

**[ PNP MEMORANDUM CIRCULAR NO. 2010-021,  
November 03, 2010 ]**

**DEFINING AND DELINEATING THE FUNCTIONS OF  
DIRECTORATES/OFFICES INVOLVED IN THE DISPOSITION OF  
ADMINISTRATIVE/DISCIPLINARY CASES AGAINST MEMBERS OF  
THE PNP**

**I. REFERENCES**

- a. Sections 41 (b)(3) and 42, RA No. 6975, as amended by Sections 52 and 53, RA No. 8551;
- b. Section 26, RA 6975
- c. NAPOLCOM Memorandum Circular (NMC) No. 2007-001 entitled: "Uniform Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police";
- d. Revised Uniform Rules in the Disposition of Administrative Cases in the Civil Service (Revised URACCS [CSC Resolution No. 991936]);
- e. Supreme Court Decisions on Administrative Cases; and
- f. LOI Patnubay II

**II. PURPOSE:**

This Circular aims to clearly define and delineate the functions of the different Directorates and Offices involved in the disposition of information/reports and administrative/disciplinary cases filed against members of the PNP to avoid overlapping or duplication of functions and to improve coordination and feedback mechanism with the end view of ensuring the expeditious administration of discipline within PNP ranks without ignoring however, the basic requirements of due process of law.

**III. SCOPE OF APPLICATION:**

This Circular shall apply to and govern the disposition of information/reports and administrative complaints received or filed against uniformed and non-uniformed personnel of the PNP.

**IV. DEFINITION OF TERMS:**

- a. Terms applicable to PNP Uniformed Personnel:

- 1. Appellate Authorities – refers to the Regional Appellate Board, from decisions ordering the demotion or dismissal of the respondent rendered by the Police Regional Directors or Equivalent Supervisors; The National Appellate Board, from decisions rendered by the Chief, PNP ordering the demotion or dismissal of the respondent; The Secretary of the Department of the Interior and Local Governments, from decisions rendered by the NAB and RAB; and the Civil Service

Commission, in summary dismissal proceedings instituted before the National Police Commission en banc.

2. Motion for Reconsideration – is an application submitted by the respondent or the party adversely affected to the Disciplinary Authority to set aside or modify the decision within ten (10) days from receipt of the copy of the decision based on the following grounds:

2a. Newly discovered evidence which if presented would materially affect the decision rendered; and

2b. Errors of law or irregularities have been committed prejudicial to the substantial rights and interests of the movant.

3. Notice of Appeal – is a written notification filed by the respondent or the party adversely affected with the Disciplinary Authority who rendered the adverse decision that he/she is elevating the case on appeal to the NAPOLCOM appellate board based on the grounds specified thereon and which shall state the material dates showing the timeliness of the appeal. A copy of notice of appeal should also be furnished to the other party and to the appellate body.

4. PNP Disciplinary Authorities – refer to the Chiefs of Police or their equivalent supervisors; the Provincial Directors or their equivalent supervisors; the Regional Directors or their equivalent supervisors; the Chief, PNP; and the NAPOLCOM en banc.

5. Pre-Charge Evaluation – is a process to determine the existence of probable cause based on the allegations on the complaint and supporting evidence.

6. Probable Cause – refers to the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of investigating officer, that the PNP member complained of is liable for the administrative offense for which he should be investigated.

7. Summary Dismissal Case – is one where the maximum imposable penalty is dismissal from the service and the offense falls under the following cases:

7a. Where the charge is serious and the evidence of guilt is strong;

7b. When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charge;

7c. When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer; and

7d. When any member or officer has been absent without official leave for continuous period of 30 days or more; Provided, that where dropping from the rolls is resorted to as mode of separation from the service, the police officer can no longer be charged for Serious Neglect of Duty arising from absence without official leave (AWOL) and vice versa.

b. Terms applicable to PNP Non-Uniformed Personnel:

1. Finality of Decision – the decision against PNP Non-Uniformed Personnel becomes final after the lapse of fifteen (15) working days without motion or appeal filed.

2. Motion for Reconsideration – is an application submitted by the respondent PNP Non-Uniformed Personnel or the party adversely affected by the Disciplinary Authority to set aside or modify the decision based on:

- 2a. Newly discovered evidence which materially affects the decision rendered thereof;
- 2b. The decision is not supported by evidence on record; and
- 2c. Errors of law or irregularities committed prejudicial to the substantial rights and interests of the movant.

3. Notice of Appeal – is a written notification filed by the respondent PNP Non-Uniformed Personnel or the party adversely affected with the Disciplinary Authority who rendered the adverse decision that he/she is elevating the case on appeal to the Commission (Civil Service) proper based on the grounds specified thereon and which shall state the material dates showing the timeliness of the appeal.

4. Preliminary Investigation – it involves the ex-parte examination of the records and documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices. During the said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits.

Failure of the person complained of to submit his/her counter-affidavit shall be considered as a waiver thereof.

Thereafter, if necessary, the parties may be summoned to a conference where the investigator may propound clarificatory and other relevant questions. Upon receipt of the counter-affidavit or comment under oath, the disciplining authority may now determine whether a prima facie case exist to warrant the issuance of a formal charge.

A fact-finding investigation may be conducted further or prior to the preliminary investigation for the purpose of ascertaining the truth. A preliminary investigation necessarily includes a fact-finding investigation.

5. Prima Facie Case - is a degree or quantum of proof greater than probable cause. It denotes evidence which, if unexplained or uncontradicted, is sufficient to sustain a prosecution or establish the facts, as to counterbalance the presumption of innocence and warrant the conviction of the accused.

c. Common provisions:

1. Complaint – is a written and sworn statement regarding a wrong, grievance or injury sustained by a person.

2. Complaint Sheet – is an accomplished form of complaint written in a clear, simple and concise language and in a systematic manner as to apprise the respondent concerned of the nature and cause of the accusation against him/ her and to enable him/her to intelligently prepare his defense or answer. It shall contain the full name and address of the complainant; full name and address of the person complained of as well as his position and office of employment; narration of the relevant and material facts which shows the acts or omissions allegedly committed by the respondent; certified true copies of documentary