

ADMINISTRATIVE CIRCULAR NO. 29-2009, July 16, 2004

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TO:

ALL TRIAL COURT JUDGES

SUBJECT:

SECTION 47 OE R.A. NO. 6075 (The Department of the Interior and Local Government Act of 1990)

Section 47 of Republic Act No. 6975 (The Department of the Interior and Local Government Act of 1990), as amended by Republic Act No. 8551, otherwise known as 8551- "Philippine National Police Reform and Reorganization Act of 1998", provides as follows:

Section 47. Preventive Suspension Pending Criminal Case. — Upon the filing of a complaint or information sufficient in form and in substance against a member of the PNP for grave felonies where the penalty imposed by law is six (6) years and one (1) day or more, the court shall immediately suspend the accused from office for a period not exceeding ninety (90) days from arraignment. Provided, however, That if it can be shown by evidence that the accused is harassing the complainant and/or witnesses, the court may order the preventive suspension of the accused PNP member even if the charge is punishable by a penalty lower than six (6) years and one (1) day: Provided, further, That the preventive suspension shall not be more than ninety (90) days except if the delay in the disposition of the case is due to the fault, negligence or petitions of the respondent: Provided, finally, That such preventive suspension may be soon lifted by the court in the exigency of the service upon recommendation of the Chief, PNP. Such case shall be subject to continuous trial and shall be terminated within ninety (90) days from arraignment of the accused.

All concerned judges are hereby enjoined to comply with the above-quoted provision of law.

Let copies of this Circular be furnished the Department of the Interior and Local Government and the National Police Commission.

Issued this 16th day of July, 2004.

HILARIO G. DAVIDE

Chief Justice

Copy furnished:

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