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ADOPTING THE NATIONAL POLICE COMMISSION (NAPOLCOM) CODE OF CONDUCT

NAPOLCOM RESOLUTION NO. 2010-320, October 01, 2010

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WHEREAS, Section 14 of Republic Act No. 6975, as amended, provides that the NAPOLCOM shall exercise administrative control and operational supervision over the Philippine National Police (PNP);

WHEREAS, Administrative Order No. 255 directed all heads of the executive department to lead moral renewal in their respective agencies through the formulation, promulgation and adoption of an agency specific Code of Conduct;

WHEREAS, in compliance with the aforementioned administrative order the NAPOLCOM Code of Conduct is crafted aimed at promoting ethical behavior, professionalism and standards of excellence among its officials and employees; foster responsible stewardship and judicious utilization of funds and logistics and ensuring effective and responsive systems and procedures that will uphold accountability and transparency;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVES, that the Commission hereby approves and adopts the NAPOLCOM Code of Conduct for implementation and observance of all Officials and Employees in the performance of their functions as public servants.

BE IT RESOLVED FURTHER, that the following shall be formulated for implementation:

a. An Information-Education-Communication Plan by the Personnel and Administrative Service (PAS) and the Planning and Research Service (PRS) to ensure widest dissemination to and high level of awareness of NAPOLCOM personnel on the provisions of this Code.

b. A Monitoring System by the PAS to ensure compliance with the Code, to start two (2) months after its official adoption and launching. Thereafter, monthly compliance monitoring reports shall be submitted by heads of staff services, regional offices and separate units to the Ofrfice of the Vice-Chairman and Executive Officer thru PAS.

BE IT RESOLVED FINALLY, that based on compliance monitoring reports, the implementation of the Code shall be evaluated and reviewed at the end of every year for updating, modification or total revision, as the case maybe.

All NAPOLCOM issuances which are inconsistent herewith are hereby repealed accordingly.

(SGD.) JESSE M. ROBREDO
Chairman

(SGD.) EDUARDO U. ESCUETA
Commissioner
Vice-Chairman and Executive Officer

(SGD.) LUISITO T. PALMERA
Commissioner

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(SGD.) ALEJANDRO S. URRO
Commissioner

(SGD.) CONSTANCIA P. DE GUZMAN, PH.D.
Commissioner

Attested by:

(SGD.) ADELMALYN A. MUNIEZA
Chief Secretariat

Code of Conduct for Officials and Employees of the NAPOLCOM

ARTICLE I
TITLE, DECLARATION OF POLICY, OBJECTIVES OF THE CODE, SCOPE AND APPLICATION AND DEFINITION OF TERMS

Section 1. Title. This Code shall be known as the Code of Conduct for Officials and Employees of the National Police Commission (NAPOLCOM).

Section 2. Declaration of Policy. It is the avowed policy of the NAPOLCOM to exercise its constitutional mandate of administering and controlling the Philippine National Police (PNP) effectively and efficiently through the maintenance of a corps of officials and employees who are exemplars in selfless public service, that is, accountable to the public, responsible, honest, competent and efficient in their actions, morally upright, with simple but dignified lifestyle, and judicious in the utilization of its financial and logistical resources; and, to observe the implementation of rational and responsive administrative and operational systems and procedures.

It is likewise the policy of the Commission to fortify the commitment of its officials and personnel to public service and uphold the primacy of public interest over personal interest in the performance of their duties and responsibilities.

Towards this end, a Code of Conduct is hereby promulgated.

Section 3. Objectives of the Code. The Code aims at establishing a set of standards relative to the behavior and conduct of NAPOLCOM officials and employees in the performance of their duties and responsibilities. Specifically, the objectives are:

a. To promote ethical behavior, professionalism and excellence among its officials and employees.

b. To foster responsible stewardship over NAPOLCOM assets and resources, exercise judicious utilization of its funds and logistics, and strictly adhere to accounting and auditing rules and regulations.

c. To ensure the implementation of effective and responsive systems and procedures that promote a strong sense of accountability, transparency and efficiency among NAPOLCOM personnel.

d. To establish a system of incentives, rewards and grants for exemplary conduct and/or practice.

e. To specify the applicable administrative penalty for any violation of this Code.

Section 4. Scope and Application. This Code shall apply to all officials and employees of the Commission, regardless of the nature or status of appointments, whether permanent, temporary, contractual, on-the-job training, or on detailed service from other government agencies or consultant who report within the NAPOLCOM's regular working hours.

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Section 5. Definition of Terms. For purposes of this Code, the following terms are defined as follows:

a. Code – refers to this Code of Conduct.

b. Conflict of Interest – refers to institutional and personal interests that interfere with the performance of duties, or an interest that might affect the objectivity or independence of judgment by any NAPOLCOM officials and employees.

c. Deputized Official – refers to local government executives (mayors/governors) automatically deputized by the NAPOLCOM to exercise administrative supervision and control over PNP members in their respective jurisdictions, pursuant to Sec. 6 of R.A. 8551.

d. Employee – refers to individuals occupying 1st and 2nd level positions in the Commission.

e. Grievance – refers to a complaint in writing which has, in the first instance and in the employee's opinion, been ignored, overridden or dropped without due consideration.

f. Nepotism – refers to the appointment made in favor of a relative within the 3rd degree of either consanguinity or of affinity, of the recommending or appointing authority or of the persons exercising immediate supervision over the appointee.

g. Official – refers to personnel who occupy 3rd level positions in the NAPOLCOM.

h. Personnel – refers to both NAPOLCOM officials and employees.

i. Sanction – refers to the commensurate administrative penalty imposed upon an ex ercising official.

j. Token – refers to a thing (nominal, e.g. paper weight with NAPOLCOM seal) given to a visitor/lecturer/guest (local or foreign) during his/her visit to the NAPOLCOM. It also refers to things received by NAPOLCOM personnel from other private or public institutions or agencies for services rendered as lecturer, speaker or other similar acts.

k. Violation/Offense – refers to any act or omission by official or employee in contravention of the rules embodies therein.

l. Whistleblower – refers to a person who reveals any wrongdoings or malpractices that are taking place within the organization.

ARTICLE II
NORMS OF BEHAVIOR AND CONDUCT

Section 6. Core Values – a. NAPOLCOM officials and employees are committed to uphold the highest standards of public service. All personnel shall adhere to the following core values:

Honesty – To be open and truthful in dealing with superiors, subordinates, peers, clientele which are the PNP and the Public.

Integrity – To discharge duties and responsibilities with honesty, probity, moral uprightness and strict adherence to the Code of Conduct and Ethical Standards for Public Officials and Employees

Dedication – To serve the NAPOLCOM, the PNP and the public with selfless commitment and devotion to duty.

b. Manifestations of living out these core values of honesty, integrity and dedication are enumerated in the NAPOLCOM Pledge, as shown below:

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With the guidance of the Almighty, we do hereby solemnly swear to:

Nurture excellence and professionalism

Adhere to the values of honesty, integrity and esprit d' corps;

Provide efficient, effective and responsive service;

Obey and respect the rule of law;

Listen to client concerns;

Commit ourselves to the principles of transparency and accountability;

Oversee the implementation of the Commission's policies and programs for the PNP;

Mold a civilian police organization that promotes community welfare.

Section 7. General Norms of Conduct – All personnel shall observe the following norms of conduct while in the performance of their duties and responsibilities:

a. Integrity

All officials and employees shall avoid any conduct that would cause breach of public trust and confidence. – In case of conflict, public interest shall prevail.

1.)Officials and employees shall treat clients, stakeholders, co-employees and officials with utmost honesty, impartiality and fairness, and respect their rights and obligation;

2.)Officials shall hear complaints of their staff and shall be fair and reasonable in making decisions;

3.)Officials and supervisors shall demonstrate and promote leadership by example;

4.)Officials and employees shall notify or disclose to the appropriate authority violations of laws and breaches of ethical standards. Employees shall bring the matter directly to the appropriate body instead of exposing the matter to the media or through other unprofessional means; and

5.)For purposes of impartiality, the Commission or appropriate authority as the case may be shall entertain written and duly signed complaints only; however, unsigned grievance in the form of a white paper or any form of document may be entertained only if after review of the grievance, there is sufficient ground to conduct an investigation.

b. Transparency

1.)Officials and employees shall at all times exercise transparency in all official as well as personal transactions and contracts;

2.)Officials and employees shall make known to clients in clear and understandable language, office policies and procedures, ensure openness of information; conduct public consultation whenever appropriate; and encourage suggestions/feedback to simplify systems and procedures; and

3.)Officials and employees shall, upon written request, make available public documents for inspection by the public within reasonable working hours provided no rule of confidentiality required by existing laws, rules and regulations is violated. Any request by a third party or the media shall be in writing and duly approved by the Vice-Chairman and Executive Officer (VCEO) or the head of office or appropriate authority as the case may be.

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c. Confidentiality

1.)Officials and employees are prohibited from altering, falsifying, concealing, destroying or mutilating public or official records which have come to their possession in the course of, or by reason of their employment;

2.)Secretaries, clerks, encoders or anyone entrusted by officials to keep confidential information/records shall refrain from releasing information uncalled for, to anyone or to the public without the approval of the immediate supervisor; and

3.)Documents which are confidential in nature must be transmitted directly to the concerned official or authorized representative. The concerned representative must refrain from engaging in discreet discussions involving confidential matters.

d.) Dealings with the Public:

1.) The VCEO shall designate an Official Spokesperson for the Commission who shall be responsible for releasing information on the programs, activities or issues regarding the Commission;

2.) Officials and employees shall conduct themselves with dignity and treat the public with utmost respect, courtesy, consideration and reason;

3.) Officials and employees shall observe impartiality, propriety and probity in the performance of their official duties;

4.) Officials and employees shall avoid giving comments and personal opinions that can be construed as the Commission's official position on the issue at hand;

5.) Officials and employees shall each take an active role in ensuring an environment free of discrimination and harassment; and

6.) Officials and employees shall perform their duties with dedication without expecting any material gain or favor in return. They shall not demand or insinuate, directly or indirectly, any financial consideration for past, present/ pending or future services or transactions with a client.

Section 8. Agency-Specific Rules of Conduct

a. Office Decorum

1.) Wearing of Office Uniform and ID

(a) Officials and employees shall wear the prescribed uniform during work days except during wash days (Friday) when they shall be dressed appropriately and modestly.

(b) The Identification Card (ID) forms part of the uniform and shall be worn whenever a personnel is inside NAPOLCOM premises and when he/she is representing NAPOLCOM to transact official business with other offices.

(c) Pregnant women and those in mourning shall not be required to wear the prescribed uniform during the period of their pregnancy and mourning.

(d) Wearing of slippers or step-ins regardless of brand or cost inside NAPOLCOM premises is prohibited.

(e) Personnel not in prescribed uniform or not observing the dress code during office hours shall be marked absent by the Human Resource Management Division (HRMD) of the Personnel and Administrative Service (PAS).

(f) On-the-job trainee or those on detail service from other government agencies are exempted from wearing

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the uniform. However, they are required to wear identification cards issued by their mother agency while inside the premises.

2.) Attendance During Flag Ceremonies

(a) All personnel are required to attend the Flag Raising Ceremony every Monday at 8:00AM and Flag Retreat every Friday at 4:30PM.

3.) Observance of Working Hours

(a) All personnel are required to render daily eight hour duty during work days. They shall log in and out through the biometric scanner or bundy clock and logbook. Appointees to third level career positions shall log in and out using a logbook.

(b) Queuing before the biometric machine or bundy clock earlier than the authorized dismissal time is prohibited. Observance of the flexible time shall be in accordance with the Civil Service Law and Rules.

(c) Overtime services shall be allowed only for work or activity, the completion of which is urgently needed and failure to do so will negatively affect the completion of projects/activities. All personnel on official business shall secure an Official Business (OB) pass from his/her immediate supervisor or a Letter Order issued for the purpose for future reference.

(d) Employees are prohibited from loitering around the office premises.

(e) All officials and immediate supervisors shall always be in their post to closely monitor their staff and performance of daily activities of their respective office.

(f) In the central office, request for authority to render overtime shall originate from the Staff Service Chief and endorsed to the Vice-Chairman and Executive Officer for consideration and approval. In the regional offices, requests for authority to render overtime shall be submitted to the regional director by the Chief of the Concerned Division.

4.) A no-smoking policy is adopted within the premises of the NAPOLCOM pursuant to Republic Act No. 9211 known as “The Tobacco Regulation Act of 2003”, Civil Service Memorandum Circular No. 17, series of 2009 and NAPOLCOM Office Order No. 2003-01.

5.) A drug-free workplace policy shall be maintained to promote health and safety of all employees.

6.) An anti-violence policy in the workplace is adopted by the NAPOLCOM. Officials and employees are prohibited from making threats or engaging in violent activities. Possession of firearms by authorized personnel shall be governed by the provisions of NAPOLCOM Office Order No. 2003-005 as well as existing laws and regulations. Drinking alcoholic beverages during office hours is prohibited.

7.) NAPOLCOM maintains a “no-tolerance” of sexual harassment policy. Violation of this policy shall constitute grave misconduct and may lead to disciplinary action including suspension or termination subject to the administrative disciplinary rules of R.A. 7877, otherwise known as “Anti-Sexual Harassment Act.”

8.) All personnel must comply with the guidelines on the observance of telephone etiquette in relation to the implementation of its Information-Communication Program. As such, the telephone in the office is FOR OFFICIAL USE ONLY. Personal calls may be allowed for emergency calls of utmost necessity and limited to three (3) minutes only.

9.) Computers and other office equipment are likewise for official use only. The use of computers for on-line games, social networking and the like is strictly prohibited.

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10.) Cleanliness and orderliness must be observed within the office premises.

All personnel must ensure that his/her place of work is clean through a daily and weekly cleaning schedule.

ARTICLE III
NEPOTISM

Pursuant to existing civil service laws, nepotism is prohibited. The following guidelines shall be adhered to:

Section 9. Prohibition on the Appointment of Relatives. No relative within the prohibited 3rd civil degree of affinity and consanguinity shall be employed in the same office/unit whether or not there is exercise of supervision or control over the appointee which is expressly covered by the rule on nepotism under existing Civil Service Law and Rules.

Section 10. Appointment Resulting from Vacancy. Where there is already employed in the same office/unit more than one relative within the 3rd degree of consanguinity and affinity, upon the separation thereof through resignation, retirement or death, the resulting vacancy shall be filled by another person qualified for appointment but not related to the remaining family member within the prohibited degree.

Section 11. Marriage between NAPOLCOM Personnel. In case of marriage between personnel in the same office/unit, especially if the official is the direct supervisor of the related employee, the Director of Personnel and Administrative Service may recommend to the VCEO for a change of assignment, reassignment or transfer of one in order to maintain objectivity, fairness and impartiality in the office/unit; and

Section 12. Application of Policy. This policy shall apply to all NAPOLCOM Central and Regional Office personnel except those in coterminus, highly technical and confidential positions.

ARTICLE IV
CONFLICT OF INTEREST

Section 13. No official or employee shall engage, directly or indirectly, in any of the following or similar acts:

a. Enter into any contract with the NAPOLCOM and any private entity with existing contract with the NAPOLCOM for procurement of equipment, supplies and other related items, services, and lease or sale of property.

b. Participate in any official action which either he/she or any of his/her relatives is applying for possible employment.

c. Recommend for employment in the same office any of his relatives.

d. Recommend any person for employment to any supplier, or any other person doing business with the NAPOLCOM; or

e. Give due advantage/preference to anyone to further his/her personal/private interests and the one who benefited therefrom.

ARTICLE V
POLICY ON GIVING AND ACCEPTANCE OF GIFTS,
DONATIONS AND SPONSORSHIP

Generally, the NAPOLCOM shall maintain a “no gift policy”. Gift refers to a thing or a right disposed of gratuitously, or any act or liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. It shall not include an unsolicited gift of nominal or insignificant value not

given in anticipation of, or in exchange for a favor from a public official or employee.

Section 14. Prohibition on Direct and Indirect Solicitation. No official and/or employee shall solicit, directly or indirectly, any gift, donation in cash or in kind and sponsorship for himself/herself or for others, regardless of the amount, unless approved by the Head of the Agency.

Section 15. Prohibition on the Acceptance/Receipt of Gifts, Donations, and/or Sponsorship. No official and/or employee shall accept or receive directly or indirectly, any gift, donation and sponsorship, regardless of the amount, where this may influence or to have influenced, or may reasonably be seen to influence or to have influenced past, present, or future performance of their official functions, from any of the following:

a. Any bidder, supplier, contractor, or entity including their agent with contract/s with the NAPOLCOM;

b. Any individual/party applying for any official forms/documents such as but not limited to clearances, certificate of ratings, etc;

c. Any individual, counsel, witness, or their agent undergoing any fact-finding/formal investigation being conducted by the NAPOLCOM;

d. Any respondent, counsel, witness, or their agent in any case before the NAPOLCOM; and

e. Any person or company transacting official business with the NAPOLCOM.

Section 16. Acceptance of Fees and/or Remuneration. In the course of the performance of his/her official functions, no official and/or employee shall accept any fee or remuneration beyond what he/she is legally entitled to receive in accordance with the law.

Section 17. Acceptance/Receipt of Plaques, Awards and the Like. Officials and employees may receive plaques, awards, certificates, souvenirs, or other tokens of gratitude and/or benefits as appropriate to the occasion/ceremony to which he/she is invited as a guest speaker or lecturer. Transportation and accommodation provided to the speaker or lecturer during the occasion/ceremony may also be accepted.

Section 18. Gifts or Cash Awards from NAPOLCOM. Officials and employees may receive gifts or cash awards given by the NAPOLCOM to its officials and employees during Anniversary and Christmas celebrations; and

Section 19. Performance-based Cash Rewards and Similar Benefits from Other Government Agencies, NGOs and Peoples Organizations - Officials and employees may receive performance-based cash rewards, scholarship grants, and similar benefits granted by appropriate government agencies, NGOs and people’s organizations.

ARTICLE VI
OPERATIONAL NORMS OF CONDUCT

Section 20. Concerned personnel shall observe the following norms in the performance of operational functions:

1. Investigation, Inspection and Conduct of Hearings

a. Inspection Team shall refrain from informing in advance PNP officials or personnel in a subject police office that an inspection by the NAPOLCOM will be conducted;

b. Familiarity with respondents or complainants is strictly prohibited;

c. Investigation or conduct of hearings with victims of rape or sexual harassment by police personnel shall be held in a separate room away from public view;

d. Impartiality and fairness shall always be observed in all stages of the investigation or conduct of hearings;

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e. Decisions and Reports of Investigation shall not be divulged unless authorized;

f. An after inspection report shall be submitted to the Vice Chairman and Executive Officer within three (3) days after conduct of the activity;

g. The Chief PNP shall be furnished with a copy of the inspection report for implementation/appropriate action; and

h. The Commission through the IMIS shall monitor regularly the implementation of the recommendation/s or the findings.

2. Examination

a. Unauthorized officials and personnel are prohibited from going inside the quarantine room;

b. Confidentiality shall always be observed in the preparation of test materials for PNP entrance, promotional examinations as well as Police Executive Service Examination;

c. Officials and employees shall refrain from divulging or releasing premature information on the results of police examinations to further his/her interest.

3. Purchase of Supplies, Materials, Equipment and Motor Vehicles

a. Items to be purchased should be included in the Annual Procurement Program;

b. All items to be purchased should be in accordance with the provisions of Republic Act No. 9184;

c. Purchase of items that need clearance should be duly observed;

d. Government contracts should be in accordance with Republic Act No. 9184;

e. Supply officers shall from time to time monitor distribution of supplies and materials and equipment.

4. Financial Transactions

a. NAPOLCOM personnel shall not follow-up claims of police personnel or that of their beneficiaries;

b. NAPOLCOM personnel shall not accompany claimants during encashment of checks;

c. Recommendations relative to financial claim shall not be divulged nor withheld for personal gain;

d. Financial transactions shall be made in accordance with the General Appropriations Act and other related rules and regulations issued by the Department of Budget and Management and Commission on Audit; and

e. Special Disbursing Officers shall liquidate their cash advances immediately after funds have been disbursed as required by COA rules and regulations.

ARTICLE VII
HANDLING GRIEVANCES/COMPLAINTS

A grievance machinery is established in the NAPOLCOM to address any grievance or complaint filed by any of its officials and employees.

Section 23. Grievance Defined. Grievance refers to work-related issues giving rise to employee dissatisfaction such as:

a. Non-implementation of policies, practice, and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other

related terms and conditions;

b. Non-implementation of policies, practice and procedures which affect employees from recruitment to promotion, detail, transfer, retirement, termination, lay-offs, and other related issues that affect them;

c. Physical working conditions;

d. Interpersonal relationship and linkages;

e. Protest on appointment; and

f. And other analogous circumstances.

Section 24. Oral Discussion. A verbal complaint shall be discussed in the first instance with the immediate supervisor, who, within three (3) days from date of presentation, informs the aggrieved party of his/her decision.

If the party being complained of is the immediate supervisor, the grievance shall be presented to the next higher supervisor.

Section 25. Grievance in Writing. If the complainant is not satisfied with the decision of the immediate supervisor, he/she may submit the grievance in writing through the immediate supervisor to the next higher official who shall, within five (5) days from receipt thereof, inform the complainant in writing of the decision, again through the immediate supervisor.

Section 26. Appeal to the Agency Head. If the complainant is not satisfied with the prior decision relative to his/her grievance, he/she may submit through channels, the written grievance to the Vice-Chairman-Executive Officer who shall refer the matter to the Grievance Committee composed of the following:

a. Service/Office Director who is assigned as Chairman

b. Director II of PAS or the Chief, Administrative Division of Regional Office, as member

c. An employee of the rank and file designated by the NAPOLCOM Employees Association (NAPEMA) as member.

Section 27. Grievance Committee Procedures. The Chairman of the Grievance Committee shall, within five (5) days from referral of the written grievance, notify the parties concerned of the schedule of the hearing. The conduct of investigation and hearing shall be within ten (10) days from receipt of the grievance. The Committee shall prepare its findings and recommendations within five (5) working days after investigation; submit recommendation to the VCEO who shall render his decision in writing within three (3) days from receipt of the report of the Grievance Committee.

An appeal on the decision of the VCEO may be filed with the Civil Service Commission within fifteen (15) working days from receipt of the decision.

If the object of the grievance is the Grievance Committee, the aggrieved party may submit the grievance to top management.

If the object of the grievance is top management, the aggrieved party may bring his/her grievance directly to the Civil Service Commission.

Section 28. Complaint Defined. This refers to a disclosure or report which is either disciplinary or non-disciplinary in accordance with the Uniform Rules on Administrative Cases in the Civil Service (URACC), which shall be handled by assigned NAPOLCOM Committees.

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a. Disciplinary complaints shall be acted and decided upon with finality in case the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty (30) days salary of the respondent.

Decisions imposing a penalty of dismissal shall be executory or executed only after confirmation by the Commission En Banc.

b. Non-Disciplinary Complaints may take the forms of:

1.)Protest against the appointment/s of personnel
2.)Complaints on personnel actions and other non-disciplinary actions,

A complaint against a civil service official or employee shall be in written form and subscribed and sworn to by the complainant. However, in cases initiated by the proper disciplining authority, the complaint need not be under oath.

Anonymous complaint shall not be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment.

Section 29. Graft and Corruption-Related Complaints

a. Graft refers to the unlawful acquisition of public money through questionable and improper transactions with public officials. It is the personal gain or advantage, which is not part of his official pay, earned by an official when doing his work. Graft usually implies theft, corruption, fraud and the lack of integrity that is expected of any transaction involving a public official.

b. Corruption is defined as the abuse of public power for personal gain or for the benefit of a group to which one owes allegiance. Form of corruption includes bribery, extortion, cronyism, nepotism, patronage, graft and embezzlement.

Section 30. The NAPOLCOM Internal Audit Service. Graft and corruption-related complaints shall initially be received by the Internal Audit Service for recording purposes before the said complaint is referred to a specific Committee.

Section 31. Procedures in Handling Graft and Corruption-Related Complaints

a.The complaint is filed with the Internal Audit Service at the central office or with the Office of the Regional Director.

b. Immediately upon receipt of the complaint, the same shall be acted upon within three (3) working days.

c. After evaluation by the Internal Audit Service/Office of the Regional Director, the complaint shall be numbered/coded and dated for reference purposes, and forwarded to the following offices:

1.)If the complaint is complete in substance and form including its documentary evidence:

(a) NAPOLCOM Legal Affairs Service – for Central Office officials and employees
(b) Technical Services Division, Regional Office – for regional personnel

2.)If the complaint is insufficiently documented but verifiable, the complaint will be verified within five (5) but not more than ten (10) working days.

d. All validated complaints shall be subjected to preliminary investigation which should be completed not more than forty-five (45) days including the submission of the preliminary investigation report by the Legal Affairs

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Service/Regional Technical Services Division.

e. If there is a prima facie case, the preliminary investigation report and the formal charge, including the order of preventive suspension if warranted, shall be forwarded for approval to the following:

1.)NAPOLCOM VCEO – for Central Office officials and employees
2.)NAPOLCOM Regional Director – for regional officials and employees

f. Respondent shall be provided a copy of the formal charge including all pieces of evidence supporting the formal charge. He/She shall be informed of his/her right to formal investigation and counsel of his/her choice and shall be required to submit a sworn answer within five (5) days from receipt of the formal charge.

g. Uniform Rules on Administrative Cases in the Civil Service (URACC) procedures shall be observed in all the proceedings.

ARTICLE VIII
SYSTEM OF REPORTING OF MALPRACTICES, CORRUPTION AND OTHER PROTECTED DISCLOSURE

A NAPOLCOM mechanism shall be set up to encourage its officials and employees that it is their duty as law-abiding citizens and public servants to disclose malpractices, corruption, illegal or fraudulent acts of co-personnel as well as protect any whistleblower from any retaliation or reprisal; and promote greater confidence in reporting any wrongdoing perpetrated by NAPOLCOM officials and employees.

Section 32. Nature of Protected Disclosure. These are deliberate and voluntary disclosure by an official or employee of any relevant information on actual, suspected or anticipated wrongdoing of an official or employee, or by any NAPOLCOM office/unit.

Section 33. Who are Classified as Whistleblowers. The following persons shall be considered as “whistleblowers.”

a. NAPOLCOM personnel occupying a regular plantilla or contractual position, at the time of the complaint;

b. Personally involved and/or may have benefited from an irregularity, anomaly, relating to graft and corrupt practices, in whatever degree of participation;

c. Is not the most guilty of all the respondents concerned or in instances where he or she is, such disclosure is compelling against one in higher authority;

d. Shall execute a sworn statement outlining, in sufficient detail the involvement and liability of all those concerned in the anomaly;

e. Able and willing to assist in the prosecution, and when necessary, to offer evidence and give testimony against co-respondents before the appropriate administrative agency or office.

f. Has not been previously convicted by final judgment of a crime or administrative offense involving moral turpitude.

Section 34. Protected Disclosures of a Whistleblower. A whistleblower may complain on or report acts or omissions that are:

a. Contrary to laws, rules and regulation;

b. Unreasonable, unjust, unfair, oppressive or discriminatory; or

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c. Undue or improper exercise of powers and prerogatives; or

d. Matters of public interest or those that may prejudice the government as a whole.

Section 35. Rights of Whistleblower

a. Protection Against Retaliatory Actions – No criminal, administrative or civil action shall be entertained against a whistleblower involving a protected disclosure.

b. Defense of Privileged Communication – A whistleblower has the defense of absolute privileged communication in any action against him arising from a protected disclosure he has made.

c. No Breach of Duty of confidentiality – A whistleblower who has an obligation by way of oath, rule or practice to maintain confidentiality of information shall not be deemed to have committed a breach of such duty if he makes a protected disclosure of such information.

Section 36. Confidentiality. At all times during and after the protected disclosure, and throughout and after any proceeding taken thereon, the whistleblower is entitled to confidentiality as to:

a. his identity;

b. the subject matter of his disclosure; and

c. the person to whom such disclosure was made.

Section 37. Necessity of Testimony. Notwithstanding the provisions in the immediately preceding section, the whistleblower may be compelled to testify if his testimony is necessary or indispensable to the successful prosecution of any charge arising from the protected disclosure.

Section 38. Confidential Information. Any official or employee to whom a protected disclosure has been made or referred shall not disclose any information that may identify the whistleblower or reveal the subject matter of such disclosure, except only in the following instances:

a. The whistleblower consents in writing prior to the disclosure of the information;

b. The disclosure of the information is indispensable and essential, having regard to the necessary proceeding to be taken after the disclosure; or

c. The disclosure or referral of the information is made pursuant to an obligation under these Rules.

The prohibition on disclosure under this Section shall apply to any official or employee who has become privy to any confidential information, whether officially or by other means.

Section 39. Protection Against Retaliatory Actions. A whistleblower who has made or is believed or suspected to have made protected disclosure under these provisions shall not be liable to disciplinary action for making such disclosure. No retaliatory action shall be taken against a whistleblower such as, but not limited to, discriminatory action, including those victimization, reprimand, punitive transfer, referral to a psychiatrist or counselor, undue poor performance reviews; obstruction of the investigation; withdrawal of essential resources; adverse reports; attachments to adverse notes in the personnel file; ostracism; questions and attacks on motives; accusations of disloyalty or dysfunction; public humiliation; and the denial of work necessary for promotion.

Any official or employee who refuses to follow orders to perform an act that would constitute a violation of this Section shall likewise be protected from retaliatory actions.

Section 40. Conditions for Protected Disclosures. Whistleblowers shall be entitled to the benefits under this

Article, provided that all the following requisites concur:

a. The disclosure is made voluntarily, in writing and under oath;

b. The disclosure pertains to a matter not yet the subject of a complaint already filed with, or investigated by the Agency or by any other concerned office, unless, the disclosures are necessary for the effective and successful prosecutions, or essential for the acquisitions of material evidence not yet in its possession;

c. The whistleblower assists and participates in proceedings commenced in connection with the subject matter of the disclosure; and

d. The information given by the whistleblower contains sufficient particulars and, as much as possible, supported by other material evidence.

Section 41. Unprotected Disclosure. The following shall not be deemed protected disclosure under this Article:

a. Disclosure made by an official or employee in connection with a matter subject of his official investigation;

b. Disclosure which later appear to be absolutely groundless or without basis. An investigation may be declined or discounted if it is shown that the disclosure was made without reasonable grounds;

c. Absolutely false and misleading disclosures; and

d. Disclosures that were later retracted by the whistleblower for any reasons. Such person shall lose the right to claim benefit or protection under these Rules for the same disclosure and his retraction shall be considered in determining whether or not he will be admitted as a whistleblower with respect to future disclosures.

A person who makes a disclosure deemed unprotected shall not enjoy any immunity, or any other right or privilege accorded under this Article.

Section 42. Disclosure made by a Party to a Misconduct. A disclosure made by a person who is himself a party to the disclosed conduct constituting misconduct or wrongdoing whether as principal, accomplice or accessory, is deemed a protected disclosure under these Rules and such person shall be entitled to the benefits of a whistleblower, provided that:

a. The party complies with the conditions under Sections 37 hereof;

b. The party should not appear to be the most guilty;

c. The party has not been previously convicted by final judgment of a crime involving moral turpitude; and

d. The party testifies in accordance with his disclosures.

Section 43. Disclosures Made Before Proper Persons. Any NAPOLCOM official to whom a disclosure is made shall have the following obligations:

a. Maintain the confidentiality of the identity of the whistleblower and the subject matter of the disclosure;

b Undertake measures to ensure the well-being of the whistleblower; and

c. Report the disclosure in full detail to the VCEO or any of the Commissioners within a period of five (5) days from date of disclosure.

Section 44. Procedure for Protected Disclosures. Immediately upon receipt of the disclosure, the VCEO/Commissioners shall refer the same to the Committee on Discipline which shall:

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a. Evaluate the disclosure if the same qualifies as protected disclosure under Section 31 of this Article;

b. Should the disclosure qualify as such, to process the protected disclosure in accordance with the applicable provisions of Section 37 hereof; and

c. Conduct appropriate actions in accordance with existing NAPOLCOM rules and regulations.

The VCEO may also create a Special Investigation Committee which shall conduct the necessary investigation in accordance with existing laws and CSC rules.

Section 45. Obligation to Testify. Any official or employee who has personal knowledge of any matter pertaining to a protected disclosure shall, if called upon, have the obligation to testify in any proceedings arising from such protected disclosure.

Section 46. Protection of Witnesses. Any official or employee who testifies in any proceedings arising from a protected disclosure shall be accorded the same protection against retaliatory actions as provided in Section 36 hereof.

Section 47. Incentives for the Whistleblower. A whistleblower shall be entitled to a commendation, promotion pursuant to Civil Service Rules and Regulations and/or any other form of incentive as may be deemed appropriate.

Section 48. Violations of Confidentiality. Any official or employee who violates the protection of confidentiality of a protected disclosure and of the confidentiality of proceedings shall be liable for disciplinary sanctions.

Section 49. Retaliatory Actions. Any official or employee who does, causes or encourages retaliatory actions against a whistleblower, or persons believed or suspected to be one, and/or those officials and employees supporting him, or any of his relatives within the fourth civil degree of consanguinity or affinity, shall be immediately subjected to administrative and/or criminal proceedings, and in appropriate cases, immediately placed under preventive suspension.

Section 50. Failure to Act or Report. Any official or employee under obligation to report a disclosure under this Article or who fails to act thereon or cause an investigation thereof, shall be liable for disciplinary action.

Section 51. Failure or Refusal to Testify. Any official or employee, who fails or refuses to testify, or to continue to testify, or who adversely varies his testimony, without just cause, in any proceeding arising from a protected disclosure, shall be liable for disciplinary action.

Section 52. Perjurious Statements. False and misleading disclosures or statements shall be sufficient ground for the termination of benefits of whistleblowers under these Rules, including his immunity from administrative, criminal and/or civil suits.

ARTICLE IX
POLICY ON PUBLIC DISCLOSURE

Section 53. Condition for Making Available Official Information. Every unit of the NAPOLCOM shall make official information available for public knowledge, scrutiny, copying or reproduction, provided the following conditions are observed:

a. The request for information shall be in writing, containing the signature, complete name and address of the person making the request, including the purpose;

b. To ensure the security and safety of records, copying and reproduction shall be done within the NAPOLCOM

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premises. Copies of documents shall be certified as true copies by proper authorized official/employee.

c. The information acquired shall be used only for lawful purposes.

Section 54. Exemptions from Disclosure. The following are exempted from disclosure:

a. Documents and papers pertaining to such acts, transactions and decisions, determined by the President of the Republic of the Philippines or his/her duly authorized official as “Classified Information” which will pose danger to the security of the state; and

b. Documents, records and papers compiled for internal and external defenses and law enforcement purposes, when the reproduction or revelation of information thereof would:

1.)Deprive a person of the right to a fair trial or an impartial adjudication;
2.)Constitute an unwarranted invasion of personal privacy; and
3.)Endanger the life of an individual and his/her family.

Section 55. Compliance with Request for Information. The NAPOLCOM office concerned shall comply with the request for information within fifteen (15) working days from the receipt thereof or within a reasonable time agreed upon with the person making the request.

The time limit prescribed may be extended to no more than another fifteen (15) working days under the following circumstances:

a. Search for, and collect the requested records from concerned NAPOLCOM offices that are separate from the office processing the request;

b. Search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

c. Consult with another agency or among two (2) or more components of the agency having a substantial interest in the determination of the request; and

d. Fortuitous events, force majeure and other analogous cases.

NAPOLCOM shall notify the requesting party in writing or through electronic means, stating the reasons for such extensions and the date when the information shall be made available.

Section 56. Denial of Request for Information. In case of denial of the request in whole or in part, the head of the office concerned shall notify the requesting party in writing or through electronic means, within five (5) working days from receipt of the request. The notice shall clearly indicate the reason/s for the denial; and denial of any request for access to information may be sought reconsideration from the denying authority or higher authority.

ARTICLE X
OUTSIDE EMPLOYMENT AND POST EMPLOYMENT

Section 57. Outside Employment

a. Appointment to a position in NAPOLCOM whether permanent, temporary or contractual basis, shall mean full-time employment. Except as legally authorized by the Office of the President, no personnel shall be allowed to have a part-time employment in other government agencies.

b. All incumbent officials and employees are prohibited from owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent to any private corporation or company,

unless authorized by the head of the agency.

c. Officials and employees may engage in private practice or seek additional employment outside the agency after securing proper authority and subject to the following conditions:

1.)The private practice or outside employment such as practice of law or teaching shall be performed outside the working/duty hours or if within the eight working hour, the personnel must be on official leave of absence;

2.)The level of productivity or performance of the duties and responsibilities of the official or employee shall not be affected by his/her private practice or outside employment;

3.)No official and/or employee while in private or outside employment shall disclose confidential information acquired in the course of or by reason of his employment in the agency;

4.)No NAPOLCOM personnel shall be directly or indirectly interested in any case or matter pending before the Commission;

5.)A member of the NAPOLCOM Test Development Committee is prohibited from teaching in any higher educational institution (HEI) or police examination review center to pre-empt disclosure of examination questions to prospective examinees of police examinations administered by the NAPOLCOM; and

6.)A personnel appointed to Inspector or Law Enforcement Evaluation Officer or Logistics Management Officer position is prohibited from accepting consultancy position in any police unit nationwide to safeguard integrity of inspection findings.

Section 58. Post Employment. A NAPOLCOM official or employee who is already retired or separated from the service and who have joined private institutions/companies and hold a position directly related to his/her former position in the NAPOLCOM is strictly prohibited one (1) year after NAPOLCOM retirement or separation from making transactions on NAPOLCOM matters still pending disposition, the approval of which had been dependent on the former NAPOLCOM official or employee. A former NAPOLCOM official or personnel shall be treated with respect and dignity whether outside or inside the Commission’s premises. It is expected that the said former employees shall observe protocol in their dealings with the Commission.

Incumbent officials and employees shall observe the following ethical standards in dealing with former NAPOLCOM officials and employees:

a. Except as provided herein, in no instance or occasion, inside or outside the office, shall incumbent officials and employees recommend hiring of, and transact directly or indirectly, on any matter with former NAPOLCOM officials and employees who are suppliers, manufacturers, and distributors of any office equipment and supplies; owners of services such as security, catering, janitorial; and other companies with similar dealings with NAPOLCOM;

b. The preceding prohibitions shall likewise apply to other transaction to the Commission of said former NAPOLCOM officials and employees detrimental to the Commission; and

c. By way of exceptions, the services of retired NAPOLCOM officials may be sought under the following circumstances as may be considered regular and proper.

1.)During NAPOLCOM legal and/or administrative proceedings;

2.)During request for NAPOLCOM assistance or when his/her services is needed as Resource Person and the like.

ARTICLE XI

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INCENTIVES, REWARDS AND GRANTS

Section 59. Incentives, Rewards and Grants. In addition to existing incentives, rewards and grants authorized under civil service rules and regulations, presidential issuances and national budget circulars, the NAPOLCOM shall implement an Incentives, Rewards and Grants System to any of its organizational units both at the central and regional offices and any personnel who shall have contributed significantly to the effective and efficient implementation of this Code thereby fostering the organizational and individual employees efficiency and behavioral discipline.

Section 60. Nature and Form of Incentives, Rewards and Grants. Provision of incentives, rewards and grants shall motivate and inspire NAPOLCOM personnel towards superior achievements and excellence in performance, not to mention instilling in him/her the highest standards of ethical behavior and values at work. These may take the form of:

a. Citations/Plaques of Recognition/Medals
b. Local and Foreign Scholarship Grants
c. Cash Awards

Section 61. Criteria in the Grant of Incentives and Rewards. The following criteria shall be adopted:

a.Position and Salary Grade
b.Years of Service
c. Nature of contribution towards effective implementation of the Code
d. Exemplary service and conduct

Section 62. Authority of the Grant. All forms of incentives, rewards and grants shall be authorized by the Commission en banc through a Resolution and shall be implemented through the issuance of Special Order by the VCEO.

Section 63. Committee to Evaluate. An Awards Committee shall be organized to review and evaluate nominations from respective heads/supervisors. Said Committee shall, within ten (10) days from the adoption of this Code, formulate its procedural guidelines for approval by NAPEMA representatives and the VCEO and Commissioners.

ARTICLE XII
PRIVATE CONDUCT

Section 64. Public Image in the Community. NAPOLCOM personnel should ever bemindful of their public image as belonging to the agency mandated by the Constitution to administer and control the PNP. As such, they must avoid any form of disregard for law and public interest and maintain a strong sense of moral ascendancy over the police.

Section 65. Conduct of Personal and Private Affairs. NAPOLCOM personnel must always conduct personal and private affairs with honor, dignity and in ways that inspire public respect and trust and elevate the standing of the NAPOLCOM organization as a government functionary.

Section 66. Adherence to High Standard of Morality and Decency. In no instance shall any NAPOLCOM personnel be involved as owners, operators, managers or investors of any house of ill-repute, illegal gambling den or other places devoted to vices; nor shall they be seen in these places unless on official duty. They must believe in the sanctity of marriage and respect for women.

ARTICLE XIII
IMPLEMENTATION AND MONITORING COMPLIANCE WITH THE PROVISIONS OF THE CODE

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Section 67. The Commission shall establish a Monitoring, Control and Evaluation System to ensure strict compliance of all NAPOLCOM officials and employees with the provisions of the Code. A Special Committee shall be created at the Central and Regional Offices to implement this System.

ARTICLE XIV
PENALTIES/ADMINISTRATIVE SANCTIONS

Section 68. Any administrative offense arising herein shall be prosecuted without prejudice to the filing of appropriate criminal or civil charges, if warranted. Violators of the NAPOLCOM Code of Conduct shall likewise be punished in accordance with Republic Act No. 6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials and employees and Republic Act No. 9485 (Anti Red Tape Act of 2007).

ARTICLE XV
REPEALING CLAUSE

Section 69. All NAPOLCOM issuances, policies, guidelines, inconsistent with the provisions of this Code are hereby repealed, amended or modified accordingly.

ARTICLE XVI
EFFECTIVITY AND DISSEMINATION

Section 70. This Code shall take effect after 15 days following its publication and registration with the UP Law Center. Once approved, an Information Education and Communication Program shall be formulated to ensure widest dissemination to and attainment of high level of awareness among NAPOLCOM personnel.

Such Program shall take the form of seminar-workshops, special trainings, focused group discussions activities, and consultations among officials and employees. Advocacy activities and propagation of the Code may be done during Flag Raising Ceremonies, NAPEMA General Assemblies/Meetings, and other appropriate occasions. As a reinforcing strategy to the propagation of the Code, officials and supervisors must set examples and “walk the talk” and effectively implement the Incentives, Rewards and Grant System under this Code.

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