

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

RESOLUTION No. 2015-545

CLARIFYING THE APPELLATE JURISDICTION OF
THE SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT IN DROPPED FROM
THE ROLLS CASES UNDER SECTION 10, 2ND PARAGRAPH OF NAPOLCOM
MEMORANDUM CIRCULAR NO. 2010-001

WHEREAS, the National Police Commission (NAPOLCOM) issued Memorandum Circular (MC) No. 95-017 entitled *"Prescribing Guidelines Governing the Personnel Action of Dropping from the Rolls of Officers and Non-Officers of the Philippine National Police (PNP) for Incurring Absences Without Official Leave/Unauthorized Absences"*;

WHEREAS, on May 6, 2010, NAPOLCOM issued Memorandum Circular No. 2010-001 which amended Sections 9 and 10 of NAPOLCOM MC No. 95-017;

WHEREAS, the 2nd paragraph of Section 10 of NAPOLCOM MC No. 2010-001 provides that *"The order of Dropped from the Rolls (DFR) issued by the Chief, PNP or his decision denying the appeal from Dropped From the Rolls Order shall be appealable to the Secretary of the Interior and Local Government (SILG) within fifteen (15) days from receipt of the Dropped from the Rolls Order or Decision denying the appeal. The decision of the SILG shall be final"*;

WHEREAS, on September 9, 2010, through a letter addressed to the Legal Service, Department of the Interior and Local Government (DILG), the Commission already clarified that NAPOLCOM MC No. 2010-001 *"vests appellate jurisdiction to the Secretary of the Interior and Local Government (SILG) in his capacity as Chairman of the COMMISSION, over decisions of the Chief, PNP in Drop From the Rolls (DFR) cases x x x"* Since then, all appeals directly filed with the DILG were consistently transmitted or forwarded by the DILG to the Commission, with the information to the appellants that *"pursuant to NAPOLCOM Memorandum Circular No. 2010-001, it is the National Police Commission (NAPOLCOM) which has jurisdiction over your appeal, and not this Department"*;


WHEREAS, the Commission's further clarification on the interpretation of NAPOLCOM MC No. 2010-001 was sought by the Office of the Directorate for Personnel and Records and Management (DPRM), PNP on December 29, 2014. In response to query of the DPRM, the Commission, through a letter, dated January 26, 2015 of the Vice Chairman and Executive Officer, reiterated the interpretation that the appellate jurisdiction of the SILG shall be construed to be in his capacity as Chairman of the Commission and therefore, in case of an appeal pursuant to the Circular, the case folders or records relative thereto shall be forwarded to the Commission and not to the DILG;


WHEREAS, despite the clarifications made, some appellants are still filing their respective appeals with the Office of the SILG which, in some instances, acts on and resolves the appeal, through the Legal Service of the DILG, instead of forwarding the same to the Commission;

WHEREAS, in order to avoid confusion and conflict of decisions between the DILG and the NAPOLCOM there is a need to issue a Resolution reiterating the prevailing interpretation and long standing procedure that the appellate jurisdiction of the SILG under NAPOLCOM MC No. 2010-001 is as Chairman of the Commission and as such, the Commission, through its Legal Affairs Service, shall be the proper entity to hear and resolve the appeal, for the SILG's eventual consideration and approval.

NOW THEREFORE, the Commission in the exercise of its constitutional mandate to administer and control the PNP, has **RESOLVED TO CLARIFY, AS IT HEREBY CLARIFIES**, that Section 10 of NAPOLCOM MC No. 2010-001 vests the appellate jurisdiction over decisions of the Chief, PNP in DFR cases to the Secretary of the Interior and Local Government, in his capacity as **CHAIRMAN OF THE COMMISSION**. Accordingly, any appeal from an order of Dropped from the Rolls issued by the Chief, PNP shall be filed with the Commission, through its Legal Affairs Service, for proper evaluation and issuance of a resolution to be considered and signed by the SILG, as Chairman of the Commission.

APPROVED this 30th day of OCTOBER 2015 in Quezon City, Philippines.


MEL SENEN S. SARMIENTO
Secretary, DILG and Chairman, NAPOLCOM



EDUARDO U. ESCUETA
Commissioner

Vice Chairman and Executive Officer



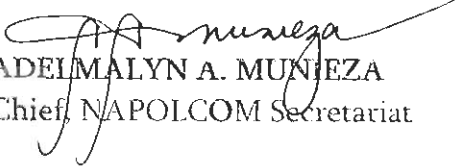

LUISITO T. PALMIERA
Commissioner


ALEJANDRO S. URRO
Commissioner


CONSTANZA P. DE GUZMAN
Commissioner


RICARDO C. MARQUEZ
Commissioner

Attested by:


ADELMALYN A. MUNIEZA
Chief, NAPOLCOM Secretariat