



Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
ALCO Building
391 Sen. Gil J. Puyat Avenue
Makati, Metro Manila

MEMORANDUM CIRCULAR NO. 93-024

TO : Chairmen and Members, National Appellate Boards (NABs), Regional Appellate Boards (RABs) and People's Law Enforcement Boards (FLEBS); and

: PNP Chief, Regional Directors, Provincial Directors, Chiefs of Police and Others Concerned.

SUBJECT : GUIDELINES IN THE APPLICATION OF PENALTIES IN POLICE ADMINISTRATIVE CASES.

Pursuant to Section 41 (a) (3) of R. A. No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990", which, inter alia, mandates -

"The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this section".

The following guidelines and standards in the application of penalties in police administrative cases are hereby prescribed:

ADMINISTRATIVE OFFENSES

Section 1. Offenses Punishable. - The following are the offenses for which a member of the PNP may be charged administratively:

- a. Neglect of Duty
- b. Irregularity in the Performance of Duty
- c. Misconduct
- d. Incompetence

Ang bayang walang katahimikan ay bayang walang kaunlaran.

- e. Oppression
- f. Dishonesty
- g. Disloyalty to the Government
- h. Violation of Law

and are defined as follows:

Neglect of duty or Non-feasance - is the omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; it implies a duty as well as its breach and the fact can never be found in the absence of a duty.

Irregularities in the Performance of Duty - is the improper performance of some act which might lawfully be done.

Misconduct or Malfeasance - is the doing, either through ignorance, inattention or malice, of that which the officer had no legal right to do at all, as where he acts without any authority whatsoever, or exceeds, ignores or abuses his powers.

Misconduct generally means wrongful, improper or unlawful conduct, motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except what necessity may demand; it does not necessarily imply corruption or criminal intention but implies wrongful intention and not mere error of judgment.

Incompetency - is the manifest lack of adequate ability and fitness for the satisfactory performance of police duties. This has reference to any physical, moral or intellectual quality the lack of which substantially incapacitates one to perform the duties of a peace officer.

Oppression - imports an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of the unlawful powers or other means, in depriving an individual of his liberty or property against his will, is generally an act of oppression.

Dishonesty - is the concealment or distortion of truth in a matter or act relevant to one's office, or connected with the performance of his duties.

Disloyalty to the Government - consists of abandonment or renunciation of one's loyalty to the Government of the Philippines, or advocating the overthrow of the government.

Violation of Law - presupposes conviction in court of any crime or offense penalized under the Revised Penal Code or any special law or ordinance.

Sec. 2. Classification of Offenses. - For the purpose of the application of penalties, administrative offenses are classified into light, less grave and grave.

A. The following are LIGHT OFFENSES:

SIMPLE NEGLIGENCE OF DUTY. - This is incurred by any member of the PNP who shall:

- a. fail to supervise, inspect and control subordinates directly under his command as to their punctuality, attendance, prescribed attire, proper use and maintenance of equipment, preparation and submission of reports, efficient performance of their duties and responsibilities, and the observance of good order, conduct, behavior and discipline.
- b. fail to take corrective action by way of warning, advise, admonition or suggestion to a subordinate, or to report such conduct when such subordinate is committing or has already committed a dereliction, irregularity or violation of departmental rules and regulations;
- c. fail to order or cause the investigation of a subordinate reported to him as absent without leave;
- d. fail to disseminate any order, directive or instruction;

- e. fail to coordinate or cooperate with other law enforcement agencies and their personnel;
- f. absent oneself from office without having filed the necessary application for leave, either prior to the enjoyment of the leave or immediately thereafter;
- g. fail or refuse to give his name and badge number when properly requested;
- h. fail to report for duty in prescribed uniform with badge, identification card, service firearm and other required equipment, except those not required to wear the prescribed uniform by reason of the exigency of the service;
- i. fail to keep an official appointment with a complainant, informer or crime witnesses without lawful justification;
- j. fail to submit a written report to his commanding officer immediately or within a reasonable time after accidental firing of his firearm, time and circumstances would permit;
- k. fail to take custody of government issued property from a member under his command who is suspended, separated, retired or dead;

- l. fail to respond to or expedite action without sufficient justification on a complaint brought to the attention of the department in person, by telephone, or by letter;
- m. fail to conduct within a reasonable period, proper, thorough and complete investigation when assigned to do so;
- n. fail to thoroughly search for, collect, preserve and identify evidence in any arrest or investigation conducted by him;
- o. fail to take proper custody, record, tag, and identify property entrusted to him as evidence;
- p. be delayed unnecessarily in attending to or in performing a duty;
- q. appear and testify in court, prosecutor's office, PLEB, RAB, NAB or any other quasi-judicial body while not in proper uniform, except those duly exempted therefrom;
- r. fail to report to his commanding or superior officer his inability or incapacity to report for duty, attend a conference, general inspection, or participate in an operation;

- s. fail to inform his superior as to the result of action taken on a call or dispatch.
- t. fail to report to his commanding or superior officer a hazardous condition or dangerous situation;
- u. fail to prepare and submit properly written reports within the prescribed period of time, if required by standing regulations; and
- v. fail to perform any other act analogous to the foregoing.

SIMPLE IRREGULARITY IN THE PERFORMANCE OF DUTY. - This is incurred by any member of the PNP who shall:

- a. be found to have the odor or smell of alcohol on his breath while on duty, or possess alcoholic beverages on his person, police vehicle, post or office;
- b. drive a marked police vehicle while not in prescribed uniform, except those who are not required to do so by reason of the exigency of the service;
- c. use siren and/or red blinker light while not responding to an emergency or not in hot pursuit of a fleeing criminal or law violator;

- d. malinger, loaf or consort with others while on duty or arrange with another member to take his place during his tour or duty, without prior approval of his superior;
- e. allow unauthorized members of the police force to drive marked or unmarked police vehicles;
- f. interfere or obstruct the work of other members or change the assignment or tour of duty of subordinates not belonging to his command; and
- g. commit any other act analogous to the foregoing.

SLIGHT OR SIMPLE MISCONDUCT. - This offense is incurred by any member of the PNF who shall:

- a. fail to salute officials, dignitaries, superior officers and other officials entitled thereto or the national colors during the playing of the national anthem;
- b. fight, threaten or quarrel with any member of the police force; provided, that when the member being challenged or threatened is one of higher rank, the charge shall be that of Grave Misconduct;

- c. read newspapers, books or periodicals while in uniform and on street duty;
- d. be untidy or couth in his personal appearance and behave in an ungentlemanly or undignified manner;
- e. fail to recognize and satisfy any just debt;
- f. engage in any remunerative or gainful occupation or activity during off duty hours without approval of proper authority;
- g. solicit attorneys, bondsmen or guarantors for arrested or confined persons;
- h. fail to be at home or to be at the place of confinement without legitimate reason after having been reported sick or suffering injuries;
- i. use rude or insulting language or exhibit similar rudeness in conduct to the public;
- j. fail to report for record with the Complaint or Desk Officer a case prior to its investigation;
- k. allow or tolerate idlers, fixers and persons of questionable character to stay or loiter in his office, post or place of assignment without any legitimate reason or purpose;

- l. fail to maintain cleanliness and orderliness in his office, premises, post or surroundings;
- m. use official forms, letterheads, seals and stamps privately or in violation of protocol; provided, that when they are used for committing a fraud, the charge shall be Grave Misconduct; and
- n. commit any other act analogous to the foregoing.

B. The following are LESS GRAVE OFFENSES:

LESS GRAVE NEGLIGENCE OF DUTY. - This is incurred by any member of the PNP who shall:

- a. fail to execute lawful orders from higher authority or tolerate any subordinate to ignore or ridicule any order, rule or regulation;
- b. fail to make immediate correction or take appropriate action when a dereliction, irregularity or violation of law or duty is being committed or has been committed in his presence by a subordinate under his command, or fail to report the same to his commanding officer within twenty-four hours;

- c. fail to prepare disciplinary or administrative complaint or take such other disciplinary action as may be necessary against a subordinate under his command who has committed a serious dereliction, violation or irregularity;
- d. fail to comply with any lawful order or instruction of a commanding officer or the Chief of Police;
- e. fail without justifiable reason, to appear and testify in court or in the prosecutor's office or before the PLEB, RAB or NAB when duly notified or subpoenaed;
- f. fail to report immediately to his commanding or superior officer, or to the Chief of Police the injury, illness, death or escape of a prisoner who is under his custody;
- g. fail to communicate to the Chief of Police, through channels, any valuable information that will lead to the apprehension of a wanted person, or furnish clues for the solution of a case, or for the recovery of stolen property;

- h. fail to issue a Traffic Citation Ticket (TCT) or Temporary Operator's Permit (TOP) to an offending driver whose license is already confiscated;
- i. fail to turn in the used Traffic Citation Ticket or Temporary Operator's Permit (TOP) together with confiscated driver's license at the end of his tour of duty or within twenty four hours, or fail to account for the TCT's or TOP's issued to and used by him;
- j. fail to report as a peace officer any incident, condition or occurrence witnessed by or reported to him which calls for immediate police action;
- k. fail to properly patrol his beat, sector or post or to leave or abandon the same without being properly relieved; fail to take appropriate action concerning vice conditions in his beat and/or give written report of the same to his superior;
- l. fail to report to his commanding officer within a reasonable period, injury inflicted by him to a person or animal, damage or loss of government property while on or off duty;

- m. fail to comply with the order of a court of competent jurisdiction;
- n. willfully violate office regulations and/or refuse or neglect to comply with said provisions;
- o. be unavailable at his given address for an unreasonable length of time during a general emergency call, or for service to him of court processes and subpoena of the FLEB, RAB, NAB or any PNP disciplinary authority;
- p. sleep on his post while performing patrol or guard duty; and
- q. fail to perform any other act analogous to the foregoing.

LESS GRAVE IRREGULARITIES IN THE PERFORMANCE OF DUTIES.-

This is incurred by any member of the PNP who shall:

- a. apply for and serve a search or seizure warrant in any establishment or private house without the knowledge or approval of the chief of police or his commanding officer;
- b. use traffic violation reports which are not duly validated by the Land Transportation Office or by the Metro Manila Authority;

- c. use traffic violation reports duly validated by the Land Transportation Office (LTO) but are not issued to him for traffic enforcement work;
- d. use the official insignia, markings and seal of the police force in any privately owned vehicle, without the authority of the Chief of Police/commanding officer;
- e. disregard or violate traffic rules and regulations while driving a police vehicle when not in hot pursuit and not responding to an emergency call; and
- f. commit any other act analogous to the foregoing.

LESS GRAVE MISCONDUCT. - This is incurred by any member of the PNP who shall:

- a. take advantage of his position by procuring goods and commodities at a losing price to an unwilling seller, or partake of food, drinks and cigarettes free of charge;
- b. engage in gambling or games of chance, regulated or prohibited, while on duty, or in prohibited games of chance while off duty;

- c. loiter in gambling joints, narcotics dens, prostitution houses, hotels, motels, mahjong joints, cockpits, night clubs, cocktail lounge, bars, bookie corners, and in other questionable places when not in the performance of police duty;
- d. be drunk and disorderly while on or off duty, or drunk while off duty and in uniform or in recognizable uniform of the force, when the same has no connection with the performance of police duty;
- e. maliciously intrigue against the honor of a co-officer, or indulge in idle gossip or spread rumors that tend to discredit member;
- f. exhibit marked discourtesy in the course of official duties or use profane or insulting language to any superior officer;
- g. serve as escort or security officer, whether on foot or by motor vehicle, for any private individual regardless of his status in social or religious circles on any occasion, unless authorized by the chief of police or the appropriate officials authorized to do so;

- h. take a trip abroad without proper leave or approval of the authorities concerned;
- i. borrow or solicit money or any valuable from his subordinates; and
- j. commit any other act analogous to the foregoing.

C. The following are **GRAVE OFFENSES**:

SERIOUS NEGLECT OF DUTY - This is incurred by any member of the FNP who shall:

- a. fail or refuse to take command in an emergency in order to carry out police duty, being the officer present with the highest rank, grade or position;
- b. fail to prevent or suppress the criminal act of a subordinate being committed in his presence or fail to report the same to the chief of police within twenty-four hours after discovery;
- c. fail to apprehend and/or arrest under circumstances where it is his duty to do so;
- d. fail to return personal effects of released prisoners or other property used in evidence the release of which is ordered by competent authority or court;

- e. fail to perform his assigned mission or fail to participate in an operation for the security of the President, or other high ranking officials of the Philippines or foreign heads of state;
- f. fail to administer first aid when able and/or convey to the hospitals, victims of traffic accidents, persons shot or stabbed, persons electrocuted, and others who are dying and in need of urgent medical or surgical attention;
- g. fail to quell a disturbance or to protect a person from death or injury when able to do so;
- h. fail to help a brother peace officer in apprehending or arresting a violator who resists, or in subduing one assaulting the arresting officer, or in disarming an armed violator or in coming to the succor of another officer who is wounded, injured or outnumbered; and
- i. fail to perform any other act analogous to the foregoing.

SERIOUS IRREGULARITIES IN THE PERFORMANCE OF DUTIES. -

This is incurred by any member of the PNP who shall:

- a. engage directly or indirectly in partisan political activities or take part in any election except to vote;
- b. act as bodyguard or security guard for any public official or candidate for any elective public office or position or any other person within three (3) months immediately preceding any election and within one (1) month thereafter, unless authorized or deputized by the Commission on Elections;
- c. act as bodyguard or security guard for the person or property of any public official, or private person unless approved by the proper authorities concerned;
- d. prevent any arrested person or detention prisoner to have the right to counsel;
- e. reveal secret or confidential police matters and information which jeopardize police missions and operations, or which cause injury or damage to citizens;

- f. establish a checkpoint in any public thoroughfare for the purpose of stopping vehicles or persons and searching them without search warrant or without legal grounds;
- g. escort while on or off duty, any vehicle carrying highly dutiable or taxable goods, merchandise, appliances or machinery;
- h. deliberately or through gross negligence, destroy, damage or lose government property entrusted to him for official use;
- i. mutilate, deface, or destroy any driver's license, traffic citation ticket or temporary operator's permit issued in lieu thereof;
- j. inflict physical injuries upon a suspect to force the latter to give a confession;
- k. bring an apprehended or arrested person to a hotel or motel or to any secluded place before turning him over to the police station;
- l. sell, pawn, rent or loan his government issued service firearm, vehicle or police equipment to another person or establishment;

- m. act as mediator or fixer for the return of any stolen vehicle or other property whether held for ransom or not;
- n. countermand the order of the mayor, chief of police, or any commanding or superior officer when such order is lawful;
- o. be employed as bouncer, security guard, watchman, or lookout in a gambling den, narcotics dens, prostitution house, biniboy joint, or any other dubious establishment;
- p. perform the duties and functions of customs or immigration authorities without proper deputation in accordance with law;
- q. escort or allow other members to escort detention prisoners outside the jail in order to attend a funeral, visit a sick relative, or solicit a bond without an order of the court of proper jurisdiction; and
- r. commit any other act analogous to the foregoing.

GRAVE MISCONDUCT. - This is incurred by any member of the FNP who shall:

- a. maltreat or abuse any prisoner or detained person under his custody;
- b. join a strike or refuse to report for duty in order to secure changes in terms and conditions of his employment, or to oust the chief of police or any other officer from office;
- c. publicly consort with women of ill repute and/or scandalously cohabit with or maintain a wife other than his legitimate spouse;
- d. fail or refuse to surrender or deposit his service firearm, badge, identification card and police vehicle, if any, to his commanding officer upon demand during the period of suspension;
- e. willful failure to pay debts or obligations due the government; and
- f. commit any other act analogous to the foregoing.

D. OPPRESSION:

Any member of the police force who shall abuse his authority in a tyrannical, cruel, and high-handed manner shall be guilty of Oppression.

E. GROSS INCOMPETENCY:

When the offense or negligence is committed by reason of manifest lack of adequate ability and fitness on the part of the respondent member for the satisfactory performance of police duties, the erring member shall be guilty of Gross Incompetency.

F. DISLOYALTY TO THE GOVERNMENT:

Any member of the police force who shall abandon or renounce his loyalty to the government of the Republic of the Philippines, or shall advocate the overthrow of his government, shall be guilty of Disloyalty to the Government, in which case, the maximum penalty of dismissal from the service shall be imposed.

G. DISHONESTY:

Any member of the police force who shall conceal, alter, or distort the truth in a matter of fact relevant to his office, or connected with the performance of his duties shall be guilty of Dishonesty. The following acts constitute Grave Dishonesty:

- a. any member who shall knowingly enter in his Information Sheet or CSC 212 Form, or in his Individual Police Profile, facts which are not true, or conceal or distort damaging facts;

- b. makes a false report or entry in the police blotter or in any department record;
- c. give deliberate false testimony against or in favor of a person facing a criminal, administrative or disciplinary charge;
- d. destroy, conceal, or tamper physical evidence to be presented in court by exchanging, altering, damaging or diluting as to affect its original appearance, composition and content;
- e. appropriate for his or another's personal use any stolen property which is recovered, found or abandoned;
- f. solicit money or valuable for the amicable settlement of cases under investigation; and
- g. commit any other act analogous to the foregoing.

H. VIOLATION OF LAW:

When a member of the police force is convicted by final judgment in court of any crime or offense punishable under the Revised Code or special law or ordinance, said member shall be charged for Violation of Law.

The administrative investigation shall be separate from and independent of the criminal proceedings in court for the

same offense. The nature of the crime committed and the penalty prescribed therefor by the Revised Penal Code or special law shall determine the classification of the offense as light, less grave or grave.

The following are instances of Violation of Law: Any member of the PNP who shall:

- a. maliciously refrain, in dereliction of the duties of his office, from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of criminal offenses (Art. 208, RPC);
- b. agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another; or accept any gift in consideration of the execution of an act which does not constitute a crime; or receive a gift in consideration of refraining from doing something which it was his official duty to do (Direct Bribery - Art. 20 Ibid);

- c. accept gifts offered to him by reason of his office (Art. 211, Ibid);
- d. appropriate public funds or property, or shall take or misappropriate or shall consent or through abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially (Art. 217, Ibid);
- e. apply any public fund or property under his administration to any public use other than that for which fund or property were appropriated by law or ordinance (Illegal Use of Public Funds or Property - Art. 220, Ibid);
- f. consent to the escape of a prisoner in his custody or charge (Conniving with or Consenting to Evasion - Art. 223, Ibid);
- g. allow through negligence the escape of a prisoner under his custody (Evasion through Negligence - Art.224, Ibid);
- h. remove, destroy or conceal documents or papers officially entrusted to him (Infidelity in the Custody of Documents - Art. 226, Ibid);

- i. fail, upon demand from competent authority, to lend his cooperation towards the administration of justice or other public service (Art. 233, Ibid);
- j. overdo himself in the correction or handling of a prisoner or detention prisoner under his charge, by the imposition of punishment not authorized by the regulations, or by inflicting punishments in a cruel and humiliating manner (Maltreatment of Prisoners- Art. 235, Ibid);
- k. Abandon his office, before the acceptance of his resignation, to the detriment of the public service (Art. 238, Ibid);
- l. solicit or make immoral or indecent advances to a woman interested in matters pending before him for decision or with respect to which he is required to submit a report to or consult with a superior officer; solicit or make immoral or indecent advances to a woman under his custody (Abuses Against Chastity - Art. 245, Ibid);
- m. intentionally mutilate another, (Art. 262, Ibid);

n. wound, beat, or assault another, if in consequence of the physical injuries inflicted, the injured person shall become insane, imbecile, impotent, or blind or if in consequence of the physical injuries inflicted, the person injured shall have lost the use of speech or the power to hear or to smell or a leg or shall have lost the use of any such member, or shall have become incapacitated for the work in which he was therefor habitually engaged, or if in consequence of the physical injuries inflicted, the person injured shall have become deformed or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which he is habitually engaged for a period of more than ninety (90) days, or if the physical injuries inflicted shall have caused the illness or incapacity for labor of the injured person for more than thirty (30) days (Serious Physical Injuries - Art. 263, Ibid);

- o. Inflict upon another physical injuries which shall incapacitate the offended party for labor for ten (10) days or more, or shall require medical attendance for the same period (Less Serious Physical Injuries - Art. 265, Ibid);
- p. inflict physical injuries which shall incapacitate the offended party for labor from one (1) to nine (9) days or shall require medical attendance during the same period or cause physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical attendance or ill-treat another by deed without causing any injury (Slight Physical Injuries - Art. 266, Ibid);
- q. arrest or detain another in any case other than those authorized by law or without reasonable ground thereof for the purpose of delivering him to the proper authorities (Unlawful Arrest- Art. 267, Ibid);
- r. threaten another with the infliction upon the person, honor or property of the latter or his family of any wrong amounting to a crime (Grave Threats - Art. 282, Ibid);

- s. threaten to commit a wrong not constituting a crime (Light Threats - Art. 283, Ibid);
- t. threaten another with a weapon, or draw such weapon in a quarrel, unless it be in lawful self defense, or orally threaten another, in the heat of anger, with some harm not constituting a crime, although subsequent acts show that he did not persist in the idea involved in his threat, or orally threaten to do another any harm not constituting a felony (Other Light Threats - Art. 285, Ibid);
- u. without authority of law, prevent another, by means of violence, from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong (Grave Coercions - Art. 286, Ibid);
- v. seize, by means of violence, anything belonging to his debtor for the purpose of applying the same to the payment of the debt (Light Coercion - Art. 287, Ibid);

- w. perform, under pretense of official position, any act pertaining to any person in authority or public office without being lawfully entitled to do so (Usurpation of Official Functions - Art. 177, Ibid);
- x. perform and improperly make use of insignia, uniform or dress pertaining to an office not held by such person or to a class of persons of which he is not a member (Illegal Use of Uniforms or Insignia- Art. 179, Ibid);
- y. detain another, without legal grounds (Arbitrary Detention - Art. 124, Ibid);
- z. detain any person for some legal ground and shall fail to deliver such person to the proper judicial authorities within the period of twelve (12) hours, for crimes or offenses punishable by light penalties or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties or their equivalent; and thirty six (36) hours, for crimes or offenses punishable by afflicted or capital penalties, or their equivalent (Delay in the Delivery of

Detained Persons to the Proper Judicial Authorities - Art. 125, as amended by Executive Order No. 272, dated 25 July 1987);

- aa. delay for the period of time therein the performance of any judicial or executive order for the release of a prisoner or detention prisoner, or unduly delay the service of notice of such order to said prisoner or the proceedings upon any petition for the liberation of such person (Delaying Release - Art. 126, Ibid);
- bb. enter, without being authorized by judicial order, any dwelling against the will of the owner thereof, search papers or other effects found therein without the previous consent of such owner or having surreptitiously entered said dwelling and being required to leave the premises, shall refuse to do so (Violation of Domicile - Art. 128, Ibid);
- cc. procure a search warrant without just cause, or having legally procured the same, shall exceed his authority or use unnecessary severity in

executing the same (Search Warrant Maliciously Obtained and Abuse in the Service of those Legally Obtained - Art. 129, Ibid);

dd. search the domicile, papers, or other belongings of any person in the absence of the latter, any member of his family, or in their default, without the presence of two (2) witnesses, residing in the same locality (Searching Domicile Without Witnesses - Art. 130, Ibid).

ADMINISTRATIVE PENALTIES

Section 1. **Imposable Penalties.** - The following are the penalties that may be imposed in police administrative cases:

- a. Withholding of privileges
- b. Restriction to specified limits
- c. Suspension
- d. Forfeiture of salary or fine
- e. Demotion (of not more than one rank)
- f. Dismissal

Sec. 2. **Schedule of Penalties.** - The penalties for light, less grave and grave offenses shall be made in accordance with the following schedule:

A. For LIGHT OFFENSES:

- a. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from one (1) day to ten (10) days (minimum period);
- b. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from eleven (11) days to twenty (20) days (medium period)
- c. Withholding of privileges or restriction to specified limits or suspension or forfeiture of salary, or any combination thereof from twenty-one (21) days to thirty (30) days (maximum period).

B. For LESS GRAVE OFFENSES:

- a. Withholding of privileges or restriction to specified limits or suspension, or any combination thereof from thirty-one (31) days to forty five (45) days (minimum);

- b. Withholding of privileges or restriction to specified limits or suspension, or any combination thereof from forty-six (46) days to sixty (60) days (medium period);
- c. Withholding of privileges or restriction to specified limits or suspension, or any combination thereof from sixty-one (61) days to ninety (90) days (maximum period).

C. For GRAVE OFFENSES:

- a. Maximum suspension imposable (minimum period);
- b. Forced Resignation/Demotion of not more than one (1) rank (medium period);
- c. Dismissal (maximum period).

Sec. 3. Limitation in the Imposition of Penalties. -

If the penalty of suspension is imposed by the PLEB, the same shall not exceed three (3) months suspension (Sec. 3, Napolcom MC No. 91-002, s. 1991); if imposed by the Mayors, the same shall not exceed thirty (30) days (Sec. 41 (a) (2), R.A. No. 6975); if imposed by the Chiefs of Police or equivalent supervisors, the same shall not exceed fifteen (15) days (Sec. 41 (b) (1), R. A. No. 6975); if imposed by the Police Provincial Directors or equivalent supervisors, the

same shall not exceed thirty (30) days (Sec. 41 (b) (2), R. A. No. 6975); if imposed by the Police Regional Directors or equivalent supervisors, the same shall not exceed sixty (60) days (Sec. 41, (b) (3), R. A. No. 6975); and, if imposed by the Chief PNP, the same shall not exceed one-hundred-eighty (180) days (Sec. 41 (b) (4), R. A. No. 6975).

In case of forfeiture of salary (fine) the amount shall not exceed the equivalent of one (1) month pay. On the other hand, the penalty of "Withholding of Privileges" shall be confined to deferment of vacation leave privileges, availment of loan privileges and participation in training grant or programs and such other similar privileges normally enjoyed by civil service employees.

Sec. 4. Qualifying Circumstances. - In the determination of the penalties to be imposed, mitigating and aggravating circumstances attendant to the commission of the offense shall be considered.

The following are mitigating circumstances:

- a. physical illness
- b. good faith
- c. length of service in the government
- d. analogous circumstances

The following are aggravating circumstances:

- a. taking advantage of official position
- b. taking undue advantage of subordinate
- c. undue disclosure of confidential information
- d. use of government property in the commission of the offenses
- e. habituality
- f. offense is committed during office hours and/or within the premises of the working office or building
- g. employment of fraudulent means to commit or conceal the offense
- h. analogous circumstances

Sec. 5. Guidelines in the Application of Penalties.--

The imposition of the penalty shall be made in accordance with the manner herein below provided:

- a. Like penalties shall be imposed for like offenses and only one penalty shall be imposed for each case. "Each case" means one administrative case which may involve one or more charges or counts;
- b. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present;

- c. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present;
- d. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present;
- e. Where aggravating and mitigating circumstances are present, rule (b) shall be applied where there are more mitigating circumstances present; rule (c) shall be applied where the circumstances equally offset each other; and rule (d) shall be applied when there are more aggravating circumstances;
- f. If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances;
- g. In the appreciation of any mitigating circumstance in favor of the respondent or of any aggravating circumstance against him, the same must be invoke or pleaded by the party concerned, otherwise, such circumstances shall not be considered in the determination of the penalty to be imposed;

h. If the disciplinary authority, after conducting the requisite investigation, and based on the evidence submitted during the hearing, shall find that the penalty imposable to respondent is beyond its jurisdiction, case must be referred, together with the entire records of the proceedings, to the proper disciplinary authority, for appropriate disposition.

Sec. 6. Administrative Disabilities Inherent In Certain Penalties.

- a. The penalty of dismissal, which results in the separation of the respondent from the service, shall carry with it that of cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification for re-employment in the police service;
- b. The penalty of suspension, which consists in the temporary separation or cessation from work of the respondent for the duration of the sanction, shall carry with it that of disqualification for promotion corresponding to the period of suspension;

- c. The penalty of forfeiture of salary, which consists of an amount not exceeding one (1) month salary, shall carry with it that of disqualification for promotion corresponding to the penalty imposed.

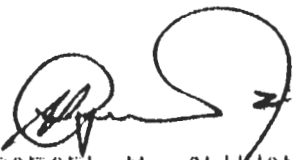
FINAL PROVISIONS

Sec. 1. Repealing Clause. - All rules and regulations and other issuances, or portions thereof, inconsistent with this Circular are hereby repealed or modified accordingly.

Sec. 2. Separability Clause. - In the event that one of the provisions of this Circular is declared illegal, the validity of the other provisions shall not be affected by such declaration.

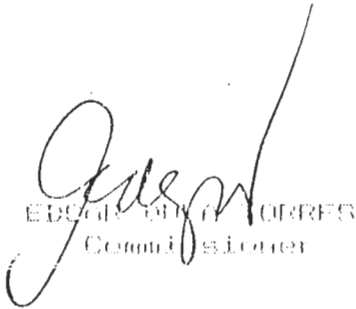
Sec. 3. Effectivity. - This Circular shall take effect upon approval.

Approved, this 29th day of November 1993, at Makati, Metro Manila.

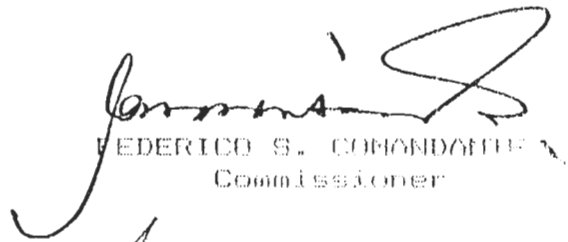

RAFAEL M. ALUNAN III
Secretary, DILG/
Chairman, Napolcom



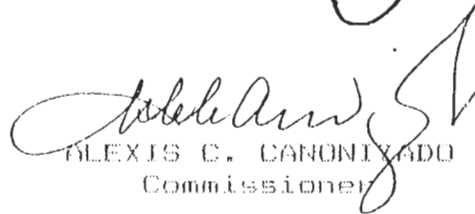
GUILLERMO P. ENRIQUEZ, JR.
Commissioner
Vice Chairman/
Executive Officer



EDGARDO TORRES
Commissioner

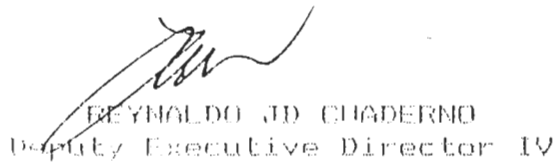


FEDERICO S. COMANDANTE
Commissioner



ALEXIS C. CANONIZADO
Commissioner

Attested by:



REYNALDO JD CHADERNO
Deputy Executive Director IV

/appr
fn: guidelin