



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 1200



MEMORANDUM CIRCULAR NO. 94-009

TO : The Chief PNP

SUBJECT : Additional Guidelines, Re: Designation of PNP
Provincial Directors and Chiefs of Police

WHEREAS, Section 51, R.A. No. 6975, mandates that governors and mayors shall be deputized as representatives of the National Police Commission (Napolcom) in their respective territorial jurisdictions and, once deputized, the Governor shall have the authority to choose the PNP Provincial Director from a list of three (3) eligibles recommended by the PNP Regional Director, while the city/municipal mayor shall, inter alia, have the authority to choose the Chief of Police from a list of five (5) eligibles recommended by the Provincial Director;

WHEREAS, it has been noted recently, however, that there are certain PNP commanders who, in order to dispense with the involvement of the local chief executives in the designation of the new provincial directors/city or municipal chiefs of police, are designating the replacements as Officer-In-Charge (O.I.C.) and allowing them to discharge the functions of provincial directors/chiefs of police in such capacity indefinitely;

WHEREAS, this practice is a clear circumvention of the law which vests upon the governors/mayors the prerogative to choose their respective provincial police directors/chiefs of police and, in effect, has been generating conflict and antagonism between the PNP and the local chief executives, thereby adversely affecting the government's peace and order campaign efforts;

NOW, THEREFORE, this Commission in the exercise of its administration and control power over the Philippine National Police (PNP), hereby directs:

Ang bayang walang katahimikan ay bayang walang kaunlaran.

Section 1. Procedure in the Designation of a New PNP Provincial Director, or Chief of Police, to Replace the Incumbent. - While an incumbent provincial police director, or city/municipal chief of police may be removed, transferred or re-assigned without prior approval of the governor, or mayor, as the case maybe, designation of the placement must comply with the procedure prescribed in Sec. 51, R.A. No. 6975, and reiterated in Napolcom Memorandum Circular No. 93-013, thus:

(a) Designation of Provincial Director -

The PNP Regional Director shall submit in writing to the Provincial Governor concerned, the names of three (3) eligibles from which the latter shall choose within ten (10) days from receipt of such list the Provincial Director to be designated.

(b) Designation of Chief of Police -

The PNP Provincial Director shall submit in writing to the City/Municipal Mayor concerned, copy furnished the Napolcom Regional Director, the names of five (5) eligibles from which the latter shall select within ten (10) days from receipt of such list the Chief of Police to be designated.

Should the Governor or Mayor, as the case maybe, fail to select one from the submitted list within the prescribed period of ten (10) days, or recommend another PNP officer who is not in the list, it shall be construed as a refusal to comply with the prescription of the law. Hence, in such a case, the PNP can designate any of the PNP officers whose names are in the list submitted.

Section 2. Officer-In-Charge Pending Selection of the Regular Provincial Director/Chief of Police. - When an incumbent Provincial Director, or Chief of Police, is removed, transferred or re-assigned, an Officer-In-Charge, preferably the deputy/assistant provincial director/chief of police, shall be temporarily designated to discharge the functions of the vacated position pending designation of a regular replacement in accordance with the procedure prescribed herein.

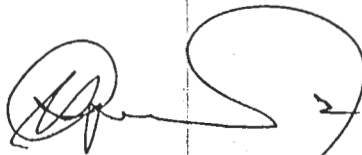
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Section 3. Limitations in the Designation of Officer-In-Charge. - The practice of allowing an Officer-In-Charge to discharge the functions of provincial director/chief of police in such capacity indefinitely or of replacing an O.I.C. with another O.I.C., maybe construed as a circumvention of the law which vests upon the governors/mayors the prerogative to choose their respective provincial directors/chiefs of police, hence, the same is hereby prohibited.

As such, designation of regular replacement as provincial director/chief of police should be effected immediately and, in no case, shall it be done beyond thirty (30) days from date the incumbent was removed, transferred or re-assigned.

Section 4. This Memorandum Circular shall take effect immediately.

Issued, this 2nd day of March, 1994, at Makati, Metro Manila, Philippines.



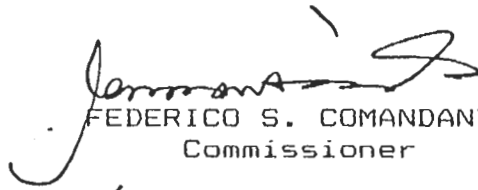
RAFAEL M. ALUNAN III
Secretary, DILG/
Chairman, NAPOLCOM

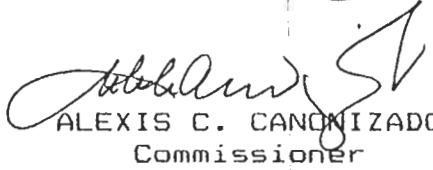


GUILLERMO P. ENRIQUEZ, JR.
Commissioner
Vice-Chairman/Executive Officer





EDGAR DULA TORRES
Commissioner


FEDERICO S. COMANDANTE
Commissioner


ALEXIS C. CANONIZADO
Commissioner

Attested by:


REYNALDO JD CUADERNO
Deputy Executive Director IV

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