

Republic of the Philippines  
Department of the Interior and Local Government  
**NATIONAL POLICE COMMISSION**  
Makati City

**MEMORANDUM CIRCULAR NO. 2006-001**

**AMENDING SECTION 6 (a) OF MEMORANDUM CIRCULAR NO. 93-024, ENTITLED "GUIDELINES IN THE APPLICATION OF PENALTIES IN POLICE ADMINISTRATIVE CASES", BY REMOVING AS AN ADMINISTRATIVE DISABILITY INHERENT IN THE PENALTY OF DISMISSAL FROM THE SERVICE, THE FORFEITURE OF LEAVE CREDITS**

**WHEREAS**, Section 6 (a) of Napolcom Memorandum Circular No. 93-024 provides, inter alia, that:

"Sec. 6. 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 leave credits** and retirement benefits, and the disqualification for re-employment in the police service"; (Emphasis supplied)

**WHEREAS**, the Civil Service Commission (CSC) in a letter to the Commission dated July 19, 2005, suggested for the amendment of Section 6 (a) of Napolcom Memorandum Circular No. 93-024 anchored on Section 65 of CSC Memorandum Circular No. 14, Series of 1999 and CSC Resolution No. 98-2449, dated September 23, 1998, providing that:

"An official or employee who has been penalized with dismissal from the service is likewise **not barred from entitlement to his terminal benefits**" (Emphasis and underscoring supplied)

"an employee shall be entitled to terminal leave pay as a matter of right upon separation from the government service, even in case of **dismissal from the service for cause**"; (Emphasis and underscoring supplied)

**WHEREAS**, the Supreme Court in the case of Jesus N. Borromeo vs. The Hon. Civil Service Commission and Secretary of Budget and Management, G.R. No. 96032, July 31, 1991, made mentioned that "terminal leave which is the cash value of accumulated leave credits should not be treated as compensation for services rendered";

**WHEREAS**, there is a need to amend Section 6 (a) of Napolcom Memorandum Circular No. 93-024, to conform to the foregoing CSC Memorandum Circular and Resolution and for uniformity of policy concerning administrative disabilities inherent in the penalty of dismissal from the service;


**NOW THEREFORE**, the Commission pursuant to Section 14 (a) and (c) of R.A. No. 6975, as amended by Section 5 (a) of R.A. No. 8551, has resolved to **AMEND, AS IT HEREBY AMENDS**, Section 6 (a) of MC 93-024, by removing as administrative disability inherent in the penalty of dismissal from the service the forfeiture of leave credits, which shall read as follows:

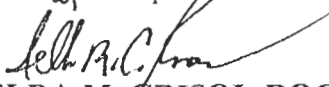
**“Sec. 6. Administrative Disabilities Inherent In Certain Penalties.**

**a. The penalty of dismissal, which results in separation of respondent from the service, shall carry with it that of cancellation of eligibility, retirement benefits and disqualification for re-employment in the police service”**

This Memorandum Circular shall take effect immediately.

Done this 15<sup>th</sup> day of ~~MAY~~ 2006, at Makati City, Philippines.

  
**RONALDO V. PUNO**  
Chairperson

  
**IMELDA M. CRISOL-ROCES**  
Commissioner  
Vice Chairperson and Executive Officer

  
**LINDA L. MALENAB-HORNILLA**  
Commissioner

  
**CELIA V. SANIDAD-LEONES**  
Commissioner

  
**MIGUEL G. CORONEL**  
Commissioner

  
**ARTURO C. LOMIBAO**  
Commissioner

Attested by:

  
**ADEMALYN A. MUNIZA**  
Chief, Secretariat

Jonathan 4-05-06