



Republic of the Philippines  
**NATIONAL POLICE COMMISSION**  
DILG – NAPOLCOM Center  
NAPOLCOM Building, EDSA corner Quezon Avenue  
West Triangle, Quezon City 1104

RESOLUTION NO. 2019 – 994

**CLARIFYING THE EFFECT OF RE-ELECTION OF LOCAL CHIEF  
EXECUTIVES WHOSE NAPOLCOM DEPUTATION HAS BEEN  
PREVIOUSLY SUSPENDED/WITHDRAWN**

**WHEREAS**, Article XVI, Section 6, of the 1987 Philippine Constitution provides that: *The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law;*

**WHEREAS**, as an enabling law of the abovementioned constitutional provision, Section 51 of R.A. No. 6975<sup>1</sup> or *The Department of the Interior and Local Government Act of 1990* provides that governors and mayors shall be deputized as representatives of the National Police Commission (NAPOLCOM) in their respective territorial jurisdictions and shall exercise the following functions:

(a) Provincial Governor –

(1) *Power to Choose the Provincial Director.* – The provincial governor shall choose the provincial director from a list of three (3) eligibles recommended by the PNP regional director.

(2) *Overseeing the Provincial Public Safety Plan Implementation.* – The governor, as chairman of the provincial peace and order council, shall oversee the implementation of the provincial public safety plan, which is prepared taking into consideration the integrated community safety plans, as provided under paragraph (b) (2) of this section.

(b) City and Municipal Mayors –

(1) *Operational Supervision and Control.* – The city and municipal mayors shall exercise operational supervision and control over PNP units in their

<sup>1</sup> As amended by Republic Act No. 8551.

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respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local and barangay elections. During the said period, the local police forces shall be under the supervision and control of the Commission on Elections.

The term "operational supervision and control" shall mean the power to direct, superintend, oversee and inspect the police units and forces.

It shall include the power to employ and deploy units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the term "employ" and "deploy" shall mean as follows:

"Employ" refers to utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawless violence, rebellious [and] seditious conspiracy, insurgency, subversion or other related activities.

"Deploy" shall mean the orderly organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.

(2) *Integrated Community Safety Plans.* – The municipal/city mayor shall, in coordination with the local peace and order council of which he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations.

It shall, likewise, be the duty of the city or municipal mayor to sponsor periodic seminars for members of the PNP assigned or detailed in his city or municipality in order to update them regarding local ordinances and legislations.

(3) *Administrative Disciplinary Powers.* – In the areas of discipline, city and municipal mayors shall have the powers to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdictions, as provided in Section 41 of this Act.

(4) *Other Powers.* In addition to the aforementioned powers, city and municipal mayors shall have the following authority over the PNP units in their respective jurisdictions:

(i) Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: Provided, however, That in no case shall an officer-in-charge be designated for more than thirty (30) days: Provided, further, That the local peace and order council may, through the city or municipal mayor, recommend the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality: Provided, finally,

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That such relief shall be based on guidelines established by the NAPOLCOM;

(ii) Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences; and

(iii) Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointments shall be attested: Provided, That whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence.

The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives.

**WHEREAS**, in reinforcement of the aforementioned provision, Article II, Section 28 of R.A. 7160 or the *Local Government Code of 1991* further provides that: *The extent of operational supervision and control of local chief executives over the police force, fire protection unit, and jail management personnel assigned in their respective jurisdictions shall be governed by the provisions of Republic Act Numbered Sixty-Nine Hundred Seventy-Five (R.A. No. 6975), otherwise known as "The Department of the Interior and Local Government Act of 1990", and the rules and regulations issued pursuant thereto:*

**WHEREAS**, Section 64 of R.A. No. 8551 further provides that governors and mayors, upon having been elected and qualified as such, are automatically deputized as representatives of the NAPOLCOM in their respective territorial jurisdiction, which carries with it the authority to inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission;

**WHEREAS**, a cursory reading of the aforementioned provisions would suggest that a local chief executive's NAPOLCOM Deputation automatically attaches once he is elected and qualifies into office, regardless of whether his/her NAPOLCOM Deputation had been previously suspended/withdrawn;

**WHEREAS**, pursuant to Section 52 of R.A. No. 6975, the President was authorized to suspend the power of operational supervision and control of any local executive over police units assigned or stationed in his jurisdiction based on the grounds therein stated;

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**WHEREAS**, upon the enactment of R.A. No. 8551, the abovementioned authority by the President to suspend or withdraw the deputation of any local executive is now vested upon the NAPOLCOM which may suspend or withdraw said deputation on the following grounds committed by a local chief executive: frequent unauthorized absences, abuse of authority, providing material support to criminal elements, or engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign;

**WHEREAS**, it has been the consistent position of the Commission that a local chief executive's involvement in illegal drugs in whatever extent and capacity is tantamount to a local chief executive engaging in acts which negate the effectiveness of the peace and order campaign, considering that one of the centerpieces of the government's peace and order initiatives is the campaign to eradicate illegal drugs in the country;

**WHEREAS**, during the recently concluded mid-term elections, there were local chief executives whose NAPOLCOM Deputation were suspended/withdrawn on account of validated reports outlining their involvement in illegal drugs but who were, nevertheless, able to secure re-election;

**WHEREAS**, there were likewise local chief executives who were able to secure re-election but whose NAPOLCOM Deputation was, nonetheless, previously suspended on account of Presidential Proclamation No. 216<sup>2</sup>: DECLARING A STATE OF MARTIAL LAW AND SUSPENDING THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS IN THE WHOLE OF MINDANAO;

**WHEREAS**, in the abovementioned instances, the grounds for the suspension/withdrawal of the NAPOLCOM Deputation of local chief executives still subsists, regardless of their re-election, and thus to consider them as having regained their NAPOLCOM Deputation on account merely of their re-election would render inutile the authority of the Commission over local chief executives as their deputies;

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<sup>2</sup> Dated 23 May 2017.

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WHEREAS, applying further by analogy the ruling<sup>3</sup> of the Honorable Supreme Court that the re-election of an elective official shall no longer be a bar to holding said official accountable for offenses and infractions committed during his previous incumbency, the Commission is inclined to adopt a similar position that a local chief executive whose NAPOLCOM Deputation had been previously suspended/withdrawn does not automatically reacquire said deputation through re-election, especially if the grounds for the suspension/withdrawal of deputation still subsists;

NOW, THEREFORE, premised on the foregoing, the COMMISSION HEREBY RESOLVED, AS IT HEREBY RESOLVES, to CLARIFY THAT THE NAPOLCOM DEPUTATION OF LOCAL CHIEF EXECUTIVES WHICH HAD BEEN PREVIOUSLY SUSPENDED/WITHDRAWN ON ACCOUNT OF GROUNDS STILL SUBSISTING REMAINS TO BE SUSPENDED/WITHDRAWN NOTWITHSTANDING THEIR RE-ELECTION.

Done this 29th day of November in Quezon City, Philippines.

  
EDUARDO M. AÑO

Chairman




  
ATTY. ROGELIO T. CASURAO

Commissioner

Vice Chairman and Executive Officer

  
FELIZARDO M. SERAPIO, JR.

Commissioner

  
ATTY. JOB M. MANGENTE

Commissioner

  
ZENONIDA F. BROSAS

Commissioner

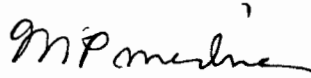
(VACANT)  
Commissioner

<sup>3</sup> Conchita Carpio Morales vs. CA and Jejomar Binay, Jr, G.R. Nos. 217126-27, 10 November 2015, 774 SCRA 431, 540-542.

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**ATTESTATION**

This is to attest that this Resolution has been reached after due consultation and deliberation among the members of the Commission En Banc.

  
**DIR. MYRNA DP MEDINA, Ph.D., CESE**  
Acting Deputy Executive Officer