

file for

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

MEMORANDUM CIRCULAR NO. 95-08

SUBJECT: PRESCRIBING GUIDELINES TO ENSURE THE TRANSMITTAL OF THE COMPLETE RECORDS OF APPEALED ADMINISTRATIVE CASES TO THE NATIONAL POLICE COMMISSION (NAPOLCOM) APPELLATE BOARDS.

TO : PNP Chief
PNP Regional Directors
PNP Directors, Administrative and
Operational Support Units
PLEB Chairmen

WHEREAS, Section 45, RA No. 6975 prescribes, inter alia, that the disciplinary action imposed by the PNP Regional Director or by the PLEB involving **demotion or dismissal** from the service may be appealed to the Napolcom Regional Appellate Board (RAB) within ten (10) days from receipt or copy of the decision thereof, while the disciplinary action imposed by the Chief, PNP involving the said penalty may be appealed to the Napolcom National Appellate Board (NAB) within the same period;

WHEREAS, it has been noted that transmittal of case records is often not effected immediately and, in some instances, the records transmitted are not complete, thereby causing delay in the resolution of the appeal to the prejudice of the parties;

NOW, THEREFORE, this Commission, in order to ensure speedy and fair resolution of appealed cases, hereby orders and directs:

Section 1. Essential Records of an Administrative Case.-
The vital records of an administrative case, which shall be transmitted to the Napolcom Appellate Boards by the disciplinary authority upon receipt of a Notice of Appeal or written request of the Commission shall consist of the following documents:

- a. The Sworn Complaint, if filed by a private party, or the Investigation Report, if initiated by respondent's superior officer/commander, including all sworn statements of witnesses, if any;
- b. The Summons served to respondent, notices of hearings and such related orders issued, including the proof of service of each;
- c. The Answer and other related pleadings filed by respondent, including the documents submitted in support thereof;

- d. The Transcript of stenographic notes, if any, or, at least, a summary of the minutes of the administrative proceedings, wherein the names of the witnesses who testified and the gist of their respective testimonies, together with all the documentary evidence submitted by the parties during the hearing, are recorded and specified;
- e. The Copy of the Decision rendered by the disciplinary authority and proof of service thereof to the parties;
- f. The Motion for Reconsideration filed by the respondent, if any, and the Resolution issued in relation to such motion duly served to the parties concerned; and,
- g. All other documents relevant to the investigation.
- h. The Transmittal letter to the Napolcom Appellate Board, indicating therein the specific documents being forwarded, all pages consecutively numbered.

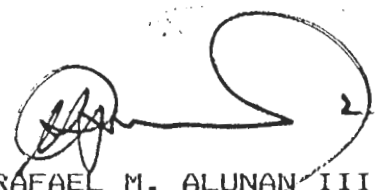
Section 2. Prompt Transmittal of Case Records to the Appellate Boards. - Within five (5) days from receipt of the Notice of Appeal or written request from this Commission, if appeal is filed directly with it, the disciplinary authority shall forthwith transmit the entire records of the case to the Napolcom Appellate Board, either by registered mail, commercial courier or through a duly authorized PNF representative.

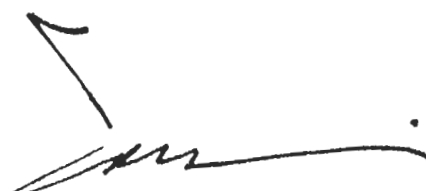
At no instance, shall the records of the case be hand-carried to the Napolcom Appellate Boards by any of the parties to the case.

Section 3. Repealing Clause. - All Napolcom Issuances contrary to, or in conflict with, the provisions of this Memorandum Circular are hereby repealed or modified accordingly.

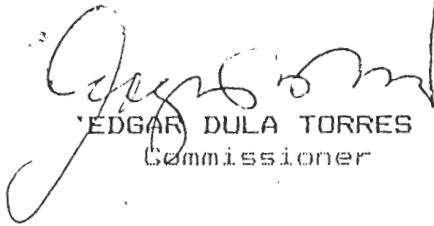
Section 4. Effectivity. - This Memorandum Circular shall take effect upon approval.

APPROVED, this 27th day of March 1995 at Makati City, Metro Manila, Philippines.

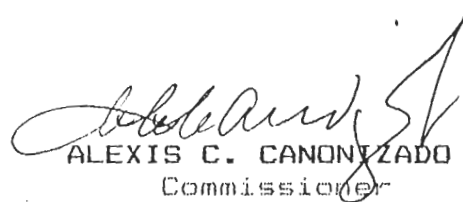

RAFAEL M. ALUNAN III
Secretary, DILG and Chairman,
Napolcom



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

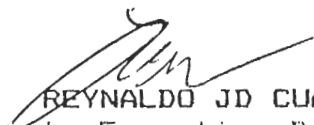


EDGAR DULA TORRES
Commissioner



ALEXIS C. CANONIZADO
Commissioner

Attested by:



REYNALDO JD CUADERNO
Deputy Executive Director IV

fn: appealed
LAS/VCM/appr