

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

MEMORANDUM CIRCULAR NO. 99-006

**PROCEDURE GOVERNING ADMINISTRATIVE COMPLAINTS
BROUGHT BEFORE OR FILED WITH THE CHIEF, PHILIPPINE
NATIONAL POLICE OR TO OTHER PNP DISCIPLINARY
AUTHORITIES PURSUANT TO SECTIONS 41 (41-b) AND 42 OF
R. A. NO. 6975, AS AMENDED BY R.A. NO. 8551.**

WHEREAS, Section 41 of R.A. No. 6975, as amended by R.A. No. 8551, authorizes the Chief of the Philippine National Police, Police Regional Directors, Provincial Directors and Chiefs of Police and their respective equivalent supervisors to impose administrative sanctions for offenses classified as "breach of internal discipline" to alleged erring PNP personnel after due notice and summary hearings;

WHEREAS, Section 42 of R.A. No. 6975, as amended by R. A. No. 8551, authorizes, inter alia, the Chief of the Philippine National Police and Police Regional Directors to conduct summary dismissal proceedings against erring PNP members for cases enumerated therein provided the minimum requirements of due process are complied with:

WHEREAS, in order to effectively carry out the provisions of Sections 41 and 42 of R.A. 6975, as amended, the Commission, in the exercise of administrative control and operational supervision over the PNP approved on July 31, 1996 NAPOLCOM Memorandum Circular No. 96-010 wherein the procedure for the conduct of pre-charge investigation by the Inspection and Internal Affairs Office (IIAO thru its Command/Unit Inspector) and summary hearings by the designated Summary Hearing Officers, Board or Committee are laid down for the guidance and strict compliance of all concerned;

WHEREAS, with the creation of the Internal Affairs Service (IAS) under R.A. No. 8551, it is necessary that new and additional guidelines be adopted by the Commission to preserve the inherent authority of the different disciplinary authorities mentioned in Sections 41 and 42 of R.A. No. 6975, as amended, and to establish the procedure on how their inherent authority can be carried out without impairing the functions of the IAS so as to avoid duplicity of procedure and unnecessary delay in the administration of justice;


NOW THEREFORE, the Commission, in the exercise of its Constitutional and statutory power of control and operational supervision over the PNP **HAS RESOLVED**, to adopt as it hereby adopts the following procedure to govern administrative complaints brought before or filed with any of the PNP Disciplinary Authorities mentioned in Sections 41 (b) and 42 of RA 6975, as amended:

1. IAS shall carry out its legislative mandated tasks in accordance with existing rules and regulations, particularly the Implementing Rules and Regulations of R.A. No. 8551. Not being a disciplinary authority, its recommendations shall be submitted to the proper PNP Disciplinary Authority for disposition or adjudication within the prescribed period.
2. The jurisdiction of the different PNP disciplinary authorities in Section 41 of RA No. 6975, as amended, and the authority of the Chief, PNP and Police Regional Directors under Section 42 thereof to conduct summary dismissal proceedings against PNP personnel charged with administrative offenses shall not be affected by the establishment of the IAS and its offices in the different levels of the police organization.
3. Administrative complaints brought against PNP members directly with the different disciplinary authorities by the aggrieved party or by any party who can initiate administrative action shall be indorsed by the PNP disciplinary authority to an "Investigating Officer" for pre-charge investigation. These Disciplinary Authorities shall designate in their respective jurisdictions the proper office or officer who shall conduct the pre-charge investigation. At the national level, the conduct of pre-charge investigation shall be undertaken by the Directorate for Investigation and Detective Management (DIDM), while at the Police Regional Offices, through the Regional Intelligence and Investigation Division (RIID) and through the Investigation Division at equivalent units.

However, any of the PNP Disciplinary Authorities mentioned in Sections 41 and 42 of RA 6975 may authorize IAS to conduct the summary hearing or reception of evidence subject to final disposition by the appropriate Disciplinary Authority.

4. No administrative complaint shall be entertained unless the complainant or aggrieved party shall certify under oath that he has not filed or commenced any other action or proceeding involving the same issue with any other administrative disciplinary authority or forum.
5. If after pre-charge investigation, a prima facie is established, the disciplinary authority before whom the complaint was filed, shall designate a Summary Hearing Officer who shall conduct the appropriate proceedings in accordance with Napolcom Memorandum Circular No. 96-10.
6. This Resolution shall take effect upon approval.

ADOPTED this 11th day of August in the Year Nineteen
Hundred and Ninety-Nine in Makati City.


RONALDO V. PUNO
Secretary, DILG and
Chairperson, NAPOLCOM

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LEO S. MAGAHUM
Commissioner

Vice Chairperson and Executive Officer


JOSE PERCIVAL L. ADIONG
Commissioner


ROMEO L. CAIRME
Commissioner


CLEOFE M. FACTORAN
Commissioner


EDMUNDO L. LARROZA
Police Deputy Director General
Officer-in-Charge

Attested:


DIR. BERNARDO R. CALIBO
Commission Secretary



/appr