

**[ PNP MEMO CIRCULAR NO. 2009-005, March 12, 2009 ]**

**APPEARANCE OF PNP PERSONNEL AT THE SENATE, HOUSE OF REPRESENTATIVES AND THE COMMISSION ON HUMAN RIGHTS**

**I. REFERENCES:**

- a. 1987 Constitution, Article VI (Legislative Department) and Article XIII Section 17 (Human Rights);
- b. PNP Memorandum Circular No. 2007-015 dated November 23, 2007;
- c. PNP Issuances on Appearance in Congressional Hearing; and
- d. Jurisprudence (Arnault vs. Nazareno 87 Phil 29; Simon vs. CHR GR No. 100150, Jan. 5, 1994)

**2. PURPOSE:**

This Circular aims to provide the proper guidelines for PNP personnel invited and required to attend committee hearings, technical working group, inquiries in aid of legislation and plenary deliberation at the Senate or House of Representatives (HOR) or investigations conducted by the Commission on Human Rights.

**3. DEEFINITION OF TERMS:**

- a. *Congressional Hearing* is a meeting or session of a Senate, HOR, Joint, or Special Committee of Congress, usually open to the public, to obtain information and opinions on proposed legislation, conduct an investigation, or evaluate/oversee the activities of a government department or the implementation of a law.
- b. Inquiry in aid of legislation may refer to the implementation or re-examination of any law or appropriation or in connection with any proposed legislation or the formulation of, or in connection with future legislation, or will aid in the review or formulation of a new legislative policy or enactment. They may also extend to any and all matters vested by the Constitution in the House of Representatives or the Senate.
- c. Contempt for purposes of this policy shall mean willful disregard or disobedience to a public authority.

**4. GUIDELINES:**

- a. Article VI of the 1987 Constitution provides the following:

*Section 1: The Legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.*

*Section 21: The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.*

b. Article XIII, Section 18 (1-2) of the 1987 Constitution states that "The Commission on Human Rights shall have the following powers and functions:

*1) Investigate, on its own or on complaint filed by any party, all forms of human rights violations involving civil and political rights;*

*2) Adopt its operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with the Rules of Court xxx*

c. The power of Congress to punish for contempt is inherent as a matter of self-preservation being one of the three independent and coordinate branches of the government. In the old case of *Arnault vs. Nazareno*, 87 Phil 29, the Supreme Court stated that "A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information which is infrequently true, recourse must be had to others who possess it. xxx The power of investigation necessarily includes the power to punish a contumacious witness for contempt.

d. With respect to the power of contempt by the Commission on Human Rights, the Supreme Court mentioned in the en banc case of *Brigido Simon, et al vs. CHR*, G.R. No. 100150, 1994 January 5 that "the power to cite for contempt could be exercise against persons who refuse to cooperate with the said body, or who would unduly withhold relevant information, or who decline to honor summons, and the like, in pursuing its investigative work xxx".

e. PNP personnel who failed to attend the committee hearings, deliberations, technical working group, inquiries in aid of legislation and human rights investigations in the Senate, House of Representatives or Commission on Human Rights may be held in contempt and may thereafter be arrested by the Sergeant-at-Arms of the Senate/HOR.

## 5. PROCEDURES:

a. Invitations from the Senate/House of Representatives:

1) All invitations for the Senate of the Philippines (SENATE) and the House of Representatives (HOR) must be officially received by the Liaison Officer for Legislative Affairs (LOLA) - SENATE/HOR of the Directorate for Plans (DPL).

In case the invitation was personally sent to the concerned PNP personnel, office/unit, said PNP personnel, office/unit must inform DPL thru the LOLA-SENATE/HOR as the case may