

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
DILG-NAPOLCOM Center, EDSA Corner Quezon Avenue,
West Triangle, Quezon City

MEMORANDUM CIRCULAR NO. 2016-002

**REVISED 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 otherwise known as the "*Philippine National Police Reform and Reorganization Act of 1998*" the provisions of NAPOLCOM Memorandum Circular No. 2016-002 (NMC 2016-002) are hereby prescribed and promulgated.

RULE 1

PRELIMINARY PROVISIONS

Section 1. *Title.* – These Rules shall be known and cited as the Revised Rules of Procedure Before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police.

Section 2. *Scope and Application.* – These Rules shall apply to all administrative cases filed against uniformed members of the Philippine National Police (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 I

**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 responsive pleading containing the respondent’s negative and affirmative defenses;
- b) *Appellate Bodies* – shall refer to the Regional Appellate Board (RAB) and National Appellate Board (NAB) of the Commission; the Secretary of the Interior and Local Government (SILG); and the Civil Service Commission (CSC);
- 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. “Minor Offense” refers to an 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;
- d) *Citizen’s Complaint* – a complaint 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;
- 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) *Decision* – the written disposition of the case by any Disciplinary Authority, IAS or Appellate Body stating clearly the facts and the law upon which it is based;
- i) *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 (NAPOLCOM);
- j) *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 offices, charged with minor offenses involving breach of internal discipline as provided under Section 41 (b) of R.A. 6975, as amended;

For purposes of these Rules, the following are considered equivalent supervisors:

1. Chief of Police

- a. Chief, Provincial Public Safety Company
- b. Chief, District Public Safety Battalion
- c. Chief, Police Station of Manila Police District and Quezon City Police District

2. Provincial Director

- a. Director, City Police Office of Highly Urbanized or Chartered Cities
- b. Chief, Regional Public Safety Battalion
- c. Chief, Regional Administrative Support Unit
- d. Chief, Regional Operational Support Unit

3. Regional Director

- a. Director, Police District Office, National Capital Region Police Office
- b. Director, National Administrative Support Unit
- c. Director, National Operational Support Unit

In case the head of any of the above-enumerated offices/units of the PNP is only an officer-in-charge, he/she may conduct investigation and submit his recommendation to the next higher Disciplinary Authority.

- k) *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;
- l) *Forfeiture of Salary* – a penalty imposed upon the respondent who is found culpable of the offense charged which consists of taking his salary for a certain period but in no case shall exceed one (1) month; the respondent who is penalized with forfeiture of salary is required to report for duty;
- 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) *Moral Turpitude* – includes everything which is done contrary to justice, honesty, modesty, or good morals. It is an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen or to society in general, contrary to the accepted and customary rule of right and duty between man and woman.
- q) *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;
- r) *Pending Case* – refers to a case when the respondent has been formally charged before any Disciplinary Authority or IAS or the Office of the Ombudsman; or an appeal is pending with any of the Appellate Bodies;

- s) *Pre-Charge Investigation* – is the preliminary examination and evaluation of the complaint for the purpose of determining the existence or non-existence of probable cause;
- t) *Probable Cause* – is 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 investigator, that the respondent is probably guilty of a specific administrative offense or offenses;
- u) *Recidivist* – a person who has been previously penalized for a grave administrative offense and is again charged of another or the same grave administrative offense;
- v) *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 a legal holiday, in which case the last day shall fall on the next working day;
- w) *Repeatedly Charged* – when a police officer is formally charged administratively of a less grave or light offense for at least three (3) times and was found culpable in any one of them;
- x) *Restrictive Custody* – is a disciplinary measure that may be imposed by the Chief, PNP, the PNP Regional Director or Equivalent Supervisor, the PNP Provincial Director or Equivalent Supervisor during the pendency of a grave administrative or criminal charge filed against a subordinate police officer/s which may consist of confinement within the camp with proper accounting and monitoring of their activities: Provided, that when situation warrants and they are required to go outside of the camp, they should be properly escorted on a one-on-one basis with proper recording of activities, the place of destination, time of departure, time of arrival and the names of the escorts: Provided further, that a police personnel under restrictive custody is required to turn over his issued firearm to the responsible supply officer within the same period of custody;¹
- y) *Restriction to Specified Limits* – a penalty which prohibits the respondent to be at a specified area;
- z) *Serious Charge* – refers to a complaint involving an offense where the maximum imposable penalty is dismissal from the service;
- aa) *Subpoena Ad Testificandum* – a process directed to a person requiring him to appear and testify in an investigation or hearing;
- bb) *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;
- cc) *Substantial Evidence* – such relevant evidence as a reasonable mind might accept as adequate to support a conclusion;

¹ PNP Memorandum Circular No. 2009-016 dated September 3, 2009

- dd) Summary Hearing Officer* – an officer designated by the Disciplinary Authority or IAS to conduct the summary proceeding and to submit a report of investigation;
- ee) Summary Proceeding* – an expeditious administrative proceeding conducted consistent with due process to determine the culpability or innocence of the respondent; and
- ff) 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 as described in Section 1 Rule 15 hereof, it shall be heard and decided exclusively by the Disciplinary Authority or IAS which first acquired original jurisdiction over the case, subject to the following provisions:

- a) The Office of the Ombudsman (OMB) shall have primary jurisdiction over administrative cases filed either before the NAPOLCOM or PNP against officers and members of the PNP for acts or omissions arising from the following criminal offenses filed or pending before the OMB:
 - 1. Violation of the provisions of Republic Act No. 1379 (*An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired By Any Public Officer or Employee and Providing the Proceedings Thereof*);
 - 2. Violation of Republic Act No. 3019 (*Anti-Graft and Corrupt Practices Act*);
 - 3. Violation of Sections 7, 8 and 9 of Republic Act No. 6713 (*Code of Conduct and Ethical Standards for Public Officials and Employees*);
 - 4. Plunder under Republic Act No. 7080 (*An Act Defining and Penalizing the Crime of Plunder*);
 - 5. Violation of Republic Act No. 9184 (*Government Procurement Reform Act*);
 - 6. Violation of Republic Act No. 9485 (*Anti-Red Tape Act of 2007*);
 - 7. Bribery under Section 2, Chapter Two and Malversation under Chapter Four of Title VII, Book II of the Revised Penal Code, as amended; and
 - 8. Violation of other graft laws.
- b) The NAPOLCOM shall have primary jurisdiction over grave administrative cases defined and penalized under these Rules.
- c) The PNP shall have primary jurisdiction over administrative cases against officers and members of the PNP for acts and omissions constituting breach of internal discipline or minor offenses defined under R.A. 6975 as amended by R.A. No. 8551, violation of the Civil Service Law and its Implementing Rules and

Regulations or PNP policies such as, but not limited to those relating to efficiency in the performance of official duties and responsibilities.

- d) Subject to the preceding paragraph and concurrence of jurisdiction, the IAS shall take cognizance and investigate cases enumerated in Section 2, Rule 6.
- e) Complaints for offenses which carry a higher or lower imposable penalty shall be referred to the appropriate Disciplinary Authority or IAS: *Provided*, that any Disciplinary Authority or the IAS who shall take cognizance of any complaint beyond its jurisdiction and renders a decision thereon, the same shall be void and shall not be a bar to the filing of a similar complaint against the PNP member before the proper Disciplinary Authority or IAS: *Provided further* that any Disciplinary Authority, IAS Officer, Investigator or Summary Hearing 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 Respondent is a Presidential Appointee.* – After the formal charge is filed, a respondent who is a presidential appointee can only be subjected to summary proceeding 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. *Citizen's Complaints.* – Any complaint by a natural or juridical person against any member of the PNP shall be brought before the following:

- a) *Chief of Police* 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) *City/Municipal Mayor* 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 sixteen (16) days but not exceeding thirty (30) days; and
- c) *People's Law Enforcement Board* 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.

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 the 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* where the imposable penalty is dismissal from the service; 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* where the imposable penalty is 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) When 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 a continuous period 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 leave (AWOL) and vice versa.

Section 2. *Where filed.* – The complaint may be filed before the following disciplinary authorities:

- a) PNP Regional Directors
- b) Chief of the PNP
- c) The National Police Commission

RULE 6

INTERNAL AFFAIRS SERVICE

Section 1. *Authority to Conduct Motu Proprio Investigation* – 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 2. *Inclusion of Supervisor and Superiors in IAS Investigations.* – The immediate superior or supervisor of the personnel or units being investigated under Section 1 hereof shall be automatically included in the investigation of the IAS to exclusively determine lapses in administration or supervision.

Section 3. *Disciplinary Recommendations of the IAS.* (a) Any uniformed member of the PNP found culpable under Section 1 hereof and any immediate superior or supervisor found negligent under the immediately preceding Section shall be recommended automatically for dismissal or demotion, as the case maybe;

(b) Recommendations by the IAS for the imposition of disciplinary measures against uniformed member of the PNP, once final, cannot be revised, set-aside, or unduly delayed by any disciplining authority without just cause.

Section 4. *Appeals from IAS Resolution Dismissing an Administrative Complaint.* – Resolutions of the Provincial IAS dismissing an administrative complaint shall be forwarded to the Regional IAS for review while decisions of the Regional IAS dismissing the administrative case may be appealed to the Inspector General. Decisions of the Inspector General affirming the resolutions of Regional IAS dismissing an administrative complaint shall be appealed to the National Appellate Board.

B. APPELLATE JURISDICTION

RULE 7

REGIONAL APPELLATE BOARD

Section 1. *Composition.* – 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. 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.

Section 2. *Quorum.* – The presence of the chairperson and any one of its members shall constitute a quorum. If the chairperson or any member is related to the complaining witnesses or respondent within the 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 RAB:

- a) Decisions of city/municipal Mayors and the Chiefs of Police in the exercise of their disciplinary powers under Section 41(a) of RA 6975 as amended;

b) Decisions of the PLEB or the PNP Regional Director in the exercise of their disciplinary powers under Section 41(a) of RA 6975 as amended where the penalty imposed is demotion or dismissal from the service;

c) Decisions of the PNP Regional Director or equivalent supervisor in the exercise of their disciplinary powers under Section 41(b) of RA 6975 as amended, where the penalty imposed is demotion or dismissal from the service;

d) Decisions of the PNP Regional Director in the exercise of its summary dismissal power under Section 42 of RA 6975 as amended where the penalty imposed is demotion or dismissal from the service;

RULE 8

NATIONAL APPELLATE BOARD

Section 1. *Composition* – The National Appellate Board (NAB) shall be composed of the four (4) regular Commissioners, chaired by the Vice Chairperson and Executive Officer.

Section 2. *What are Appealable*. – The following are appealable to the NAB:

a) Decisions of the Chief of the PNP where the penalty imposed is demotion or dismissal from the service;

b) Decisions of the Inspector General affirming the Resolution of the regional IAS or the Prosecution Division of the National IAS dismissing the complaint for lack of probable cause.

RULE 9

SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT

Section 1. *Jurisdiction of the Secretary*. – Decisions of the RAB and the NAB may be appealed to the Secretary of the Department of the Interior and Local Government.

RULE 10

CIVIL SERVICE COMMISSION

Section 1. *Appellate Jurisdiction of the Civil Service Commission*. – The following are appealable to the Civil Service Commission (CSC):

- a. Decisions of the Secretary of the Interior and Local Government in the exercise of his appellate jurisdiction except Decisions of the NAB affirming the resolution of the National IAS dismissing the complaint for lack of probable cause;
- b. Decisions of the NAPOLCOM *en banc* as summary dismissal authority except Decisions approving the dismissal of the complaint for lack of probable cause.

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 formally filed with, or referred to it against any uniformed member of the PNP.

Section 3. *Composition.* – The PLEB shall be composed of the following:

a) A member of the *Sanggunian Panlungsod/Bayan* chosen by the 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 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. 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 *Liga ng Mga Barangay* ends upon the expiration of his term of office as *Sangguniang Panlungsod/Bayan* member or as Barangay Chairman/Punong Barangay. 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.

Section 2. *Transfer of Venue.* – The Disciplinary Authority or IAS or their authorized officer 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; or

b) When there is an 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; or

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 sworn statement before the 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) If the complaint is verbally made, the Disciplinary Authority or IAS or their authorized officer shall assist the complainant in preparing his/her 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 Disciplinary Authority or IAS or their authorized officer 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 by the Disciplinary Authority or IAS or their authorized officer.

Section 2. *Contents of a Complaint.* – The complaint shall contain the following:

- a) Full name, address and contact information 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 specifically the act or omission attributable to the particular respondent/s constituting the offense allegedly committed, the place, date and time of commission of the offense.

Section 3. *Initial Evaluation of the Complaint.* – Upon receipt of the complaint, the Disciplinary Authority or IAS or their authorized officer shall immediately record it in a

logbook and conduct the initial evaluation to determine if it has jurisdiction and thereby docket the same for pre-charge investigation or for formal charge in cases before the PLEB; or refer it to the appropriate disciplinary authority; or treat it as a grievance/request for assistance and refer it to the concerned office.

The evaluation report recommending for the dismissal of the complaint or referral to the appropriate Disciplinary Authority or grievance committee shall be approved by the Disciplinary Authority or IAS or their authorized officer.

RULE 14

PRE-CHARGE INVESTIGATION

Section 1. *Pre-Charge Investigation.* – If the complaint is approved for pre-charge investigation, the Disciplinary Authority or IAS or its authorized officer shall direct its docketing in the Pre-Charge Investigation docket book by stamping on the face of the complaint and its approval, the time and date of receipt; recording and assigning a case number to it; and designate the officer who shall conduct the investigation. The investigation shall include the examination of records and documents submitted by the complainant and the PNP member complained of, as well as documents readily available from other government offices for the purpose of determining the existence of probable cause.

Section 2. *Duration of the Investigation.* – A pre-charge investigation shall commence by furnishing the PNP member complained of with a copy of the complaint and its supporting documents not later than three (3) days from docketing thereof.

The respondent may then submit his comment/counter-affidavit within five (5) days from receipt of the complaint, provided however, that failure of the respondent to submit his comment/counter-affidavit shall be construed as a waiver thereof.

Upon receipt of the counter-affidavit or comment under oath, the pre-charge investigator may now determine whether probable cause exists to warrant the filing of a formal charge. The pre-charge investigation shall be terminated within ten (10) days from receipt of the comment/counter-affidavit or upon the expiration of the period to submit the same.

However, if necessary, the parties may be required to appear for clarificatory questioning provided that they are notified three (3) days before the scheduled appearance. The parties may already identify and affirm their respective pieces of evidence. The investigator before whom said documents were identified and affirmed must so indicate such facts in the minutes of proceedings, to include matters clarified and attach the same with the records of the case.

No motion for extension of time to submit comment/counter-affidavit or any other dilatory motions shall be allowed except upon meritorious causes and the filing thereof does not interrupt the reglementary period for the submission of the comment/counter-affidavit.

Section 3. *Pre-Charge Investigation Report.* – Within five (5) days from the termination of the pre-charge investigation, the investigating officer shall submit to the Disciplinary Authority or IAS the Pre-Charge Investigation Report for approval together with the complete case records to include the formal charge.

In the absence of probable cause, the complaint shall be dismissed by the Disciplinary Authority or IAS or its authorized officer.

Section 4. *Motion for Re-Investigation.* – The complainant may file a motion for re-investigation to the Disciplinary Authority within three (3) days from receipt of the resolution of the investigating officer / unit dropping or closing the complaint for lack of probable cause on the ground that palpable mistake was committed in the appreciation of the complaint, counter-affidavit and other supporting evidence. Only one motion for re-investigation shall be allowed which shall be resolved within fifteen (15) days from receipt thereof.

Section 5. *Docket Entries.* – In all instances, during the pre-charge investigation and until its termination, appropriate docket entries must be made by the responsible person of the unit.

RULE 15

FILING AND ASSIGNMENT OF CASES TO SUMMARY HEARING OFFICERS

Section 1. *Formal Charge.* – After a finding of probable cause, the investigating office shall formally charge, under oath, the PNP member complained of. The formal charge shall contain (1) a specification of the charge/s; (2) a brief statement of material or relevant facts; and (3) the presence, if any, of aggravating circumstance/s. It shall be accompanied by certified true copies of the documentary evidence, if any, including the sworn statements or judicial affidavits of witnesses.

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 formal charge the time and date of receipt and assign a case number to it.

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 the Discipline, Law and Order Division (DLOD), Directorate for Personnel and Records Management (DPRM) 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 PLEB, 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 summary hearing officer.

RULE 16

PREVENTIVE SUSPENSION

Section 1. *Preventive Suspension of the Respondent by the Disciplinary Authority or 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 submission of the complainant's position paper or conduct of clarificatory hearing, place the respondent/s on preventive suspension for a period not exceeding ninety (90) days under 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 the complaint or retracting the sworn statement against the respondent or to tamper with the evidence.

Section 2. *Request for Preventive Suspension by the PLEB.* – In the following cases the superior officer shall not deny a request for preventive suspension by the PLEB:

a) When the respondent refuses to heed the PLEB's summons or subpoena;

b) When the PNP personnel is 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 preventive suspension without valid grounds shall be held administratively liable for *serious neglect of duty*.

Section 3. *Motion for Reconsideration on the Order of Preventive Suspension.* – The respondent/s may file a motion for reconsideration with the Disciplinary Authority within five (5) days from receipt of a copy of the order of preventive suspension anchored on the ground that the order is not supported by any of the circumstances enumerated in Sections 1 and 2 of this Rule.

RULE 17

SUMMARY PROCEEDING AND DISPOSITION OF CASES

Section 1. *Summons.* – The designated summary hearing officer or the PLEB shall issue summons within three (3) days from receipt or docketing of the complaint, as the case maybe, to be served upon the respondent directing him/her to submit his/her answer within an inextendible period of seven (7) working days from receipt thereof.

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 as well as the presence of mitigating circumstance/s, if any. The respondent/s may attach therewith documentary evidence in support of his defense, copy furnished the complainant.

The answer shall be filed 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 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.

The disciplinary authority shall not entertain request for clarification, bill of particulars, motion to dismiss, and any other motion which are obviously designed to delay the administrative proceedings. If any of these pleadings are filed by the respondent, the same shall not toll the reglementary period for filing an Answer.

Section 3. *Effect of Failure/Refusal to File Answer.* – If the respondent fails or refuses to file an answer within the period provided, he/she shall be considered to have waived his/her right to submit the same and the case shall be decided based on available records.

Section 4. *Effect of Admission by Respondent.* – When the respondent in his answer admits his culpability to the charge, the PLEB or the Summary Hearing Officer shall determine the penalty commensurate to the offense committed taking into account the presence of mitigating circumstance/s invoked by the respondent and aggravating circumstance/s alleged by the prosecution.

Section 5. *Pre-Hearing Conference.* – Within fifteen (15) days from receipt of the answer, the PLEB or the Summary Hearing Officer 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 stipulation of facts; c) marking of exhibits after proper identification by the parties/signatories; and d) threshing out other matters relevant to the case. The proceedings in the pre-hearing conference shall be recorded duly signed by the parties and Summary Hearing Officer or PLEB.

Section 6. *Submission of Position Papers.* – The PLEB or the Summary Hearing Officer shall direct the parties to file, within fifteen (15) days from the termination of the pre-hearing conference, their respective verified position papers in lieu of a full blown hearing taking into account the summary nature of administrative proceedings. The position papers shall contain only those charges, defenses and other claims contained in the affidavits and pleadings filed by the parties. Any additional relevant affidavits and/or documentary evidence may be attached by the parties to their position papers.

Upon receipt of the position papers, affidavits and other pleadings filed, the PLEB or the Summary Hearing Officer may consider the case submitted for resolution. The failure of any party to submit position paper shall be considered as a waiver thereof.

Section 7. *Clarificatory Hearing.* – Within five (5) days from receipt of the position paper of the parties or after the expiration of the period to file the same, a party may move or the Summary Hearing Officer or the PLEB may issue an order, for the conduct of a one-time clarificatory hearing where the parties shall be afforded the opportunity to be present and submit written clarificatory questions to the Summary Hearing Officer or the PLEB which will determine whether or not the questions are necessary and relevant to the fact in issue.

Thereafter, the parties may submit their respective proposed draft decision for the consideration of the Summary Hearing Officer or the PLEB in arriving at its findings and conclusions. The failure of any party to submit the same shall be deemed a waiver thereof.

Section 8. *Assistance of Counsel.* – Parties may be assisted by counsel in the preparation and submission of their pleadings and during the clarificatory hearing.

Section 9. *Postponement.* – Request for postponement of a clarificatory hearing may be granted only in meritorious cases, such as illness of a party or his/her witnesses 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, only one (1) postponement shall be granted to each of the parties.

Section 10. *Prohibition on 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 knowingly violates this provision shall be administratively liable for *irregularity in the performance of duty*.

Section 11. *Effect of Compulsory Retirement.* – The compulsory retirement of the respondent shall not affect the pendency of his/her administrative case and the award of retirement benefits due him/her shall be subject to the final disposition of the administrative case.

The administrative case of a retiring or retired PNP member shall be terminated or resolved within three (3) months from the effectivity date of his/her retirement. After the lapse of such period and the case has not been terminated or resolved without justifiable reason/s and/or without fault or delay attributable to the retired PNP member, the retirement benefits shall be immediately released to him/her without prejudice to the outcome of the case.

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 12. *Effect of Death.* – The administrative case against the respondent who dies during the pendency thereof must be resolved as follows:

- a) In situations where death occurred while the case is pending investigation:
 - 1) The administrative case should not be dismissed when the death of the respondent occurred when the formal investigation reached the stage where respondent is considered to have been afforded due process, as when the following concur: 1) respondent was notified of the complaint/charge against him/her; and 2) when he has filed an answer or has waived his/her right to file the same (as this is the stage when respondent has been afforded the opportunity to explain his/her side).
 - 2) If the respondent dies before he/she could explain his/her side through an answer complaint/charge, the administrative case shall be dismissed on account of the death of the respondent as he/she cannot be deemed to have been accorded the opportunity to be heard which is a basic element of due process.
- b) In situations where the death occurred after the respondent has perfected his/her appeal before the Appellate Body, the appeal shall continue until its final determination. In the event the deceased respondent-appellant wins the appeal, material and /or pecuniary benefits arising from the case, if any, shall accrue to the legal heirs of the deceased respondent-appellant subject to the Law on Succession.

Section 13. *Records of Proceedings.* – The proceedings during the conduct of the clarificatory 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 ten (10) days from the date of the clarificatory hearing.

Section 14. *Where Services of Stenographer Not Available.* – In areas and cases, where the services of a stenographer are not available, a substantial account of the proceedings duly certified to as correct by the Disciplinary Authority or Summary Hearing Officer shall suffice.

Section 15. *Submission of Report of Investigation.* – The Summary Hearing Officer, whenever applicable, is required to submit a report of investigation within thirty (30) days from the date the case is submitted for resolution which shall contain the findings of facts and the corresponding recommendation accompanied by the complete original records.

In cases filed before the IAS, the provincial director, regional director and the Inspector General shall resolve and forward its recommendation to the disciplinary authority, within thirty (30) days from receipt of the report of investigation from the Summary Hearing Officer.

Section 16. *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. With regard to the PLEB, each case shall be decided within sixty (60) days from the time the case is filed before it.

Section 17. *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 by the evidence on record, the conclusion, the applicable laws, rules and regulations, jurisprudence, and the disposition thereof.

Section 18. *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 which he was charged: *Provided* that the acts constituting the offense of which he was found culpable were alleged in the complaint and the respondent was given the opportunity to answer.

Section 19. *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 PNP regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the RAB 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 NAB within ten (10) days from receipt thereof.

Section 20. *Motion for Reconsideration.* – The party adversely affected by the decision may file a motion for reconsideration with the Disciplinary Authority which rendered the same within ten (10) days from receipt of a copy thereof based on any of 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; or
- c) The decision is not supported by the evidence on record.

A motion for extension of time to file a motion for reconsideration shall not be allowed.

The filing of a timely motion for reconsideration shall stay the implementation of the decision 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 21. *Certificate of Finality.* – The disciplinary authority or appellate body shall issue a certificate of finality of the decision or resolution finally disposing of the case where 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.* – (a) All notices and summons shall be served to the respondent in person by the process server or by registered mail at his/her official station/last known place of assignment or last known address as stated in his/her Personal Data Sheet.

(b) If personal service is not possible or when the respondent refuses to receive the notices or summons, service may be made by leaving a copy of the same with the Administrative Officer at his official station or with any responsible member of respondent's household at his last known address provided that if the latter also refuses to receive the summons or notices, service may be made to the official of the barangay office in that area.

In all instances, a *Return of Service* by the server shall be made within twenty-four (24) hours from service to the respondent, either personally or by registered mail.

Section 2. *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 latest official residential addresses of all the PNP uniformed personnel assigned within his area of responsibility; and shall certify the latest official residential address of any respondent, upon presentation of the process server of the notices and summons to be served.

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 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 which 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 or resolutions shall be docketed before 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 Orders / Decisions / Resolutions Which Have Become Final and Executory.* – Orders, decisions or resolutions which have become final and executory shall be referred to the PNP Regional Director or his equivalent supervisor in the office / unit where the respondent is assigned or the Director, Directorate for Personnel and Records Management (Attention: Discipline, Law and Order Division) 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 the Director, PNP Finance Service and the respondent's unit assignment.

The PNP official to whom it is addressed must make the appropriate return to the Disciplinary Authority or Appellate Body indicating the action taken on the referral / order for implementation. 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*.

Section 5. *Maintenance of a Docket Book.* – A docket book shall be maintained by the Disciplinary Authority or IAS and shall contain, among others, the following: a) date and time of receipt of the pre-charge investigation report; (b) the case number; (c) the name of the parties; (d) the offense charged; (e) the Summary Hearing Officer to whom it was assigned; (f) the date and time of receipt of the case folder by the Summary Hearing Officer; (g) the date and time the report of investigation of the Summary Hearing Officer was received by the Disciplinary Authority or IAS; (h) the date the decision was promulgated by the Disciplinary Authority; (i) the date the decision was received by the parties; (j) the date the decision became final and the issuance of the certificate of finality; (k) the date the implementing order was issued; (l) the date the motion for reconsideration, if any, was received by the Disciplinary Authority; (m) the date the motion for reconsideration, if any, was resolved by the Disciplinary Authority; (n) the date the notice of appeal, if any, was received by the Disciplinary Authority; and (o) other matters relevant to the case.

RULE 20

APPEAL

Section 1. *How Appeal is Taken; Time of Filing.* – Appeals from the decisions of the Disciplinary Authority or Appellate Body shall be taken by the party adversely affected by filing a notice of appeal with the office that rendered the decision or resolution, copy furnished the other party, within ten (10) days from receipt of a copy of the decision.

Section 2. *Appeal Fee.* – The appellant shall pay the prescribed appeal fee, whenever required, and the proof of payment thereof shall be attached to the notice of appeal.

Section 3. *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; 3) the specific Appellate Body to which the appeal is being taken; and 4) the complete mailing address and contact information of the appellant or counsel.

The appellant shall submit a Memorandum on Appeal in three (3) legible copies simultaneous with the Notice of Appeal or not later than fifteen (15) days from the filing of the notice of appeal, copy furnished the other party.

(b) In all appealed cases, the title of the case shall remain as it was before the Disciplinary Authority with the party appealing the case referred to as the “appellant” and the prevailing party as the “appellee”.

Section 4. *Dismissal of the Appeal.* – When the appellant fails to comply with the requirements provided in Sections 1, 2 and 3(a) of this Rule, the Appellate Body shall direct compliance thereof within ten (10) days from receipt of the order with a warning that non-compliance with the requirements shall be construed as failure to perfect an appeal and shall cause the dismissal of the appeal with prejudice to its re-filing.

Section 5. *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 and evidence 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 6. *Docketing of Appealed Cases.* – Upon receipt of 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 appeal case number and entering the same, including its original administrative case number, on the docket book for appealed cases.

Section 7. *Period to Act on Appeal*. – The RAB and the NAB shall decide the appeal within sixty (60) days from receipt of the complete records of the case.

Section 8. *Withdrawal of Appeal*. – At any time before the appellate body renders its decision 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) *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;

5) *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 compromises 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;

6) *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;

7) *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; and

8) *Disloyalty to the Government* – consists of the abandonment or renunciation of one's loyalty to the government of the Republic of the Philippines, or advocating the overthrow of the government, through overt or 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 or admonition to a subordinate or to report a subordinate who 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 for duty in prescribed uniform 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) 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;
 - q) fail to respond to a call for assistance;
 - r) fail to inform his superior as to the result of action taken on a call or dispatch;
 - s) fail to report to his superior officer a hazardous condition or dangerous situation;
 - t) fail to prepare and submit properly written reports within the prescribed period;
 - u) fail to report to a new assignment within ten (10) days from the order of reassignment without sufficient reason;
 - v) leave his post or beat before the end of tour of duty or leave without the required turn over to the incoming duty personnel;
 - w) any other omission or refusal, without sufficient excuse, to perform an act or duty that is analogous to the foregoing.
- 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 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/office;

- f) be delayed unnecessarily in attending to or in performing a duty;
- g) delay in responding to a call for assistance;
- h) any other improper performance of an act or duty that is analogous to the foregoing.

3) 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 and on 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 due to a private individual;
- f) solicit attorneys, bondsmen or guarantors for arrested or confined persons;
- g) fail to be home or to be at the place of confinement without legitimate reason after having been reported sick or suffering injuries;
- h) use rude or insulting language or exhibit similar rudeness to the public;
- i) fail to report for record with the Complaint or Desk Officer a case prior to its investigation;
- j) 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;
- k) fail to maintain cleanliness and orderliness in his office, premises, post or surroundings;
- l) 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;
- m) 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;
- n) make or conduct unauthorized solicitations of contributions from subordinates or private persons.

- o) commit any act or omission that constitutes a crime punishable under the Revised Penal Code or special laws where the duration of the imposable penalty is imprisonment of one (1) day to thirty (30) days.
- 4) Simple Dishonesty – includes (a) dishonest acts that did not cause damage or prejudice to the government as well as those with no direct relation to or do not involve the duties and responsibilities of the respondent; (b) dishonest acts that did not result in any gain or benefit to the offender, and where the information falsified is not related to employment in case of falsification of official document.

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 take 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 TCT or TOP together with 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; 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 Irregularity in the Performance of Duty – 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 which are not duly validated by the Land Transportation Office (LTO) or the Metro Manila Development Authority (MMDA) or the 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 Police or 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 of 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 or off duty and in recognizable police uniform;
 - d) maliciously intrigue against the honor of a co-officer, or indulge in idle gossip or spread rumors that tend to discredit a PNP 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.
 - i) commit any act or omission that constitutes a crime punishable under the Revised Penal Code or special laws where the duration of the imposable penalty is imprisonment of one (1) month and one (1) day to six (6) months.
- 4) Less Grave Dishonesty – involves circumstances wherein the dishonest act caused damage and prejudice to the government that is not so serious as to qualify under Grave Dishonesty, and wherein the respondent did not take advantage of his or her position in committing the dishonest act.

C. GRAVE OFFENSES

- 1) Grave 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 hours (24) 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 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 others 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, without justifiable excuse, 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;
- j) absent oneself from 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) Grave Irregularity in the Performance of Duty – shall include but not be limited to the following:

- a) act as 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) act as bodyguard or security guard for the person or property of any public official, or private person unless approved by the proper authorities;
- 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 of 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 charges 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 of 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 mediator or fixer for the return of any stolen vehicle or property whether held for ransom or not;
 - r) commit any act or omission that constitutes a crime punishable under the Revised Penal Code or special laws where the duration of the imposable penalty is imprisonment of not lower than six (6) months and one (1) day.
- 4) Grave Dishonesty - involves the presence of any one of the following attendant circumstances (a) the dishonest act caused serious damage and grave prejudice to the government; (b) the respondent gravely abused his authority in order to commit the dishonest act; (c) where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption; (d) the dishonest act exhibits moral depravity on the part of the respondent; (e) the respondent employed fraud or falsification of official documents in the commission of the dishonest act related to his or her employment; (f) the dishonest act was committed several times or in various occasions; or (g) the dishonest act involves a NAPOLCOM examination irregularity or fake NAPOLCOM eligibility such as impersonation, cheating and the like.
- 5) Conduct Unbecoming of a Police Officer as defined in Section 1 (item 5) of Rule 21.
- 6) Incompetence as defined in Section 1 (item 6) of Rule 21.
- 7) Oppression as defined in Section 1 (item 7) of Rule 21.
- 8) Disloyalty to the Government as defined in Section 1 (item 8) of Rule 21.

RULE 22

PENALTIES

Section 1. *Imposable Penalties.* - The following are the penalties that may be imposed in police administrative cases:

- a) Reprimand;
- b) Withholding of privileges;
- c) Restriction to specified limits;
- d) Restrictive custody;
- e) Forfeiture of salary;
- f) Suspension;

- g) any combination of penalties under Section 1, subparagraphs (a) to (f), except (e) and (f) which are incompatible penalties;
- h) One (1) rank demotion;
- i) 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:

- a) Reprimand for the first offense
- b) 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*);
- c) 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*);
- d) 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*)

For Less Grave Offenses:

- a) 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*);
- b) Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from forty one (41) days to fifty (50) days (*medium*);
- c) 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*).

For Grave Offenses:

- a) Sixty (60) days to Six (6) months suspension (*minimum*);
- b) One (1) rank demotion (*medium*);
- c) Dismissal from the service (*maximum*).

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. *Mitigating and Aggravating Circumstances.* – In the determination of penalties to be imposed, the following circumstances shall be considered:

- a) awards and commendations;
- b) employment of fraudulent means to commit or conceal the offense;
- c) first offense;
- d) good faith;
- e) illness;
- f) intoxication;
- g) length of service in the government;
- h) offense is committed during office hours;
- i) offense is committed in consideration of a price or reward;
- j) offense is committed in cooperation with two (2) or more persons;
- k) offense is committed within the premises of the government office or building;
- l) recidivist;
- m) repeatedly charged;
- n) taking advantage of official position;
- o) taking undue advantage of subordinate;
- p) use of government property in the commission of the offense;
- q) utilizing minor in the commission of the offense;
- r) when the victim is a minor, feeble minded or physically disabled;
- s) 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 the

same must be invoked by him while any aggravating circumstance shall be considered against him if the same is alleged 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 demotion shall entail appointment to the next lower rank, regardless of mode of entry into the PNP, with the corresponding diminution of salary and disqualification for promotion and withholding of privileges for the calendar year;

c) 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;

d) 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 existing laws are authorized to administer oaths, officers designated to conduct pre-charge investigation and summary 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 Summary Hearing Officers shall have the authority to issue subpoena ad testificandum and subpoena duces tecum, only in relation to the investigation of the administrative cases assigned to them.

Section 3. *Monthly Report.* – Within the first week of each month all Disciplinary Authorities, IAS and Appellate Bodies are required to submit a report for the preceding month to the regional office of the NAPOLCOM or the Commission en Banc, furnishing a copy thereof their respective head 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 of 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 Bodies shall not be a bar to promotion nor a disqualification to undergo mandatory training.

Section 5. *Issuance of Clearance / Certification.* – Any Disciplinary Authority, IAS or Appellate Body or its authorized official upon written request and payment of the 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.

Section 6. *Appearance and Submission of Pleadings by Lawyers.* – The Disciplinary Authority or IAS shall require all the practicing lawyers to indicate in the pleadings filed before it, the number and date of issue of their Mandatory Continuing Legal Education (MCLE) Certificate of Compliance or Exemption as may be applicable pursuant to Bar Matter No. 1922, approved by the Supreme Court En Banc in its Resolution dated June 3, 2007. Failure to disclose the required information would cause the denial of further appearance and admission of the pleadings of the concerned lawyer. All government lawyers appearing before any Disciplinary Authority or IAS shall be required to present their authority to practice for the particular case for which they are entering their appearance, otherwise, such appearance and any pleading submitted for any of the parties shall not be allowed.

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 and 2007-001 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 administrative investigations/cases with the different Disciplinary Authorities, Appellate Bodies and IAS in so far as practical or applicable, 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. *Penal Clause.* – Any public official or employee who violates any of the provisions in this Circular shall be dealt with accordingly.


Section 4. *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 5. *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 MAR 07 2016 at Quezon City.


MEL SENEN SARMIENTO
Secretary, DILG
Chairman, NAPOLCOM




EDUARDO U. ESCUETA
Commissioner
Vice Chairman and Executive Officer

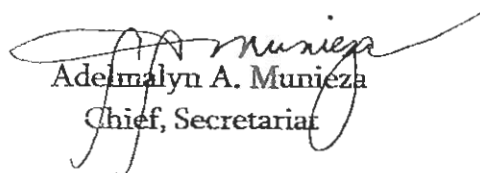

LUISE O. T. PALMERA
Commissioner


ALEJANDRO S. URRO
Commissioner


CONSTANCIA P. DE GUZMAN
Commissioner


PD GEN. RICARDO C. MARQUEZ
Commissioner

Attested by:


Adelmaly A. Munieza
Chief, Secretariat