) at _____(venue)_____.

SHO: We will no longer send you summons for the hearing proper, but expect you to be present on the set schedule/s. I shall now ask you to sign the Certificate of Readiness as well as attest to the minutes of this pre-hearing conference.

SHO: We are now terminating our Pre-Hearing Conference. Thank you and good day.

Certified Correct:

(Summary Hearing Officer)

With our conformity:

(Complainant or Counsel for Complainant)

(Respondent or Counsel for Respondent)
Basis: Sec 17, Rule 17

SAMPLE: Summary Hearing Officer's Script for the Hearing Proper

Good Morning/Good Afternoon, Sir/Madam. Welcome to the Office of

I am _____ (SHO's Office/Venue)
_____ (Rank and name of the SHO)

As the designated Summary Hearing Officer of the case against respondent for

_____ (rank and name) _____ (offense)
docketed under _____, I now call this hearing to order.
(docket nr)

Are both of the parties present? I want to inform both parties that you have the right to be represented by counsel.

Is the complainant represented by counsel/attorney?

If represented by counsel,

Appearances of the counsel for complainant (Counsel will state his/her name),

Is the respondent represented by counsel/attorney?

If represented by counsel,

Appearances of the counsel for respondent (Counsel will state his/her name).

Before we begin may I remind both parties that this administrative proceeding is summary in nature and we will observe the schedule as agreed upon to avoid any delay. We will be asking both parties to submit position papers stating their respective claims and defenses ten (10) days after the hearing proper.

We shall now begin with the order of Summary Hearing.

Complainant present your witness and evidence in support of your complaint. (Complainant will present his complaint affidavit and SHO will place him/her under oath).

Are you ready to give your oath? Please raise your right hand (and place your left hand on the Bible/Koran). "Do you swear to tell the truth and nothing but the truth, (so help you God/Allah)?"

Complainant, did you execute such affidavit? Do you affirm that it is your signature appearing in such affidavit?

(The same process of taking their oath shall apply to the complainant's witness/es and their supporting documents).

If there are no more witnesses and evidence to be presented by the complainant, we now proceed with the respondent.

Respondent present your witness and evidence in support of your answer.

(Respondent will present his Answer and then the SHO will place him/her under oath).

Are you ready to give your oath? Please raise your right hand (and place your left hand on the Bible/Koran). "Do you swear to tell the truth and nothing but the truth, (so help you God/Allah)?"

Respondent, did you execute such answer? Do you affirm that it is your signature appearing in such answer?

(The same process of taking their oath shall apply to the respondent's witness/es and their supporting documents).

If there are no more witnesses and evidence or exhibits to be presented by the respondent, if the parties so request, I may allow clarificatory questions to be asked. However, let me remind the parties that as this hearing is summary in nature, pursuant to Section 7, Rule 17 of NAPOLCOM Memo Circular 2007-001, direct examination of witnesses shall be dispensed with.

(Note for the SHO:

In strict court parlance, direct examination is being conducted by the counsel presenting his witness, on the other hand, clarificatory questions are propounded by the judge. An opposing counsel cannot forward clarificatory questions, he can only do so during his cross examination of the witness presented during examination but his shall not be allowed in a summary hearing.)

Respondent, what are your clarificatory questions for the complainant and witnesses, if any? Be reminded that the respondent shall address his questions to the SHO and not to the complainant. Only the respondent shall be allowed to ask.

Complainant, what are your clarificatory questions for the respondent and witnesses, if any? The complainant shall address his question to the SHO and not to the respondent. Only the complainant shall be allowed to ask.

(If the SHO has questions, he may interrupt at any time when the respective parties are asking the clarificatory questions.)

If there are no more clarificatory questions, then this Summary Hearing shall now be terminated/(or..... As we have not satisfactorily resolved some of the major issues, as previously agreed, we shall again set the next hearing on _____ at _____ at _____. The proceedings is now adjourned.

Both parties are hereby required to submit their respective Position Papers within ten (10) days from the termination of this hearing. If you prefer not to submit or fail to submit within the ten (10)-day grace period, I shall, nevertheless, resolve the case based on the evidence you submitted and the result of this proceedings. This proceedings is now hereby terminated.

Thank you and good day.

-apim-

SAMPLE Minutes of Hearing Proper
(HEADING)

4th POLICE CENTER FOR AVIATION SECURITY,
Complainant,

-versus-

Administrative Case No.
4th PCAS-09-10-01
For: Grave Misconduct

SPO1 Juan Dela Cruz,
Respondent

X-----X

MINUTES OF THE SUMMARY HEARING PROPER

This is to certify that on the hearing proper conducted at ____ o'clock this
____ day of _____ the following proceeding
took place:

Summary Hearing Officer:

Good Morning/Good Afternoon, Sir/Madam. Welcome to the Office of

(SHO's Office/Venue)
I _____ am

(name and rank of the SHO)
As the designated Summary Hearing Officer of the case against respondent
for

(rank and name) _____ (offense)
docketed under _____, I now call this hearing to order.
(docket nr)

SHO: Are both of the parties present?

Complainant: _____

Respondent: _____

SHO: Is the complainant represented by counsel/attorney?

Complainant: _____

SHO: If represented by counsel, Appearances of the counsel for complainant
(Counsel will state his/her name).

Complainant/Counsel: _____

SHO: Is the respondent represented by counsel/attorney?

Respondent: _____

SHO: If represented by counsel, Appearances of the counsel for respondent (Counsel will state his/her name).

Respondent/Counsel: _____

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SHO: We shall now begin with the order of Summary Hearing.

SHO: Complainant present your witness and evidence in support of your complaint. (Complainant will present his complaint affidavit and SHO will place him/her under oath).

SHO: Are you ready to give your oath?

C: _____

SHO: Please raise your right hand (and place your left hand on the Bible/Koran). Do you swear to tell the truth and nothing but the truth, so help you God/Allah?

C: _____

SHO: Complainant, did you execute such affidavit? Do you affirm that it is your signature appearing in such affidavit?

C: _____

(The same process of taking their oath shall apply to the complainant's witness/es and their supporting documents).

SHO: If there are no more witnesses and evidences to be presented by the complainant, we now proceed with the respondent.

SHO: Respondent present your witness and evidence in support of your answer.

(Respondent will present his Answer and then SHO will place him under oath).

SHO: Are you ready to give your oath?

R: _____

SHO: Please raise your right hand (and place your left hand on the Bible/Koran). Do you swear to tell the truth and nothing but the truth, so help you God/Allah?

R: _____

SHO: Respondent, did you execute such answer? Do you affirm that it is your signature appearing in such answer?

R: _____

(The same process of taking their oath shall apply to the respondent's witness/es and their supporting documents).

SHO: If there are no more witnesses and evidence to be presented by the respondent, if the parties so request, I may allow clarificatory questions to be asked. However, let me remind the parties that as this hearing is summary in nature, pursuant to Section 7, Rule 17 of NAPOLCOM Memo Circular 2007-001, direct examination of witnesses shall be dispensed with.

SHO: Respondent, what are your clarificatory questions for the complainant and witnesses, if any?

R: _____

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C: _____

SHO: Complainant, what are your clarificatory questions for the respondent and witnesses, if any?

C: _____

R: _____

(If the SHO has questions, he may interrupt at any time when the respective parties are asking the clarificatory questions.)

SHO: If there are no more clarificatory questions, then this Summary Hearing shall now be terminated/adjourned. (Or... As we have not satisfactorily resolved some of the major issues we shall again set the next hearing on _____ at _____ at _____.)

SHO: Both parties are hereby required to submit their respective Position Papers within ten(10) days from the termination of this hearing. If you prefer not to submit or fail to submit within ten(10) days, I shall, nevertheless, resolve the case based on the evidence you submitted and the result of this proceedings. This proceedings is now hereby terminated/adjourned. Thank you and good day.

Additional Remarks: (Additional pages attached as necessary)

Certified Correct:

(Summary Hearing Officer)

With our conformity:

(Complainant or Counsel for Complainant)

(Respondent or Counsel for Respondent)
Basis: Sec 17, Rule 17

SAMPLE Format: Position Paper of Complainant

Republic of the Philippines
Department of the Interior and Local Government
National Police Commission

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PHILIPPINE NATIONAL POLICE AVIATION SECURITY GROUP
OFFICE OF THE GROUP INSPECTOR
Pildera II, Pasay City

PNP AVIATION SECURITY GROUP
NUMBER

ADMINISTRATIVE

CASE

Complainant,

AVSEGROUP-OGI-2009-022

-versus-

FOR: Less Grave Misconduct

PO1 Juan Dela Cruz
Respondents.

X-----X

POSITION PAPER

COMES NOW, herein complainant, unto this Honorable Office, most respectfully submits this instant Position Paper, and in support thereof alleges: That –

I. THE PARTIES

1.1 Herein

complainant

_____ (name), of _____ legal
age, _____ (nationality), _____ (civil status), with postal address
at _____

where this Honorable Office can serve him copies of summons, orders and other court processes.

1.2 Herein

respondent _____

(name), of legal age, _____ (nationality), _____ (civil
status), with _____ postal _____ address _____ at

_____ where this
Honorable Office can serve him copies of summons, orders and other court
processes.

II. STATEMENT OF THE CASE

2.1 A complaint was filed on _____ by herein complainant to the office of _____ (disciplinary authority) alleging therein, among others, that herein respondent committed _____ (act/omission) which constitutes the offense of _____ (name of offense).

2.2 Herein respondent filed his Answer on _____ (date).

2.3 Pre-Hearing Conference then ensued on _____ (date) wherein it was stipulated, among others, that _____ (significant stipulations or admissions or denials during the pre-hearing as applicable).

2.4 Hearings were then conducted which upon its termination required the submission of Position Papers by both parties. Hence, the instant Position Paper.

III. STATEMENT OF THE FACTS

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3.1 _____

_____. (State the factual allegations in the Answer)

IV. ARGUMENTS/DISCUSSIONS

4.1 _____

_____. (State the arguments/legal bases in support of the contention as contained in the Answer)

PRAYER

WHEREFORE, premises considered, it is respectfully prayed from this Honorable Office that herein respondent be held administratively liable for the offense of _____ (offense charged).

Other reliefs, just and equitable, are likewise prayed for.

_____ (date), (place)

_____ (signature)

(Complainant or Counsel)

_____ (address)

VERIFICATION

I, _____ (name of complainant), of legal age, _____ (nationality), _____ (civil status), with postal address at _____, do hereby depose and state: That –

1. I am the party complainant in the above-captioned case;
2. I caused the preparation of the instant Position Paper;
3. I fully understood its contents based on my knowledge and as to the records that I am aware of.

_____ (signature)

Complainant

SUBSCRIBED AND SWORN to before me this _____ at _____ the affiant presented to me his ID _____ with ID no. _____

SAMPLE REPORT OF INVESTIGATION / RESOLUTION (GUILTY VERDICT)

**Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE SUMMARY HEARING OFFICER
Camp Crame, Quezon City**

PHILIPPINE NATIONAL POLICE, Admin Case Number DIDM-ADM-06-247
Complainant ,

FOR: Grave Misconduct
(Arbitrary Detention)

-versus-

SPO1 Glen Ilang,
MPD, NCRPO
Respondent.

x- - - - - x

PHILIPPINE NATIONAL POLICE, Admin Case Number DIDM-ADM-06-248
Complainant ,

FOR: Grave Misconduct
(Extortion)

-versus-

SPO1 Glen Ilang,
MPD, NCRPO
Respondent.

x- - - - - x

REPORT OF INVESTIGATION / RESOLUTION

This pertains to the Administrative Summary Proceedings against SPO1 Glen Ilang for Grave Misconduct (*Alleged Arbitrary Detention and Alleged Extortion*) pursuant to Section 42 of RA 6975 and NAPOLCOM Memo Circular No. 96-010.

In the charge sheets [*Annexes "A" & "B"*] both dated June 23, 2006, the Pre-Charge Investigation Division of the Directorate for Investigation and Detective Management of the PNP charged respondent SPO1 Glen Ilang, as follows:

"That on November 10, 2005 at Police Station 4, MPD, Sta Mesa Manila, the above-named respondent, while being an active member of the Philippine National Police and within the disciplinary authority of the Chief, PNP, willfully and unlawfully, without legal ground, detain Cherry Joy, Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago against her (their) will and without their consent. Contrary to existing PNP laws, rules and regulations." AND

That on November 20, 2005 at Police Station 4, MPD, Sta Mesa, Manila, the above-named respondent, while being an active member of the Philippine National Police and within the disciplinary authority of the Chief, PNP, willfully and unlawfully, with intent to gain, by means of force, violence, intimidation, to wit: by then and there demanding the sum of Php 60,000.00 from Cherry joy or else the latter with Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago shall remain detained at said police station, if Cherry Joy would not give the said amount, to her damage and prejudice in the aforesaid amount. Contrary to existing PNP laws, rules and regulations."

FACTS OF THE CASE

A. VERSION OF THE COMPLAINANTS

On November 20, 2005, Kelly Santiago was caught by surprise when several persons entered their house and conducted search therein that resulted in the loss of Cherry Joy's cellphone and undetermined cash belonging to his sister, myleen. Two of them approached him and handcuffed him for alleged violation of law. The handcuffed was later removed and he was made to board a black vehicle that headed towards Pasig City. At Mary Johnson Hospital, they saw *Cherry Joy, Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago* and Myleen, who were amazed why he was boarding the said vehicle. After the suspects and Cherry Joy talked, the latter and Rayart Santiago Alvarez also boarded the same vehicle and they were brought to the Sta Meda PS where they were detained including the 3-year old son of Cherry Joy. The next day, policemen and Cherry Joy conversed and thereafter the latter accompanied by respondent SPO1 Ilang left. Upon their return, the policemen and Cherry Joy talked again and thereafter they were allowed to leave the Police Station. [Annex "C"]

Cherry Joy and Raymart Santiago Alvarez in their Pinagsamang Sinumpaang Salaysay-Reklamo [Annex "D"] declared that on November 20, 2005 at about 5:00 p.m., they saw her brother, Kelly Santiago on board the vehicle of SPO1 Ilang and others, who forced them to board the same vehicle. She thought that policemen would just patch up their families small quarrel but upon arrival in the Sta. Mesa PS they were detained because Cherry joy's parents allegedly filed a carnapping case against her boyfriend, Raymart Alvarez. Cherry Joy with her 3-year old son, Raymart Alvarez and Kelly Santiago were then detained. The next day, Php 100,000.00 was demanded from them in exchange of their liberty. Cherry Joy got angry and so the demand was lowered to Php 60,000.00, hence Cherry and Raymart were allowed to go out to withdraw money from the Landbank and after they handed over the Php 60,000.00, they were released.

B. VERSION OF THE RESPONDENT

SPO1 Lang claimed that on November 19, 2005 at about 10:15 a.m., Ignacio Santiago appeared before their office and reported that his Toyota Innova bearing plate number SAF-705 was stolen while parked along NIA Road, Quezon City. [Annex "E"] On November 20, 2005 at about 11:00 a.m., Mr. Santiago returned and informed them the probable whereabouts of said motor vehicle, hence an operation was conducted which resulted in the recovery of the subject vehicle and the arrest of the suspects later identified as *Cherry Joy, Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago*. [Annex "F"]

After the operation, they found out that Cherry Joy and Kelly Santiago are daughter and son of Colonel Ignacio and that a misunderstanding between them was the

source of the complaint. SPO1 Ilang declared that complainants were never put behind bars and were released without any condition or monetary consideration. [Annex "G"]

ISSUES

1. Whether or not respondent is guilty of grave misconduct for arbitrary detention.
2. Whether or not respondent is guilty of grave misconduct for arbitrary extortion.

DISCUSSIONS

1. *Whether or not respondent is guilty of grave misconduct for arbitrary detention.*

Arbitrary detention is committed by any public officer who, without legal grounds, detains a person or who shall detain any person for some legal ground but shall fail to deliver such person to the proper judicial authorities within the period of: twelve (12) hours for crimes or offenses punishable by light penalties or their equivalent; eighteen (18) hours for crimes or offenses punishable by correctional penalties, or their equivalent; and thirty six (36) hours for crimes or offenses punishable by afflictive or capital penalties or their equivalent.

As found by PCID-DIDM and borne out by the records of the case, the team of MPD lead by SPO4 Jose Castillo performed a legitimate operation in response to the call of duty and public service when they arrested *Cherry Joy, Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago* on November 20, 2005. Said operation was properly documented and conducted on the basis of a complaint lodged before the police station. There was nothing left for the operatives but to perform what was incumbent upon them otherwise faith deserving of the PNP may go astray due to their non-performance.

Since, complainants' arrest was done lawfully, it follows that their subsequent detention was done legally and respondent, SPO1 Ilang cannot be faulted violating Article 125 of the Revised Penal Code. The question then would be: Did he deliver the arrested persons to the proper authorities within the reglementary periods mandated by law? The answer would be in the negative because there was no case ever filed in the Prosecutor's Office.

For that reason, is SPO1 Ilang liable for Arbitrary Detention under Article 126 of the Revised Penal Code? To answer this question, it would be best re-examined the time element within which complainants were detained in the police station purportedly by SPO1 Ilang. The complaint was for camapping, which under Republic Act No. 6539 is punished by a minimum penalty of not less than fourteen (14) years. This penalty is considered afflictive and so SPO1 Ilang had 36 hours within which to release the arrested persons because a case was not filed.

The counter-affidavit of SPO4 Jose Castillo and others revealed that complainants were arrested at about 7:00 p.m. of November 20, 2005, while the *sinumpaang salaysay* of complainants would show that they were released the next day. It is then safe to conclude that complainants' release was well within the 36 hours reglementary period and so it is not correct to indict SPO1 Ilang for Arbitrary Detention and it follows that the grave misconduct arising from this criminal case does not exist.

2. *Whether or not respondent is guilty of grave misconduct for arbitrary extortion.*

Extortion may fall under Grave Threat or Robbery. In both crimes, there is intimidation by the offender to "extort money" for Threat and "to obtain gain" for Robbery. The differences are: (a) In robbery, the intimidation is actual and immediate; whereas in threats, the intimidation is conditional or future, that is not immediate; (b) In robbery, the intimidation is personal, while in threats, it may be through an intermediary; (c) In threats, the intimidation may refer to the person, honor or property of the offended party or that of his family; while in robbery, the intimidation is directed only to the person of the victim; and (d) In robbery, the gain of the culprit is immediate; whereas in threats, the gain of the culprit is not immediate.

Taking cue from the above comparisons and differentiations, it may appear that the questioned extortion would fall more on robbery because the intimidation was actual and immediate, and the gain of the culprit was also immediate. The detention of the complainants constitutes the intimidation, which was at the time actual and current, and the giving of the alleged Php 60,000.00 was immediate, without which complainants would not have been released from detention.

Even if the extortion would fall under grave threats, it would not relieve the respondent from his culpability for grave misconduct. There is no question that if a police officer extorts money from the public, he is guilty of grave misconduct because that is a wrongful, improper or unlawful conduct that transgresses established and definite rule of action. One may contend that he does not have corrupt motive or criminal intention but still his act implies wrongful intention and not mere error of judgment.

It would thus imperative for us to determine if indeed extortion was committed because making an innocent one liable would be injustice to say the least.

In their complaint, Cherry Joy and Raymart Alvarez claimed that they were initially asked to give Php 100,000.00 by the policemen who arrested them but when Cherry Joy got angry the demand was lowered to Php 60,000.00. They were detained for one and a half day and were released only after handing over the Php 60,000.00 cash, which she and Raymart withdrew from the land bank. It was SPO1 Ilang who was specifically charged by the complainants for extortion because he was the one directly talking to them at that time. Kelly Santiago even declared that SPO1 Ilang accompanied Cherry Joy and Raymart in leaving the police station and when they came back and talked anew, that was the time that they were released.

SPO1 Ilang in his counter-affidavit, retorted that assuming *arguendo* that complainants were imprisoned and subsequently released to withdraw money, it is quite strange that they did not report this extortion to the authorities at the time, which he said could be made the subject of an entrapment operation, and only did so afterwards. He further said that the complaint is motivated by vendetta brought about the operation that they have conducted against the complainants.

Weighing their respective version of the story, the summary hearing officer gave more credence to the version of the complainants and that the scale of justice tilted in favor of them. The amount of evidence which a reasonable mind must accept as adequate to support a conclusion is present and established in the present case. There is malice when respondent detained the complainants for one and a half day knowing fully well that the

parties to the carjacking complaint are parents-and-children and that the case stemmed from simple family feud even before they launched the operation.

Complainants, Cherry Joy and others should have been released immediately after the parents and children settled their differences. Respondent's failure to release them and instead detaining them for one and a half day rendered complainants' version even more credible. The only thing that respondent could offer is denial and his frail position that is quite strange for complainants into not reporting the extortion to the authorities at the time for a possible entrapment operation. He may have overlooked the declaration of Kelly Santiago that he accompanied Cherry Joy and Raymart Santiago Alvarez in going out of the police station. It would be absurd at the least that these complainants would report the extortion to the authorities when they were accompanied by the police.

There being no evidence to the contrary that respondent is a first time offender and considering no mitigating circumstance pleaded in this case respondent is found guilty of grave misconduct in its maximum period pursuant to NAPOLCOM Memorandum Circular 93-024.

CONCLUSION:

WHEREFORE, premises considered, this Summary Hearing Officer finds the following:

a. Respondent is not guilty for the charge of grave misconduct arising from the alleged arbitrary detention. The arrest of complainants by the team of respondent was lawful and their subsequent detention within the reglementary period before they were released is also lawful.

b. Respondent is guilty of grave misconduct for alleged extortion of Php 60,000.00 from complainants in exchange for the latter's release and hereby recommends that he be meted a penalty of DISMISSAL from the police service pursuant to Section 42 of RA 6975 in relation to NAPOLCOM Memo Circulars No. 96-010 and 93-024.

SO RESOLVED.

Camp Crame, Quezon City, January 2, 2010.

ATTY NICANOR JIMENEZ
Police Chief Inspector
Summary Hearing Officer

SAMPLE REPORT OF INVESTIGATION /RESOLUTION (EXONERATION)

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE SUMMARY HEARING OFFICER
Camp Crame, Quezon City

PHILIPPINE NATIONAL POLICE,
Complainant,

NHQ-AC-61-071009
(DIDM-ADM-09-141)

-versus-

FOR: Serious Neglect of Duty
(Fail to appearance in

court xxx
PSINSP CRISENCIO CHOW
DIDMD, SPD, NCRPO

when duly notified or subpoenaed
as witness. xxx)

x-----x

REPORT OF INVESTIGATION/RESOLUTION

I. PRELIMINARY STATEMENT:

1. Brief statement of the case:

In the Court Order dated November 8, 2005 issued by Hon. HAJJI ALEJANDRO Presiding Judge of Branch 4, Manila RTC, in Criminal Case Nos. 02-207680-81 & 03-212195, entitled: PP vs. Angelou Panganiban, Derek Panganiban, said drug cases were provisionally dismissed for failure of of the prosecution witnesses, which include PSINSP CRISENCIO CHOW, to appear despite due notice.

On February 13, 2006, upon learning the dismissal of the said cases, the apprehending officers filed a timely motion for its revival claiming that they did not receive any subpoena setting the cases for hearing on November 11, 2005. Finding the same with merit, the Court issued an Order granting the said motion and revived the case.

Trial on the merits ensued. After trail, the Court rendered a Decision on January 21, 2008 ordering the dismissal of said cases for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt.

2. Brief statement of the procedural matters undertaken such as:

- a. Notices were sent to the parties for pre-hearing conference;
- b. Appearance of parties and conducts of pre-hearing conference on September 16, 2009; and

c. Submission of position paper in lieu of trial type hearing as agreed upon by the parties. They were given until September 30, 2009 to submit position paper but the prosecution failed to submit the same up to this date with no valid reason.

II. STATEMENT OF THE CASE:

A. Complainant's version.

In the letter of Gen. DIONISIO R SANTIAGO (Ret), Sr. Undersecretary/Director General, PDEA, in response to the letter of PDIR JEFFERSON P SORIANO, TDIDM/Task Force Commander, AIDSOTF dated August 14, 2008 requesting for the records of dismissed drug cases for non-appearance of police witnesses, the name of PSINSP CRISENCIO CHOW was listed, among others, as witness under Criminal Case Nos. 02-207680-81 and 03-212195.

In a TDIDM Memorandum dated July 6, 2009 which was approved by the C, PNP on July 10, 2009 in reference to the memorandum of the Chief, Pre-Charge Investigation Division, DIDM dated May 12, 2009, it was concluded that the unwarrantable failure of the respondent to appear in court as witness can be attributed to lack of prudence and diligence required as a police officer. Said act falls within the purview of Section 2 (C), Rule 21, sub-para "i" of NAPOLCOM Memorandum Circular No. 2007-001, to wit: *fail to appear in court xxx when duly notified or subpoenaed as witness. xxx.* Thus, a formal charge was filed. In the "Charge Sheet" dated July 10, 2009, it states that:

"That on November 11, 2005 and sometime in the year 2007, respondent while being an active member of the PNP and within the disciplinary jurisdiction of the Chief, PNP, did then and there, without sufficient justification, fail to appear as prosecution witness before the Branch 2 of the Manila Regional Trial Court despite notice for the hearing of the Criminal Case Nos. 02-207680 & 03-212195, entitled: PP vs Angelou Panganiban, Derek Panganiban."

In support of the charge, the prosecution submitted and marked the following documentary exhibits for consideration:

1. EXHIBIT "A" - Memorandum of the C, PNP dated July 6, 2009 consisting of two (2) pages.
 - "A-1" - Second page.
2. EXHIBIT "B" - Memorandum for TDIDM dated May 12, 2009 consisting of three (3) pages.
 - "B-1" - Second page.
 - "B-2" - Third page.
3. EXHIBIT "C" - Charge Sheet
 - "C-1" - Verification.
4. EXHIBIT "D" - Letter to PDIR JEFFERSON P SORIANO (DSC) from Gen. Dionisio R. Santiago (Ret).

5. EXH"E" - List of names of witnesses which include the name of PSINP RAYMOND CHOW.

6. EXH "F" Order in Crim. Case No. 02-207680-81 against ANGELOU PANGANIBAN y ORILLOSA and DEREK PANGANIBAN y PANUELA, dated November 11, 2005.

7. EXH"G" - Motion to Revive Crim. Case Nos. 03-312195 and 02-307680-81 consisting of two (2) pages dated February 13, 2006.

"G-1" - second page.

8. EXH"H" - Order in Crim. Case No. 02-207680-81 dated March 24, 2006.

9. EXH"I" - Decision in the following Crim. Case Nos. 02-207680, 02-207681, and 03-212195 filed against ANGELOU PANGANIBAN y ORILLOSA and DEREK PANGANIBAN y PANUELA, dated January 21, 2008 consisting eleven (11) pages.

"I-1" - 2nd page,

"I-2" - 3rd page,

"I-3" - 4th page,

"I-4" - 5th page,

"I-5" - 6th page

"I-6" - 7th page,

"I-7" - 8th page,

"I-8" - 9th page,

"I-9" - 10th page, and

"I-10" - 11th page.

10. EXH "J" - Memorandum for DIDM (Attn: C, PCID),
Subject: Explanation Re: CC No. 02-207680 dated April 29, 2009.

11. EXH "k" - AFFIDAVIT OF PSINSP CRISENCIO
CHOW consisting of three (3) pages.

"K-1" - 2nd page, and

"K-2" - 3rd page.

12. EXH "L" - Memorandum for C, IAO, RTMG 3,
Subject: Explanation of PSINSP CRISENCIO CHOW dated February 17, 2006 consisting of
two (2) pages.

"L-1" - 2nd page.

13. EXH "M" - Joint Affidavit of Apprehension consisting
of two (2) pages.

"M-1" - 2nd page.

14. EXH "N" - Memorandum for C, SOCOMPD from
Chief, Inves. Section, Subject: Laboratory Exam, Request for, dated 29 October 2002.

15. EXH "O" - Information with I.S. No. 02J-46315-16
filed against Angelou Panganiban y Orillosa and Derek Panganiban y Panuela, signed by
DOMINGO I ORDA, JR. Asst. City Prosecutor, RTC Branch 02, Manila dated November 6,
2002, with "NO BAIL."

16. EXH "P" - Information with I.S. No. 02J-46316 filed
against Derek Panganiban y Panuela, signed by Asst. City Prosecutor DOMINGO I ORDA,
JR., RTC Branch 02, Manila, with "BAIL RECOMMENDED: ONE HUNDRED TWENTY
THOUSAND (120,000.00) PESOS."

B. Respondent's version.

Respondent on the other hand argued that he could not be held liable as
charged claiming that he was never remised in his duties as police officer, especially in this
particular case. He embarked on the following grounds and arguments:

a. He was not a material witness to the case. Although he was the
Chief of the apprehending officers at that time, he did not actually participated in the
arrest/apprehension of the accused. He was merely a signatory in the referral slip/letter to the
Crime Laboratory Service for examinations of the pieces of evidence recovered from the
accused;

b. He was not furnished copies of the summons/notices of the
scheduled hearings of the case . In fact he initiated the revival of the case when it was
provisionally dismissed by the Judge by prodding his former personnel/subordinates to file a
Motion for the revival/reopening of the case which was granted by the court;

c. He was among those PNP personnel who had undergone
Training on Crime Scene Investigation in Japan on November 14-28, 2004 at the time the
case was scheduled for hearing;

d. He was likewise detailed at Philippine Public Safety College
(PPSC) to undergo the mandatory schooling for Public Safety Officers Basic Course
(PSOBC) from July 14 to November 21, 2005 although he was ready to appear in case
required by the court; and

e. The eventual dismissal of the case was on the ground of *"the
failure of the prosecution witnesses to prove the guilt of the accused persons beyond*

reasonable doubt", not on the failure of the witnesses to appear during the scheduled hearing as alleged.

To form part of his evidence, respondents adopted the exhibits of the Prosecution from Exhibits "A" to "P" and its sub exhibits to be marked as Exhibits "1" to "16". He further submitted additional evidence marked as:

1. EXH*17" - Letter from Clerk of Court - ATTY, JANE T JAVIER.

2. EXH *18" - Subpoena issued by the Clerk of Court, RACHELLE D LIKWONG-ANOS dated October 13, 2005.

3. EXH *19" - Subpoena issued by the Clerk of Court, RACHELLE D LIKWONG-ANOS dated November 8, 2004.

4. EXH *20" - Letter to HON. Secretary ALBERTO G ROMULO from SECRETARY ANGELO T REYES dated November 10, 2004.

5. EXH *21" - Letter to PCSUPT PEDRO ESTRELLA BULAONG from HIROHIKO TAKATA, Deputy Resident Representative dated 14 September 2004.

6. EXH*22" - Certificate issued by SADAKO OGATA, President, Japan International Cooperation Agency, Japan dated November 26, 2004.

7. EXH *23" - Copy of the Final Order of Merit in Public Safety Officers Advance Course (PSOAC) Class No. 45-BRAVO-2005, dated 21 November 2005.

8. EXH*24" - Photocopy of Japan Visa with stamp showing that RAYMUND A LIGUDEN departed from the Philippines for Japan on November 14, 2004 and returned home on November 28, 2004.

9. EXH*25" - Photocopy of Japanese Form showing that respondent undergone Scientific Investigation (Crime Scene Investigation) on November 14 to 28, 2004.

IV. ISSUE/S TO BE RESOLVED:

The issue to be resolved is whether or not PSINSP CRISENCIO CHOW is guilty of Serious Neglect of Duty (failure to appear as witness)?

V. EVALUATION OF THE CASE:

After careful perusal of the pieces of evidence submitted by the parties for consideration, the undersigned Summary Hearing Officer (SHO) is morally convinced that the arguments of the Respondent is meritorious as against the arguments of the prosecution.

As stated in the Charge Sheet and in the Pre-Charge Evaluation Report, Respondent was charged with Serious Neglect of Duty for his failure to appear as witness on November 11, 2005 and sometime in the year 2007 despite due notice in Criminal Case Nos. 02-207680 & 03-212195, entitled: PP vs Angelou Panganiban y Orillosa, Derek Panganiban y

Panuela". Such failure allegedly resulted in the dismissal of the case due to non-appearance of witnesses as argued by the prosecution.

Although it was proven by records that respondent, who is considered to be one of the material witnesses having been part of the chain of custody of evidence as against his claim of a mere endorser, failed to appear during the scheduled hearing on November 16, 2004 and October 28, 2005, such absences were, however, justified having been on official business in another country. Further, there is no record showing that he was officially informed prior to the scheduled hearing although such notices were sent and received by other policemen assigned in his former unit. Respondent then could not be considered negligent for such failure. In fact, when it was provisionally dismissed, the same was later on revived on timely motion of the arresting policemen and upon prodding of the respondent. Such an effort would show that policemen-witnesses, including the respondent, could not have been remised in their duties as prosecution witnesses.

As to the subsequent hearing after the revival of the case, no record showing that a notice/subpoena was sent to the respondent directing him to appear before the court to testify. The same was reinforced by the letter of ATTY. JANE T JAVIER, Branch Clerk of Court, RTC, Manila, Branch 2 dated September 8, 2009, stating that a subpoena was issued and received by PO3 Jesus Manalo on November 10, 2004 for the scheduled hearing on November 16, 2004. A second subpoena was further issued which was received by PINSP ART A MASANG on October 10, 2005 for the scheduled hearing on October 28, 2005. However, no statement as to whether a subpoena was later on issued requiring respondent to appear in court and to testify after its revival until its eventual dismissal on January 21, 2008.

VI. FINDINGS/CONCLUSION:

In the absence of any substantial evidence to warrant the imposition of administrative penalty, there is no basis to hold respondent liable of the offense charged. Pursuant to Section 1 (1), Rule 21 of NAPOLCOM Memorandum Circular No. 2007-001, *Neglect of duty or Nonfeasance "is the omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officers' legal obligation to perform; implies a duty as well as its breach and the fact can never be found in the absence of duty".*

As defined above, the evidence would show that the failure of the respondent to appear in court to testify prior to the provisional dismissal of the case was based on justifiable ground as he was attending official schooling/training in another country as representative of the Philippine National Police. Although notices were sent by the court which were received by the other policemen assigned in his former unit, there is no showing that said notices were timely handed to the respondent prior to the scheduled hearing.

Meanwhile, policemen-witnesses, including the respondent, exerted effort in filing a motion for the revival of the case which was granted by the court. However, due to some reasons which could not be attributed to the witnesses, said cases were eventually dismissed based on the appreciation of the judge that the prosecution failed to prove the guilt of the accused beyond reasonable doubt.

In *People vs. Capili*, 333 SCRA 354, the Supreme Court held that: *"Proof beyond reasonable doubt means that degree of proof which after investigation of the whole record, produces moral certainty in an unprejudiced mind of the accused's culpability."*

From this, it would simply mean that due process, such as presentation of evidence and witnesses, were observe but the amount of testimony and evidence presented could not convinced the judge that the accused indeed committed such a crime.

Notable also is the fact that after the revival of the case until it was eventually dismissed by the court on January 21, 2008, no record showing that a subpoena was ever issued requiring the appearance of the respondent to testify. Only the other policemen-witnesses were subpoenaed and, in fact, testified.

VII. RECOMMENDATION:

WHEREFORE, foregoing premises considered, the undersigned Summary Hearing Officer recommends that respondent, PSINSP CRISENCIO CHOW be EXONERATED of the offense charged for lack of substantial evidence.

Done this 7th day of October 201___, Camp Crame, Quezon City.

ATTY ADRIANO SANTOS
Police Superintendent
Summary Hearing Officer

SAMPLE DRAFT DECISION (EXONERATION)

Republic of the Philippines
Department of Interior and Local Government
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

PHILIPPINE NATIONAL POLICE,
Complainant,

Admin Cases No. DIDM-adm-090141
For: Serious Neglect of Duty
(Fail to appear in Court xxx when
duly notified or subpoenaed as witness)

-versus-

PSINSP CRISENCIO CHOW,
Respondent,
x-----x

DRAFT DECISION

This is an administrative case filed by the Philippine National Police thru the Pre-Charge Investigation Division, Directorate for Investigation and Detective Management (PCID-DIDM) against PSINSP CRISENCIO CHOW, formerly assigned with the District Intelligence and Investigation Division, Manila Police District (DIID, MPD) and presently assigned with the District Investigation and Detection Management Division, Southern Police District, NCRPO.

The facts culled from the records are as follows:

In the Court Order dated November 8, 2005 issued by Hon. HAJJI ALEJANDRO Presiding Judge of Branch 4, Manila RTC, in Criminal Case Nos. 02-207680-81 & 03-212195, entitled: PP vs. Angelou Panganiban, Derek Panganiban, said drug cases were provisionally dismissed for failure of of the prosecution witnesses, which include PSINSP CRISENCIO CHOW, to appear despite due notice.

On February 13, 2006, upon learning of the dismissal of said cases, the apprehending officers filed a timely motion for its revival claiming that they did not receive any subpoena setting the cases on November 11, 2005. Finding the motion with merit, the Court granted the same.

Trial on the merits ensued. After trial, court rendered a Decision on January 21, 2008 ordering the dismissal of said cases for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt.

In the letter of GEN DIONISIO R SANTIAGO (Ret.), Sr Undersecretary/Director General, PDEA, to PDIR JEFFERESON P SORIANO, TDIDM/Task Force Commander, AIDSOTF dated August 14, 2008 with attached list of PNP personnel who allegedly failed to appear in Court as witnesses that led to the dismissal of said criminal cases, the name of PCINSP LIGAW was included. On this reason, pre-charge evaluation ensued at DIDM, after which, probable cause was found, thus, the filing of the formal charge. The "Charge Sheet" dated July 10, 2009. States that:

"That on November 11, 2005 and sometime in the year 2007, respondent while being an active member of the PNP and within the disciplinary jurisdiction of the Chief, PNP, did then and there, without sufficient justification, fail to appear as prosecution witness before the Branch 2 of the Manila Regional Trial Court despite notice for the hearing of the Criminal Case Nos. 02-207680 & 03-212195, entitled: PP vs. Angelou Panganiban, Derek Panganiban."

Respondent, however, denied the allegations arguing that he could not be held liable as charged claiming that he was never remised in his duties as police officer, especially in this particular case. He claimed that he was not a material witness to the case. Although he was the Chief of the apprehending officers at that time, he did not actually participated in the arrest/apprehension of the accused. He was merely a signatory in the referral slip/letter to the Crime Laboratory Service for examinations of the pieces of evidence recovered from the accused.

He further claimed that he was not furnished copies of the summons/notices or informed of the scheduled hearing. In fact, he was officially sent overseas and undergone Training on Crime Scene Investigation in Japan on November 14-28, 2004 at the time the case was scheduled for hearing. Despite the dismissal of the case, he initiated for the revival of the case when it was provisionally dismissed by the Judge by prodding his former personnel/subordinates to file a Motion for its revival/reopening which was granted by the Court.

He was likewise detailed at Philippine Public Safety College (PPSC) to undergo the mandatory schooling for Public Safety Officers Basic Course (PSOBC) from July 4 to November 21, 2005 although he was ready to appear in case required by the Court but was not furnished copies of the subpoena. Furthermore, the eventual dismissal of the case was on the ground of the "failure of the prosecution witness to prove guilt of the accused beyond reasonable doubt", not on the failure of witnesses to appear during the scheduled hearing.

This Office finds the version of the respondent meritorious.

As defined in Section 1 (1), Rule 21 of NMC No. 2007-001, Neglect of Duty or Nonfeasance *"is the omission or refusal, without sufficient excuse, to perform an act of duty, which it was the peace officer's legal obligation to perform; implies a duty as well as its breach and the fact can never be found in the absence of duty"*.

The evidence would show that respondent's failure to appear in Court prior to the provisional dismissal of the case was based on valid grounds as he was attending official schooling/training in another country as representative of the Philippine National Police. Although notices were sent which were received by other policemen in his former Unit, there is no showing that said notices were timely handed to the respondent nor was he informed prior to the schedule hearing.

Notable is the revival of the case on timely motion by the prosecution witnesses. The same, however, was eventually dismissed on January 21, 2008 for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt. In *People vs. Capili*, 333 SCRA 354, The Supreme Court held that: "Proof beyond reasonable doubt means that degree of proof which after investigation of the whole record, produces moral certainty in an

unprejudiced mind of the accused culpability." From this, it would simply mean that due process, such as presentation of evidence and witnesses, were observed but the amount of testimony and evidence presented could not convince the judge that the accused indeed committed such a crime.

Further, after the revival of the case until it was eventually dismissed by the Court on January 21, 2008, no record showing that a subpoena was ever issued requiring the appearance of the respondent to testify. Only the other policemen-witnesses were subpoenaed and has, in fact testified. These circumstances would show that prosecution witnesses, which include respondent, were not remised in the duties.

Wherefore, foregoing premises considered, respondent PSINSP CRISENCIO CHOW is hereby EXONERATED of the offense charged for lack substantial evidence.

SO ORDERED.

Done this _____ at Camp Crame, Quezon City, Philippines.

RAUL M BACALZO, Phd
Police Director General
Chief, PNP

SAMPLE DRAFT DECISION (GUILTY VERDICT)



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

PHILIPPINE NATIONAL POLICE,
Complainant ,

Admin Case Number DIDM-ADM-06-247

FOR: Grave Misconduct
(Arbitrary Detention)

-versus-

SPO1 Glen Ilang,
Stn 4, MPD, NCRPO
Respondent.

X-----X

PHILIPPINE NATIONAL POLICE,
Complainant ,

Admin Case Number DIDM-ADM-06-248

FOR: Grave Misconduct
(Extortion)

-versus-

SPO1 Glen Ilang,
Stn 4, MPDD, NCRPO
Respondent.

X-----X

DRAFT DECISION

This is an administrative case of two (2) counts of Grave Misconduct filed by the Philippine National Police thru the Pre-Charge Investigation and Detective Management (PCID-DIDM) against SPO1 Glen Ilang assigned with the Station 4, Sta. Mesa manila , NCRPO pursuant to Section 42 of RA 6975 and NAPOLCOM Memo Circular No. 96-010.

The facts as culled from the records are as follows:

In the charge sheets both dated June 23, 2006, the Pre-Charge Investigation Division of the Directorate for Investigation and Detective Management of the PNP charged respondent SPO1 Glen Ilang, as follows:

"That on November 10, 2005 at Police Station 4, MPD, Sta Mesa Manila, the above-named respondent, while being an active member of the Philippine National Police and within the disciplinary authority of the Chief, PNP, willfully and unlawfully, without legal ground, detain Cherry Joy, Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago against her (their) will and without their consent. Contrary to existing PNP laws, rules and regulations." AND

That on November 20, 2005 at Police Station 4, MPD, Sta Mesa, Manila, the above-named respondent, while being an active member of the Philippine National Police and within the disciplinary authority of the Chief, PNP, willfully and unlawfully, with intent to gain, by means of force, violence, intimidation, to wit: by then and there demanding the sum of Php 60,000.00 from Cherry joy or else the latter with Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago shall remain detained at said police station, if Cherry Joy would not give the said amount, to her damage and prejudice in the aforesaid amount. Contrary to existing PNP laws, rules and regulations."

On November 20, 2005, Kelly Santiago was caught by surprise when several persons entered their house and conducted search therein that resulted in the loss of Cherry Joy's cellphone and undetermined cash belonging to his sister, myleen. Two of them approached him and handcuffed him for alleged violation of law. The handcuffed was later removed and he was made to board a black vehicle that headed towards Pasig City. At Mary Johnson Hospital, they saw *Cherry Joy, Keano Reeves, Raymart Santiago Alvarez and Kelly Santiago* and Myleen, who were amazed why he was boarding the said vehicle. After the suspects and Cherry Joy talked, the latter and Rayart Santiago Alvarez also boarded the same vehicle and they were brought to the Sta Meda PS where they were detained including the 3-year old son of Cherry Joy. The next day, policemen and Cherry Joy conversed and thereafter the latter accompanied by respondent SPO1 Ilang left. Upon their return, the policemen and Cherry Joy talked again and thereafter they were allowed to leave the Police Station.

Cherry Joy and Raymart Santiago Alvarez in their Pinagsamang Sinumpaang Salaysay-Reklamo [Annex "D"] declared that on November 20, 2005 at about 5:00 p.m., they saw her brother, Kelly Santiago on board the vehicle of SPO1 Ilang and others, who forced them to board the same vehicle. She thought that policemen would just patch up their families small quarrel but upon arrival in the Sta. Mesa PS they were detained because Cherry joy's parents allegedly filed a carnapping case against her boyfriend, Raymart Alvarez. Cherry Joy with her 3-year old son, Raymart Alvarez and Kelly Santiago were then detained. The next day, Php 100,000.00 was demanded from them in exchange of their liberty. Cherry Joy got angry and so the demand was lowered to Php 60,000.00, hence Cherry and Raymart were allowed to go out to withdraw money from the Landbank and after they handed over the Php 60,000.00, they were released.

SPO1 Ilang claimed that on November 19, 2005 at about 10:15 a.m., Colonel Santiago appeared before their office and reported that his Toyota Innova bearing plate number SAF-117 was stolen while parked along NIA Road, Quezon City. On November 20, 2005 at about 11:00 a.m., Colonel Santiago returned and informed them the probable whereabouts of said motor vehicle, hence an operation was conducted which resulted in the recovery of the subject vehicle and the arrest of the suspects later identified as Cherry Joy, Raymart Alvarez and Kelly Santiago.

After the operation, they found out that Cherry Joy and Kelly Santiago are daughter and son of Colonel Santiago and that a misunderstanding between them was the source of the complaint. SPO1 Ilang declared that complainants were never put behind bars and were released without any condition or monetary consideration.

This Office finds the version of the complainants meritorious.

Arbitrary detention is committed by any public officer who, without legal grounds, detains a person or who shall detain any person for some legal ground but shall fail to deliver such person to the proper judicial authorities within the period of: twelve (12) hours for crimes or offenses punishable by light penalties or their equivalent; eighteen (18) hours for crimes or offenses punishable by correctional penalties, or their equivalent; and thirty six (36) hours for crimes or offenses punishable by afflictive or capital penalties or their equivalent.

As found by PCID-DIDM and borne out by the records of the case, the team of MPD lead by SPO4 Jose Castillo performed a legitimate operation in response to the call of duty and public service when they arrested Cherry Joy, Rayart Alvarez and Kelly Santiago on November 20, 2005. Said operation was properly documented and conducted on the basis of a complaint lodged before the police station. There was nothing left for the operatives but to perform what was incumbent upon them otherwise faith deserving of the PNP may go astray due to their non-performance.

Since, complainants' arrest was done lawfully, it follows that their subsequent detention was done legally and respondent, SPO1 Ilang cannot be faulted violating Article 125 of the Revised Penal Code. The question then would be: Did he deliver the arrested persons to the proper authorities within the reglementary periods mandated by law? The answer would be in the negative because there was no case ever filed in the Prosecutor's Office.

For that reason, is SPO1 Ilang liable for Arbitrary Detention under Article 126 of the Revised Penal Code? To answer this question, it would be best re-examined the time element within which complainants were detained in the police station purportedly by SPO1 Bueno. The complaint was for carjacking, which under Republic Act No. 6539 is punished by a minimum penalty of not less than fourteen (14) years. This penalty is considered afflictive and so SPO1 Ilang had 36 hours within which to release the arrested persons because a case was not filed.

The counter-affidavit of SPO4 Jose Castillo and others revealed that complainants were arrested at about 7:00 p.m. of November 20, 2005, while the sinumpaang salaysay of complainants would show that they were released the next

day. It is then safe to conclude that complainants' release was well within the 36 hours reglementary period and so it is not correct to indict SPO1 Ilang for Arbitrary Detention and it follows that the grave misconduct arising from this criminal case does not exist.

Extortion may fall under Grave Threat or Robbery. In both crimes, there is intimidation by the offender to "extort money" for Threat and "to obtain gain" for Robbery. The differences are: (a) In robbery, the intimidation is actual and immediate; whereas in threats, the intimidation is conditional or future, that is not immediate; (b) In robbery, the intimidation is personal, while in threats, it may be through an intermediary; (c) In threats, the intimidation may refer to the person, honor or property of the offended party or that of his family, while in robbery, the intimidation is directed only to the person of the victim; and (d) In robbery, the gain of the culprit is immediate; whereas in threats, the gain of the culprit is not immediate.

Taking cue from the above comparisons and differentiations, it may appear that the questioned extortion would fall more on robbery because the intimidation was actual and immediate, and the gain of the culprit was also immediate. The detention of the complainants constitutes the intimidation, which was at the time actual and current, and the giving of the alleged Php 60,000.00 was immediate, without which complainants would not have been released from detention.

Even if the extortion would fall under grave threats, it would not relieve the respondent from his culpability for grave misconduct. There is no question that if a police officer extorts money from the public, he is guilty of grave misconduct because that is a wrongful, improper or unlawful conduct that transgresses established and definite rule of action. One may contend that he does not have corrupt motive or criminal intention but still his act implies wrongful intention and not mere error of judgment.

It would thus imperative for us to determine if indeed extortion was committed because making an innocent one liable would be injustice to say the least.

In their complaint, Cherry Joy and Raymart Alvarez claimed that they were initially asked to give Php 100,000.00 by the policemen who arrested them but when Cherry Joy got angry the demand was lowered to Php 60,000.00. They were detained for one and a half day and were released only after handing over the Php 60,000.00 cash, which she and Raymart Alvarez withdrew from the PNB. It was SPO1 Ilang who was specifically charged by the complainants for extortion because he was the one directly talking to them at that time. Khelly Santiago even declared that SPO1 Ilang accompanied Cherry Joy and Raymart in leaving the police station and when they came back and talked anew, that was the time that they were released.

SPO1 Ilang, in his counter-affidavit, retorted that assuming arguendo that complainants were imprisoned and subsequently released to withdraw money, it is quite strange that they did not report this extortion to the authorities at the time, which he said could be made the subject of an entrapment operation, and only did so afterwards. He further said that the complaint is motivated by vendetta brought about the operation that they have conducted against the complainants.

Weighing their respective version of the story, the summary hearing officer gave more credence to the version of the complainants and that the scale of justice tilted in favor of them. The amount of evidence which a reasonable mind must accept as adequate to support a conclusion is present and established in the present case. There is malice when respondent detained the complainants for one and a half day knowing fully well that the parties to the carnapping complaint are parents-and-children and that the case stemmed from simple family feud even before they launched the operation.

Complainants, Cherry Joy and others should have been released immediately after the parents and children settled their differences. Respondent's failure to release them and instead detaining them for one and a half day rendered complainants' version even more credible. The only thing that respondent could offer is denial and his frail position that is quite strange for complainants into not reporting the extortion to the authorities at the time for a possible entrapment operation. He may have overlooked the declaration of Kelly Santiago that he accompanied Cherry Joy and Raymart Alvarez in going out of the police station. It would be absurd at the least that these complainants would report the extortion to the authorities when they were accompanied by the police.

There being no evidence to the contrary that respondent is a first time offender and considering no mitigating circumstance pleaded in this case respondent is found guilty of grave misconduct in its maximum period pursuant to NAPOLCOM Memorandum Circular 93-024.

WHEREFORE, premises considered, this Office finds the respondent guilty of extortion and meted the penalty of **DISMISSAL** from the police service pursuant to Section 42 of RA 6975 in relation to NAPOLCOM Memorandum Circulars No. 96-010 and 93-024.

SO ORDERED.

Done this _____ at Camp Crame, Quezon City.

ATTY RAUL M BACALZO, Phd
Police Director General
C, PNP

Appendix "B"



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

PNP MEMORANDUM CIRCULAR
NUMBER 2010-021

November 3, 2010

DEFINING AND DELINEATING THE FUNCTIONS OF DIRECTORATES/OFFICES
INVOLVED IN THE DISPOSITION OF ADMINISTRATIVE/DISCIPLINARY CASES
AGAINST MEMBERS OF THE PNP

I. REFERENCES:

- a. Sections 41 (b)(3) and 42, RA No. 6975, as amended by Sections 52 and 53, RA No. 8551;
- b. Section 26, RA 6975;
- c. NAPOLCOM Memorandum Circular (NMC) No. 2007-001 entitled: *"Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police"*;
- d. Revised Uniform Rules in the Disposition of Administrative Cases in the Civil Service (Revised URACCS [CSC Resolution No. 991936]);
- e. Supreme Court Decisions on Administrative Cases; and
- f. LOI Patnubay II.

II. PURPOSE:

This Circular aims to clearly define and delineate the functions of the different Directorates and Offices involved in the disposition of information/reports and administrative/disciplinary cases filed against members of the PNP to avoid overlapping or duplication of functions and to improve coordination and feedback mechanism with the end view of ensuring the expeditious administration of discipline within PNP ranks without ignoring however, the basic requirements of due process of law.

III. SCOPE OF APPLICATION:

This Circular shall apply to and govern the disposition of information/reports and administrative complaints received or filed against uniformed and non-uniformed personnel of the PNP.

IV. DEFINITION OF TERMS:

a. Terms applicable to PNP Uniformed Personnel:

1. **Appellate Authorities** - refers to the Regional Appellate Board, from decisions ordering the demotion or dismissal of the respondent rendered by the Police Regional Directors or Equivalent Supervisors; The National Appellate Board, from decisions rendered by the Chief, PNP ordering the demotion or dismissal of the respondent; The Secretary of the Department of the Interior and Local Governments, from decisions rendered by the NAB and RAB; and the Civil Service Commission, in summary dismissal proceedings instituted before the National Police Commission en banc.

2. **Motion for Reconsideration** - is an application submitted by the respondent or the party adversely affected to the Disciplinary Authority to set aside or modify the decision within ten (10) days from receipt of the copy of the decision based on the following grounds:

2a. Newly discovered evidence which if presented would materially affect the decision rendered; and

2b. Errors of law or irregularities have been committed prejudicial to the substantial rights and interests of the movant.

3. **Notice of Appeal** - is a written notification filed by the respondent or the party adversely affected with the Disciplinary Authority who rendered the adverse decision that he/she is elevating the case on appeal to the NAPOLCOM appellate board based on the grounds specified thereon and which shall state the material dates showing the timeliness of the appeal. A copy of notice of appeal should also be furnished to the other party and to the appellate body.

4. **PNP Disciplinary Authorities** - refer to the Chiefs of Police or their equivalent supervisors; the Provincial Directors or their equivalent supervisors; the Regional Directors or their equivalent supervisors; the Chief, PNP; and the NAPOLCOM en banc.

5. **Pre-Charge Evaluation** - is a process to determine the existence of probable cause based on the allegations on the complaint and supporting evidence.

6. **Probable Cause** - refers to the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of investigating officer, that the PNP member complained of is liable for the administrative offense for which he should be investigated.

7. **Summary Dismissal Case** - is one where the maximum imposable penalty is dismissal from the service and the offense falls under the following cases:

7a. Where the charge is serious and the evidence of guilt is strong;

7b. When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charge;

7c. When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer; and

7d. When any member or officer has been absent without official leave for continuous period of 30 days or more; Provided, that where dropping from the rolls is resorted to as mode of separation from the service, the police officer can no longer be charged for Serious Neglect of Duty arising from absence without official leave (AWOL) and vice versa.

b. **Terms applicable to PNP Non-Uniformed Personnel:**

1. **Finality of Decision** – the decision against PNP Non-Uniformed Personnel becomes final after the lapse of fifteen (15) working days without motion or appeal filed.

2. **Motion for Reconsideration** - is an application submitted by the respondent PNP Non-Uniformed Personnel or the party adversely affected to the Disciplinary Authority to set aside or modify the decision based on:

2a. Newly discovered evidence which materially affects the decision rendered thereof;

- 2b. The decision is not supported by evidence on record; and
- 2c. Errors of law or irregularities committed prejudicial to the substantial rights and interests of the movant.

3. **Notice of Appeal** - is a written notification filed by the respondent PNP Non-Uniformed Personnel or the party adversely affected with the Disciplinary Authority who rendered the adverse decision that he/she is elevating the case on appeal to the Commission (Civil Service) proper based on the grounds specified thereon and which shall state the material dates showing the timeliness of the appeal.

4. **Preliminary Investigation** - it involves the *ex-parte* examination of the records and documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices. During the said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits.

Failure of the person complained of to submit his/her counter-affidavit shall be considered as a waiver thereof.

Thereafter, if necessary, the parties may be summoned to a conference where the investigator may propound clarificatory and other relevant questions. Upon receipt of the counter-affidavit or comment under oath, the disciplining authority may now determine whether a *prima facie* case exist to warrant the issuance of a formal charge.

A fact-finding investigation may be conducted further or prior to the preliminary investigation for the purpose of ascertaining the truth. A preliminary investigation necessarily includes a fact-finding investigation.

5. **Prima Facie Case** - is a degree or quantum of proof greater than probable cause. It denotes evidence which, if unexplained or uncontradicted, is sufficient to sustain a prosecution or establish the facts, as to counterbalance the presumption of innocence and warrant the conviction of the accused.

c. **Common provisions:**

1. **Complaint** - is a written and sworn statement regarding a wrong, grievance or injury sustained by a person.

2. **Complaint Sheet** – is an accomplished form of complaint written in a clear, simple and concise language and in a systematic manner as to apprise the respondent concerned of the nature and cause of the accusation against him/her and to enable him/her to intelligently prepare his defense or answer. It shall contain the full name and address of the complainant; full name and address of the person complained of as well as his position and office of employment; narration of the relevant and material facts which shows the acts or omissions allegedly committed by the respondent; certified true copies of documentary evidence and affidavits of complainant's witnesses, if any; and certification or statement of non-forum shopping.

3. **Charge Sheet** – is a written information containing specific allegation of every facts and circumstances necessary to constitute the offense charged.

4. **Decision** - is the written disposition of the case signed by the Disciplining Authority stating clearly the findings of facts and the provisions of the law, applicable rules and regulations.

5. **Information/Reports** – pieces of information, reports received or gathered including, among others, accounts from the tri-media, text messages, and other sources.

6. **Nominal Complainant** – the one who initiates a complaint against any member of the PNP representing the Disciplinary Authorities as active prosecutor.

7. **Private Complainant** – the one who initiates a complaint against any member of the PNP acting as complaining witness/es.

8. **Proof of Service** - is evidence submitted by a process server that he/she has furnished the parties to an administrative case, particularly the respondent, of the decision or resolution rendered by the Disciplinary Authority.

9. **Public Complainant** – the one who initiates a complaint against any member of the PNP as concerned government agency or office.

10. **Respondent** – refer to any PNP personnel who were formally charged by the Disciplinary Authority.

11. **Sensational Case** – refers to a widely-publicized case involving PNP personnel as shown and heard either in print media or broadcast media (i.e.

radio, television, internet and others) arousing or intended to arouse strong curiosity, interest, or reaction, especially by exaggerated or lurid details.

12. **Summary Hearing Officer or Board** - is the designated representative/s of the Disciplinary Authority who is tasked to hear, conduct the necessary proceedings, receive and evaluate the evidence presented and prepare the appropriate report for reconsideration by the Disciplinary Authority.

13. **Summary Administrative Proceedings** - refers to administrative proceeding conducted consistent with due process to determine the culpability or innocence of the respondent.

14. **Venue** - the administrative complaints or cases against any PNP member shall be filed before the Disciplinary Authority or IAS having territorial jurisdiction where the offense was committed, except citizen's complaints falling under Rule 3 Section 1 (d) of NAPOLCOM Memorandum Circular No. 2007-001.

V. DELINEATION OF FUNCTIONS:

a. **The DIDM or RIDMD or its equivalent office in the NSU shall:**

1. Initiate investigation and evaluation of information/reports, particularly on sensational cases involving PNP personnel and involving Third Level Officers (PSSUPT and above) in close coordination with the IAS/RIAS.

2. Receive and act on all complaints against PNP personnel and conduct pre-charge evaluation as warranted in accordance with Rules 13 and 14, NMC No. 2007-001 and Rule II of the Revised URACCS.

3. Initiate the filing of corresponding administrative case against personnel who committed acts or omissions punishable by the Revised Penal Code and Special Laws as provided in Section 2, Paragraph C (3) (r), Rule 21 of NAPOLCOM Memorandum Circular No. 2007-001, and shall be the repository of records on criminal cases filed against all personnel.

4. In case probable cause is established, transmit the complete records of the case to the DPRM or its counterpart in the PROs or NSUs for Summary Hearing. In cases when PCE was conducted by the DIDM itself, venue of the summary hearing must be indicated in the PCE report.

5. Recommend appropriate actions such as issuance of preventive suspension, restrictive custody or filing of criminal cases in court against the erring PNP personnel.

6. Actively prosecute administrative cases forwarded to the DPRM or RPHRDD or its counterpart in the PROs or NSUs especially those grave and sensational in nature before the Summary Hearing Officer by appearing for the prosecution in all stages of summary administrative procedure.

7. Supervise all Court Process Officer [CPO] who shall be responsible for the service of notices, subpoenas and other legal processes and ensure timely delivery of such process to the parties concerned.

8. Initiate appellate actions for and in behalf of the PNP on any adverse decision rendered by an appellate body such as the RAB, NAB, SILG, and CSC.

9. Perform other functions as may be required.

b. **The DPRM or RPHRDD or its equivalent office in the NSU shall:**

1. Upon receipt of the pre-charge evaluation report and the complete records of the complaint, the DPRM or its equivalent Office in the PROs and NSUs shall enter the case into its official docket by stamping on the face of the report or complaint the time and date of receipt and assign an administrative case number to it. The PCE docket number shall not be omitted for monitoring purposes. The DPRM or its equivalent Office in the PROs and NSUs shall inform the DIDM or its equivalent Office in the PROs and NSUs of the pending cases, as well as the PNP Unit where the respondent is assigned.

2. Ensure the timely disposition of cases through summary administrative proceedings and monitor the progress of each case. If warranted, call the attention of the SHO concerned to resolve his/her designated case within the prescribed period.

3. Report SHOs who failed to resolve their designated cases beyond prescribed period without any justifiable reasons and submit same to the DLOD or counterpart for PCE.

4. Transmit the report of summary hearing to the Disciplinary Authority concerned, along with complete records of the case.

5. Resolve Motions for Reconsideration or Appeal, as the case may be and submit recommendation to the Disciplinary Authority. A copy of the MR or Appeal be furnished the DIDM for comment or opposition before resolving the same.

6. Furnish the offices concerned with a copy of the order implementing the decision and require these offices to submit report of action taken on the said order.

7. Initiate and dispose termination of case/s against PNP personnel in temporary appointment status.

8. Maintain a pool of qualified SHO and conduct appropriate training on quarterly basis in order to develop their skills in the conduct of summary hearing as well as refresh their knowledge on amended or newly issued laws, rules, regulations, and current Supreme Court jurisprudence pertaining to administrative cases.

9. Serve as repository of records and implementer of the decisions rendered by the Disciplinary Authority.

10. Issue Clearance of Non-Pending Case to PNP personnel applying for: leave abroad; UN mission; personal loan; promotion; transfer to other units; retirement, and resignation. The Clearance shall also be issued to any public or private personality requesting to verify, when deemed appropriate, the good standing of any PNP personnel on records that is subject for scrutiny.

11. Ensure efficient discharge of above function through formulation of detailed or specific policy and procedures for the purpose in accordance with NMC 2007-001, Revised URACCS and other issuances.

12. Act as repository of all administrative cases involving PNP personnel and perform other functions as may be required.

c. The NHQ or Regional Internal Affairs Service shall:

1. Initiate necessary investigation on cases in the exercise of its *motu proprio* mandate.

2. Investigate complaints and gather evidence in support of an open investigation in coordination with the DIDM/RIDMD.

3. Conduct summary hearing on PNP members facing administrative charges.

4. Submit a periodic report on the assessment, analysis and evaluation of the character and behavior of PNP personnel and units to the Chief, PNP and the Commission.

5. File appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case.

6. Provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

d. **The NHQ or PRO Legal Service or Legal Officer, NSU shall:**

1. Act on referrals made by the DPRM or RPHRDD or its equivalent office in the NSU regarding the draft decisions prepared by the designated SHOs only on matters involving the application of laws, rules and regulations.

2. Act on referrals or instructions made by the members of the Command Group or the Disciplinary Authority concerned.

3. Perform other functions as may be required.

VI. REPEALING CLAUSE:

All PNP issuances which are contrary to or inconsistent with this Circular are hereby amended or repealed accordingly.

VII. EFFECTIVITY:

This Circular takes effect fifteen (15) days from the date of filing with a copy thereof with the University of the Philippines Law Center pursuant to Sections 3 and 4 of Chapter 2, Book VII of EO 292, otherwise known as the Administrative Code of 1987.

(Original signed)

ATTY RAUL M BACALZO, Ph.D.

Police Director General

Chief, PNP

DLOD/TOBIAS/ACDLOD/BALIGNASAYSHS/ODIVER/101110

Desktop/PNP MC _____/nupgeneschap-as

"To Serve and Protect."



Appendix "C"

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

January 16, 2008

MEMORANDUM CIRCULAR
NUMBER 2008-0116

POLICY AND GUIDELINES ON GRIEVANCE MECHANISM
FOR PNP UNIFORMED PERSONNEL

I. REFERENCES:

- a. NAPOLCOM Memorandum Circular No. 93-022 dated November 4, 1993 Entitled: "Establishing a Complaint and Grievance Mechanism for PNP Uniformed Personnel";
- b. Civil Service Commission Resolution No. 010113 dated January 10, 2001 and implemented through CSC Memorandum Circular NO. 02, s. 2001, and
- c. PNP Integrity Development Review Action Plan

II. SCOPE:

The Grievance Mechanism set forth in this policy and guidelines shall cover all matters that give rise to PNP uniformed personnel dissatisfaction and discontentment which include but are not limited to the following:

- a. Wrongful or non-implementation and/or violation of policies and procedures which affect PNP uniformed personnel from recruitment and/or appointment to promotion, transfer, detail/designation/assignment/placement, termination, dismissal, and other related issues that affect them;
- b. Wrongful or non-implementation and/or violation of policies and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions.
- c. Physical working conditions; and

d. Interpersonal relationships and linkages

However, the following cases shall not be acted upon through the grievance mechanism:

- a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;
- b. Complainants on official actions of Head of Offices pertaining to the exercise of disciplinary powers under the provisions of RA 6975 where specific procedures for relief through appeal are hereby already provided;
- c. An objection to the terms or provisions of a policy, procedure and regulations;
- d. Sexual harassment cases as provided for in RA 7877, and
- e. Anonymous grievances and/or complaints.

III. PURPOSE:

This policy and guidelines prescribed the procedures for the hearing and resolution of grievances and/or complaints filed by a PNP uniformed personnel or group and the composition of grievance committees at the different levels of offices in the PNP organization in order to have an efficient and effective process that is fair to all parties and to help every committee hear decide grievance in a manner that increases the likelihood that its decision will be upheld, the roles of the committee chair and members, complaint, respondent, and observers shall be defined.

The establishment of this grievance mechanism intends to achieve the following objectives:

- a. To provide a system for the promotion of wholesome and harmonious relationships between and among employees and supervisors in the PNP organization;
- b. To encourage PNP members to exercise their rights in presenting grievance and have them fairly, equitably expeditiously adjudicated thus preventing discontentment and dissatisfaction among them.
- c. To discover interpersonal problems of employees and find ways in resolve them within the ambit of this policy and guidelines., and
- d. To improve employee morale through management response to the needs of personnel and employees and vice versa.

IV. DEFINITION OF TERMS:

- a. **Grievance** – means an employee's expressed (written or spoken) feelings of discontentment and dissatisfaction on any or all of the matters or issues enumerated in section II. For intents and purposes, grievance has only reached Stage 1 of the procedures, the Oral Discussions.
 - b. **Complaint** – refers to a grievance in writing which has , in the first instance and in the employee's opinion, had been ignored, overridden or dropped without due consideration at the lowest level of the office where the complainant as assigned and has been lodged or elevated to the next level of office.
 - c. **Grievance Procedure** – refers to the method prescribed in this policy and guidelines to resolve a grievance and/or complaint.
 - d. **Modes of Setting disputes:**
 1. **Conciliation** – process whereby a third party (conciliator) brings the parties together, encourages them to discuss their differences and assists them in developing their own proposed solutions.
 2. **Mediation** – a process whereby a third party (mediator) is more active assisting the parties reach acceptable solutions to the problem/s and helps the disputing parties develop or come out with an acceptable solution. The mediator can even submit his own proposal/s for the settlement of disputes.
 3. **Arbitration** – a process whereby a third party who may be an individual arbitration, a heard of arbitrators of an arbitration could, is empowered to render decision which disposes of the dispute an his binding on both parties.
- (i) **Voluntary** – a method of settling dispute/s by submitting the "disputed facts" before an arbitrator or panel of arbitrators chosen by both parties. The voluntary arbitrators shall be render a decision after proper hearing of the issues. Yhe decisions of the arbitrator shall be final and binding on the contending parties.
 - (ii) **Compulsory** - a method of setting disputes which have become hardened and irreconcilable and remains unresolved after exhausting all available remedies and exploring all avenues for a peaceful settlement of the dispute under existing laws and procedures. For PNP Uniformed Personnel, a grievance may be elevated to the Civil Service Regional Office concerned only upon issuance of a Certification on the Final Action on Grievance(CFAG) issued by the grievance committee.

- e. Levels of appointment - 1st – from PO1 to SPO1 Inspector to Police Superintendent 3rd from Police Senior Superintendent under to Police Director General.
- f. Group – members of the PNP organization acting as complainants who are considered to have the locus standi or are party in interest to a grievance and/or complaint.
- g. Association – an organization of uniform and non uniformed personnel having a common interest. It does not partake of a labor union.

V. PRINCIPLES AND POLICIES

The following shall be the guidelines in the conduct of the grievance and/or complaint proceeding

- a. Employees, individual or group, shall have the right to present their grievance(s) and/or complaint(s) to the management and have them settled as expeditiously as possible in the best interest of the employee or group concerned, the PNP organization, and the government as a whole;
- b. The complainant/aggrieved party shall first discuss his problem(s) with his immediate supervisor before considering the filling of a formal written complaint;
- c. The employee/subordinate presenting a grievance and/or complaint shall be assured freedom from coercion, discrimination, harassment or reprisal;
- d. Grievance(s) shall be settled at the lowest possible level of office.
- e. The grievance proceedings shall be aimed at determining "What is right and Not "who is right"
- f. The right to appeal action/decision on grievance and/or complaint shall not be curtailed;
- g. Grievance and/or complaint concerning promotion shall be given the due course. However the party aggrieved may elect to proceed either under the procedure or pursuant to any other applicable law/regulations;
- h. All proceeding shall be treated as confidential;
- i. Grievance proceedings shall not be bound by formal legal rules and technicalities.

- j. The service of the legal counsel for the parties in this dispute shall not be allowed during the hearing. The grievance committee however shall have a legal officer as member to guide the chair and the member on issues and procedures.
- k. In no case shall member of the PNP ventilate their grievance, direct to any forum outside of the PNP organization; and
- l. Supervisors and/or Head of Offices who refuse to take action on a grievance shall be liable for neglect of duty in accordance with existing civil service law, rules, regulations. At the instance of the complainant or the PNP, any personnel who shall be found violating the prescribed guidelines and procedures in violating or expressing complaints and/or grievances shall be held administratively liable and shall be meted with appropriate sanction.

VI. PROCEDURES:

a. Initiating and/or Filing a Grievance

STAGE 1:

Oral Discussion – a grievance shall be initially presented by the personnel orally to the complainant's direct supervisor or Head of the Office as the case may be where the complainant/s is assigned, which will be considered the 1st level of office or venue. The supervisors or the Head of the Office shall take the following actions:

- (i) Discuss with the complainant/aggrieved party his/her complaint in private;
- (ii) Keep the complainant/aggrieved party at ease and encourage him to talk freely;
- (iii) Refrain from expressing his/her views and opinions until after the complainant or aggrieved party has given or explained his/her side;
- (iv) At the end of discussion, the direct supervisor or Head of Office must state his/her stand clearly, accurately, and without any display of affection or ill feeling towards the employee/subordinate. He/She may not immediately give a definite decision but shall inform orally the employee/subordinate of his/her decision within three (3) days from the date of presentation.

STAGE II:

1. **Grievance in Writing** – If the grievance is not settled at the lowest level of office, the complainant shall submit his/her grievance in writing to the Head of Office, who shall personally decide on the matter or form an *ad hoc* Grievance Committee to hear the issue and give its recommendation from which the Head of Office will decide and inform the complainant of his/her decision in writing within five (5) days from date of receipt of the committee's recommendation through the direct supervisor/superior(of the complainant) if the complainant is not satisfied with the decision, the Head of Office shall forward the written complaint with his comments to the next level Head of Office within 48 hours. The succeeding Head of Office shall follow the prescription at the lower level of office. If the grievance reaches the Office where the Grievance Committee is organized {PRO, NCRPO, NSU, National Office, PNP NHQ}, the Head of Office may forthwith within fifteen (15) days decide the case or refer it to the Grievance Committee.

At the Police Regional Office (PRO) – NCRPO excluded – the Police station (PS); City Police Station (CPS); Provincial Mobile Groups; Companies of the Regional Mobile Groups (RMG); and Police Stations of City Police Offices (CPO) are considered the lowest level offices. A grievance emanating from a group shall be presented through the following scheme:

Members assigned at different offices Within:	Grievance Presented to:
City Police Office	City Director
Police Provincial Office	Provincial Director
Regional Mobile Group	Group Director
Police Regional Office	Regional Director

At the National Support Unit (NASU/NOSU), the regional office is considered the lowest level of office. As to grievance and/or complaint presented by a group which members are assigned at the different regional offices within a NSU, it shall be first presented to the Director, NSU.

At NCRPO, the Numbered Precincts of CPS, and the CPS without numbered precincts are the lowest level of offices. A grievance emanating from a group shall be presented through the following scheme:

Members assigned at different offices Within	Grievance Presented to;
CPS with numbered precincts	Chief of Police, CPS
NCRPO	Regional Director

At the NHQ Directorate, the Division is the lowest level of offices. As to grievance presented by a group which members are assigned at the different divisions within a Directorial Staff, it shall be first presented to the Director of the Directorate concerned. If the grievance emanates from a group which members are assigned at the different Directorial Staff, it shall be presented to the C, PNP

Where the object of the grievance is the Grievance Committee, the complainant shall present the grievance to next level Head of Office.

As the grievance presented by a group which members are assigned in the different offices of the PNP organization (PROs/NSUs/Directorates) and the implication of which transcends the offices where they are assigned, it shall be presented to the C, PNP.

Grievance Resolution Flow Chart

	Respondent	Oral Discussion with	Grievance in Writing Submitted to:
Individual or Group Complainant	Peer	Direct of higher supervisor	1 st Level Head of Office
	Direct of higher supervisor	1 st Level Head of Office	2nd Level Head of Office
	1 st Level Head of Office/Grievance Committee	2nd Level Head of Office	3rd Level Head of Office
			CSC Regional Office

2. Activation of the Grievance Committee – upon the referral of the appropriate Head of Office of a grievance and/or complaint to the Grievance Committee.

(i) Initial meeting of the Committee

The work of the Committee begins with an initial meeting of committee members convened by the Chairman. The Chairman shall conduct a brief orientation to ensure that the members of the committee have receive the grievance, that they are familiar with the grievance procedures and that no member has no any conflict of the interest that would prevent him/her from serving in the Grievance Committee. After the orientation, the Committee's task is to review the grievance to determine whether it is to go forward or be dismissed.

(ii) The Pre-hearing Conference

The purpose of pre-hearing conference is to discuss the procedures that will be followed in hearing the grievance. It also gives the committee the opportunity to review the grievance, to resolved any jurisdiction issue, and to handle any question of potential conflict of interest that may have been identified and remained unresolved.

(iii) The Grievance Hearing

The purpose of the grievance hearing is to provide the complainant and respondent the opportunity to present their respective evidence, points, and arguments to the committee. The hearing is composed of four discrete segments: 1) opening statements of each party; 2) presentation of the complainant's case; 3) presentation of the respondent's case; and 4) closing arguments of each party.

(iv) Deliberations

The Committee deliberations take place in closed session after the hearing has been recessed. The deliberative phase allows the committee to discuss all the issues that have been raised during the hearing and evidence presented by each party in support of their respective case or in rebuttal to the case presented by the other party. Conflicting the evidence is evaluated and the committee determines which facts have been proven. The facts are then applied to the issued and the committee determines what recommendations it should make regarding the grievance.

(v) Writing the Decision

The written report of the Committee's decision must set forth the committee's findings and recommendations. Specifically, "the report shall state a separate finding for each particular issue of the grievance, shall make findings that resolved the material issues of fact of that have been disputed, address any minority views, and provide a recommendation for disposition of the grievance." The Committee's report shall contain sufficient information to permit the Head of Office/unit understand the issue in the grievance, the facts as determined by the committee based upon the credible evidence submitted by the parties during the grievance hearing, and the rationale for the committee's decision and recommendations.

(vi) The Official Record

The Chairman is responsible for transmitting the record of the proceeding along with the Committee's final report and recommendations to the Head of Office/Unit. The official record of a grievance hearing consists of "all correspondence pertaining to the grievance and every item, piece of information, document and exhibit that was either submitted to or given consideration by the Committee, along with transcript of the hearing. All information relevant to the committee's procedural rulings, factual findings, recommendations, and any other aspects of its final report shall be included in the Official Record."

The Committee will determine the most appropriate manner to proceed with the case. Options include the examination of written evidence, a hearing, or further investigation, if needed. When a hearing is scheduled, the following guidelines serve to protect the rights of both parties and to assure the fairness of the process:

- The Chairman shall schedule a hearing after giving notice to the parties concerned within five(5) days upon the activation of the committee;
- The respondent shall receive a copy of the complainants written statement in advance of the first meeting of the Committee;
- Both parties shall received notice of the time and place of the hearing in order to prepare for the hearing;
- Both parties have the right to be present when the case is heard;
- Both parties have the right to question all witnesses;
- All members of the committee shall be present during the hearings and all proceedings shall be recorded;
- The complainant/aggrieved party shall be given not more than three(3) days for an oral exposition of his grievance/s and to present witness/es and evidence/s to support his allegations. He shall not be allowed to dwell on aspects not covered by his written grievance/s.
- The respondent shall be allowed three (3) days within which to express his side, present witness/es on his behalf, and submit evidence/s;
- The Grievance Committee may invite or subpoena any official or employee of the PNP to clarify or shed light on certain matters covered by or related to the grievance; and,
- Upon termination of the hearing, the Grievance Committee shall immediately deliberate and decide without delay or adjournment and submits its findings and recommendations to Head of Office/Unit not later than three (3) days after the investigation.
- The Head of Office/Unit upon receipt of the records of the proceedings submitted by the committee shall render his decision in writing within three (3) days. Simultaneously, a copy of the records of the proceeding including the certification on the Final Action on Grievance (CFAG) issued by the Grievance Committee and the decision rendered by the Head of Office shall be furnished to the complainant. The CFAG shall contain, among others, the history and final action taken by the agency on the grievance. The decision

of the Head of Office shall take effect immediately unless appealed/referred within 15 days to the CSC Regional Office concerned.

STAGE III:

Referral to the CSC Regional Office

If the complainant is still not satisfied with recommendation of the Grievance Committee that became the basis of the decision of the 3rd level Head of Office, at the instance of the complainant, the case shall be then referred within 15 days to the Civil Services Regional Office concerned reckoning from the issuance of a certification on the Final Action On Grievance (CFAG) by the Grievance Committee.

b. Roles of the Participants to a Grievance Hearing

The grievance process is initiated by any member or group of the PNP organization who must file a written appeal or position with the head of office or unit if he/she is not satisfied with prior decisions relative to his/her grievance. The written petition must provide the following information:

- (i) Name of the Complainant;
- (ii) Rank;
- (iii) Designation (if needed);
- (iv) Present Section or Division of Assignment;
- (v) Immediate Supervisor;
- (vi) Present Department or Unit of Assignment;
- (vii) Higher Supervisor;
- (viii) Nature of Grievance;
- (ix) Settlement Desired;
- (x) Signature of Complainant;
- (xi) Signature of Association Official/Representative (if applicable); and
- (xii) Date of Filing from the Lowest Level in the Agency.

1. The complainant must follow certain preliminary steps as pre-requisite to the formation of the grievance committee. No grievance may be entertained unless earlier attempts to resolve the grievance with his/her immediate superior and the next higher officer or supervisor were without success. The matter must also be within the scope of the grievance procedure the complainant bears the burden of establishing the grounds for the grievance and the burden of proving by a preponderance of the evidence grounds for the grievance. A preponderance of evidence is defined as that evidence which when fairly considered produce the stronger impression and is more convincing as to the truth when weighed against other opposing evidence. Preponderance of evidence is not determined by the number of witnesses or the quantity of documentation but rather by the greater weight of all the evidence when considering the opportunity for knowledge, the information possessed and the

manner of testifying. If the complainant does not follow the pre-requisite burden of proof, the committee may dismiss the grievance.

2. The Respondent

A grievance may be brought against a superior, supervisor, or a colleague (referred to as the "respondent") for any action or omission adversely affecting an individual's professional or personal capacity, standing, or position. Once the grievance committee is constituted to hear the grievance, the respondent is provided the opportunity to respond in writing to the grievance. The response joins the issue and other with the grievance statement outlines the respective issues in dispute between the two parties.

3. Observers

The grievance procedure permits each party to have a third party observer who may attend the pre-hearing and hearing. An observer has no active role in the process and is not allowed to advise a party during the hearing. An observer may be a member of the organization, an association, a friend or relative, or an attorney. The grievance procedure has no limitations on who may be an observer. Under the grievance procedure, attorneys for the parties have no active role in the process. If a party is represented by an attorney, the attorney may attend the hearing but may do so only in the capacity of an observer/attorney may provide advice to a party, prepare correspondence and other documents for a party, and may be present during the proceedings so long as their presence does not disrupt the hearing process.

4. The Grievance Committee

(i) Composition

Only permanent officials and employees, whenever applicable, shall be appointed or elected as members of the grievance. In the appointment or election of the committee members, their integrity, probity, sincerity, and credibility shall be considered. At all levels of office, the Chief of Personnel Office shall be designated as the Chairman. Depending on the office level, the Division/section Chiefs or their equivalent positions as committee members are chosen from among the different division's/section's chiefs by themselves, while members from the rank-and-file of two years and chosen through a general assembly or any other mode selections be conducted for the purpose; one each from the three levels (1st, 2nd and 3rd) of appointment who shall participate in the resolution of the grievance of personnel with his/her corresponding level. However, in case where the grievance is against one of the members of the committee, the person who garnered the second highest votes shall sit as alternate of the of the member being complained of, and in case where the chairman is the subject of the grievance, any of the members of the Command Group starting from the Chief of the Directorial Staff or its equivalent at any level of office concerned shall act as the chairman.

PNP NHQ

The Director for Personnel and Records Management	- Chairman
Two (2) from the Directorial Staff	- Members
Director, Legal Service	- Member
Rank and file	- Member

PRO

Chief, RPHRDD	- Chairman
Two (2) Division Chiefs	- Member
Chief, Regional Legal Services	- Member
Rank and file	- Member

National Support Unit

Chief, Personnel Division	- Chairman
Two (2) Division Chiefs	- Member
Legal Officer	- Member
Rank and file	- Member

Lower Level of Office

Ad hoc Committee (equivalent personalities as above)

The Head of Office of any given level of Office shall ensure equal opportunity for men and women to be responded in the grievance committee.

The personnel section/division of the PNP office/unit shall extend secretariat services to the grievance committee.

(ii) Role of the Committee and its Members

The grievance committee is a hearing body with the delegated authority to hear grievances. The committee's role is to determine whether or not the grievance presents a matter that is within the purview of the grievance mechanism, and if so, to hear the grievance. The Committee is responsible for making written findings of facts and recommendations with regard to the grievance. A grievance committee has no power to reverse the Head of Office's decision. Its authority is only to recommend a reassessment of the decision if it finds that the decision was reached improperly or unfairly.

The grievance committee acts as the agent of the PNP organization at the different levels of Command to hear grievances brought by a complainant and recommend by the Head of Office appropriate action appertaining to the grievance. As a result of their delegated authority, members of the committee must at all times maintain a neutral status vis-à-vis the parties to the grievance. Indeed, as a matter of due process, committee member's conduct or attitude in serving the grievance

committee. To be a fair and impartial decision maker, a committee member should keep an open mind and not presume that either party to the grievance is right or wrong.

The Committee's role is to make a decision based on the evidence presented by each party. To maintain appropriate neutrality and to accord due process to both complainant and respondent, ex parte communications on matters of substance related to the grievance must never take place between the committee and a complainant and/or respondent. (Ex parte communications are those that involve only one party without the presence or knowledge of the other party.) Neither the Committee Chairman nor Committee members may solicit or hear evidence sans the presence of both parties, and all communications (oral) between any of the contending parties and the chairman or committee members must take place in scheduled meetings where in both parties have been informed through any form of correspondence and given the opportunity to be present. Pursuant to this Grievance Procedure, Committee members shall have the following responsibilities:

- (i) Attend the orientation meeting, pre-conference hearing, and all scheduled hearing dates;
- (ii) Make preliminary determinations whether or not the complainant has presented a matter within the purview of the grievance mechanism, and if not, whether or not the complainant should be dismissed at once;
- (iii) Carefully listen and review all testimony and documentary evidence presented during the hearing;
- (iv) Weigh the credibility of evidence, make specific findings of fact, and determine whether the complainant has established the charges; and;
- (v) Assist the chairman in finalizing the written report of the committee's decision submitting a minority report if necessary.

Every grievance committee shall develop and implement pro-active measures that would prevent grievance, such as employee assembly which shall be conducted at least once every quarter, "talakayan" counseling HRD interventions and other similar activities.

Every grievance committee shall establish its own internal procedures and strategies. Membership in the grievance committee shall be considered part of the members regular duties.

The Grievance Committees (PRO, NSU National Office and PNP NHQ) shall submit a report of their respective accomplishments and status report of pending

cases quarterly to the concerned Civil Service Regional Office and the PNP Resident Ombudsman.

The personnel section/division in collaboration with the PNP office's/unit's grievance committee shall conduct a continuing information drive on grievance mechanism among its officials and employees.

5. The Grievance Committee Chairman

The Grievance Committee Chairman has the following responsibilities:

- (i) Convene and chair all meetings of the committee and the grievance hearings
- (ii) Provides information to the committee and participants about the grievance and grievance process;
- (iii) Handle all logistics related to the grievance process (arrange for recording and/or transcriptions of the hearing, counsel for the committee, conference rooms for the hearing, etc)
- (iv) Schedule committee meeting and grievance hearings and notify parties, committee members and committee counsel of location and dates (the first date not later than four weeks after receipt of the respondent's response):
- (v) Exercises complete control over all stages of the hearing process;
- (vi) Draft all correspondence in behalf of the committee;
- (vii) Forward to the Office of Legal Services amended grievances and notices of all scheduled meetings;
- (viii) Ensure the timely and orderly process of the grievances and notices of all scheduled meetings;
- (ix) Instruct the committee on jurisdictional and other related matters and make all procedural rulings (including number of witnesses who may be called by a party, the length of each party's presentation, the admissibility of evidence, etc.)
- (x) Keep a record of all meetings held and communications and correspondence with the parties and members of the committee;
- (xi) Prepare and submit a written report of the committee's findings and recommendations to the Head of Office or Unit;

- (xii) Compile the Official record and transmit the record and Committee's decision as specified in the procedure; and
- (xiii) Convene and chair any meetings or hearing required by a remand of the grievance.

6. The Grievance Committee Counsel


The Committee shall have a legal counsel who comes from the Legal Service to advise the committee on procedural matters related to the grievance. In the absence of a Legal Service Officer especially at lower units, the Chairman of the Committee shall make arrangement for the assignment of a committee counsel who shall be present at all stages of the process , including committee deliberations.

VII. Effectivity

This Memorandum Circular shall take effect upon approval.

AVELINO L RAZON
Police Director General
Chief, PNP

"When I hear, I forget; When I see, I remember; When I do, I understand."
Confucius


Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

NOV 27 2013

PNP MEMORANDUM CIRCULAR
No. 2013-020

PATNUBAY III

I. REFERENCES:

- a. PNP Pre-Charge Evaluation and Summary Hearing Guide (PNP Internal Discipline Mechanism) 2011;
- b. Revised Rules on Administrative Cases in the Civil Service (RRACCS) dated November 21, 2011;
- c. DPRM Discipline, Law and Order Manual dated January 20, 2009;
- d. Letter of Instructions (LOI) No. 21/08 (PATNUBAY II) dated April 30, 2008;
- e. NAPOLCOM Memorandum Circular Number (NMC No.) 2007-001 dated March 6, 2007;
- f. LOI (PATNUBAY) dated July 31, 1998; and
- g. Republic Act Number (R.A. No.) 6975 as amended by R.A. No. 8551 dated February 25, 1998, and further amended by R.A. No. 9708.

II. RATIONALE:

The PNP Disciplinary Machinery is dynamically evolving as the years pass by. Various Letters of Instructions, Memoranda, Circulars and other policies pertaining to disciplinary machinery of the PNP had gained recognition and attained its objectives and purposes in cleaning up the ranks of the PNP. However, these policies should also be abreast with the realization of the PNP P.A.T.R.O.L. Plan 2030 through the strategic focus of "CODE-P 2013 and beyond" wherein all aspect of enforcing discipline to all PNP personnel should be codified into one.

During the past several years, Patnubay II has been an effective strategy in ridding the organization of defiant police personnel who refuse to toe the line of transformation. Now, all are accounted to be part of the new strategic focuses of "CODE-P 2013 and beyond" which clearly define discipline as commitment to duty, law and order with an end view of rendering "Serbisyonang Makatotohanan" to the general public.

The objectives of the strategic focus on Discipline are to provide measures to determine the public perception on the level of PNP's performance in enforcing discipline, law and order; review the implementation of new Individual Performance Evaluation Report (IPER) system; institutionalize new mechanisms and safeguards (digitized storage) in fast-tracking administrative cases; and establish one PNP clearance system, nationwide.

In line with the new strategic thrust on discipline, there is a need to raise the current LOI 21/08 (PATNUBAY II) to a higher level of discipline, which shall not only focus on cleansing the ranks of misfits but also on institutionalizing the commitment to duty through the IPER system, the simplification of the disciplinary machinery to fast-track the resolution of administrative cases and to establish a nationwide clearance system to facilitate the processes regarding promotion, retirement, vacation and mandatory leaves, and other procedures, which need disciplinary clearance.

Hence, the PNP hereby institutionalize and codify all disciplinary policies to sustain the implementation of existing disciplinary policies and at the same time introduce reforms to operationalize the IPER as a measure of work commitment; to monitor and fast track the resolution of administrative cases; and to establish nationwide clearance system to simplify personnel requirements and transactions.

III. PURPOSE:

This PNP MC shall amend the existing LOI 21/08 (PATNUBAY II) to include the new policies on discipline issued by the Civil Service Commission (CSC), National Police Commission (NAPOLCOM) and Philippine National Police (PNP).

IV. DEFINITION OF TERMS:

a. Absence Without Official Leave (AWOL) - In general, it refers to the status of any official or employee who absents himself from work without an approved leave of absence.

b. Acknowledgement Receipt of Equipment (ARE) - A documented verification that goods have been received or services have been rendered. It is indicated by the recipient's signature on a bill of lading, an invoice or another form.

c. Certificate of Finality - It is a written document issued by the Disciplinary Authority concerned certifying that an Order or decision is final and executory because the respondent failed to file an MR within the required period, or the motion was denied and the respondent did not appeal. The Certification must include copy of the proof of service in chronological order, duly authenticated by the C, RPHRDD.

d. Certificate of Implementation - It is a written document issued by the concerned Disciplinary Authority certifying that an Order, Decision or Resolution is subject for implementation either because of the denial of an MR, or pendency of an appeal from an Order or Decision with a penalty or the absence of a Temporary Restraining Order (TRO), Preliminary Injunction or Prohibition. The certification must include copy of the proof of service and / or notice, in chronological order, duly authenticated by the C, RPHRDD.

e. Case Monitoring and Case System - a central database of administrative and criminal cases, and clearances of the PNP.

f. Dropping from the Rolls - A non-disciplinary administrative sanction by which the name of the PNP personnel is deleted from the roster of personnel.

g. Individual Performance Evaluation Rating (IPER) - used to assess the performance of PNP personnel in terms of his/her contribution to the attainment of the PNP mission and vision, his/her skills, competencies and attitude towards work.

h. Just Debt - shall apply only to claims with court adjudication or an obligation admitted by respondent.

i. PNP Personnel - Uniformed and Non-Uniformed members of PNP in active service.

j. Probable Cause - refers to the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the investigating officer, that the PNP member complained of is liable for the administrative offense for which he should be formally investigated.

k. Reinstatement - is the issuance of an appointment to a person who has been previously appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom or to one who has been exonerated of the administrative charges unless the decision exonerating him specifies restoration to his previous position.

l. Restrictive Custody - refers only to nominal restraint which is beyond the ambit of habeas corpus. It is neither actual nor effective restraint. It is a permissible precautionary measure to assure the PNP authorities that the police officer concerned is always accounted for.

m. Suspension - A temporary cessation from work.

n. Termination Proceedings - The conduct of investigation or review of the case against any PNP member under temporary status (PO1/ Technical and Line Lateral Officers) who manifested unsatisfactory conduct or performance or committed administrative offenses which could warrant termination of service.

V. GUIDELINES:

a. Concept of Operations

In accordance with the strategic focus on discipline, all phases of enforcing discipline to every PNP personnel shall be incorporated to this version of PATNUBAY III. This PNP MC shall cover issues on imposition of discipline, law and order from the first day of police work of every PNP personnel until his/her service shall be severed by lawful cause or his/her retirement date. There will be four (4) phases of discipline which shall govern all stages of PNP career development starting from the probationary period to official performance of duty and until the retirement stage of PNP personnel. The first phase is the Preventive Phase wherein measures are designed to instill discipline to PNP personnel in every aspect of policing. The second phase is the Investigation and Adjudication Phase which shall deal with the reforms in procedures to fast track the resolution of administrative cases. The third phase is the Reformation aspect which pertains to the measures to reintegrate the PNP core values and discipline to concerned PNP personnel and units. The fourth phase is the Case Monitoring and Clearance System to simplify the personnel transaction and processes.

1) Preventive Phase

- a) All PNP offices/units shall conduct a monthly inspection on all PNP personnel for accounting of individual's well grooming, issued firearms, Individual Performance (IP) Card, Miranda Doctrine Card and other uniform paraphernalia;
- b) All RPHRDD/RPMD/ARMD shall conduct a five (5) day orientation training to all newly appointed PNP personnel (recruit/lateral/PNPA graduates) before undergoing Field Training Program (FTP) to provide guidance on proper police decorum, the nature of police work and the expected performance as police personnel;
- c) All PNP offices/units shall require all personnel to draft their own IP Card based on the actual duties and responsibilities within the said office and the performance of identified duties and responsibilities shall be the basis for IPER to be submitted semi-annually;
- d) All PNP offices/units shall strictly comply with CMC No. 19-2013 re PNP Review and Compliance Committees (RCC) and Policy Guidelines and Procedures on Accomplished Statement of Assets, Liabilities and Networth Forms;
- e) All PNP offices/units shall establish a Quality Service Lane (QSL), a version of "laumbong mo kay Tsip" or "Subukan Nyo Po Kami" or a similar reporting system thru SMS (text 2020) for the public to air their complaints and to report any crime incident in the area which shall be acted upon with speedy disposition by concerned offices;
- f) All PNP offices/units shall include in the Police Information Continuing Education (PICF) the topics on ethical standards and decorum, human rights and anti-graft and corrupt practices in order to mold and instill unit discipline among its personnel;
- g) All PNP offices/units shall strictly comply with the CMC re "Prescribing the Policies and Procedures Governing the Placement of Second (2nd) Level Uniformed Personnel" to promote simplified and transparent system of transferring personnel from one office to another;
- h) All PNP personnel who shall be relieved from present assignment/designation/position shall conduct formal inventory of all records/documents/property under his/her custody in the presence of his immediate supervisor and shall turn-over the same to his/her successor in the position prior to the issuance of a property clearance;
- i) All PNP personnel who shall be designated/assigned in a certain position shall conduct inventory to counter check the records/documents/property of such unit and receive the same from his/her predecessor;
- j) In case no inventory and proper turn-over has taken place, the successor has the duty to conduct the inventory and initiate appropriate charges against the predecessor;
- k) All PNP offices/units shall comply with NMC No. 2010-004 and NMC No. 2012-002, a transparent criteria and procedures on giving incentives, awards and rewards as well as promotion by position and rank based on merit and fitness;
- l) All PNP offices/units shall strictly observe the simplified procedure on personnel transaction of Directorate for Personnel and Records Management (DPRM);
- m) All PNP offices/units shall submit request for random drug test and physical and mental examination of their respective personnel to the PNP Health Service (HS) and PNP Crime Laboratory Group (CLG), annually;

- n) The PNP HS and CI G shall schedule the annual random medical and neuro-psychiatric test and drug test respectively, to all PNP personnel;
- o) All results of random medical and neuro-psychiatric test and drug test shall be submitted to DPRM for consolidation and for proper disposition within the required period as mandated by pertinent rules and regulations, especially in cases of "positive" result;
- p) All PNP offices/units shall conduct a quarterly inventory of administrative and criminal records of all personnel with complete details and status and submit the same to DPRM for establishment of database for Case Monitoring and Clearance System;
- q) Discipline of NUP's shall be in accordance with the URACCS or RRACCS, which is in force at the time of the commission of the offense;
- r) Jurisdiction over administrative cases against NUP shall be vested with their respective appointing authority (Regional Director (RD) or Chief, PNP, as the case may be); and
- s) All PNP personnel shall be required to update their contact information (home address, e-mail addresses and phone numbers) annually. The DPRM, through RPHRDD, DPHRDD, ARMD of all offices/units shall ensure compliance hereof.

2) Investigation and Adjudication Phase

- a) All Pre-Charge Evaluation Report initiated by DIDM shall be submitted for approval by the Deputy Chief for Administration pursuant to the delegation of authority bestowed upon him by the Chief, PNP and in observance of the impartiality principle of prosecution aspect of all administrative cases;
- b) All Pre-Charge Evaluation Report initiated in the Police Regional Offices (PROs) and National Support Units (NSUs) shall be submitted and approved by the respective Regional Directors and Directors of said office/unit;
- c) Newly appointed PNP personnel (recruit/lateral/PNP Academy graduate) who commits any violation while still in temporary status shall be subjected to termination proceedings as provided under the applicable circular, NMC No. 2007-009 for recruits and NMC No. 2008-006 for lateral entrants;
- d) All referrals or complaints against uniformed PNP personnel shall comply with the documentary requirements as provided by NMC No. 2007-001 and shall be submitted for evaluation for determination of probable cause within three (3) working days from the date of its submission for evaluation. In case of NUP's, the procedures on preliminary investigation under Rule 4 of the RRACCS shall be complied with;
- e) All complaints filed against PNP Non-Uniformed Personnel shall be evaluated for determination of probable cause within 20 working days pursuant to the RRACCS;
- f) All PNP offices/units shall initiate administrative proceedings against all their personnel with pending criminal case. In cases where the PNP personnel had not been subjected to an administrative proceeding during the pendency of his/her criminal case where he was later adjudged as guilty, the appropriate administrative charges should be filed against that personnel;
- g) All personnel detained by reason of criminal charges filed against them shall be placed under automatic leave of absence without pay;

h) All complaints filed for purely "non-payment of debt" should be accompanied by any documentary evidence proving that the obligation due is considered "just debt". As defined in the RRACCS, "Just Debt" shall apply only to claims with court adjudication or an obligation admitted by respondent (this provision only applies to NUP respondents);

i) Following the case law in Madrid vs. Auditor General (108 Phil 578) "A person claiming his right to a position in the Civil Service must institute the proper proceedings to assert his right within the period of one (1) year from the date of separation, otherwise, he will be considered as having abandoned his office or even acquiesced or consented to his removal and therefore not entitled to bring action for his reinstatement";

j) All decisions granting the Motion for Restoration/Reinstatement (MR) on Dropped From Rolls (DFR) cases shall include an order for the respondent to be subjected to physical and mental examination and drug test and shall be subjected to Pre-Charge, and Summary Hearing Proceedings, as the case warrants. Prior to the issuance of Reinstatement orders, the respondent must have passed the drug test and Neuro-Psychiatric (NP) examination, otherwise, he/she shall be separated or retired from the PNP pursuant to Section 14 of R.A. No. 8551, amending Section 30 of R.A. No. 6975. Provided that reinstatement of personnel pursuant to the decisions rendered by appellate bodies (National Appellate Board, Regional Appellate Board, Secretary of Interior Local Government, CSC, Court of Appeals and Supreme Court) which had attained finality, shall be immediately implemented as a matter of course, without requiring the reinstated personnel to pass NP and Drug Tests.

k) No order Lifting the Absent Without Official Leave (AWOL) status shall be issued upon the return of the personnel who had been ordered AWOL. Instead an order of return to active duty shall be issued with an indication that the subject is assigned to Personnel Holding and Accounting Unit (PHAU), pending the resolution of the administrative proceedings initiated against him/her;

l) All reported AWOL cases should be referred for Pre-Charge Evaluation and may be subjected to Summary Hearing Proceedings despite continuous absence of the respondent;

m) No personnel in AWOL/DFR status shall be entitled to receive his/her salary, pay and allowances under the principle of "No work, No pay". The Heads of Offices shall be responsible in monitoring the stoppage of salary, pay and allowances from the date of the effectivity of AWOL/DFR order;

n) All personnel ordered AWOL shall not receive any salary, pay and allowances from the effectivity of AWOL order;

o) All personnel ordered AWOL or DFR shall be verified before the Office of Bureau of Immigration (BI) for possible travel activities during the period of their unauthorized absences. A verification of the travel activities of a personnel declared on AWOL status must first be obtained from the BI, which will serve as basis in resolving a Motion to lift DFR/AWOL status or appeal for reinstatement. A positive finding from the BI of travel abroad during the period of his/her AWOL shall be a ground for the denial of the motion/appeal for Reinstatement;

p) In case of non-appearance of respondent uniformed personnel despite due notice, the proceedings shall proceed ex-parte and a decision shall be rendered imposing the maximum penalty (Dismissal from the Service) in cases of AWOL or prolonged unjustifiable absences for more than 30 days, (Serious Neglect of Duty). Service of Notice and Summons must in accordance with Rule 18, NMC No. 2007-001 in cases against uniformed personnel;

q) In case of Reinstatement, the number of days on AWOL shall be deducted on the years of service rendered by PNP personnel which shall negatively affect the Senior Lineal Listing ranking of concerned personnel. Moreover, in the event that the personnel who went on AWOL had received a salary despite the AWOL, the number of days on AWOL for which a salary was received shall be deducted from the personnel's leave credit;

r) All restrictive custody shall be issued only by duly authorized officer provided by law. Such order shall be terminated upon the termination of administrative case or issuance of Warrant of Arrest by court of proper jurisdiction or upon issuance of order lifting the restrictive custody by the issuing authorized officer;

s) All respondents under restrictive custody shall be under the custody of Headquarters Support Service or its equivalent unit in the PROs who shall be responsible for the accounting and securing of the subject personnel;

t) Except in cases where the involved personnel is a non-uniformed personnel and his/her penalty is dismissal from the service, a Certificate of Implementation shall be issued by the DPRM, or equivalent office in the PROs and NSUs, after the denial of the Motion for Reconsideration filed by a PNP personnel against the Decision of the Disciplinary Authority on his/her administrative case. The implementation shall immediately follow.

u) All decisions of Disciplinary Authorities reversed by appellate bodies shall be appealed by the concerned prosecuting office/unit within the prescribed period;

v) All Disciplinary Authority shall issue a Certificate of Finality when no motion for reconsideration or Appeal was filed or taken by the adversely affected party after ten (10) calendar days from the receipt of the Decision by that same party. The implementation shall immediately follow.

w) In case the penalty of suspension is imposed, the respondent uniformed personnel shall turn-in his issued firearm, ammunition and other paraphernalia covered by an Acknowledgment Receipt of Equipment to his/her immediate supervisor (Chief of Police/Division Chief/Director, NSU, Group Leader) who will then endorse the said equipment to the Supply Accountable Officer (RegionalSAO/DistrictSAO/Logistics Officer) for safekeeping. The subject equipment shall only be re-issued to the suspended uniformed personnel upon the latter's return to active duty.

x) Jurisdiction over administrative cases against NUPs shall be vested with their respective appointing authority (Regional Director or CPNP, as the case may be);

y) Decisions of D, NGUs on administrative cases involving Grave or serious offenses where the penalty imposed is either dismissal, demotion, or suspension, forfeiture of salary, restrictive custody, withholding of privileges or any combination thereof for a period of more than 30 days shall be submitted to DPRM (Attn: Discipline, Law and Order Division) for confirmation by the Chief, PNP to preclude more appeals and adverse decisions from SILG (Basis: Letter from SILG dated July 8, 2011, as cited in CPNP Memorandum dated December 12, 2011);

z) Orders, Decisions or Resolutions promulgated by PNP Disciplinary Authorities shall only be implemented upon issuance of a Certificate of Implementation or Certificate of Finality, except those issued by the Office of the Ombudsman which shall be implemented upon receipt thereof;

aa) Summary Dismissal Cases decided by District Directors, NCRPO wherein the impossible penalty is dismissal from the PNP service shall be submitted to RD, NCRPO for confirmation;

bb) All approved Decisions of Disciplinary Authorities against uniformed personnel shall be furnished the DIDM, RIDMD and DIDMD for consideration of the aggravating circumstances of repeatedly charged and recidivism as defined under Section 1, Rule 2 of NMC No. 2007-001;

cc) The penalty of maximum suspension [six (6) months] shall be imposed on PO1 respondents in summary dismissal cases (grave offenses) where the appropriate penalty is in the medium period [One (1) Rank Demotion]. Accordingly, the decision should be submitted for confirmation by the C,PNP;

dd) All Summary Dismissal Proceedings or Administrative Cases for Grave offenses decided by RDs and D, NSUs against PCOs shall be submitted to the OCPNP for confirmation; and

ee) Decisions of RDs imposing the penalty of six (6) months or 180 days suspension shall be submitted to the OCPNP for confirmation.

ff) The Notice of Appeal and/or Memorandum on Appeal without proof of service to the other party shall not be accepted.

3) Reformation Phase

a) All PNP personnel reinstated shall be assigned at Personnel Holding and Accounting Unit (PHAU) of respective offices/units and shall be required to undergo medical and physical examination and drug test;

b) All the results of the medical and physical examination and drug test shall be required and form part of compliance for restoration of salary and reassignment to field units;

c) All PNP offices/units shall request for seminar on stress management from PNP HS at least once a year;

d) The DPRM shall draft decorum policies covering minor offenses (first time offenders) such as non-attendance of flag raising/lowering, daily accounting and non wearing of proper uniforms not specifically covered by disciplinary policies including therein the penalty of rendering community service or additional 24 hour office duty or cleaning duty/garbage disposal, to declog the docket;

e) The DPRM in coordination with DIDM, DHRDD and PNPTS shall conduct an annual three (3) days training for Summary Hearing Officers (SHOs), Pre-Charge Evaluators (PCEs) and Discipline, Law and Order Division/Sections (DLOD/DLOS) personnel clustered for Luzon, Visayas and Mindanao regions;

f) All PCOs with the rank of PCINSP and above shall be included in the list/pool of Summary Hearing Officers as part of the duties and responsibilities to keep them abreast with the current disciplinary policies of the PNP;

g) All aspirants for position of Provincial Director or City Director shall submit a certification for having been an SHO or C, DLOS or C, PCEIS or reviewing authority of administrative cases as requirement for his nomination to the position;

h) All SHOs shall receive an amount of Php2,000 per case to defray the expenses for the conduct of summary hearing proceedings and other administrative requirements to ensure the strict compliance with the 60-day requirement of resolving administrative case;

h) All drafters and reviewers (within DLOD/DLOS) in NIIQ/PROs/NSUs shall receive an incentive in the amount of Php400 pesos each per case;

j) All drafters and reviewers shall comply with the quota system of at least one (1) complete draft decision (for original administrative case) or draft resolution (for Motion for Reconsideration/Restoration or Appeal) which shall be submitted per day for approval and signature of the disciplinary authority;

k) All recorders and stenographers during summary hearing proceedings shall receive an incentive in the amount of Php250 pesos per case and shall assist the SHO in the compliance with the 60 day prescribed period of submission of resolution;

l) All RPHRDD/RPMD/ARMD thru TDPRM shall request for the conduct of annual training, as well as funds for incentives of the SHOs, drafters, reviewers, recorder and stenographers who shall be involved in the drafting of decision/resolution to be approved and signed by the Disciplinary Authority;

m) All PNP personnel who shall be assigned with PCEID/S and DLOD/S must have basic Criminal Investigation Course or SHO-PCE DLOD training;

n) All aggravating circumstances attendant in each case shall be incorporated in the charge sheet and/or Pre-Charge Evaluation report or pleaded in the pleadings to be filed by prosecutors in administrative cases;

o) Case conference for grave offenses/sensational cases is encouraged to be presided by Ex-O, DPRM or RCDS, PROs to be attended by C, PCF, SHO/AD, IAS and SLO/C, RLS and C, DLOD/DLOS should serve as secretariat; and

p) All PNP personnel who were separated from the service thru dropping from rolls and have withdrawn their commutation of accumulated leave credits should be considered to have abandoned their office and shall no longer be entitled to reinstatement.

4) Case Monitoring and Clearance System

a) The DPRM thru DLOD in coordination with the ITMS and PAIS shall establish a database of administrative and criminal cases for Case Monitoring and Clearance System (CMCS) of the PNP;

b) The CMCS shall include "red flag" information about PNP personnel pertaining to their involvement in violation of "one strike policy" and other illegal activities as validated by ODI; violation of "no take policy" and "Crime Volume Reporting System" as evaluated by OUIDM; violation of R.A. 9165 which includes bungling of drug cases and non-appearance in court hearing as determined by AIDSOTF; and awards/commendations and other exemplary recognitions as recorded by RMD, DPRM;

c) The record of PNP personnel shall be reflected in his clearance/PAIS record and identifiable by a "Red Flag";

d) The DPRM thru DLOD shall maintain a database of all administrative and criminal cases including other administrative actions imposed against PNP personnel and shall conduct appropriate action for prompt implementation of decisions/resolutions/orders rendered by PNP, PLEB, UMBUDSMAN and SANDIGANBAYAN;

e) All PNP units shall maintain a secured storage of case folders and shall be maintained/controlled by accountable DLOD personnel;

- f) All PNP offices/units shall conduct proper turn-over and inventories in cases of the accountable personnel is relieved or reassigned;
- g) All PNP offices/units shall submit every first five days of the month an update on the administrative and criminal cases filed against PNP personnel within their AOR;
- h) All PNP offices/units shall coordinate with the Regional NAPOLCOM, local courts, OMBUDSMAN and PLEB within their AOR to extract any records of administrative and criminal cases filed against PNP personnel to be part of monthly compliance;
- i) All PNP offices/units shall establish a database on administrative and criminal cases following the ITMS program and upload the same to the DLOD, DPRM for case monitoring and clearance system;
- j) All PNP offices/units shall scan all case folder for electronic storage of cases and upload the same to DLOD, DPRM for record digitization;
- k) All PNP offices/units shall allocate computer equipment and scanner intended solely for case monitoring and digitization of case folders or electronic scanner; and
- l) The DPRM shall conduct an annual three-day training in coordination with ITMS, DHRDD and PNPTS for installation and maintenance of database of administrative and criminal cases to all encoders in the PROs grouped in Luzon, Visayas and Mindanao clustered venue.

b. Tasks

1) DPRM

- Shall be the OPR of this PNP MC (PATNUBAY III);
- Shall draft PNP Disciplinary Code covering all disciplinary policies, issuances and directives issued by PNP, NAPOLCOM, CSC and other authorities;
- Shall draft PNP Decorum for minor offenses to be observed by every PNP offices/units;
- Shall establish case monitoring and clearance system;
- Shall establish case digitization database;
- Shall monitor the implementation of IP CARD and IPER system;
- Shall request for funds and spearhead the implementation of the activities specified in this PNP MC;
- Shall draft a simplified process of issuance of national clearance to all PNP personnel for personnel transaction;
- Shall request and allocate funds for the incentives of SHOs, drafters and reviewers of DLOD involved in the preparation of decision and resolution to be approved and signed by CPNP; and
- Perform other tasks as directed.

2) DIDM

- Shall assist the DPRM in establishing the case monitoring and clearance system;
- Shall encode all Pre-Charge Evaluation cases filed against PNP personnel;
- Shall encode criminal cases filed against PNP personnel;

- Shall participate in the training of SHOs, PCEs and DLOD's drafters and reviewers; and
 - Perform other tasks as directed.
- 3) DC
- Shall provide and allocate fund for implementation of this PNP MC; and
 - Perform other tasks as directed.
- 4) DI
- Shall assist in the verification and case build-up as deemed necessary;
 - Shall encode all cases pertaining to violation of "one strike policy" and other validated illegal activities committed by PNP personnel; and
 - Perform other tasks as directed.
- 5) DO
- Shall provide support in the implementation of PNP MC PATNUBAY III; and
 - Perform other tasks as directed.
- 6) DL
- Shall provide support in the implementation of PNP MC PATNUBAY III; and
 - Perform other tasks as directed.
- 7) DPCR
- Shall assist in the monitoring of implementation of PNP MC PATNUBAY III; and
 - Perform other tasks as directed.
- 8) DICIM
- Shall provide technical support in the establishment of case monitoring and clearance system; and
 - Perform other tasks as directed.
- 9) DHRDD
- Shall provide assistance in the review and evaluation of program of instruction and PNP Decorum to be endorsed by DPRM in compliance with this PNP MC;
 - Shall draft training directives for approval of Program of Instruction, fund request, schedule and dissemination to concerned offices/units; and
 - Perform other tasks as directed.
- 10) IS
- Shall schedule the above mentioned trainings/seminars; and
 - Perform other tasks as directed.

11) IAS

- Shall conduct investigation, Pre-Charge Evaluation and summary hearing proceedings;
- Shall encode all administrative and criminal cases initiated by their office and its field offices;
- Shall submit the recommendation and draft decision for approval and signature of the proper disciplinary authority;
- Shall assist in establishing database of PNP personnel with administrative and criminal cases to be incorporated in case monitoring and clearance system; and
- Perform other tasks as directed.

12) HS

- Shall conduct mental and physical examination to all reinstated from AWOL or DFR PNP personnel;
- Shall schedule and conduct annual random mental and physical examination to all PNP personnel;
- Shall submit program of instruction and other requirements for the conduct of annual unit stress management seminar to all PNP offices/units; and
- Perform other tasks as directed.

13) CLG

- Shall schedule and conduct annual random drug test and render reports to DPRM; and
- Perform other tasks as directed.

14) CHS

- Shall submit program of instruction on spiritual reformation for unit training; and
- Perform other tasks as directed.

15) HRAO

- Shall submit program of instruction on human rights for unit training; and
- Perform other tasks as directed.

16) LS

- Shall provide legal assistance in the implementation of this PNP MC PATNUBAY III;
- Shall assist in the drafting of PNP Disciplinary Code; and
- Perform other tasks as directed.

17) PCRG

- Shall provide support in the proper implementation of PNP MC PATNUBAY III to all PNP offices/units; and
- Perform other tasks as directed.

18) CIDG

- Shall draft a system on verification of PNP personnel with criminal charges.
- Shall initiate appropriate administrative charges on all PNP personnel charged with criminal cases;
- Shall coordinate with local courts to extract data on PNP personnel with criminal charges and submit the same to DPRM for case monitoring and clearance system; and
- Perform other tasks as directed.

19) PIO

- Shall provide assistance in the implementation of this PNP MC; and
- Perform other tasks as directed.

20) ITMS

- Shall provide technical assistance in designing the program for case monitoring and clearance system; and
- Perform other tasks as directed.

21) AIDSOTF

- Shall encode all cases involving PNP personnel who violated R.A. 9165, engaged in bungling of drug cases and committed Serious Neglect of Duty for failure to attend court hearing; and
- Perform other tasks as directed.

22)HSS/PIIAU

- Shall submit monthly reports to DPRM on accounting of those under restrictive custody; and
- Perform other tasks as directed.

23) PROs/NSUs

- Shall prepare their respective IMPLAN to this PNP MC and submit the same to DPRM for consolidation and monitoring of its implementation;
- Shall impose quota and incentive system as specified in this PNP MC;
- Shall request for funds for the equipment needed for establishment of online database of administrative and criminal cases;
- Shall request for fund for the Incentives of SHOs and drafters and reviewers of their respective DLOS;
- Shall submit an inventory of the approved and signed decision with names of SHOs and drafters and reviewers of their respective DLOS;
- Shall request for continuous unit training, stress management seminars and enhancement training for all SHOs and drafters and reviewers of DLOS; and
- Perform other tasks as directed.

c. Coordinating Instructions:

1) Delegation of Authority – The Chief, PNP hereby delegates his authority to TDCA as approving authority for all Pre-Charge Evaluation Report originating from DIDM to monitor the prosecution of all administrative cases and to handle appellate action as deemed necessary;

2) All administrative adjudication involving serious/grave offenses filed against PCOs and NUPs (SG 1 to 17) shall be approved and signed by the Chief, PNP pursuant to the principle of the "power to appoint (hire) comes with the power to dismiss";

3) The DPRM thru DLOD is hereby authorized to coordinate with concerned offices/units for verification and issuance of one (1) national clearance for all PNP personnel purposely for promotion, transfer, placement, leave abroad, official travel abroad, UN deployment, restoration and retirement as part of simplification of processing of necessary documents; and

4) All offices who shall conduct the above enumerated trainings/seminars shall submit their respective Program of Instruction and budget requirements to DPRM for consolidation and submission of the same to DHRDD for approval of the CPNP thru the concurrence of TDC and Command Group.

VI. RESCISSION:

All existing PNP directives and other issuances which are contrary to or inconsistent with this directive are hereby rescinded or modified accordingly.

VII. SEPARABILITY CLAUSE:

Any portion of this PNP Memorandum Circular inconsistent with the organic law or declared unconstitutional shall not affect the validity of other provisions.

VIII. EFFECTIVITY:

This circular shall take effect upon the filing of a copy hereof with the Office of National Administrative Register (ONAR), UP Law Center pursuant to Sections 3 and 4 of the Administrative Code of 1987.



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Police Director General
Chief, PNP



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Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

APR 14 2014

PNP MEMORANDUM CIRCULAR

No: 2014-012

**PNP Personnel Clearance System
(Expanded Case Monitoring and Clearance System)**

1. REFERENCES:

- a. Republic Act (R.A.) No. 6975 as amended by R.A. No. 8551, and further amended by R.A. No. 9708;
- b. PNP MC No. 2013-20 dated November 27, 2013 (PATNUBAY III);
- c. DPRM LO No. 1581 dated September 5, 2012 re TWG on Creation of CMCS;
- d. DPRM LO No. 1827 dated September 30, 2013 re TWG on Expanded CMCS, and
- e. Memorandum from TFC, AIDSOTF dated October 24, 2013.

2. RATIONALE:

With the advent of technology nowadays and in line with the Philippine National Police (PNP)–Integrated Transformation Program (ITP)–Performance Governance System (PGS), the Directorate for Personnel and Records Management (DPRM) is in the process of a paradigm shift in managing personnel records from automation to computerization. As records continue to pile up, the DPRM is beset with major problems in handling, monitoring and resolving administrative cases of PNP personnel filed before the PNP Disciplinary Authorities because the PNP is still relying on the manual procedures in handling data using the MS Excel, resulting in the delay in the disposition of cases and inaccurate reporting system. Voluminous dossiers of case records are stockpiled in a room, some of which are already damaged.

Addressing the above challenges, on August 13, 2012, the Discipline, Law and Order Division (DLOD), DPRM has conceptualized a project to establish a system that is separate and distinct from that of PAIS records to provide timely information and accurate data of case records of PNP personnel. The Case Monitoring and Clearance System (CMCS) project is designed to establish a database system where the data of case records that were submitted by offices/units will be uploaded automatically by a computer upon importing files without manually encoding all details or fields that were already encoded. It will provide efficient tracking and monitoring of case records and generate prompt statistical reports and issuance of DLOD clearance needed and used in various personnel transactions. The system was projected to be initially installed at the DPRM, and later be cascaded down the line units to improve the collection of data and provide efficient reporting system across the PNP Headquarters and Regional Offices by allowing other offices to link and integrate in the process. The DLOD has procured a digital scanner to scan all case records (digitization) that will be uploaded into the system in order to have a back-up soft copies of archived documents (hard copy).

After a series of studies, researches, designs and tests on the CMCS, the system was introduced to the AIDSOTF to integrate the reports on PNP personnel who are involved in drugs or those who violated the provisions of RA No. 9165. The adoption of the existing stand-alone system by the DI, DIDM, IAS and AIDSOTF was approved by the CPNP on October 29, 2013. This will ensure continuous monitoring of case records

from the time the case/complaint was instituted up to its final disposition, including any derogatory information reported against the PNP personnel

On November 15, 2013, the CPNP coined the PNP Personnel Clearance System (Expanded CMCS) to unify the clearances issued by the DI, DIDM, IAS and DPRM and simplify personnel transactions. The database that will be generated from this system shall be the standard source of records of all PNP members.

3. PURPOSE:

In line with the new strategic thrust on discipline, the institutionalization of PATNUBAY III as PNP Disciplinary Machinery shall be the basis of all PNP Units as a measure of work commitment to fast track resolution of administrative cases and establish a nationwide clearance system to simplify personnel requirements. The CMCS as part of PATNUBAY III shall establish a database of administrative and criminal cases for the unified issuance of clearances. This will ensure efficient reporting of case records of our uniformed and non-uniformed personnel, which is part of the Zero-Case Backlog Program on the strategic thrust of the CPNP on Discipline.

4. OBJECTIVES:

- a. To provide a system for an efficient tracking and monitoring of case records of PNP personnel;
- b. To provide accurate information on the status of cases including all details appurtenant therein from the time the case was instituted up to the finality of decision/resolution and subsequent implementation;
- c. To generate various statistical reports pertaining to cases of PNP personnel;
- d. To record all administrative cases of PNP personnel and provide prompt issuance of DLOD clearance (individual and batch processing) as official document in any personnel transaction, and
- e. To secure and protect the integrity of cases by providing access codes only to designated CMCS encoders for audit trail.

5. DEFINITION OF TERMS:

- a. Access codes - a series of numbers and/or letters that allow access to a particular system.
- b. Automation – automatically controlled operation of an apparatus, process or system by mechanical or electronic devices that takes the place of human labor.
- c. Clearance - refers to the permission from an authority.
- d. Case Monitoring and Clearance System - a central database of administrative and criminal case records including derogatory information of PNP personnel, which issues a certification or clearance for various personnel transaction.
- e. Computerization - to control, perform, process or store by means of or in an electronic computer.
- f. Database - is an integrated collection of logically related records or files consolidated into a common pool that provides data for one or more multiple uses.

g. Derogatory Information – allegation, which was not filed in any disciplinary machinery of the PNP, and thus considered as hearsay.

h. Digitization – is the process of converting information into a digital format.

i. Discipline - Individual or group attitude that ensures prompt obedience to orders and the performance of appropriate actions in the absence of orders.

j. Hard copy - a printed copy, especially of the output of a computer or word processor.

k. Internet – refers to the worldwide computer interconnection system that is the global version of the Local Area Network. It is the so-called, International Network of computer systems interconnected by a service provider.

l. Monitoring – is a process of updating the status of reported cases. The report obtained is reflected and consolidated in the database for statistical, investigative and other similar purposes.

m. One-strike Policy – means the immediate relief for just cause of office chief/unit commander on the presumption of negligence in his area of responsibility.

n. Personnel Accounting and Information System (PAIS) – refers to the database of information or personal circumstances of active and retired PNP personnel.

o. Pending Case – refers to a case when the respondent had been formally charged before any of the disciplinary authority or IAS; or an appeal pending with any appellate body.

p. Personnel Clearance System – a system that issues a certification to any personnel who have pending case and a clearance for those who have no pending/resolved case/s.

q. PNP Personnel - refers to the Uniformed and Non-Uniformed members of the PNP in active service.

r. Red Flag – contains both derogatory information and good reputation in general credit.

s. Soft Copy - is the unprinted digital document file.

6. GUIDELINES:

This Memorandum Circular shall be the basis of all PNP offices/units for the unified issuance of DLOD clearance to simplify personnel transactions. The DPRM thru DLOD in coordination with the ITMS and PAIS shall establish a database of administrative and criminal cases for the CMCS of the PNP. The CMCS shall include red flag information on PNP personnel who were administratively relieved for cause such as those meted with "one-strike policy"; involvement in other illegal activities as validated by the DI; violation of "no take policy" and "Crime Volume Reporting System" as evaluated by the DIDM; violation of R.A. No. 9165 which includes bungling of drug cases, pushing, planting of evidence and non appearance in court hearing as determined by AIDSOTF; and awards/commendations and other exemplary recognitions as recorded by the RMD, DPRM. The record of PNP personnel shall be reflected in his/her clearance/certification/PAIS record identifiable by a "Red Flag."

The following shall be the operational guidelines for the implementation of the PNP Personnel Clearance System (Expanded CMCS), to wit:

a. All officially designated CMCS encoders assigned at DLOS/PCEIS/IID shall not be relieved for two years until such time that a similar training for CMCS encoders is conducted and proper inventory is handed over to their replacement for the continuity of the project.

b. All offices/units shall strictly observe the procedures in data entry/updating of case records of PNP personnel in the CMCS.

c. All designated CMCS encoders of offices/units shall not disclose access codes to any personnel without clearance from the DPRM.

d. All offices/units shall have a dedicated computer unit allocated exclusively for the CMCS following the specification required by the program.

e. All offices/units shall adopt the CMCS by establishing a database on the administrative and criminal case records including derogatory information of PNP personnel following the specifications provided.

f. All offices/units shall upload the required data on the database for incorporation in the CMCS to be submitted to the Directorate for Personnel and Records Management (DPRM) thru its email address ac_dlod@yahoo.com every 15th of the month starting from March 15, 2014.

g. The DPRM in coordination with the ITMS, DHRDD and PNPTS shall conduct an annual 3-day training on the installation and maintenance of database of administrative and criminal cases. All designated encoders from the PROs will be required to attend the training which will be held in Luzon, Visayas, and Mindanao area.

h. The ITMS thru DICTM shall provide competent IT personnel to DLOD to upgrade the CMCS as necessary or add provisions compatible with the system.

i. Starting from April 1, 2014, there shall be only one clearance or certification on pending cases that will be issued by DLOD, DPRM as required in any personnel transaction, the DIDM, and IAS shall no longer issue clearances.

j. All PROs/NSUs shall adopt the program on PNP Personnel Clearance System (Expanded CMCS). All concerned personnel must be sent for training to DLOD, DPRM and all computer units and program used in the old database shall be converted according to the present program of PNP Personnel Clearance System (Expanded CMCS).

7. COORDINATING INSTRUCTIONS:

a. The DPRM thru DLOD is hereby authorized to coordinate with concerned offices/units for verification and issuance of one national clearance for all PNP personnel for the purpose of promotion, transfer, placement, leave abroad, official travel abroad, UN deployment, restoration and retirement, as part of the simplification of the processing of necessary documents;

b. Office Chiefs/Unit Commanders are prohibited to access the codes/passwords given to the CMCS encoders to avoid data manipulation, but they are

authorized to view the system for their information and for generating data reports that require their immediate action. Only the CPNP has the full access on the system;

c. The DI shall be responsible in encoding/updating the names of PNP personnel with validated derogatory information, meted with "one-strike policy" or who were involved in other illegal activities and shall be reflected in the Red Flag portion. Red Flag information is not considered as pending case;

d. The DIDM shall be responsible in encoding the names of PNP personnel who had violated the "no take policy" and the "crime volume reporting system policies and guidelines" in the Red Flag portion. Complaints filed against PNP personnel by civilians, breach of internal discipline and summary dismissal cases shall also be encoded;

e. AIDSOTF shall be responsible in encoding the names of PNP personnel who had violated R.A. No. 9165 such as but not limited to bungling of drug cases, non-appearance in court hearings, planting of evidence, drug using and pushing;

f. The RMD, DPRM shall be responsible in incorporating the awards/commendations and other exemplary recognitions recorded in the PAIS to the CMCS, identifiable by a "Red Flag"; and

g. Lateral coordination between proponents of the CMCS is highly encouraged.

8. RESCISSION:

All existing PNP directives and other issuances which are contrary to or inconsistent with this directive are hereby rescinded or modified accordingly

9. SEPARABILITY CLAUSE:

Any portion of this PNP Memorandum Circular inconsistent with the organic law or declared unconstitutional shall not affect the validity of other provisions.

10. EFFECTIVITY:

This Circular shall take effect after 15 days from the date of filing a copy hereof with the Office of National Administrative Register (ONAR), UP Law Center pursuant to Sections 3 and 4, Chapter 2 Book VII of the Administrative Code of 1987 (EO No. 292).




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OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

JUL 20 2014

PNP MEMORANDUM CIRCULAR
NUMBER 2014-

Delinquency Report System
(Strengthening the Disciplinary Authority of Chief of Office)

1. REFERENCES:

- a. R.A. No. 6975 as amended by R.A. No. 8551, and further amended by R.A. No. 9708;
- b. Revised Rules on Administrative Cases in the Civil Service (RRACCS) dated November 21, 2011
- c. NMC No. 2007-001 "Uniform Rules of Procedure Before the Administrative Disciplinary Authorities and the Internal Affairs Service of the PNP" dated March 6, 2007;
- d. NMC No. 2010-003 "Establishing a Delinquency Reporting System in the PNP and Institutionalizing Community Service as an Integral Component Thereof" dated September 30, 2010;
- e. PNP Circular No 2010-010 "Delinquency Reporting System" dated June 22, 2010; and
- f. NCRPO Decorum Handbook 2012;

2. RATIONALE:

The current issue on disciplinary mechanism is the increasing number of pending administrative cases filed against PNP personnel both uniformed and non-uniformed. Based on the review of the statistics on administrative cases, one-third of the dockets are minor offenses, which can be resolved immediately by the Chief/Head of Office.

As per disciplinary policies cited above, the Chief/Head of Office is one among the enumerated disciplinary authorities who can hear and decide administrative cases (Citizen's Complaint and Breach of Internal Discipline) with imposable penalty of admonition, reprimand, withholding of privileges, restriction to specified limits, suspension or forfeiture of salary or any combination thereof, for a period not exceeding 15 days.

In view of enhancing the disciplinary authority of the Chief/Head of Office, the proposed modified Delinquency Report (DR) System should be adopted to respond to the demands for immediate or on the spot corrections of misdemeanors or minor infractions committed by PNP personnel without the need for a full blown hearing or summary proceedings.

3. PURPOSE:

This PNPMC institutionalizes the Delinquency Report System in every office/unit in order to enhance the disciplinary authority of the Chief/Head of Office and to facilitate the disposition of minor offenses as defined in NMC No. 2007-001 dated March 6, 2007 and RRACCS dated November 21, 2011.

This policy prescribes a two-tiered disciplinary mechanism covering the uniformed and non-uniformed personnel, and is applicable to all PNP personnel in all levels or units. Imposition of penalties for offenses committed by Non-Uniformed Personnel (NUP) shall be governed by pertinent rules and range of penalties in the RRACCS.

4. DEFINITION OF TERMS:

- a. **Administrative Officer** – refers to the Administrative Officer of the Command Group, Directorial and Personal Staffs in the National Headquarters, Regional Headquarters, National Support Units, and Provincial Headquarters down to the lowest level of every office/unit in the District, City, Municipal police stations, and sub-stations.
- b. **Chief/Head of Office** – refers to the highest ranking PNP Officer-in-Command from the highest down to the lowest level of the PNP office/unit, to include the Directorial and Personal Staffs;
- c. **Delinquency Report** – refers to a report which cites the minor infraction(s) committed by the police personnel, the format of which is prescribed in this Circular;
- d. **Demerit** – a mark in numerical value made against a police personnel committing a minor infraction; (Demerit System Matrix and Sample Delinquency Report Form are hereto attached as Annexes "A" and "B," respectively and are made as integral part of this MC)
- e. **Minor Infractions** – acts or omissions committed by a police personnel whether during office hours or beyond, as far as practicable as included in the list appearing under Section 4 of this Circular; and
- f. **PNP personnel** – pertains to uniformed and non-uniformed personnel of the PNP.
- g. **Reporting Officers** – any personnel who is equal or senior in rank or grade to the offender or who is delegated with authority to issue DR.

5. GUIDELINES:

- a. **Reporting** - The Chief Clerks or any person shall submit a report or any document regarding the alleged offense committed by the PNP personnel.
 - 1) Upon notice of the infraction(s) committed, the reporting officer shall fill-out and submit the DR form to the Chief Clerk of the office where the PNP personnel is assigned;

- 2) The Chief Clerk of each PNP Office/Unit shall receive the DR form and check the date, time, and specific infractions/minor offenses committed;
 - 3) The Chief Clerk shall ensure the signature and printed name of the reporting officer and thereafter require the offender to write in the space provided for his/her explanation which shall be submitted within 24 hours from notice;
 - 4) The Chief Clerk shall submit all the DR forms to the Administrative Officer, copy furnished the respective immediate superior of the offender;
 - 5) The Administrative Officer shall make a report on the facts surrounding the minor infractions, the explanation with evidence, as well as the recommended penalty if warranted. He may consult with the Section/Division Chiefs of the offender to verify the latter's overall attitude;
 - 6) The Chief/Head of Office shall include the presentation of reported delinquencies with penalties imposed committed by respective personnel in the agenda of the Staff Conference; and
 - 7) DR in matrix form filed by any authorized personnel regarding minor infraction committed by PNP personnel shall be reported to the Administration Office.
- b. Evaluation and Implementation -Presentation of submitted explanation and determination of the merits of explanation.
- 1) All Administrative Officers shall submit a weekly report enumerating therein the minor offenses committed by the offenders and their explanation within their office/unit;
 - 2) The Administrative Officers shall evaluate the minor infractions committed and the merits of the explanation presented;
 - 3) The Administrative Officers shall determine the appropriate number of demerits to be rendered according to the demerit system;
 - 4) The Administrative Officers shall submit the report with recommendations for approval of the Chief/Head of Office;
 - 5) The Chief/Head of Office shall approve/disapprove the recommendations in the report and effect the issuance of the Orders for implementation of the sanction;
 - 6) The Administrative Officers shall supervise and ensure the implementation of sanction; and
- c. Failure of the offender to submit his/her explanation within 24 hours shall be considered as waiver on his part to explain the circumstances surrounding the infractions committed.

- d. All personnel with excess number of demerits per month shall be subjected to Pre-Charge Evaluation and Summary Hearing Proceedings in accordance with NMC No. 2007-001 for uniformed personnel and RRACCS for non-uniformed personnel and their PER rating shall be affected in the semester covered. A formula shall be devised to directly deduct the demerits to the PER.
- e. For purposes of monitoring, reporting, and implementation, the following offices are tasked:
- 1) DPRM/RPHRDD/ARMD
 - a) To be the OPR of this MC on Delinquency Report System;
 - b) Disseminate and monitor the implementation of this MC on Delinquency Report System;
 - c) Establish database through PNP Personnel Clearance System of all reported and sanctioned delinquent personnel;
 - d) Submit monthly report in matrix form of all personnel sanctioned by the DR system; and
 - e) Perform other tasks as directed.
 - 2) D-Staff/P-Staff/RD, PROs/D, NSUs
 - a) To implement the DR System;
 - b) To include in the Staff Conference discussions on the progress of the DR System;
 - c) Ensure the submission of a monthly report in matrix form of all personnel sanctioned by the DR system; and
 - d) Perform other tasks as directed.

6. REPEALING CLAUSE:

All existing PNP directives and other issuances which are contrary to or inconsistent with this directive are hereby repealed or modified accordingly.

7. SEPARABILITY CLAUSE:

Any portion of this PNP MC inconsistent with the organic law or declared unconstitutional shall not affect the validity of other provisions.

8. EFFECTIVITY:

This MC shall take effect after 15 days from the filing of a copy hereof with the Office of National Administrative Register (ONAR), UP Law Center pursuant to Sections 3 and 4 of the Administrative Code of 1987.



ALAN LA MADRID PURISIMA
Police Director General



Annexes:
Annex "A" – Demerit System Matrix of Offenses
Annex "B" – DR Formats; and Sample of Delinquency Report Form

ANNEX "B"

3. DR FORMATS; and SAMPLE OF DELINQUENCY REPORT FORM

Republic of the Philippines NATIONAL POLICE COMMISSION NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE Camp Crame, Quezon City	
	DELINQUENCY REPORT
No. 01001	_____ (Date)
VIOLATOR/OFFENDER	
_____ (Rank/Name)	
_____ (Unit/Assignment)	
VIOLATIONS/S COMMITTED	
_____ _____ _____	
TIME/PLACE COMMITTED	

ACKNOWLEDGEMENT	
_____ (Signature of Violator/Offender)	
REPORTING OFFICER	_____ (Signature over Printed Name)
_____ (Unit)	
WITNESS/WITNESSES	_____ (Signature over Printed Name)
EXPLANATION	
_____ _____ _____	



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
Camp Crame, Quezon City

MEMORANDUM

FOR : CPNP
 TDCA
 TDCO
 THRU : TCDS O.B.
 FROM : TDPRM
 SUBJECT : Delinquency Report System
 (Strengthening the Disciplinary Authority of Chief of Police)
 DATE : JUL 18 2014

JUL 28 2014

1. This pertains to the draft Memorandum Circular with subject "Delinquency Report System (Strengthening the Disciplinary Authority of Chief of Police)."
2. A review of the disciplinary policies, the Chief/Head of Office is one among the enumerated disciplinary authorities who can hear and decide administrative cases (Citizen's Complaint and breach of Internal Discipline) with imposable penalty of admonition, reprimand, withholding of privileges, restriction to specified limits, suspension or forfeiture of salary or any combination thereof, for a period not exceeding 15 days. To enhance the disciplinary authority of the Chief/Head of Offices, the proposed modified Delinquency Report (DR) System should be adopted to respond with the demands for immediate or on the spot corrections of misdemeanors or minor infractions committed by PNP personnel without the need of a full blown hearing or summary proceedings.
3. In this connection, request signature and approval of the attached Memorandum Circular on the DR System.

JAIME HEROLD MORENTE
 Police Director JUL 07 2014

DDPRM
 EX-O, DPRM
 Acting C, DLDD

OCPNP
 FOR # P325449

JUL 22 2014

OTCDS

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Republic of the Philippines
 Department of the Interior and Local Government
 National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
 Camp Crame, Quezon City

MEMORANDUM

FOR : C, PNP
THRU : TDCA
 TDCC
 TCDS
FROM : TDPRM
SUBJECT : Delinquency Reporting (DR) System
DATE : JUN 08 2010

JUN 22 2010
 DATE
 APPROVED / DISAPPROVED
 PNP
 17244

1. Reference: Ex-O Conference presided by TCDS on June 7, 2010 at the PNP Main Conference Room

2. This pertains to the final draft of the proposed Circular on the adoption of the DR System in the PNP.

3. This Circular aims to establish guidelines, and prescribe rules and procedures for the Delinquency Reporting (DR) System in the PNP. The System shall cover minor infractions committed by uniformed and non-uniformed personnel during office and non-office hours, command activities such as inspection, ceremonies, and the like within PNP camps and facilities or while on duty outside camp or office premises for uniformed personnel, and shall provide corresponding demerits for these infractions. The DR system is not punitive in nature.

4. In view of the above, request approval on the attached proposed Memorandum Circular prior to its implementation.

[Signature]
ABNER H CABALQUINTO, CFO VI
 Police Director

RECEIVED
 DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT
 DR SYSTEM NEW/Regina

JUN 21 2010
 RECEIVED
 0210700

CPCCS Form
 T020013

DPRM TECHNICAL WORKING GROUP

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VICE-CHAIRMAN: **PCSUPT RAMON ESTEPA RAMOLETE, DDPRM**
PCSUPT WILFREDO DALIS FRANCO, Ex-O

TWG CONSULTANT: **PDIR CATALINO SALANDANAN CUY, Former TDPRM**
PSSUPT MANUEL RABAGO GAERLAN, Former C, SOPPD
PSUPT ANTONINO RAYMUNDO CIRUJALES, Former C, BFO

MEMBER: **PSSUPT MELVIN RAMON GARRIDO BUENAFE, C, SOPPD**
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PSSUPT TOMAS COLET APOLINARIO JR., C, MWD
PSSUPT ROLANDO JAMORA HINANAY, C, RMD
PSSUPT MATTHEW PERLAS BACCAY, C, BFO
ELAINE Y. CAMPOS-SOLIS, C, NUPAD

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ASST. HEAD SECRETARIAT: **PSUPT ERWIN BAUTISTA BALIGNASAY, Asst. C, DLOD**

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SPO3 Alfredo F. Fa-ed, Drafter/Process Server/Liaison
SPO3 Jun P. Villanueva, Drafter, LOS
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SPO1 Remedios G. Villanueva, Drafter, ACMS
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PO3 Melanie DL. Macas, Drafter, LOS/Proofreader
PO3 Robert B. Tan, IT (Detailed)
PO3 Joel C. Roslin, Drafter, LOS
PO2 Rodolfo C. Amon, Liaison PNCO
PO1 Pyriander L. Labayo II, Drafter, SHS
PO1 Marijoy S. Burwell, IT (Detailed)
NUP Belinda M. Taeza, NUP Supervisor/Statistician
NUP Lorna S. Flores, Action NUP/Supply
NUP Ivy Joy L. Pelonia, Drafter/Proofreader
NUP Maria T. Bueno, Finance NUP/Drafter
NUP Presentacion T. Bangtuan, Message Center Pers
NUP Roderick M. Dela Peña, Filing Clerk/Records Cust
NUP Veronica Q. Adonis, Records Custodian
NUP Julieta E. Jacinto, Sec to the OIC, DLOD
NUP Steve Noriel P. Gonzalo, Message Center Pers
NUP Maica N. Vidallo, Encoder CMCS

