

[PNP CIRCULAR NO. 2002-001, January 07, 2002]

PAYMENT OF RETIREMENT BENEFITS OF PNP PERSONNEL (RETIREEES) WITH PENDING CASES

I. REFERENCES

- a. Ombudsman Memorandum Circular No. 10, s. 1995 dated January 24 1995 re Revised Circular on Ombudsman Clearance;
- b. Republic Act No. 3019 dated August 17, 1960 otherwise known as the "Anti Graft and Corrupt Practices Act".

II. SCOPE

This Circular shall cover the policies and procedures in the payment of retirement benefits of PNP personnel (retirees) with pending cases.

III. OBJECTIVE

To institutionalize a system in the payment of retirement benefits of PNP personnel with pending cases who will retire from active service, either by optional or compulsory retirement.

IV. DEFINITION OF TERMS

Retirement - the state of being officially separated or severed from active police or government service in any of the following circumstances:

Optional on the part of the individual; and

Compulsory retirement due to age or service accumulation.

Retirees - PNP personnel who retire from the service whether compulsory or optional.

Retirement Benefit - Monthly retirement pay which shall be fifty (50%) percent of the base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one-half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety (90%) percent for thirty-six (36) years of active service and over.

Compulsory Retirement - For uniformed personnel, shall be upon the attainment of age fifty-six (56), while for non-uniformed personnel, shall be upon the attainment of sixty-five (65) years of age.

Optional Retirement - Upon accumulation of at least twenty (20) years of satisfactory active service, an officer or non-officer, at his own request and with the approval of the NAPOLCOM, shall be retired from the service and be entitled to receive benefits provided for by law.

Permanent Physical Disability- An officer or non-officer who, having accumulated at least twenty (20) years of active service, incurs total permanent physical disability in line of duty shall be compulsorily retired; Provided that, if he has accumulated less than twenty (20) years of active service, he shall be separated from the service and be entitled to a separation pay equivalent to one and one-fourth {1 1/4} months of base pay for every year of service, or a fraction thereof, and longevity pay of the permanent grade he holds.

Lump sum - Retired personnel shall be entitled, at his option, to receive in advance and in lump sum his annual retirement pay for the first five (5) years and thereafter receive his annual retirement pay payable in equal monthly installments as they accrue.

Commutation of Leave Credits -PNP members who retire voluntarily or is separated from the service through no fault of their own and who are not otherwise covered by special law shall be entitled to the commutation of all their leave credits exclusive of Saturdays/ Sundays/Holidays without limitation and regardless of the period of when the credits were earned.

Pending Administrative Case - Exists once a formal charge is filed with the appropriate disciplinary authority.

Pending Criminal Case - Exists from the date the information is filed with the appropriate civil court.

Restitution - The act of returning benefits or compensation received in payment of benefits . due to a personnel by reason of forfeiture/conviction by competent authority.

Guarantor -one who pledges to replace or pay for another's debt or obligation.

V. POLICIES AND PROCEDURES

1. The pendency of a criminal and/or administrative case against a retiree is not a bar for the payment of his retirement benefits save in cases provided herein.
2. If the pending case is a criminal case and the penalty prescribed is lesser than that of *prision mayor*, the retirement benefits shall be released to the retiree.
3. If the penalty prescribed is *prision mayor* or higher, no payment of retirement benefits shall be made unless a PNP personnel of equal rank or higher than that of the retiree and with at least five (5) years more in the service before compulsory retirement shall act as guarantor. The guarantor shall execute an undertaking that in case of conviction, he binds himself jointly and solidarily with the retiree for the restitution of the amount received by the latter from the government.