NATIONAL ADMINISTRATIVE REGISTER · [ NPC CIRCULAR NO. 95-33, MAY 15, 1995 ] · JULY 19, 1988

# GENERAL PROCEDURES AND GUIDELINES FOR THE PROSECUTION OF PILFERAGE CASES UNDER R.A. 7832

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1.0
Purpose

This Circular is issued to prescribe the general procedures and guidelines for compliance by NPC concerned personnel to facilitate and insure the criminal prosecution and termination of cases for theft of electric power transmission lines and materials under R.A. 7832 and/or unlawful possession of pilfered transmission line conductors and materials.

2.0
Scope

These Procedures and guidelines cover all activities and problems related to pilferage and/or unlawful possession of NPC transmission line conductors and materials.

3.0
References

3.1 NPC Board Resolution No. 89-158, dated July 19, 1988.

3.2 NPC Integrated and Comprehensive Program Against Pilferage and Sabotage of NPC Transmission Lines.

3.3 DOJ Memorandum Order No. 207, dated August 30, 1988.

4.0
Institution of Criminal Action

4.1 Upon discovery of the loss of NPC transmission line conductors and materials, the head of the NPC installation concerned or his representative shall immediately report the loss to the nearest police station/military detachment.

4.2 In case of unplanned apprehension and NPC is properly notified.

4.2.1

The NPC personnel so notified shall inform the concerned SSD Officer who shall immediately respond in coordination with the technical personnel and NPC lawyer, if available.

4.2.2

The seized materials shall be properly identified, inventoried and appraised by the responding NPC representative/s (i.e. by taking the weight and description of the materials).



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4.2.3

Photographs and samples of the seized materials shall be taken and after securing clearance from the apprehending authority/prosecutor, the NPC representative shall bring the seized materials to the nearest NPC installation where they shall be properly segregated and identified with appropriate markings as part of NPC's evidence.

4.2.4

Affidavits of witnesses shall be prepared particularly stating therein NPC's ownership of the seized materials, the quantity, value and description thereof.

4.2.5

The SSD Officer concerned with the assistance of the OGC/RLC shall file the complaint including the supporting affidavits with the Proper Prosecutor's Office or the DOJ Task Force for offenses committed within Metro Manila or with the Municipal Trial Court, City or Provincial Prosecutor's Office for offenses committed outside Metro Manila.

For purposes of immediate filing of the complaint, the affidavits of the SSD Officer and the apprehending office(s) will suffice.

4.2.6

All pilferage cases shall be monitored and reported to the Office of the General Counsel and the DOJ Task Force by the Regional Legal Counsel and Regional Security Officer.

4.3 In cases of planned apprehension and NPC is duly notified.

4.3.1

The police officer concerned shall file an application for search warrant with the proper court which shall be supported by affidavits of witnesses particularly describing the place to be searched and the persons or things to be seized (i.e. weight, quantity, description, etc.)

4.3.2

During the actual execution of the search warrant, the NPC representative shall see to it that a cargo vehicle is available to haul the seized materials for safekeeping at the police station. After securing clearance from the apprehending authority/prosecutor, the seized materials shall be brought to the nearest NPC installation and shall be properly segregated and identified with the markings as part of NPC's evidence.


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4.3.3

Thereafter, the applicable procedures under 4.2 above shall be observed.

5.0
Form of Documents

5.1 to serve as guide and reference for the employees concerned, the following forms are prescribed:

5.1.1 Affidavit of SSD Personnel (PF 1)
5.1.2 Affidavit of Apprehending Officer (PF 2)
5.1.3 Affidavit of NPC Technical Man (PF 3)
5.1.4 Certification under oath of Property Custodian as to volume and value (PF 4)
5.1.5 Report of Loss (PF 5)
5.1.6 Complaint (PF 6)

6.0
Support and Cooperation of NPC Officials

6.1 All NPC officials and employees are directed to extend full support and cooperation in the implementation of these guidelines.

6.2 Failure to extend the above-mentioned support and cooperation shall constitute Conduct Prejudicial to the Interest of the Service punishable as grave offense under the NPC Code of Conduct and Discipline.

7.0
Flow Chart

For further guidance, attached Annex A[*] is the Flowchart for the Prosecution of Pilferage Cases.

8.0
Repealing Clause

Provisions of any existing orders, circulars, rules and regulations of the Corporation which are in conflict or inconsistent with this Circular are hereby modified and/or repealed accordingly.

9.0
Effectivity

This Circular shall take effect immediately.

Adopted: 15 May 1995

(SGD.) GUIDO ALFREDO A. DELGADO
President

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[*] Text available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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