

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

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9708 "AN ACT EXTENDING FOR FIVE (5) YEARS THE REGLEMENTARY PERIOD FOR COMPLYING WITH THE MINIMUM EDUCATIONAL QUALIFICATION FOR APPOINTMENT TO THE PNP AND ADJUSTING THE PROMOTION SYSTEM THEREOF, AMENDING CERTAIN PROVISIONS OF R.A. NO. 6975 AND R.A. NO. 8551 AND FOR OTHER PURPOSES"**

Pursuant to Section 4 of Republic Act No. 9708, the following rules and regulations are hereby adopted and promulgated to implement the provisions of said Act:

**Section 1. General Qualification for Appointment** – No person shall be appointed as uniformed member of the PNP unless he or she possesses the following minimum qualifications:

- a. A citizen of the Philippines;
- b. A person of good moral conduct;
- c. Must have passed the psychiatric or psychological, drug and physical tests to be administered by the PNP or by any government hospital accredited by the Commission for the purpose of determining physical and mental health;
- d. Must possess a formal baccalaureate degree from a recognized institution of learning;
- e. Must be eligible in accordance with the standards set by the Commission;
- f. Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the government;
- g. Must not have been convicted by final judgment of an offense or crime involving moral turpitude;
- h. Must be at least one meter and sixty-two centimeters (1.62m) in height for male and one meter and fifty-seven centimeters (1.57) for females;
- i. Must weigh not more or less than five kilograms (5kgs) from the standard weight corresponding to his or her height, age, and sex; and

- j. For a new applicant, must not be less than twenty-one (21) nor more than thirty (30) years of age: Provided that except for the last qualifications, the above enumerated qualifications shall be continuing in character and absence of any one of them at any given time shall be a ground for separation or retirement from the service: Provided, further, that PNP members who are already in the service upon the effectivity of Republic Act No. 8551 shall be given five (5) years to obtain the minimum educational qualification preferably in law enforcement related courses to be reckoned from the date of effectivity of Republic Act No. 9708: Provided, furthermore, That for concerned PNP members rendering more than fifteen (15) years of service and who have exhibited exemplary performance as determined by the Commission, shall no longer be required to comply with the aforementioned minimum educational requirement.

As used in these rules and regulations, law enforcement related courses shall include, but not limited to, Bachelor of Science in Criminology, Bachelor of Arts in Political Science and Bachelor of Arts in Legal Management.

The PNP shall submit to the Commission the list of PNP members who have rendered more than fifteen (15) years of service for purposes of determining exemplary performance. Upon such determination, the concerned PNP members shall no longer be required to obtain a baccalaureate degree and shall be deemed exempted from attrition due to non-promotion.

To be considered to have achieved exemplary performance in the police service, the concerned police officer should have obtained an average adjectival rating of at least "Very Satisfactory", or its numerical equivalent, in his/her Performance Evaluation Rating (PER) for a period of two (2) years prior to the effectivity of this Act.

For the purpose of determining compliance with the requirements on physical and mental health, as well as the non-use of prohibited or regulated drugs, the PNP by itself or through a government hospital accredited by the Commission shall conduct regular psychiatric, psychological, drug and physical tests randomly and without notice.

**Section 2. Promotions** – A uniformed member of the PNP shall not be eligible for promotion to a higher position or rank unless he or she has successfully passed the corresponding promotional examinations for technical services and other professions, has satisfactorily completed the appropriate and accredited course in the PNPA or equivalent training institutions, and has satisfactorily passed the required psychiatric/psychological and drug tests.

In addition, the filing of a criminal complaint against a police officer before the Department of Justice, Prosecutor's Office or the Office of the Ombudsman shall not be a bar to promotion: Provided, however, that upon finding of a probable cause, notwithstanding any challenge that may be raised against that finding thereafter, the concerned personnel shall be ineligible for promotion: Provided, further, That, if the case remains unresolved after two (2) years from the aforementioned determination of probable cause, he or she shall be considered for promotion.

Provided, furthermore, That, if the complaint filed against the police officer is for a crime including, but not limited to, a violation of human rights, punishable by *reclusion perpetua* or life imprisonment, and the court has determined that the evidence of guilt is strong, said police officer shall be ineligible for promotion during the pendency of the said criminal case.

In the event that the PNP member is held guilty of the crime by final judgment, said promotion shall be recalled without prejudice to the imposition of the appropriate penalties under applicable laws, rules and regulations.

There is finding of probable cause when an Information has already been filed and docketed in court.

As used in these Rules and Regulations, violation of human rights shall mean the deprivation of life, liberty and security of person, as embodied in the Universal Declaration of Human Rights and other related Treaties and Conventions, committed by police personnel, such as: slavery or involuntary servitude; torture, cruel, inhuman or degrading treatment; arbitrary arrest or detention; arbitrary interference with a person's privacy, family, home or correspondence; arbitrary deprivation of property; violation of religious freedom; violation of right to free speech, opinion and information; violation of the right to peaceful assembly and association; and any other human rights violation that may be provided for by law.

A police officer who is charged with a crime under the Revised Penal Code, Special Penal Laws or any of the above-enumerated human rights violations when the penalty involved is *reclusion perpetua* or life imprisonment and the court has determined that the evidence of guilt is strong shall be ineligible for promotion.

For purposes of counting the two (2) year period, an authenticated copy of the Information and a certification from the Clerk of Court indicating the date the Information was filed in court (Municipal Trial Court, Municipal Circuit Trial Court, Metropolitan Trial Court, Regional Trial Court or Sandiganbayan) must be secured by the applicant for promotion.

No member of the PNP shall be eligible for promotion unless he has been issued Clearance from the Sandiganbayan and the National Bureau of Investigation (NBI).

In addition, he shall execute an affidavit stating therein that he has no criminal case pending before any court or if he has a criminal case, the same has been pending for more than two years. He shall further state that if it would be found out later that he committed perjury or misrepresentation in his affidavit, he will hold himself criminally and administratively liable, and his promotion shall be automatically nullified.

The institution of an administrative complaint or the pendency of an administrative case in any tribunal or quasi-judicial body against a police officer shall not be a bar to promotion. A police officer with pending administrative case/s upon

the effectivity of the rules and regulations shall be eligible for promotion provided he or she possesses the required qualifications.

A police officer with pending criminal case/s at the time of the effectivity of these rules and regulations shall be eligible for promotion upon showing that his/her case remains unresolved for two (2) years or more from the time the information was filed in court.

**Section 3. Continuing Education Program** – The Commission shall design, establish and implement a continuing education program for the Philippine National Police officers and members in coordination with the Civil Service Commission, the Commission on Human Rights, the Commission on Higher Education and the Philippine Public Safety College through a distance education program and or an in-service education program focusing on law enforcement, criminal investigation, human rights or similar programs.

**Section 4. Repealing Clause** – All memorandum circulars, resolutions, orders and other issuances or part thereof which are inconsistent with Republic Act No. 9708 or with these implementing rules and regulations are hereby repealed, amended or modified accordingly.

**Section 6. Effectivity Clause** – These implementing rules and regulations shall take effect upon its publication in two (2) newspapers of general circulation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2010 in Makati City, Philippines.

SEP 20 2010



  
**JESSE M. ROBREDO**  
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