

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

MEMORANDUM CIRCULAR NO. 2001-003

FURTHER CLARIFYING THE RULES ON THE DEPUTATION OF LOCAL EXECUTIVES AS REPRESENTATIVES OF THE COMMISSION AND THE PROCEDURE ON THE SUSPENSION/WITHDRAWAL, AND RESTORATION OF SUCH DEPUTATION AMENDING FOR THIS PURPOSE MEMORANDUM CIRCULAR NO. 99-010, ISSUED ON OCTOBER 11, 1999

WHEREAS, the Commission in implementation of Title VIII, RA 8551 on the subject "Participation of Local Government Executives in the Administration of the PNP", notably on the provisions on the automatic deputation of Governors and Mayors as representatives of the National Police Commission, and, the concomitant suspension or withdrawal of such deputation for grounds specified therein, issued Memorandum Circular No. 99-010 prescribing specific guidelines to be observed in connection therewith;

WHEREAS, in order to strengthen the effective implementation of the law and its implementing circular so as to achieve the ultimate objective of providing a peaceful, enlightened and police friendly community conducive to socio-economic growth and development, there is an imperative need to amend the aforementioned Circular;

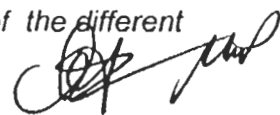
NOW THEREFORE, the Commission in the exercise of its authority under Title VIII, RA No. 8551, has resolved to amend, as it hereby amends Napolcom Memorandum Circular No. 99-010.

Section 1. Section 2 (1)a of Memorandum Circular No. 99-010 is hereby amended to read as follows:

Section 2. Powers and functions of Local Executives as Napolcom Deputies. - As Napolcom Deputies, the local chief Executives shall discharge the following functions:

"1. Provincial Governors -

- a. Shall choose the PNP provincial director from a list of three (3) eligibles recommended by the PNP regional director, upon prior consultation by the latter with the Napolcom Regional Director concerned, regarding the educational and training credentials of the candidates in line with the standards prescribed by Sec. 20 of RA No. 8551 as well as their service reputation and suitability for the position.
- b. As Chairman of the Provincial Peace and Order Council, he shall oversee the implementation of the Provincial Public Safety Plan taking into consideration the community public safety plans of the different



towns and cities; and shall coordinate, supervise and monitor the campaign against illegal drugs and illegal gambling within the province."

Sec. 2. Section 4 of Memorandum Circular No. 99-010 is hereby amended to read as follows:

"Section 4. Authority of the Napolcom Over the Provincial Governor and City Municipal Mayors. - As deputies of the Commission, the Provincial Governors and City/Municipal Mayors are accountable to the Commission in the exercise of the herein specified delegated authority and their "plans, programs or activities relative thereto may be reviewed modified nullified, withdrawn or reprobated by the Commission when warranted by the circumstances."

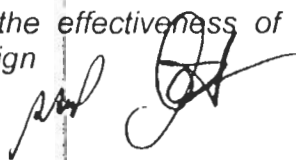
For this purpose, they shall regularly submit to the Commission thru the Crime Prevention and Coordinating Service within the first five (5) days of every quarter, a report summarizing their peace and order projects, activities and programs, including their recommendations on the enhancement of the effectiveness of the police units in their respective areas of authority.

To ensure that the local executives perform their duties and responsibilities with maximum efficiency, the Commission through its Inspection Monitoring and Investigation Service and, its regional offices shall, monitor and evaluate on a continuing basis their performance as deputies of the Commission in the area of public safety and effective maintenance of peace and order, specifically their campaign against all forms of syndicated crimes and illegal activities including jueteng in their respective localities.

Sec. 3. Section 5 of Memorandum Circular No. 99-010 is hereby amended to read as follows:

"Section 5. Suspension or Withdrawal of Deputation. - As prescribed in Section 52 of RA No. 6975, as amended, the automatic deputation of the Provincial Governor and City/Municipal Mayor may be suspended or withdrawn on any of the following grounds:

1. Frequent unauthorized absences
2. Abuse of Authority
3. Providing material support to criminal elements
4. Engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign



Sec. 4. Section 6 of Memorandum Circular No. 99-010 is hereby amended to read as follows:

"Section 6. Procedure For Suspension or Withdrawal of Deputation. - Before the deputation of the **Provincial Governor and City/Municipal Mayor, is** suspended or withdrawn, the following measures shall be undertaken by the Napolcom Regional Director in whose area the **said Governor or Mayor** is based:


1. Upon receipt of complaint or report against a local chief executive, he shall evaluate the same to determine whether the acts or violations complained of fall under any of the grounds provided for under the preceding section;
2. In the affirmative, he shall conduct further verification/investigation with the end in view of securing additional information or evidence and the extent of violation;
3. Forthwith, he shall consult with the Provincial Governor and Congressman concerned with respect to the complaint against the Mayor and his findings related thereto, **and in the case of the Governor, he shall consult with the regional director of the Department of the Interior and Local Government concerned.**
4. Thereafter, he shall submit his findings and recommendation to the Commission which shall then approve or disapprove the recommendation upon review by the Commission En Banc.

Provided However, that the Commission may motu proprio initiate the investigation of any local executive for the purpose of determining the necessity of suspending or withdrawing his deputation, if based on its monitoring activity the breakdown of peace and order and/or the incidence of illegal activities, including illegal gambling, is of public knowledge within the community, so as to induce a belief in an unprejudiced mind that said local executive is abetting or tolerating the same.

Sec. 5. All other Napolcom issuances or parts thereof which are inconsistent with, or contrary to, the provisions of this Circular are hereby repealed, amended or modified accordingly.

Sec. 6. This Circular shall take effect fifteen (15) days from date of filing with U.P. Law Center in consonance with the Administrative Code of 1987.

Approved, this 4th day of May in the Year Two Thousand One,
at Makati City, Metro Manila, Philippines.


JOSE D. LINA, JR.
Chairperson, NAPOLCOM
in


EDGAR DULA TORRES
Commissioner


JOSE PERCIVAL L. ADIONG
Commissioner


ROGELIO A. PUREZA
Commissioner


LEANDRO R. MENDOZA
Commissioner

Attested by:


BERNARDO R. CALIBO
Commission Secretary