

MEMORANDUM CIRCULAR NO. 2001-009

**STRENGTHENING THE ADMINISTRATIVE DISCIPLINARY FUNCTIONS OF THE COMMISSION BY AUTHORIZING ITS REGIONAL DIRECTORS AND ACTING REGIONAL DIRECTORS TO EXERCISE SUMMARY DISMISSAL POWERS OVER MEMBERS OF THE PHILIPPINE NATIONAL POLICE IN THEIR RESPECTIVE REGIONS AND, PRESCRIBING THE RULES TO GOVERN THE SAME**

WHEREAS, pursuant to Section 53, RA No. 8551 the Commission is granted summary dismissal powers over any respondent-member of the PNP, in any of the following cases:

- a. when the charge is serious and the 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 charges;
- c. when the respondent is guilty of a serious offense involving conduct unbecoming of a police officer; and,
- d. when the respondent is on absence without official leave for a continuous period of thirty (30) days or more;

WHEREAS, in compliance with this mandate, the Commission on October 30, 1998, issued Memorandum Circular No. 98-014, prescribing the rules and regulation to be observed in connection therewith, with the end in view, of ensuring uniformity in the conduct of summary dismissal proceedings;

WHEREAS, for the effective discharge of this authority, and, consistent with the avowed national policy of devolution, it is imperative that its regional directors be authorized to exercise summary dismissal powers to ensure prompt and speedy resolution of serious administrative cases filed before it in consonance with the requirements of due process;

NOW, THEREFORE, the Commission in the exercise of this legislative fiat has resolved to authorize, as it hereby authorizes, its regional directors and acting regional directors to exercise summary dismissal powers in their respective regions.

Resolve Further, to promulgate the following rules to govern the exercise of this Authority:

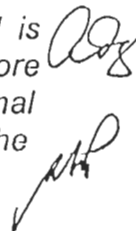
1. A complaint against any uniformed personnel of the PNP can be filed with the the Regional Investigation Unit (RIU) or Napolcom Provincial Officer who shall, within three (3) days from receipt of the complaint, conduct a pre-charge

investigation and submit its or his report of investigation to the Chief of the Technical Division.

In the conduct of pre-charge investigation, Napolcom Memorandum Circular No. 99-014 which dwells on the matter shall be strictly observed;

2. If the offense charged and investigated is within the summary dismissal jurisdiction of the Commission and there exists probable cause, the Chief of the Technical Division shall within three (3) days initiate the filing of a formal complaint against subject police officer with the Napolcom Regional Director. Forthwith, the Regional Director shall designate a Summary Hearing Officer or Ad Hoc Committee to conduct the formal hearing. However, if there is no probable cause, the Chief of the Technical Division shall prepare a resolution recommending the dismissal of the case to the Regional Director or when appropriate refer it to the other disciplinary authorities.
3. To ensure adherence to the requirements of administrative due process, the designated Summary Hearing Officer or Ad Hoc Committee, as the case may be, shall in the conduct of the formal investigation comply with Napolcom Memorandum Circular No. 98-014, on the subject, "Rules and Regulations Governing the Conduct of Summary Dismissal Proceedings Involving Members of the Philippine National Police Before the National Police Commission as Summary Dismissal Authority".
4. The designated Summary Hearing Officer or Ad Hoc Committee shall, within five (5) days from conclusion of the investigation, submit his/its report of investigation containing his findings and recommendation to the Napolcom Regional Director thru the Chief Technical Division for rendition of decision within the same period. Despite the termination of the investigation, the Regional Director in the interest of justice, may re-open the case by requiring the attendance of the parties and their witnesses for clarificatory questioning;
5. The decision rendered by the Regional Director imposing a penalty of suspension not exceeding sixty (60) days or forfeiture of salary in an amount not exceeding thirty (30) days shall be final and executory after five (5) days from receipt of decision, unless in the meantime, a timely motion for reconsideration is filed in which case the same shall become final and executory after receipt of the resolution disposing the motion. No appeal is allowed.

However, if the penalty of suspension imposed is higher than sixty (60) days or forfeiture of salary for more than thirty (30) days, the decision becomes final and executory after five (5) days from receipt of the



decision unless a timely appeal is filed with the Commission. If one is filed, the same shall be executory after the resolution of the Appeal.

In the imposition of administrative penalties, Napolcom Memorandum Circular No. 93-024, entitled "Guidelines In The Application of Penalties in Police Administrative Cases" shall be observed.

- 6. The maximum penalty imposable by the Regional Director shall be suspension for a period of one (1) year or forfeiture of salary for six (6) months.

In no instance shall the Regional Director impose the penalty of dismissal from the service, forced resignation or demotion in rank.

If based on the evaluation of the records of the case, the Regional Director is fully convinced that any of the aforementioned penalties is the appropriate imposable penalty, he shall forthwith forward the case to the Commission together with his recommendation.

The decision of the Commission shall be final and executory and not subject to review by any administrative body.


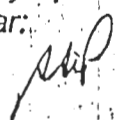
- 7. A motion for reconsideration from a decision rendered by the Regional Director may be filed within five (5) days from receipt of a copy of the decision based on any of the following grounds:

- a. New evidence has been discovered which will materially affect the decision rendered; or
- b. Errors of law or irregularities have been committed prejudicial to the substantial rights and interest of movant.

Only one (1) motion for reconsideration shall be entertained.

- 8. In cases where the decision of the Regional Director imposes a penalty of suspension exceeding sixty (60) days or forfeiture of salary in an amount exceeding thirty (30) days respondent may file an appeal with the Commission within five (5) days from receipt of a copy of the decision based on the grounds mentioned in No. 7 thereof.

- 9. As regards senior police officers appointed by the President, Section 3, Rule II, of Napolcom Circular No. 98-014 shall govern, which is hereby quoted for ready reference and made part of this Circular.

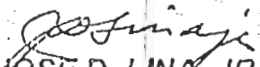



"Section 3. Authority Over Presidential Appointees. Senior Superintendents and higher ranking officers of the PNP whose appointments are vested in the President of the Philippines shall be investigated in accordance with these Rules, with prior clearance from the President; however, the Commission shall not decide the case but shall submit the entire records together with the corresponding report of investigation and recommendation to the Office of the President for final disposition."

All issuances contrary to or inconsistent with the herein Circular are hereby amended or repealed accordingly.

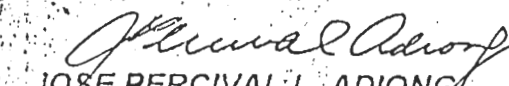
This Memorandum Circular shall take effect fifteen (15) days from date of filing with the UP Law Center in consonance with the Administrative Code of 1987.

ADOPTED this 22nd day of August in the Year Two Thousand One, at Makati City, Metro Manila, Philippines.

  
JOSE D. LINA, JR.  
Chairperson

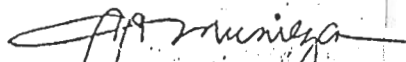
  
ROGELIO A. PUREZA  
Commissioner  
• • Vice-Chairperson/Executive Officer

  
EDGAR DULA TORRES  
Commissioner

  
JOSE PERCIVAL L. ADIONG  
Commissioner

  
LEANDRO R. MENDOZA  
Commissioner

Attested by:

  
ADELMALYN A. MUNIEZA  
Acting Chief, Secretariat