

**[SAGSD MEMORANDUM CIRCULAR NO. 2008-001,
November 11, 2008]**

**REVISED RULES IN THE INVESTIGATION IN THE
ADMINISTRATIVE CASES INVOLVING SECURITY AND TRAINING
PERSONNEL, SECURITY AGENCIES AND TRAINING
INSTITUTIONS**

**Rule I
Preliminary Provisions**

Section 1. Scope – These rules shall apply to all administrative cases filed before SAGSD and Regional FESAGS against security and training personnel, security agencies and training institutions for acts or omissions in violation of RA 5487 and its implementing rules and regulations.

Section 2. Purpose – To provide uniform procedure and expeditious disposition in the conduct of investigation by SAGSD and Regional FESAGS on administrative cases involving security and training personnel, security agencies, and training institutions.

Section 3. Nature of Proceedings – The investigation and hearing under this rule shall be summary in nature and shall not strictly adhere to the technical rules of procedure and evidence applicable in judicial proceedings.

**Rule II
General Provisions**

Section 1. Definition of Terms – The following terms shall be understood to mean as follows:

1. **Answer** – a pleading in which the respondent or other adverse party sets forth the negative and affirmative defenses upon which he relies;
2. **Appellate Authority** – shall refer to the Chief, PNP and Director, Civil Security Group on cases resolved by SAGSD and the Regional Director on cases resolved by the Regional FESAGS;
3. **Complaint** – a written and sworn statement regarding a wrong, grievance or injury sustained by a person;
4. **Decision** – the written disposition of the regulatory authority stating the facts and the law upon which it is based;
5. **Finality of the Decision** – there is finality of the decision when upon the lapse of ten (10) days from receipt or notice of such decision, no motion for reconsideration or appeal has been filed in accordance with these rules;

6. **Formal Charge** – a complaint initiated before the regulatory office after finding the existence of a prima facie case;
7. **Hearing Officer** – an officer designated by the regulatory office to conduct formal hearing, and to submit a report of the investigation;
8. **Jurisdiction** – the authority vested by law to hear and decide a case;
9. **Newly Discovered Evidence** – that evidence which could have been discovered and produced during the hearing of the case despite due diligence, and if presented would probably alter the decision;
10. **PAD PAO** – refers to the Philippine Association of Detective and Protective Agency Operators, Inc., which is an association of all licensed security agencies and company security forces;
11. **Pending Case** – refers to a case when the respondent had been formally charged before a regulatory authority or when the case is on appeal;
12. **Reglementary Period** – the period required by law or these rules to perform a specific act. In the computation of a period of time, the first shall be excluded and the last day shall be included unless it falls on a Saturday, Sunday or a legal holiday, in which case the last day shall fall on the next working day;
13. **Security Personnel** – refers to private security guards, security officers, private detectives, protection agents, security consultants, rendering or performing security or detective services as employed by private security agencies and/or private firms;
14. **Subpoena Ad Testificandum** – a process directing a person to appear and testify in an investigation or hearing;
15. **Subpoena Duces Tecum** – a process directing a person to appear and bring with him books, documents or things under his control in an investigation or hearing;
16. **Substantial Evidence** – such relevant evidence as a reasonable mind might accept to support a conclusion;
17. **Summary Proceeding** – an expeditious administrative proceeding conducted consistent with due process to determine the culpability or innocence of the respondent;
18. **Summons** – a written notice informing the respondent that he is charged with an offense and securing his appearance in the proceedings or directing him to file his Answer;
19. **Private Security Training Institution** – shall refer to an entity that provides and/or conducts private security training.
20. **Training Personnel** – refers to a training instructor, officer and director and others that may be classified later.

Section 2. Venue – Any complaint shall be filed with the Complaint and Investigation Section, SAGSD, CSG for acts or omissions committed in the National Capital Region. In all other cases, the complaint shall be filed with the Regional FESAGS having territorial jurisdiction where the acts or omissions were committed. Provided that it may also be filed before the PNP regulatory office where the complainant works or resides, or where the respondent's principal office is located, at the option of the complainant.

Section 3. Role of PADPAO – Except for cases equally cognizable by courts or other disciplinary agencies or tribunals, all complaints of security agencies against another, security guards against a security agency or vice-versa shall be filed first with PAD PAO offices covering its area of jurisdiction for mediation/arbitration. PAD PAO shall resolve the case within thirty (30) days upon receipt of the complaint. No complaint shall be filed directly with SAGSD or the Regional FESAGS unless there has been a confrontation between the parties before PAD PAO and that no conciliation or settlement has been reached as certified by the secretary of the organization or unless settlement has been repudiated by the parties.

Arbitration made by PADPAO with a corresponding recommendation for a fine against a respondent security agency shall be subsequently filed with SAGSD for the National Capital Region or FESAGS for the regions for investigation. It shall be treated as a complaint with a prima facie case.

Any party may file directly to SAGSD or the Regional FESAGS when death, injury to persons or damage to property has been committed as a result of the action or omission of the respondent, or when any PAD PAO officer or personnel has an interest on the security agency or training institution subject of the complaint. Complaints instituted by any person or entity against a security agency, training institutions or security personnel may be filed directly with the SAGSD or regional FESAGS.

Rule III

Commencement of Action

Section 1. Complaint – It shall be written in clear, simple and concise language and in a systematic manner as to apprise the respondent of the nature of the charge against him and to enable him to prepare his defense. It shall also be under oath.

Section 2. How Initiated – It can be initiated by any of the following:

- a. The Chief, PNP, Director, CSG, Regional Director or through their respective representative through an Official Report or Memorandum showing the acts or omissions allegedly committed;
- b. The Chief, SAGSD, CSG or Chief, ROPD thru the Regional FESAGS or any of their authorized representative through an Official Report showing the acts or omissions arising from the results of inspection conducted by any of the Branches or Sections of SAGSD, CSG or Regional FESAGS; or
- c. Upon sworn and verified complaint of any person, accompanied by sworn statements of witnesses and other pieces of evidence in support of the complaint.

Section 3. Contents – The complaint shall contain:

- a. the full name and address of the complainant;
- b. the full name and address of the respondent as well as the position and office of employment;
- c. specification of charges; and
- d. a narration of relevant and material facts which shows the act and/or omission constituting the offense allegedly committed by the respondent.

Section 4. Grounds for filing an administrative complaint – Any act or omission in violation of RA 5487 or its implementing rules and regulations may constitute a ground for filing the complaint.

Section 5. Preliminary Evaluation – Within one (1) day upon receipt of the complaint, the Case/Investigating Officer shall initially evaluate the complaint based on the allegations contained therein and the supporting documents submitted and shall recommend to the Chief, Complaint and Investigation Section whether it shall be:

- a. closed or dropped outright for lack of merit or a prima facie case is found not to exist or the complaint is insufficient in form and substance;
- b. referred officially to other government agencies if the complaint falls under the jurisdiction of DOLE, SSS or other forum;
- c. recommended for hearing if a prima facie case is found to exist.

A recommendation by the Case/Investigating Officer closing or dropping the complaint shall in all cases be approved by Chief, SAGSD or the Chief, ROPD on cases being investigated by Regional FESAGS.

If after preliminary evaluation a prima facie case is found to exist, the Case/Investigating Officer shall recommend for the hearing of the case and the designation of a Hearing Officer to be selected among the Police Commissioned Officers assigned with SAGSD or ROPD for the approval of their Chiefs of Office. The Investigation Report shall include the Charge Sheet signed by the Chief, Complaint and Investigation Section of the office.

Section 6. Action on the Complaint – All complaints for preliminary evaluation shall be stamped on its face with the date and time of its receipt and assigned reference numbers, and shall be recorded in a docket book exclusively for that purpose. The office of the Complaint and Investigation shall monitor the status of the cases and shall maintain a docket book that shall contain in addition to the data mentioned by the preceding paragraph: the name of the parties, the offense charged, the hearing officer to whom the case was assigned, the date the Resolution/Decision was rendered, the proof of service of Resolution/Decision, date the motion for reconsideration of the appeal was filed, the date the decision became final and other relevant material data.

Rule IV

Formal Hearing and Disposition of Cases

Section 1. Summons – Within three (3) days upon receipt of the formal complaint and the records of the case by the Hearing Officer, he shall issue the summons to be served upon the respondent, directing him to submit his answer within five (5) days from receipt thereof, together with whatever documentary evidence the respondent may have in support of his defense.