

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

MEMORANDUM CIRCULAR NO. 96-006

CLASSIFYING AS A GRAVE ADMINISTRATIVE OFFENSE ANY WILLFUL AND UNJUSTIFIABLE NON-APPEARANCE OF A PNP MEMBER BEFORE THE COURT, PROSECUTOR'S OFFICE, PEOPLE'S LAW ENFORCEMENT BOARD (PLEB), HEARING OFFICER OR ANY TRIBUNAL OR OFFICER AUTHORIZED BY LAW TO HEAR CASES, AND PRESCRIBING THE APPROPRIATE PENALTY THEREOF.

WHEREAS, it has been noted from the various communications received by this Commission from the different Courts and Prosecutor's offices, that many criminal cases have been dismissed or archived, or the accused were acquitted, due to the failure of the police to appear and testify despite proper notice;

WHEREAS, there is no gainsaying the fact that the above described actuation of a police officer is highly irregular and condemnable, since it adversely affects the speedy and proper disposition of cases to the prejudice of the victims of crime, beside undermining the public's trust and support to the police;

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

Section 1. Duty of a Police Officer to Appear and Testify when Notified or Subpoenaed. - It is the primary duty of a PNP member to appear and testify when so ordered through notice or subpoena by a Court, Prosecutor or People's Law Enforcement Board (PLEB), Hearing officer or any tribunal or officer authorized by law to hear cases.

Section 2. Service of Notice or Subpoena by the PNP Administrative/Personnel Officer. - The PNP Administrative/Personnel Officer who received the

notice/subpoena from the Court, Prosecutor's Office, People's Law Enforcement Board (PLEB), Hearing officer or from any tribunal or officer authorized by law to hear cases, shall see to it that said order or notice is served immediately to the addressee named therein.

If the non-appearance of a PNP member to a hearing/investigation was due to the failure of the Administrative/Personnel Officer to serve the subpoena or notice, the latter shall be held accountable for "Neglect of Duty" and penalized accordingly.

Section 3. Priority Over All Other Official Functions.- The duty of a PNP member to appear and testify in a hearing/investigation, specially if he is the arresting officer or principal witness in a case, shall be accorded first priority over all other official functions.

Section 4. Non-Appearance Without Justifiable Reason; Nature of Offense and Penalty. - Any PNP member who shall fail, without justifiable reason, to appear and testify when so ordered by the Court, Prosecutor, People's Law Enforcement Board (PLEB), Hearing Officer or any tribunal or officer authorized by law to hear cases, shall be held accountable for "Serjous Neglect of Duty" and penalized accordingly.

If the non-appearance of a PNP member resulted in the dismissal of the case or acquittal of the accused, or when the PNP member so ordered to appear and testify is a principal witness or the arresting officer, the penalty for a grave administrative offense in its maximum period, (dismissal from the service) shall be imposed, even if there are attendant mitigating circumstances.

Section 5. Repealing Clause. - All rules and regulations and other issuances, or portions thereof, which are inconsistent with the provisions of this Memorandum Circular are hereby repealed or modified accordingly.

Section 6. Effectivity.- This Memorandum Circular shall take effect immediately upon approval.

APPROVED, this 9th day of May 1996, at Makati City,
Metro Manila, Philippines.

Original Signed
ROBERT Z. BARBERS
Secretary, DILG and Chairman
NAPOLCOM

Original Signed
EDGAR DULA TORRES
Commissioner
Officer-in-Charge

Original Signed
ALEXIS C. CANONIZADO
Commissioner

Attested by:

Original Signed
REYNALDO JD CUADERNO
Deputy Executive Director IV