

[DOJ MEMORANDUM CIRCULAR NO. 1, January 23, 1991]

COURT APPEARANCE OF PNP PERSONNEL

It has been observed that notwithstanding the issuance by this Department of Memorandum Circular No. 15, series of 1989, calling attention to the letter directive dated 7 April 1989 of then Major General Ramon E. Montano to all Commanders, PC/INP (now Philippine National Police), many PNP personnel/investigators still fail to appear in court as prosecution witnesses or in hearings before the prosecutors/courts despite service of subpoena through their respective unit commanders.

In some instances, the problem appears to be the insufficient time given to the PNP personnel to appear before the court/prosecutors or the inability to serve the subpoena on time because of inadequate information to identify the unit command to which the PNP personnel is attached.

In view of the foregoing, you are again reminded of the aforesaid circular with the following additional procedure to be followed in the issuance of subpoena to PNP personnel:

1. *Subpoena* on PNP personnel should be served through his unit commander at least fifteen (15) days before the scheduled date of hearing; however, if the court should require the presence of said PNP personnel within a lesser period, the prosecutor should request that the subpoena be treated under "rush category";
2. Whenever a PNP personnel is identified as a witness, his unit command and the name of his commander should be included in the case records for facility of serving subpoena on him and for this purpose, the inquest or investigating prosecutor should immediately ascertain during the inquest/preliminary investigation the unit commander as well as the unit to which the witness is attached;
3. Upon failure of PNP personnel to appear before the court/prosecutor in spite of proper service of subpoena, without justifiable cause, the prosecutor in charge of the case shall report such non-compliance to the City/Provincial or Chief State Prosecutor, as the case maybe, who shall then file the appropriate complaint against the erring PNP personnel before the latter's unit commander. The City/Provincial or Chief State Prosecutor shall see to it that such complaint is acted upon by the authorities concerned, otherwise the matter/inaction shall be reported to the Secretary of Justice for appropriate action.

Attached for ready reference is Memorandum Circular No. 15, series of 1989, on the subject "Court Appearance of PC/INP Personnel" and the letter directive dated 7 April 1989 of Major General Ramon E. Montano to all Commanders, PC/INP.