

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

SAGSD MEMORANDUM CIRCULAR NO. 2008-001, November 11, 2008

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/760964f08164/>

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.

Section 2. Answer – The answer shall be in writing, under oath and must contain material facts, which may either be a specific denial or affirmation of the allegations in the complaint. It shall be accompanied by documentary or other evidence, if there be any, in support of the defense, copy furnished the complainant. It shall also contain a list of witnesses and their individual addresses, whenever appropriate.

The answer shall be filed in two (2) copies either personally or by registered mail, with proof of appropriate service to the complainant. If the answer is sent by registered mail, it is deemed filed on the date and hour of receipt stamped by the post office on the envelope. Said envelope shall be kept and made an integral part of the answer and records of the case.

The proceedings being summary in nature, no motion to dismiss, motion for bill of particulars or any other motion shall be allowed, and the filing of the same shall not interrupt the running of the reglementary period for filling an answer.

Section 3. Effect of Failure/Refusal to File Answer – Failure of the respondent to file an answer within the reglementary period shall be considered as a general denial of the charges.

Section 4. Effect of Admission by Respondent – When the respondent in his answer admits its culpability to the charge, the hearing shall, nonetheless, proceed in order to determine the degree of his responsibility, and the appropriate penalty to be imposed.

Section 5. Preliminary Conference – If, on the basis of the sworn statements and the pieces of evidence presented by both parties, the hearing officer finds no sufficient cause to warrant further proceedings, the complaint may outright be dismissed. Otherwise, he shall send, within three (3) days, summonses to all parties and their witnesses for a preliminary conference for the purpose of arriving at an amicable settlement, or simplifying of issues, marking of evidence and stipulation of facts and such other matters that may aid in the prompt disposition of the action.

The parties may agree in writing that summary hearing be dispensed with, instead, memorandum or position papers be submitted.

The conference shall be completed within two (2) days and the proceedings shall be duly recorded and attested by the parties and/or counsel.

Whether the parties are represented by counsel or not, they shall be made to sign the certificate of readiness to appear at the scheduled hearings. In the said certification, the date of hearing agreed upon by the parties shall be strictly followed to avoid unnecessary delay in the proceedings.

Section 6. Hearing Proper – Within five (5) days from the preliminary conference, the summary hearing of the case shall proceed.

Section 7. Order of Summary Hearing – The order of summary hearing shall be as follows:

- a) The complainant shall adduce evidence with proper identification and marking thereof of his exhibits;
- b) The respondent shall then present evidence in support of his defense with proper identification and marking thereof of his exhibits;
- c) The proceedings being summary in nature, direct examination of witnesses shall be dispensed with and the sworn statements/affidavits of witnesses, after proper identification and affirmation on the truth of the contents thereof, shall take the place of their oral testimony, except for witnesses who appeared pursuant to a subpoena;
- d) Clarificatory questions may be allowed, if requested by either party, but shall be confined strictly to material and relevant matters and, insofar, as may be compatible with the ends of justice.

Section 8. Submission of Position Papers – The hearing officer may require the parties to submit their respective position papers within ten (10) days from the date the summary hearing is terminated.

Section 9. Right to Counsel – Parties have the right to avail of counsel. If the parties at the start of the proceedings appear without counsel, they shall be informed of the right to avail of one if they so desire. However, the hearings shall proceed as scheduled even in the absence of counsel.

If a party is not represented by counsel, the Hearing Officer shall mark the exhibits presented during the preliminary conference and may propound clarificatory questions, if necessary.

Section 10. Postponement – Postponement of hearing should be discouraged and shall be allowed only in meritorious cases, such as illness of a party or his/her counsel and/or other similar unavoidable causes. A request for postponement on the ground of illness shall be supported by a duly sworn medical certificate.

Regardless of the ground invoked, not more than two (2) postponements shall be allowed for either of the parties. Thereafter, the hearing shall proceed as scheduled.

Section 11. Effect of Absence/Non-Appearance of Complainant – If the complainant fails or refuses to appear during the two (2) consecutive scheduled hearings, despite due notice, it shall be a sufficient ground to drop the complaint for failure to prosecute where the culpability of the respondent could not be established or proven without the testimony of the complainant. However, before dropping the complaint, the designated hearing officer shall exert best efforts to locate the complainant and his witnesses and to inquire into the reason(s) for their failure to prosecute the case.

In cases where the culpability of the respondent can be established by evidence other than the testimony of the complainant, non-appearance of the latter shall not be a ground to terminate the proceedings.

Section 12. Effect of Desistance of the Complainant – If the complainant desist prior to the presentation of the evidence by the prosecution, the case shall be dismissed for failure to prosecute; Provided that the affidavit of desistance must be affirmed personally by the summary hearing officer who shall ask searching questions regarding the execution and facts therein.

Section 13. Effect of Failure or Refusal of Respondent to Appear – If the respondent, despite due notice, fails or refuses to appear without justifiable reason during the scheduled hearings, he is deemed to have waived his right

to be present and to submit evidence.

Section 14. Submission of Resolution – The hearing officer shall have thirty (30) days to submit to the Chief, SAGSD or Chief, ROPD the copy of Resolution for approval accompanied by the complete records from the date the case is submitted for resolution. Once approved, the said Resolution shall constitute the Decision in the case. Copies of which shall be served to all parties within five (5) days upon approval of the resolution. Resolution with recommendation for the suspension or cancellation of a Temporary License To Operate shall be approved by the Director, CSG while for Regular License To Operate, by the Chief, PNP.

Section 15. Contents of Resolution – Resolutions shall be clear and concise; and shall include the following:

- a. facts of the case
- b. issues involved
- c. applicable laws, rules and regulations
- d. findings and conclusions
- e. disposition thereof

Section 16. Service of Resolution – The Resolution shall be served either personally or by registered mail at complainant and respondent's place of business or at his last known address within three (3) days from approval thereof. In all cases, proof of such service shall be attached to the records of the case for purposes of determining jurisdiction in case of appeal.

Section 17. Motion for Reconsideration – The party adversely affected may file a motion for reconsideration from the decision rendered within ten (10) days from receipt of a copy of the decision on the following grounds:

- a) Newly discovered evidence which, if presented, would materially affect the decision rendered; or
- b) Errors of law or irregularities have been committed prejudicial to the substantial rights and interest of the movant.

The filing of a motion for reconsideration shall stay the execution of the decision sought to be reconsidered. Only one (1) motion for reconsideration shall be allowed and the same shall be considered and decided by the regulatory office within fifteen (15) days from receipt thereof.

Section 18. Finality of Decision – The Decision rendered by the concerned regulatory office shall be final and executory if no appeal or motion for reconsideration is filed within the time provided in these Rules. Within one (1) day after the lapse of the said reglementary period, the final order signed by the Chief, SAGSD or Chief, ROPD or in cases of Appeal, the Director, CSG or Regional Director or in cases of cancellation of Regular License To Operate, by the Chief, PNP together with the copies of the Resolution/Decision shall be served to the respondent either personally or by registered mail at the respondent's place of business or at his last known address.

Rule V

Appeal

Section 1. Perfection of Appeal – An appeal shall be perfected by the party adversely affected by filing and serving upon the Chief, SAGSD, CSG or Chief, ROPD a Notice of Appeal within ten (10) days from receipt of the Resolution subject of appeal and furnishing a copy thereof to the other party. Within three (3) days upon receipt of the notice of appeal, the Chief, SAGSD or Chief, ROPD shall forward the complete original records of the case to the appellate body which shall be systematically and chronologically arranged, paged and securely bound to prevent loss of any piece of document thereof.

Section 2. Notice of Appeal and Memorandum On Appeal – A Notice of Appeal together with the memorandum

on appeal shall contain the following: 1) the material dates showing that it was filed on time; and 2) the assignment of the specific errors of fact or law, or both, allegedly committed by the investigating office.

Section 3. Dismissal of Appeal – Failure of the appellant to comply with the requirements provided in Sections 1 and 2 of this Rule shall be sufficient ground for the dismissal of the appeal.

Section 4. Period to Decide an Appeal – The appellate body shall decide the appeal within thirty (30) days after the receipt of the entire records of the case from Chief, SAGSD or Chief, ROPD. Failure of the appellate body to decide the appeal within that period shall render the decision of the investigating office final and executory without prejudice to the filing of an appeal by the party adversely affected to the Chief, PNP. The officer or board designated by the appellate body to resolve the appeal shall make a written explanation to the Director, CSG or Regional Director on its failure to do so. The latter shall conduct investigation against the said officer or board if it appears from the explanation that neglect of duty was committed.

Section 5. Docketing of Appealed Cases – Upon receiving the complete original record of the case from the investigating office, the appellate body shall immediately docket the same by stamping the time and date of receipt on its cover, assigning the appellate the case number and entering the same on the docket book which shall be purposely maintained for appealed cases only.

Rule VI

Miscellaneous Provisions

Section 1. Effect of a Pending Case and Non-Compliance to Final Order – Pendency of a case before SAGSD or FESAGS for a grave offense and those cases falling under the provision of Section 7, Rule XVII, of 2003 Revised Implementing Rules and Regulations by the respondent shall be a ground for suspension of the documentary processing of the License To Operate (LTO) of respondent agency, accreditation for training institution and license to exercise profession for security and training personnel. Furthermore, the Chief, SAGSD or Chief, ROPD shall issue a Cease and Desist Operation to the particular post of the security agency or the training institution where the grave offense has been committed. While non-compliance to a final order by the respondent in all cases, shall be a bar for the processing of the application for the renewal of licenses and accreditation.

Section 2. Status of application under suspension – Chief, SAGSD or Chief, ROPD may issue an interim license to operate or exercise profession to the licensee who applied for the renewal of his license until the final disposition of the case has been rendered.

Section 3. Issuance of Clearance/Certification – The Chief, SAGSD or the Chief, ROPD, upon written request and the payment of the legal fee shall issue a clearance or certification indicating the pendency or non-pendency of an administrative case against a security and training personnel or security agency.

Rule VII

Transitory Provisions

Section 1. Repealing Clause – All rules and regulations and other issuances, or portions thereof, inconsistent with this Memorandum Circular are deemed superseded or modified accordingly.

Section 2. Separability Clause – In the event that any of the provisions of this Memorandum Circular is declared legally unenforceable, the validity of the other provisions shall not be affected by such declaration.

Section 3. Effectivity Clause – This Memorandum Circular shall be effective after fifteen (15) days following the completion of its publication in at least two (2) newspapers of general circulation nationwide.

Adopted: 11 Nov. 2008

(SGD.) JESUS A. VERZOSA
Police Director General Chief, PNP

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.