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AMENDING SEC. 1, 2, AND 5 RULE II OF NAPOLCOM MEMORANDUM CIRCULAR NO. 92-006 DATED 6 AUGUST 1992, ENTITLED “RULES AND REGULATIONS IN THE CONDUCT OF SUMMARY DISMISSAL PROCEEDINGS

NAPOLCOM MEMORANDUM CIRCULAR NO. 94-021, September 12, 1994

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WHEREAS, NAPOLCOM Memorandum Circular No. 92-006 dated 06 August 1992, provides for the Rules and Regulations in the Conduct of Summary Dismissal Proceedings Against Erring PNP Members;

WHEREAS, there is a need to adopt measures designed to promote and facilitate the expedient disposition of cases against erring members of the PNP.

NOW, THEREFORE, this Commission in the exercise of its constitutionally vested power of administration and control over the PNP, has RESOLVED as it does HEREBY RESOLVE, that:

1. Section 1, Rule II, NAPOLCOM Memorandum Circular No. 92-006, dated 06 August 1992 is hereby amended to read:

SECTION 1. How Initiated — (a) Summary dismissal cases may be initiated by the Chief PNP, Regional Directors, the Director of the National Capital Regional Command (NCRC) in Metro Manila, Provincial/District Directors and Chiefs of Police through an investigation/Official Report of the case against the PNP member concerned or upon written verified complaint of any person, supported by sworn statement/documents should there be any, forwarded to the Summary Dismissal Authority.

b) Upon receipt of the investigation/official report of the case against the PNP concerned or of the written verified complaint of any person supported by sworn statements of witnesses and documentary evidence, if there is any, against a PNP member, the Summary Dismissal Authority or the duly designated summary hearing officer concerned shall determine whether the case/complaint falls within the purview of the next preceeding section, otherwise, the same shall be referred to the proper disciplining office which has jurisdiction over the case.

c) The Summary Dismissal Authority or the duly designated summary hearing officer shall likewise review the investigation/official report or the written verified complaint, as the case may be, to determine whether or not prima facie case exist.

If on the basis of such papers a prima facie case is found not to exist, the disciplining authority shall dismiss the case. If a prima facie case exists, he shall notify the respondent in writing of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and other documents submitted.

2. Section 2, Rule II, NAPOLCOM Memorandum Circular No. 92-006, dated 06 August 1992 is hereby amended to read:

SECTION 2. Notification of Charges on Complaints: Order to Answer — The respondent PNP Member shall be furnished with a copy of the complaint or the charges against him to include copies of affidavits and other

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attachments thereof, should there be any, and he shall answer said complaint within four (4) days from receipt thereof, enclosing therewith pertinent supporting documents or evidence in his behalf. Within the next three (3) working days after receipt of respondent's answer, the Summary Dismissal Authority shall conduct the hearing, which shall be terminated within four (4) successive working days from its commencement. Should the respondent despite due notice fail to answer the complaint or charge within the prescribed period, the Summary Dismissal Authority shall immediately conduct the investigation ex-parte.

3. Section 5, Rule II, NAPOLCOM Memorandum Circular No. 92-006, dated 06 August 1992 is hereby amended to read:

SECTION 5. Period to Render Decision — Decisions in summary dismissal cases shall be rendered in writing and personally signed by the Summary Dismissal Authority within five (5) working days after the termination of the summary hearing.

This Memorandum shall take effect immediately.

Adopted: 12 Sept. 1994

(SGD.) RAFAEL M. ALUNAN III
Secretary, DILG and Chairman, NAPOLCOM

(SGD.) GUILLERMO P. ENRIQUEZ, JR.
Commissioner
Vice Chairman and Executive Officer

(SGD.) EDGAR DULA TORRES
Commissioner

(SGD.) FEDERICO S. COMANDANTE
Commissioner

(SGD.) ALEXIS C. CANONIZADO
Commissioner

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