ACQUISITION AND MANAGEMENT OF PHILIPPINE NATIONAL POLICE (PNP) REAL ESTATE PROPERTIES AND RESERVATIONS

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SECTION I. References:

1. Administrative Code of 1987;

2. Government Accounting and Auditing Manual;

3. Joint Circular No. 1 dated 30 Sept 89 bet. DENR, DBM, and DPWH;

4. Letter of Instruction (LOI) “TITULO”

5. Logistics Circular No. 002-02

6. Civil Code of the Philippines

SECTION II. Purpose and Scope.

This circular sets forth the policies, guidelines and procedures in the acquisition, administration, management and disposition of all PNP owned, occupied, possessed, administered, managed or controlled real properties and reservations.

SECTION III. Definition of Terms.

1. PNP/Police Reservation. — any real estate property which has been reserved/allocated for police functions/purposes by the President of the Republic of the Philippines through Presidential Proclamations/Executive Orders or Decrees, by Acts of Congress or any other competent authority.

2. Real Property. — estate/land/building or any man-made structure, more or less permanently attached to the land of immovable character and fixed in such a way that the same cannot be separated from the soil without damage or deterioration of the object.

3. PNP Real Property. — both land and structures as described in Nos.1 & 2 above, as well as those acquired through continuous occupation or possession and its prescription and exercise of ownership are governed by operation of law. Likewise, included are real properties now or in the future declared under the name of or acquired by whatever title in the name of the Philippine National Police (PNP).

4. Unit(s). — Regional Police Officers; PNP National Service Support Unit(s); Provincial, District, City and Municipal Police Offices/Task Forces or any PNP group organized by competent authority in charge with the administration, use, occupancy or actual possession of any real property.

5. Head of Office. — anyone who is designated Chief or Head of a PNP Office or unit.

SECTION IV. General Guidelines.

1. Only the Chief, Philippine National Police has the final authority to decide on transactions over all PNP real properties or modes of acquiring private properties.

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2. All heads of offices of PNP Units are authorized to undertake preliminary steps in all transactions appurtenant to acquisition and management of PNP real property. Said preliminary steps shall include; among others, gathering of pertinent documents, initial communication with owner(s) and other essential matters.

3. Head of office can only enter into contracts involving any PNP real property upon prior written approval of the Chief, Philippine National Police.

4. In the conduct of any mode of acquisition of private real estate/property for the PNP, the following must be avoided, to wit:

> 4a. Dealing with unregistered properties;
>
> 4b. Properties with notice of lis pendens, liens, attachments and encumbrances like Mortgages/Lease/Tenancy agreements, etc;
>
> 4c. Donations with conditional terms/obligations. Absolute donations that impose no burden on the PNP are preferred; and
>
> 4d. Properties that are occupied by squatters, tenants, lessees and the likes.

5. Heads of units/offices must at their level consult their respective PNP Regional Legal Officers, or if possible, local lawyers sympathetic to the PNP prior to formally proceeding to any real property transaction.

6. Heads of units/offices shall review their existing records on properties acquired and donated to their units. Emphasis should be laid on those terms and conditions, or other burdens imposed on the PNP which may result in reversion of ownership to the donor(s) especially so if the PNP has already occupied the property or has initiated improvement.

7. In cases where such terms and conditions were not implemented, the head of the unit or office shall effect immediate remedial steps to overcome such oversights.

8. Where the donor, the heir, or successor in interest is re-claiming the donated property informally (no formal complaint filed in court) or where judicial proceedings had commenced, immediate notice/information must be relayed to C, PNP (Attn” ODL).

9. Heads of units/offices must not allow, either verbally or in any formal document, the entry, use, occupation or alienation of any PNP real property/reservations by any individual including PNP members, whether uniformed personnel or NUP, for their personal use. Serious administrative sanctions will be imposed on violators of this provision. Likewise, said heads of units/offices shall cause the removal, relocation, or transfer of individuals illegally or unlawfully occupying or using PNP real estate properties in their respective areas. Said heads of units/offices shall be liable under the doctrine of command responsibility.

PROCEDURES PRIOR TO ACQUISITION

SECTION V. Registered Property.

Any PNP unit planning to acquire a registered property for police use shall determine the existence of the following documents.

1. Original Transfer Certificate of Title

The unit or officer charged with the administration of real properties in his jurisdiction will verify the existence of an original copy of OCT/TCT at the Register of Deeds of the province/city where the property is situated. A

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certified true copy of the Owner's Duplicate Copy shall be secured from the Register of Deeds to include any liens, encumbrances, mortgage, lease, notice of lis pendens, etc.

2. Tax Declaration and Realty Tax payment

The tax declaration of the prospective land shall be verified with the Municipal/City/Provincial Assessors Office. Proof of tax payment or tax certificate shall be secured from the City or Municipal Treasurer's office.

3. Lot Survey Plan

A certified copy of survey plan with technical description of the lot shall be secured from the Regional Office of DENR or from the local Bureau of Lands. Actual inspection of the site shall be undertaken to determine location of boundary monuments and the general condition of the area.

4. Tenants/Squatters

Certification from the local government units (LGUs) that the prospective lot is free from any claimant. Likewise, clearance from DAR/DA/DENR must be secured to ascertain the status of the said real property.

SECTION VI. Unregistered Property.

1. Documents of Ownership

The unit in charge with the administration of land in the Regional Commands and National Support Units shall examine the authenticity of the supporting documents to ascertain ownership of the land. Verification shall be made with the Register of Deeds of the province or city where the property is situated. Such action will determine whether the land is registered under Act 496 better known as Spanish Mortgage Law or found in the books of unregistered lands.

2. Tax Declaration

The owner's copy of the latest tax declaration shall be scrutinized. The original of the tax declaration shall be verified on the file with the Municipal/City/Provincial Assessor's Office and certificate of tax payment shall be obtained from the Treasurer of the municipality/city where the land is situated.

3. Lot Plan (Survey of Land)

A certified copy of survey plan with complete technical description of the lot shall be secured from the Regional Office of DENR. Actual location/relocation survey of the lot shall be conducted to establish the boundaries, location of monuments and the general condition of the area.

4. Tenants/Squatters

The Heads of PNP units or offices shall conduct site inspection to ascertain that the land to be acquired is free from any squatter, tenant and the like.

SECTION VII. Public/Private Domain.

1. Public Domain

Public domain planned to be acquired shall be surveyed and the plan submitted to the Department of Environment and Natural Resources for processing and approval.

2. Private Domain

The status of the land shall be verified with the agencies of the government administering the property. Actual

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survey shall be undertaken. Location plan of the prospective land shall be approved by duly authorized offices.

SECTION VIII. Funds.

All expenses necessary to secure the data mentioned in the preceding paragraphs shall be defrayed by the PNP.

MODE OF ACQUISITION AND PROCEDURES

SECTION IX. Donation.

1. Properties are donated to the Government either directly in exchange for direct benefits such as consideration for certain concessions or indirectly such as the promotion of peace and order in the locality. Procedure for a Donation is shown (Annex A)[1]

2. Whenever property is offered to the government for use of the PNP, the Head of unit/office to whom the property is offered shall undertake preliminary negotiation with the owner. Subsequently, and after activity report shall be submitted to the Chief, PNP through the Director for Logistics with the following data:

> 2a. Name and address of the prospective donor;
>
> 2b. Technical description of the property and vicinity plan of the area;
>
> 2c. Terms and conditions of the donated land, if any.
>
> 2d. A Statement as to its future or proposed utilization.

3. Preparation of Deed of Donation. The Head of unit/office to whom the property was offered shall prepare the Deed of Donation. (Annex “B”)[2]which shall be signed by the donor before a duly acknowledged Notary Public. After due execution of the donation by the donor, the same shall be transmitted to the Chief, PNP (Attn: Director for Logistics, PNP) in eight (8) copies with the following supporting papers:

> 3a. Transfer Certificate of Title;
>
> 3b. Lot location plan of the property duly certified by a Registered Geodetic Engineer;
>
> 3c. Tax Declaration (current);
>
> 3d. Real Estate Tax Receipt;
>
> 3e. Board/Sangguniang Bayan/Lungsod/Panlalawigan resolution confirming the act of the Donor. Included in the resolution is the juridical personality of the donor whether a corporation, LGU or individual.

4. The Chief, PNP upon the joint recommendation of the Director for Logistics, Director, Legal Service, and Director, Engineering Service shall hereafter approve/disapprove the donation. Approved Deed of Donation shall be kept at ODL.

5. The Director, PNP Engineering Service shall cause the registration of the donated lot in the name of the Philippine National Police. The Directorate for Logistics shall provide funds for this purpose.

6. The donor shall be notified of the acceptance and consummation of the donation.

7. Immediate compliance shall be taken by the Donee on the terms and conditions provided for in the Deed of Donation, However, if said terms and conditions were not complied with within the specified period, the Donor shall be informed immediately stating the reasons/causes of delay.

8. In case the land is unregistered in the Register of Deeds, cancel the proposed execution of Deed of Donation.

9. The Office of the Director, PNP Engineering Service shall be the depository of the TCT of the donated property, a copy of which shall be furnished the Director for Logistics.

SECTION X. Lease.

1. Preliminary Negotiations. The head of unit/office desiring to lease a private property shall ascertain the willingness of the owner to lease the property and the rental rate of the same.

2. Subsequently, the head of unit/office concerned shall forward the request to the Chief, PNP (Attn: Director of Logistics, PNP) to include the following data or documents:

Land and/or Building:

2a. The PNP unit which needs the property;

2b. Location plan, approved plan and a brief description of the land with existing improvement/building plan duly approved by the Provincial/City/Municipal Engineer;

2c. Proposed utilization of the property;

2d. Estimated area of land/building;

2e. Expected date of occupancy;

2f. Name and address of the owner;

2g. Documentary evidence of ownership such as OCT or TCT, Tax Declaration and Real Estate Tax Receipts;

2h. Commitment in writing that the owner is willing to lease the property at a certain rental rate;

2i. Certificate of occupancy; and

2j. Accomplished Lease Contract and supporting documents.

3. Preparation of Lease Contract utilizing RE Form No. 3 (Annex “D).[3]

3a. Parties. — Contracting parties shall be the Chief, PNP as the lessee, and the owner of the property or somebody who was officially appointed by a corporation, LGU or individual shall be considered as the lessor.

3b. Terms and Conditions of the Lease Contract:

3b.1. Contract shall contain the technical description of the property to be leased copied verbatim from the title thereof;

3b.2 The period of the lease shall be specified subject to renewal at the option of the PNP;

3b.3 In case the property is not registered under the Spanish Mortgage Law or under RA No. 456, no lease contract shall be entered into;

3b.4 The parties concerned shall sign the Contract of Lease which shall be notarized by a Notary Public;

4. Flow Chart for Lease (Annex “C)[4]

5. The Lease Contract shall bear the amount which the Lessee shall pay the Lessor in words and in figures duly approved by the Chief, PNP. The amount of rental shall be certified as reasonable by the Department of Public Works and Highways.

6. Documents and other supporting papers to be attached to the Lease Contract:

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6.a Floor Plan/Sketch of the building with measurements:

6b. For buildings outside of Metro Manila

6b.1 Certificate by the City/Municipal Mayor or Provincial Governor, as the case may be, that there are no available spaces within the City/Provincial Capitol Building;

6b.2 Certification as to the reasonableness of the stipulated monthly rental by the City/Provincial Auditor, as the case may be, and the Regional Chief of Cities or Provinces where there is a Regional Office/Provincial/City Office of the Department of Public Highways;

6c. Certificate of Occupancy by the head of the PNP occupying unit;

6d. Certified copies of the title and/or evidence of ownership in eight (8) copies to include tax declaration and tax receipt for the current year; and

6e. Area of the property to be leased.

7. Funding. — The fund chargeability shall be stamped at the back of the original of the Contract of Lease by the Accounting/Budget/Fiscal Officer of the unit concerned. In case of insufficiency of funds, a certification that funds will be programmed for the purpose shall be attached to the Contract of Lease (RE Form No. 5) Annex E[5].

8. Actions of Director of Logistics, PNP. — Upon receipt of the proposed Contract of Lease. The Director for Logistics, PNP shall refer the contract to Director, PNP Engineering Service for recording and processing, and to the Director, Legal Service for legal sufficiency which, after determination, will be returned to DL for further recommendation to the C, PNP for approval.

9. Approval of the Lease Contract. — The final arbiter of the reasonableness of rental rate is the Department of Public Works and Highways subject to the approval of the Secretary of the Department of the Interior and Local government upon recommendation by the C, PNP.

10. Whenever the PNP intends to rent/lease privately owned buildings or spaces for private use, the PNP must adhere to the provisions of Sec. 524 of the GAAM and Sec. 65 Chapter 13, Book IV of the Revised Administrative Code of 1987.

11. Payment of Rental. — Payment of rentals shall be made upon receipt of the accomplished voucher by the Disbursing Officer of the unit concerned.

12. The Director for Logistics shall program funds for payment of rentals.

SECTION XI. Purchase.

1. Private Property (Flow Chart in the Purchased of Private Property-Annex F)[6]

1a. The head of unit/office charged with the acquisition of the land shall secure a certified copy of the tax declaration from the Provincial or City Assessor to determine the fair market value of the property sought to be acquired pursuant to Presidential Decree No. 76, S – 72. Preliminary coordination shall be made with the property owner with the end in view of having the property acquired by the government at a price not to exceed the fair market value as declared by the owner or the assessor as shown in the tax declaration whichever is lower.

1b. If the negotiation mentioned above fails, the head of unit/office concerned shall make a formal offer to buy. The price set forth in the offer to buy shall in no way exceed the fair market value as determined by the Provincial/City Assessor or as declared by the owner whichever is lower;

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1c. The formal request for the purchase of the land shall be accompanied by the following documents:

1c.1 Documentary evidence showing ownership of the property, such as Original Certificate of Title or Transfer Certificate of Title, tax declaration, tax receipt, approved lot survey plan, tax clearance as may be necessary (photocopy or certified true copy will suffice);

1c.2 A brief description of the land, together with existing improvements, if any. The proposed utilization and development, to include time frame of the development, financing aspect, due of expected occupancy and certificate that no suitable police reservation is available for the purpose intended;

1d. The PNP Engineering Service upon receipt of the request, substantially complying the preceding paragraphs, processes the supporting papers and verifies the contents thereof. Said Service shall then prepare the necessary Deed of Sale, to be signed by the Vendor and the Chief, PNP or his duly authorized representative which shall be subsequently notarized;

1e. Fund Requirement. — The fund requirement for the acquisition of the property shall come from the National Headquarters and the certification of fund availability shall be stamped by the Chief, Accounting Division at the back of the original of the Deed of Absolute Sale;

1f. Registration of Deed of Absolute Sale. — The Director, PNP Engineering Service or head of unit or office initiating the purchase of the lot shall cause the registration of the Deed of Absolute Sale with the end in view of consolidating the title to the property in the name of the Philippine National Police; and

1g. The Office of the Director, PNP Engineering Service shall be the final depository of the title and the original copy of the Deed of Absolute Sale of the purchased Property, a copy of which shall be furnished to the Director for Logistics and units concerned.

2. Property owned by Political Subdivision, and/or Agencies of the Government.

2a. In case the property is owned by the Provincial, City or Municipal Government and/or agencies of the government, negotiation shall be made with the Governor, City Mayor and Municipal Mayor or the Head of the agency as applicable.

2b. A resolution authorizing the Governor, the Mayor or the Head of the Agencies to dispose/sell the property must be secured; and

2c. The procedure prescribed in the acquisition of private property shall then be followed.

SECTION XII. Barter/Exchange.

Barter or Exchange. — The word connotes exchange of real properties between the PNP and private individual or other government agencies or entities. In this kind of contract like any other contracts where there is a conveyance of real properties, the authority to execute for in behalf of the PNP is vested on the C, PNP or any officer expressly designated by him.

Basis for Barter. — The basis for the barter or the exchange of PNP property with private or government property shall be the fair market value of the property involved to be determined pursuant to the provisions of Presidential Decree No. 76, s. 72.

SECTION XIII. Permit.

1. The unit interested in acquiring/utilizing land on a temporary basis which is owned by a private individual, a political subdivision or instrumentality or the government, shall apply in writing to the owner concerned.

2. Written Report

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After negotiations have been undertaken and the owner has signified his/her willingness to let the PNP unit use the property for free, the unit concerned shall submit a report to the Director for Logistics, PNP citing the terms and conditions of the permit (RE Form No. 4) Annex II[7]

3. Procedure before occupancy

Before occupancy of the property, the head of the using unit shall survey the premises describing in every detail the nature, condition, and improvement found therein. The report shall be incorporated in RE Form No. 1 Annex 1. The result of the survey shall be included in the request as required by paragraph E2. Under no circumstances will the property be occupied without the written approval of the Chief, PNP. Should necessity demand, the permit shall be transmitted in the most expeditious manner.

SECTION XIV. Expropriation.

1. Expropriation of private property shall be resolved only after all modes of acquisition of private property through purchase, barter or exchange have been exhausted by the government.

2. Procedure

> 2a. Expropriation of private property and all interest therein for PNP use shall be resorted to where acquisition by any other mode fails and the property is still needed by the PNP.
>
> 2b. The heads of the interested units shall forward a request to the Chief, PNP (Attn: Director for Logistics, PNP) for the acquisition of the land. The request shall include the following documents in eight (8) copies to support the action on expropriation:
>
> 2b.1 The plan or sketch of the property showing the definite boundary and improvement thereon, if any;
>
> 2b.2 Certificate of occupancy or expected date of occupancy by the concerned;
>
> 2b.3 Certified copy of title, tax declaration and tax receipt for the current year and/or any evidence of ownership, if any;
>
> 2b.4 A certification from the Fiscal and Accounting Officer that the amount for the provisional value is available and shall be deposited with the appropriate Provincial/City Treasurer upon order of the court.
>
> 2b.5 Copies of resolution or certification from the Provincial/City appraisal committee showing the fair market value and tax declaration per Presidential Decree No. 76, s. 72;
>
> 2b.6 Condition Survey of the premises immediately before occupancy (RE Form No. 1); Annex 1 and
>
> 2b.7 A summary report of the negotiation with the owner to include circumstance under which appropriation of the property is deemed justifiable.

2c. The Chief, PNP upon the recommendation of the Director for Logistics, the Director, Legal Service and the Director, PNP Engineering Service shall request authority from the President for the acquisition of the land through expropriation.

2d. Entity to initiate expropriation proceedings — Upon receipt of the authority granted by the President to the Chief, PNP to expropriate the private property, the latter shall request the office of the Solicitor General to file with the proper court an action to expropriate the private property. The Solicitor General shall be furnished the following documents:

> 2d.1 Presidential authority to expropriate;
>
> 2d.2 Technical description of the property;

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2d.3 A list of names and addresses of the owners concerned to include persons having interest on the land;

2d.4 A map/plan of the property duly approved by the Bureau of Lands;

2d.5 Separate evaluation of the property if it consists of several parcels of lands to include the improvements therein per Presidential Decree No. 76, s-72; and

2d.6 Certification by the respective Fiscal and Accounting Officer to the effect that the fund for the provisional value is available.

2e. The Solicitor General shall file expropriation proceedings with the Regional Trial Court of the Province or City where the property is located.

2f. Writ of Entry. — as soon as the Writ of Entry and the order to deposit the amount corresponding to the provisional value of the property is promulgated, the equivalent amount shall be deposited with the corresponding Provincial/City Treasurer.

2g. Payment of Property. — any withdrawal from the provisional value deposited with the treasurer not otherwise covered by a court order shall be opened. Payment to the owners shall be made only after the judgment rendered by a competent court shall have become final and executory.

2h. Progress report shall be rendered once a month during the pendency of the expropriation proceedings until such time that final judgment has been rendered therein.

2i. Titling. — upon issuance of the decision by the court and payment on the lot has been made as ordered, issuance of title(s) to the lot shall be worked out with the Register of Deeds of the Province or City where the land is located.

SECTION XV. Executive Proclamation.

1. Before any portion of public or private domain shall be proclaimed for PNP use by the President, the area shall be clearly delineated and a boundary survey conducted subject to the approval of the Bureau of Lands. The area shall be marked by distinctive concrete monuments for proper identification.

2. After the survey is approved by the Bureau of Lands, the head of the unit shall forward a request to the C, PNP for the proclamation of the area to include:

2a. List of adverse claims or private rights existing within the property, if any;

2b. Location of each claim as reflected in the overall plan/map; and

2c. Proposed development plan of the area.

3. The C, PNP upon receipt of the request and upon recommendation of the Director for Logistics, PNP shall cause the preparation of the draft of the proposed proclamation. The recommendation shall be to the Secretary of the DILG, attaching thereto the data/documents mentioned in the paragraph immediately preceding.

4. Upon issuance of the proclamation, the head of the unit shall be duly informed and the development shall start.

5. If, for any reason, the contemplated project is not pushed through, steps shall be taken to vacate the area with the end in view of giving other government agencies a chance to utilize the property.

SECTION XVI. Emergency Occupation of Private Property.

Except when exigencies of PNP services so require, under no circumstance shall private property be occupied or

construction started therein by any PNP Unit prior to the issuance of a written permit from the Director for Logistics, and the execution or perfection of the proper contract of lease with the owner. The exigencies of PNP service referred to herein are those which could not allow delay in the occupancy of the property in question without involving the loss of life, destruction of government property or serious detriment to the service. Immediately thereafter, the head of the occupying PNP unit shall report to the Director for Logistics in writing, stating the circumstances surrounding the occupancy. If necessary, a confirmatory Contract of Lease shall therefore be initiated by the head of the unit concerned in accordance with the procedure outlined above, otherwise such occupancy may be settled by a quitclaim agreement.

SECTION XVII Right of Way (Easement).

1. Public Use. — Request for Right of Way for use of the public shall be granted by the DILG upon recommendation of the Chief, PNP.

2. Procedure:

> 2a. Initial Action. — Upon receipt of the request for right of way, the head of the unit who exercises administration and control over the reservation affected shall determine the necessity of the right of way. He shall forward his recommendation to the Chief, PNP to include a sketch plan showing the duration of the right of way and a statement to justify the granting of the request.
>
> 2b. The Director for Logistics shall coordinate with the Director, PNPES and the Director, Legal Service as to the legal basis of said right of way and the contract/agreement to be used. The Director for Logistics after careful study and finding the request meritorious, may recommend favorably to the Chief, PNP who in turn shall recommend the granting of right of way to the Secretary of the DILG.
>
> 2c. Period. — In all cases, no perpetual right of way shall be granted to any person except a government agency or any of its political subdivision.

3. Granting of Road Right of Way Permit within PNP Reservations

> 3a. Permits to qualify persons or corporations for a Road Right-of-Way within PNP reservations may be granted provided that:
>
> 3a.1. The security of the PNP property is not affected;
>
> 3a.2. The purpose of the road right of way is legitimate;
>
> 3a.3. Activities shall be under the supervision of the PNP units in possession of the property;
>
> 3a.4. There is no other passage or route except through the PNP property;
>
> 3a.5. It is only for the specific route and duration; and
>
> 3a.6. PNP security clearance must be secured.

3b. In no case shall a road right-of-way of an individual company be allowed without the written approval of the Chief, PNP and/or the Secretary of the DILG. All company personnel shall secure PNP Security Clearance from the Director for Intelligence.

SECTION XVIII. Administration of Properties.

1. Active PNP Real Property. — PNP properties in active use shall be administered by the head of the unit/office in actual possession as administrator of the Chief, PNP.

2. Inactive PNP Real Property. — PNP properties not in active use for police purposes shall be administered by the

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Chief, PNP through the Director for Logistics. TDL through PNPES is empowered to appoint the Head of the PNP unit nearest the reservation as administrator of the property. The officer so appointed shall be directly responsible to and shall receive from the Chief, PNP through the Director for Logistics all matters relating to the administration of the properties entrusted to them.

3. Responsibility of Commander/Administrator. — Commanders or administrators shall acquaint themselves or through responsible officers, of the limits of the reservation under their administration. He shall adopt measures and/or action, which shall deny any unauthorized person entry or construction into the reservation.

4. The Administrator of all PNP reservations shall render an annual accounting report of all expenses and income derived there from to the Chief, PNP through the Director for Logistics, The annual accounting report shall be submitted on the 15th of January immediately following the current year.

DISPOSAL OF REAL ESTATE

1. PNP owned real estate may be disposed of by sale, donation or barter. The Director, Engineering Service with the concurrence of the Director, Legal Service and other concerned Directorial Staffs may recommend to the Chief, PNP the disposal of property under any of the means mentioned above and Unit Commander may recommend to the Director, Engineering Service the disposal of PNP real property under them if necessary in the PNP. If upon receipt of such recommendation, the Director, Engineering Service finds that the same would adversely affect or would not be in consonance with overall PNP plans, he shall make proper comment to the Chief, PNP. In all cases, disposal of all PNP owned property through any of the means indicated above shall be only upon the recommendation of the Director, Engineering Service, the reasons thereof shall be indicated, and subject to the approval of the Chief, PNP.

2. Limitations

> 2a. Real properties acquired by the PNP either by purchase or donation, reserved by Proclamation or Executive Order of the President of the Philippines, cannot be the subject of any form of disposition or alienation such as sale/lease unless the President declares the same alienable.
>
> 2b. Real properties purchased by the PNP not reserved by Proclamation or Executive Order may be sold or exchanged with other properties, as the Chief, PNP may direct upon the recommendation of the Director Engineering Service, subject to the approval of the President of the Philippines pursuant to Section 48, Chapter 12, Book I of the Revised Administrative Code of 1987.
>
> 2c. Real properties donated to the PNP may be sold or exchanged with other properties, subject to the conditions of the donation and approval of the President pursuant to Section 48, Chapter 12, Book I of the Revised Administrative Code of 1987.
>
> 2d. The properties referred to in Sections 2 and 3 immediately proceeding may also be leased by the Chief, PNP upon the recommendation of the Director, Engineering Service under such terms and conditions that it may be revoked at any time the police exigencies demand. In case the property was donated to the PNP, the leasing will only be permitted provided that it will not be in conflict with the terms of the donation.

ACCOUNTABILITY/RESPONSIBILITY

1. Real Property Acquired by Purchase. — Accountability of the unit Accountable Officer shall commence upon payment of the said property.

2. Real Property Acquired by Transfer from Government Agency. — Accountability of the Unit Accountable Officer shall commence upon receipt of the approved transfer of said property. Unit Accountable Officer shall

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render an annual property report to the D, Engineering Service and the Director for Logistics.

3. Non-Republic Building. — Accountability for Non-Republic Building shall commence upon receipt of the D, Engineering Service of a copy of the Report of Property found in station from the Unit Accountable Officer.

4. Persons Accountable and Responsible for Real Property:

4a. For land belonging to the PNP. — The Director, Engineering Service shall be directly and exclusively accountable and/or responsible to the Chief, PNP.

4b. For building belonging to the PNP. — Accountability belongs to the Accountable Officer of the different Units, Camps and Stations through the Regional Engineers. Occupants of buildings shall be directly responsible for the proper care and maintenance of the buildings. Commanders of Camps and Stations shall also be responsible from the point of view of Command Responsibility.

5. Accessories and/or Parts of Buildings. — Whether Republic or Non-Republic which have been reclaimed or salvaged as a result of alterations, repairs or dismantling shall be registered in the accountability of the Supply Officer thereof in the report of Property Found in Station.

6. Records to be maintained by Supply Officer:

6a. For land. — Director, Engineering Service shall maintain the records utilizing General Form Nr. 46 (a) showing the location plan, brief description, assessed value, and PNP reference number. The Director, Engineering Service shall submit annually to the C, PNP complete Inventory Report of the same.

6b. For buildings. — The Accountable Officer shall maintain Equipment Ledger Cards, General Form Nr. 46(a), showing the location plans or brief description and assessed value. All buildings and installation acquired by the PNP whether Republic or Non-Republic shall be recorded in these cards. The cards at the Office of the Director, Engineering Service shall reflect all the buildings of the PNP including those accountabilities have been transferred to units in the field.

6c. In both accountabilities for land and for buildings, the records of the Accountable Officers shall be subject to the examination and audit by the Internal Auditor, PNP or his authorized representative and by the Auditor General or his authorized representative.

7. Transfer of Accountability:

7a. The accountability and/or responsibility for land including the records shall be transferred by means of General Form Nr. 30(a).

7b. The accountability for all PNP buildings shall also be transferred by means of General Form Nr. 30(a).

8. Relief of Accountability for Real Property:

8a. Land. — when the PNP loses ownership of any piece of land by sale, transfer or other forms, the Director, Engineering Service shall be relieved of this accountability upon notation in the Equipment Ledger Cards, supported by papers or documents concerning the transaction or evidence in the manner in which the PNP has lost ownership of such land. The original and two (2) copies of these documents shall be forwarded to the Internal Auditor, PNP.

8b. Buildings:

8b.1 Republic Buildings. — Republic Buildings rendered unserviceable through fair wear and tear shall be dropped from the accountability of the officer accountable thereof by I & I Report, General Form Nr. 17(a). Buildings, rendered unserviceable other than by fair wear and tear (such as destroyed by fire, typhoon or other form of calamities) shall be dropped from the accountability of the accountable officer in the manner provided

for under Logistics Circular No. 002-02 otherwise known as “Procedures to be Followed in Requesting for Relief from Property Accountability.

8b.2. Non-Republic Building. — Buildings and installation rendered unserviceable by fair wear and tear shall be dropped from the accountability by accomplishment and submission of the I & I. Buildings destroyed or damaged other than by fair wear and tear (such as fire, typhoon or other forms of calamities) shall be dropped from the accountability of the officer accountable thereof through the Report of Survey.

9. Alteration, Transfer and Demolition of PNP Buildings. — No alteration or transfer of buildings belonging to the PNP shall be made without prior approval of the Chief, PNP. Any major or substantial alteration made on any PNP building under the books of the accounts of the Director, Engineering Service shall be reported to him within ten (10) days after completion of such alteration.

10. Liability. — The Unit Commander or any PNP personnel entrusted with the administration or use of a particular PNP owned real property or private property leased or occupied by a PNP unit, shall be held directly and primarily responsible for any violation appertaining to that particular property. Appropriate criminal, civil and/or administrative sanctions shall be imposed accordingly.

SECTION XIX. Repealing Clause.

All policies, memoranda, issuances and other circulars, or portions thereof inconsistent with this circular are hereby rescinded/repealed or modified accordingly.

SECTION XX. Effectivity.

This Circular shall take effect fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as “The Revised Administrative Code of 1987”, as amended.

Adopted: 25 March 2002

(SGD.) LEANDRO R. MENDOZA
Police Director General
Chief, PNP

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[1] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.
[2] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.
[3] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.
[4] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.
[5] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.
[6] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.
[7] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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