

[PPSC BOT CIRCULAR NO. 07, S. 2001, DECEMBER 20, 2001, December 20, 2001]

PNPA ADMINISTRATIVE DISCIPLINARY MACHINERY

Pursuant to Sections 66, 67 and 68 of Republic Act No. 6975, dated December 13, 1990 as amended by RA 8551 dated February 20, 1998, Section 6, Rule IV of PPSC Operations Manual and Rule X of PPSC Education and Training Code, dated January 15, 1997, the Investigation, Adjudication or Disposition of Administrative Cases Against the PNPA Cadets shall be in accordance with the following Rules:

RULE I

Purpose, Scope and Title

SECTION 1. Purpose — To ensure uniformity in the conduct of investigation and disposition of administrative cases against erring cadets of the Philippine National Police Academy (PNPA), the procedure sets forth the specific policies and rules to be observed in the conduct of such investigation and disposition.

SECTION 2. Scope — These rules and regulations delineate the organization, jurisdiction, powers, duties and procedures to be observed in investigating and adjudicating cases against erring PNPA cadets.

SECTION 3. Title — This procedure shall be known as "PNPA Disciplinary Machinery".

RULE II

Definition of Terms

SECTION 1. Administrative Offense — refers to an act or omission in which a cadet may be administratively charged, and shall include, but not be limited to misconduct, violation of law, neglect of duty, irregularity in the performance of duty, incompetence, oppression, dishonesty and disloyalty to the government.

SECTION 2. Serious Infraction of PNPA Rules and Regulations — refers to act(s) in violation of the PNPA Cadet Guide and punishable by commensurate penalty including dismissal from the Academy. It shall include, but not limited to the following:

- a. Violation of the Honor Code (i.e., cheating, stealing, lying, or tolerating the violation of the Honor Code).
- b. Unauthorized possession of firearms, ammunitions, explosives and other forms of deadly weapon;
- c. Conduct unbecoming of an officer or acts inimical or prejudicial to good order and discipline;

- d Engaging in any form of gambling inside camp;
- e. Exceeding maximum allowable demerits;
- f. Gross insubordination;
- g. Habituality or recidivism;
- h. Drinking alcoholic beverages or liquor;
- i. Possessing, using, or pushing of dangerous drugs;
- j. Unauthorized absence or neglect of assigned duties;
- k. Causing physical injury to another;
- l. Causing damage or destruction to any government facility or property;
- m. Absence Without Official Leave (AWOL), cutting classes, malingering, violation of restriction orders;
- n. Unauthorized presence in off limits or restricted areas;
- o. Other analogous offenses as the Director or Commandant may determine.

SECTION 3. Command Inspector — refers to the officer in charge of the Inspectorate and Internal Affairs Office of the PNPA.

RULE III

Summary Disciplinary Authority

SECTION 1. Director, PNPA — The Director, PNPA shall be the summary disciplinary authority over all cadets of the PNPA. All decisions or orders of the Director, PNPA involving suspension or dismissal is appealable to the President, Philippine Public Safety College (PPSC).

SECTION 2. Penalties — The Director, PNPA has the authority to impose the following penalties; admonition, reprimand, restriction to specified limits, withholding of privileges, suspension, or dismissal from the Academy.

RULE IV

Commencement of Administrative Action

SECTION 1. Complaint or Delinquency Report — All proceedings must be commenced by a verified written complaint signed by the complainant or his duly authorized representative against any cadet(s) who appears to be responsible therefor. The proceedings may also be commenced by a Delinquency Report signed by competent authority.

SECTION 2. Form of a Complaint or Delinquency Report — The Complaint or Delinquency Report, which shall be drawn in clear, simple, brief and concise

language, must contain the name of respondent cadet, rank, address, designation of violation or infraction complained of, the place, date and time of commission, and a brief statement of relevant and material facts.

SECTION 3. Where to File the Complaint or Delinquency Report — All complaints and delinquency reports involving administrative offenses or serious infraction of PNPA rules and regulations shall be filed with the Office of the Director, PNPA. Thereafter, Director, PNPA shall direct the Command Inspector to conduct the pre-charge investigation.

RULE V

Pre-Charge Investigation

SECTION 1. Procedure —

- a. Within two (2) days from receipt of the Complaint or Delinquency Report from the Summary Disciplinary Authority, the Command Inspector shall conduct preliminary inquiry wherein both the complainant(s) and the respondent(s) and their witnesses, if any, shall be notified of the complaint or Delinquency Report and summoned to appear before the investigating officer.
- b. The respondent(s) shall be furnished with a copy of the complaint or charges, affidavit(s) of witness(es), and pertinent documents submitted by the complainant(s), and an Order directing him to submit Explanation, attaching therewith any pertinent documents in support of his defense, should there be any, within three (3) days from receipt of the complaint. No extension to file explanation is allowed.
- c. Failure on the part of the respondent(s), despite due notice, to appear during the preliminary inquiry, or to submit his Explanation within the prescribed period shall be a basis for the investigation to proceed ex-parte.
- d. During the preliminary inquiry, the complainant shall be allowed to identify the respondent(s).

SECTION 2. Report of Investigation — Within two (2) days after the preliminary inquiry, the Command Inspector shall submit to the Director, PNPA, his Report of the investigation together with his recommendation for either of the following actions:

- a. To dismiss the complaint for lack of jurisdiction and, thereafter, to refer the same to other disciplinary authority which has appropriate jurisdiction over the case;
- b. To impose demerit if the offense committed turns out to be not serious;
- c. To dismiss the complaint for lack of probable cause, or;
- d. To order the formal investigation of the case after finding that probable cause exists against the respondent cadet(s).

SECTION 3. Referral of the Case to the Summary Hearing Officer — Upon approval by the Director, PNPA of the Command Inspector's recommendation for the conduct of formal investigation, the case shall immediately be referred to the Summary