

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

MEMORANDUM CIRCULAR NO. 99-009

FURTHER AMENDING NAPOLCOM MEMORANDUM CIRCULAR NO. 95-011, ENTITLED "PRESCRIBING THE RULES AND REGULATIONS IN THE IMPLEMENTATION OF THE NAPOLCOM SCHOLARSHIP PROGRAM FOR SURVIVING CHILDREN OF DECEASED AND/OR PERMANENTLY INCAPACITATED PNP PERSONNEL UNDER RA 6963 AND NAPOLCOM RESOLUTION NO. 94-047", AND ALLOWING AFFECTED SCHOLARS TO CONTINUE THEIR SCHOOLING IN ACCORDANCE WITH THE SCHEDULE SET FORTH HEREUNDER

WHEREAS, the Commission in compliance with the provisions of RA No. 6963 promulgated Resolution No. 94-047 and Memorandum Circular No. 95-011, establishing the Napolcom Scholarship Program for surviving children of PNP members and prescribing the procedure to be observed for the availment of the grant, respectively;

WHEREAS, under Section 1 (a) of Memorandum Circular No. 95-011, a "Deceased or Permanently Incapacitated PNP Personnel" has been defined as referring to a "Commissioned Police Officer (CPO) and Non-Commissioned Police Officer (NCPO) who died in line of duty or became permanently incapacitated while in the performance of duty or by reason of his office or position.";

WHEREAS, on account of such definition, it has become the policy of this Commission that once the death or permanent disability claim is proven to be service-connected, the same is approved pursuant to PD 1184 and the scholarship application of a legitimate beneficiary is automatically approved as a matter of course, which as of this period constitute a sizeable number of scholars;

WHEREAS, the Department of Justice under Opinion No. 75, s. 1995 has interpreted Section 1 of RA 6963, specifically the phrase "who is killed or becomes incapacitated while in the performance of his duty or by reason of his office or position", as connoting death or permanent disability caused directly or on account of police action or police operation or while assisting in a police or military action, thereby excluding from its coverage death or permanent disability due to natural cause/s even if service-connected;

NOW THEREFORE, this Commission in the exercise of its authority under RA No. 6963, has resolved to amend, as it hereby amends, Napolcom Memorandum Circular No. 95-011 and to further provide for the schedule whereby affected scholars will be allowed to continue with their schooling:

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Section 1. Section 1 (a) of Memorandum Circular No. 95-011 s. 1995 is hereby amended to read as follows:

"SECTION 1. Definition of Terms.

For purposes of implementing the Napolcom Scholarship Program, the following definition of terms is hereby adopted:

- a. **Deceased or Permanently Incapacitated PNP Personnel** - refers to a Commissioned Police Officer (CPO) or Non-Commissioned Police officer (NCPO) who is killed or permanently incapacitated directly caused by or on account of police action or operation or while assisting in a police or military action. It excludes from its coverage death or permanent disability due to natural cause/s even if service-connected.

Section 2. As reference and to ensure uniformity in the processing, evaluation and approval of Scholarship Grant pursuant to RA No. 6963, and the implementing rules relative thereto, Opinion No. 75 dated August 8, 1995 of the Department of Justice is hereby quoted verbatim, thus:

"General Arturo T. Enrile
Chief of Staff
Armed Forces of the Philippines
Camp General Emilio Aguinaldo
Quezon City

Sir:

This is with reference to your request for legal opinion as to the proper interpretation of Section 1 of Republic Act No. 6963, entitled "An Act Granting Special Financial Assistance and Benefits to the Family or Beneficiary of Any Police or Military Personnel or Fireman Killed or Permanently Incapacitated While In the Performance of His Duty or By reason of His Office or Position and For Other Purposes", which reads:

"Section 1. The family or beneficiary of any police or military personnel, including any fireman assisting in a police or military action, who is killed or becomes permanently incapacitated while in the performance of his duty or by reason of his office or position, provided he has not committed any crime or human rights violations by final judgment on such occasion, shall be entitled to the financial assistance provided for in this act in addition to whatever compensation, donation, insurance, gift, pension, grant, or any form of benefit which said deceased or

permanently incapacitated person or his family may receive or be entitled to.”

Specifically, you raised the following issues:

- “1. Does the coverage of Section 1 of RA No. 6963 pertain only to casualties from police or military actions? In this regard, what is the scope of the term ‘police or military action’ in said section? Does it refer only to military action against the enemy, or does it include other military operations/actions like civic actions, disaster relief or rescue operations, routine patrols, sentinel/guard duties, etc.?”
2. Does it apply to police or military personnel who are killed while in the performance of their duties or by reason of their positions, irregardless of who are the killers?
3. Does it apply to military personnel who, while on board a military vehicle en route to a military operation against the enemy, or to undertake civic actions, and other similar operations, die or become permanently incapacitated when such military vehicle meet an accident?
4. Does it apply to military personnel who die or become permanently incapacitated due to natural causes like illness or due to injuries suffered by reason of accidents?
5. Does it apply to military personnel who die or become permanently incapacitated while they are on official leave/vacation?”

A review of the Senate deliberations on R.A. No. 6963 indubitably reveals the legislative intent to include within its coverage all kinds of death, even accidental deaths, provided they happened while on duty or by reason of the office or position.

The Record of the Senate shows that after much debate on the proper word to use - whether it should be “slain”, “killed” or “die” - which would best manifest the intention of the legislators in the granting of the special compensation to members of the military and police, including firemen who assist in military or police operation, the legislators adopted the word “killed” viewed in the context of the explanation of Senator Gonzales, to wit:

“**Senator Gonzales.** Mr. President, May I contribute something in the hope that this might actually solve the present impasse in this Body as to the choice of word.

Now, the word 'slain' has a very narrow and distinctive connotation. When we say slain, it is equivalent to one who has been murdered but we do not use that in statutes. Ordinarily, what statutes employ is the word 'killed', killed in action or killed while in the performance of his duty. In which case, it is little bit broader than the word 'slain', but at the same time, narrower than the word 'dies'. And, I think, that actually might really go to the very purpose of this bill, because I do agree with the Chair and with the thinking of some Members here that this bill authorizes the payment of a special compensation and, therefore, ought to be paid only under certain special circumstances.

This is an extra compensation. Meaning, a compensation over and above all other benefits which are already provided for by law and available to all who died on duty.

So, probably, the solution might be to change the word 'slain' to 'KILLED,' because, I think, we have to consider this bill in the light of its original intentment. This is really precipitated by assassinations and killings by the members of the sparrow units of military and police officers.

In the case of Captain Mediavillo, he was not really killed in an encounter. He was going to his office, but then, the Sparrow unit was there already, actually ambushed him, and killed him. And that is one of the circumstances of the many killings now being done by the Sparrow unit. A police or a military officer is killed by the members of the Sparrow unit, not necessarily while in the performance of his official duty, but by reason of his official position, because he is a police officer or a military officer.

I hope this might help in the solution of our present impasse. I am merely passing off the suggestion to the distinguished Sponsor.

Senator Maceda. I have no objection to the proposal of the Gentlemen to kill the word 'slain.'

The President . And replace it with the word KILLED.

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The President. All right. Why do we not call a vote on the proposed amendment of Senator Gonzales, namely, 'who is killed or becomes permanently incapacitated while in the performance of his duty or by reason of his office or position.'

Senator Maceda. Mr. President.

The President. Yes.

Senator Maceda. For record purposes, I just would like to state that I am accepting the amendment - subject to a vote of course, if there are objections - with the understanding that the word 'killed' includes those who are killed in an accident, because that is within the purview of the word 'killed.' So that in the case of General Asuncion, for example, killed in a helicopter accident is included.

The President. Just a moment. Killed in a situation connected with the performance of his duty. Because if he is killed in an accident while in the performance of an extra-curricular duty, I would suppose that is not included.

Senator Maceda. Well, that would be covered by the phrase already present on lines 4 and 5, 'while in the performance of his duty.'

The President. All right. Is there any objection to the proposed amendment of Senator Gonzales as accepted by the Sponsor? [Silence] There being none, the same is approved." (Record of the Senate, Vol. 1, No. 70, pp. 1970 -1972).

By voting to adopt the amendment introduced by Senator Gonzales, the legislators voted down the two earlier proposals on the floor - the first proposal being to limit the coverage of the bill to those who are actually killed in action, and the second proposal being to extend its coverage to those who die even of natural causes, such as a heart attack.


In the light of the foregoing, and considering the expressed intent to cover all deaths and permanent injuries incurred "while in the performance of his duty or by reason of his office or position", it is believed that your first, second and third queries should be answered in the affirmative while the answers to the fourth and fifth queries should be in the negative. It is understood that the word "accident" in the third query, contemplates ^{not} an "accident" occurring while the military or police personnel concerned is "off-duty" or in the pursuit of his private affairs or business." A-24

Section 3. Napolcom scholars affected by the DOJ ruling will be allowed to continue their schooling in accordance with the following schedules:

- a. For those in the elementary level, to finish until the sixth grade;
- b. For those in the secondary level, to finish until fourth year;
- c. For those in the collegiate level, to finish the course.

Section 4. This Circular shall take effect immediately.

APPROVED, this 14th day of September 1999, in Makati City, Philippines.


RONALDO V. PUNO
Secretary, DILG and
Chairman, NAPOLCOM


LEO S. MAGAHUM
Commissioner
Vice-Chairman/Executive Officer

JOSE PERCIVAL L. ADIONG
Commissioner


ROMEO L. CAIRME
Commissioner


CLEOFE M. FACTORAN
Commissioner

ROBERTO T. LASTIMOSO
Commissioner

Attested by:


BERNARDO R. CALIBO
Commission Secretary