

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Malabon, Metro Manila

MEMORANDUM CIRCULAR NO. 91-008

SUBJECT: PROCEDURE IN THE INVESTIGATION AND DISPOSITION OF
CITIZEN'S COMPLAINTS INVOLVING MINOR OFFENSES
FILED AGAINST MEMBERS OF THE PHILIPPINE NATIONAL
POLICE (PNP) WITH CITY/MUNICIPAL MAYORS.

Pursuant to Section 41 and Section 51 (b) (3) of
Republic Act No. 6975, otherwise known as the "Department of
the Interior and Local Government of 1990", the following
rules and regulations governing summary investigation and
adjudication of citizen's complaints filed against members of
the Philippine National Police (PNP) with city/municipal
mayors, are hereby adopted and promulgated:

RULE I

PURPOSE AND SCOPE

Section 1. Purpose. - To insure uniformity of
procedure and observance of administrative due process in the
exercise by mayors of their summary disciplinary authority



over minor offenses committed by PNP members, the herein rules governing investigation of such cases are hereby adopted.

Sec. 2. Scope. - This Memorandum Circular delineates the jurisdiction, powers, duties and procedure to be observed by city/municipal mayors in the investigation and adjudication of police administrative cases involving minor offenses.

RULES II

MAYORS' DISCIPLINARY POWERS

~~Section 1. Jurisdiction.~~ - The summary disciplinary authority of city/municipal mayors over PNP members assigned in their respective localities, shall be confined to minor offenses committed by the latter, where the imposable penalties are either withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period from sixteen (16) days to thirty (30) days.

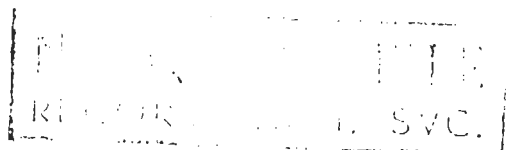


If the offense charged warrants the imposition of a penalty higher than thirty (30) days suspension, the case shall be referred to the proper disciplinary authority vested with jurisdiction over the case.

Sec. 2. Exclusive Jurisdiction. - In cases where both the mayor and the corresponding PNP supervisor have concurrent jurisdiction over the offense, the official who first acquired jurisdiction over the case (by reason of the verified complaint having been filed earlier with his office) shall assume jurisdiction in the investigation and disposition thereof, to the exclusion of the other.

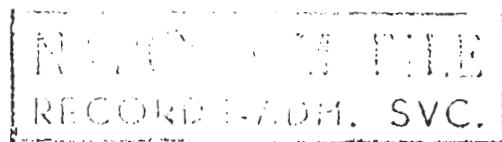
Sec. 3. Nature of Proceedings. - Investigation to be conducted by the mayor in the exercise of his disciplinary authority shall be summary in nature and without strict regard to the technical rules of evidence, but the investigation thereof shall be in accord with the rudiments and requirements of due process, as outline herein.

Sec. 4. Procedure. - The city/municipal mayor shall, motu-proprio, or upon written complaint of any person, investigate the PNP member for any minor offense within his disciplinary jurisdiction in accordance with the following procedure:



- a. The respondent shall be informed and furnished with a copy of the complaint against him and given the opportunity to answer the same in writing, within forty-eight (48) hours from receipt thereof.
- b. In his answer, the respondent shall state whether or no he elects a summary investigation. If not, the city/municipal mayor shall immediately render his decision on the case, which shall be in writing and based on the submitted evidence of the parties.
- c. If the respondent asks for a summary investigation, the same shall take place within twenty-four (24) hours after receipt of his answer and he should thereon be allowed the opportunity to present witnesses and other evidences in his behalf and to cross-examine the witnesses against him.

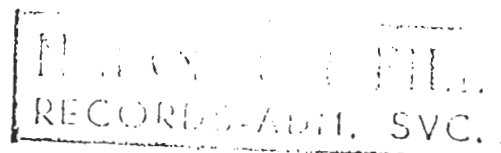
Direct examination of witnesses shall be dispensed with. In lieu thereof, the city/municipal mayor concerned shall



require each party and witnesses to submit their testimonies in affidavit form (duly sworn to) subject to the right of cross-examination by the other party.

- d. Postponement of investigation shall be discouraged and allowed only in meritorious cases.
- e. The investigation shall be completed within seventy-two (72) hours, and the city/municipal mayor shall render his decision in writing within twenty-four hours thereafter, copy furnished the Chief of Police, the FNP Provincial Director.

Decision, as used herein, is the written finding by the mayor that the respondent is guilty or not guilty of the offense charged, and the imposition of the appropriate penalty in case of conviction. It shall contain the charge, name of respondent and his rank, his station or police unit, a brief statement of the



material and relevant facts, findings, offense committed and penalty imposed, if found guilty.

Sec. 5. Maintenance of Docket Book. - The mayor shall in the exercise of his disciplinary authority keep a docket for administrative complaints filed with his office. All police complaints shall be properly entered therein together with their corresponding case docket number in the order of their receipt. It shall contain a record of the number and title of the case, rank and name of the respondent, name and address of the complainant, action and disposition of the case and other relevant data relative thereto.

Sec. 6. Service of Decision. - Copies of the decisions, resolutions and orders of the mayor relative to the exercise of his administrative disciplinary power shall be forwarded to the Chief of Police concerned, for immediate implementation or service to the parties affected.

Sec. 7. Finality of Decision. - The decision of the mayor becomes final and executory after ten (10) days from receipt of a copy thereof by the respondent, if no motion for reconsideration or appeal is filed within said period. In case a motion for reconsideration is filed and the same is

denied by the mayor, the decision shall become final upon the expiration of ten (10) days from receipt of the resolution denying the motion for reconsideration, if no appeal is filed within the said period. However, if an appeal was filed within the reglementary period the decision shall become final and executory upon receipt of the resolution/decision of the Regional Appellate Board (RAB) concerned.

Only one motion for reconsideration shall be allowed and considered by the mayor.

Sec. 8. Appeal. - The respondent may elevate the decision of the mayor to the NAPOLCOM Regional Appellate Board (RAB) for review by filing a Notice of Appeal with the former within ten (10) days from receipt of a copy thereof.

The city/municipal mayor shall, within five (5) days from receipt of the Notice of Appeal, transmit the entire records of the case to the Regional Appellate Board concerned, for final resolution.

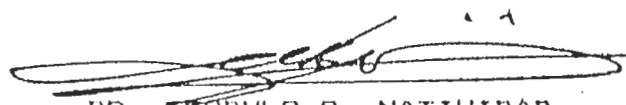
Sec. 9. Effect of Filing of Appeal. - The timely filing of an appeal to the Regional Appellate Board within the reglementary period shall stay and suspend the execution of the penalty imposed.

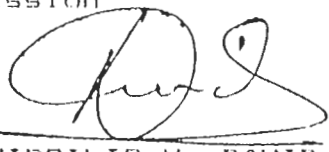
Sec. 10. Effectivity. - This Memorandum Circular shall take effect upon approval.

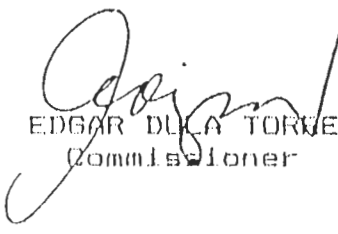
Approved, this 9th day of Aug. 1971, at Makati, Metro Manila, Philippines.

(NOT PRESENT)


LUIS T. SANTOS
Secretary, Department of the Interior
and Local Government and
Chairman, National Police Commission


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Commissioner

Attested by:


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RECORDING SVC.