

INTERNAL GUIDELINES IN THE MONITORING AND TRACKING OF COMPLAINTS AND ADMINISTRATIVE CASES FILED BEFORE IAS

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1. REFERENCES:

- Republic Act 8551 Title V Sections 39-52;
- Executive Order 101; and
- NAPOLCOM Memorandum Circular 2007-001.

2. RATIONALE :

The Philippine National Police - Internal Affairs Service (PNP-IAS) has no standard guidelines and procedures in monitoring and tracking administrative complaints and cases filed before it from the initial stages to the final disposition. Currently, all IAS offices are submitting monitoring reports using different formats, with no standards governing the assignment of reference numbers and/or docket numbers.

3. PURPOSE:

This Memorandum Circular provides the standard guidelines and procedures in monitoring and tracking all administrative complaints and cases filed before IAS. It will serve as a transparent, reliable source of information and statistical data pertinent to all such cases filed against allegedly erring PNP personnel. The new format of monitoring forms developed and designed by the Planning and Research Division (PRO) shall be used by all IAS offices. The statistics shall also serve as a basis for the analysis, evaluation and assessment of the character as well as behavior of PNP personnel so that better- substantiated reports can be submitted to the Chief, PNP and NAPOLCOM.

4. DEFINITION OF TERMS:

- Analysis- The breaking up of the problem situation or information into manageable form.
- Assessment- The estimate of value or worth of an object or information.
- Behavior- Refers to the action, activities, conduct, manners, and performance of police personnel.
- Breach of Internal Discipline- Any offense committed by a member of the PNP involving and affecting order and discipline within the police organization.
- Character- Refers to the nature, personality, quality, moral fiber, and spirit of a person.
- Complaint- A written and sworn statement regarding a wrong, grievance, or injury sustained by a person accompanied by affidavits of witnesses (if any) and other evidence in support thereof. The complaint shall be accompanied by a Certificate of Non-forum Shopping duly subscribed and sworn to by the complainant.
- Decision- The written disposition of a case personally signed by the Disciplinary Authority containing the facts

established during the hearing, the finding(s) and conclusion(s), as well as the relevant laws and jurisprudence applicable thereon.

- Evaluation- Measuring or estimating the impact of the problem situation or set of information by comparing conditions within and outside the sphere of the problem situation or scope of information.

- Motu-Proprio Investigation- Investigation initiated by the IAS on the basis of facts and developing circumstances surrounding certain incidents.

- Non-Motu Proprio Investigation- Investigation conducted by the IAS emanating from citizens' complaints, referred correspondence and anonymous letters against allegedly erring Uniformed Personnel.

- Penalty Imposed- under Rule 22 of NAPOLCOM Memorandum Circular No. 2007-001 the imposable penalties in police administrative cases are:

- Withholding of privileges

- Restriction to specified limits

- Restrictive custody

- Forfeiture of salary

- Suspension

- any combination of penalties under Section 1, subparagraphs (a) to (e)

- One-rank demotion

- Dismissal from the Service

- PNP Personnel- Refers to the organic members of the Philippine National Police who may either be in the uniformed personnel component or in the non-uniformed personnel component.

- Pre-Charge Evaluation- is a process to determine the existence of probable cause based on the allegations in the complaint and supporting evidence.

- Types of Offenses- These are offenses punishable under Section 1, Rule V of NAPOLCOM Memorandum Circular No. 2002-013 dated December 11, 2002 (Prescribing The Rules of Procedure in the Investigation and Disposition of Administrative Complaints Against Uniformed Personnel of the Philippine National Police Before the Internal Affairs Service, Including the Administrative Offenses and. Penalties appropriate thereto) as follows:

1)

Neglect of Duty or Non-feasance - The omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; it implies a duty as well as its breach and the fact can never be found in the absence of a duty.

2)

Irregularity in the Performance of Duty or Misfeasance – The improper performance of some act which could be lawfully done.

3)

Misconduct or Malfeasance - is the doing, either through ignorance, inattention or malice, of that which the

officer had no legal right to do at all, as where he acts without any authority whatsoever, or exceeds, ignores or abuses his powers. Misconduct generally means wrongful, improper or unlawful conduct, motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except what necessity may demand; it does not necessarily imply corruption or criminal intention but implies wrongful intention.

4)

Incompetency - The manifest lack of adequate ability and fitness for the satisfactory performance of police duties. This has reference to any physical, moral or intellectual quality, the lack of which substantially incapacitates one to perform the duties of a police officer.

5)

Oppression - Imports an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of unlawful powers or use of other means to impose his will on another is generally an act of oppression.

6)

Dishonesty - The concealment or distortion of truth in a matter or act relevant to one's office, or connected with the performance of one's duties.

7)

Disloyalty to the Government - Consists of abandonment or renunciation of one's loyalty to the Government of the Philippines, or advocating the overthrow of the government.

8)

Violation of Law - Presupposes final conviction in court of any crime or offense penalized under the Revised Penal Code or any special law or ordinance.

5. GUIDELINES AND PROCEDURES:

- The monitoring form has four (4) different types: FORMS A, B, C, and D. Please refer to the attachment (TAB "A").

FORM A (Motu-proprio Investigation Monitoring Form)

FORM B (Non-Motu proprio Investigation Monitoring Form)

FORM C (Case Monitoring Form)

FORM D (Appeals Monitoring Form)

- The monitoring forms shall be used by all IAS Offices in monitoring of all administrative complaints and cases filed before IAS as well as the motu- proprio incidents enumerated in RA 8551, Title V, Sections 39-51.

- The four (4) monitoring forms shall be submitted monthly, quarterly and annually (both in hard and soft copies) to the office of the Planning and Research Division (PRD). The PRD shall consolidate and keep track of the monitoring forms submitted by the IAS Offices nationwide (TAB "B").

- The submission of monthly reports shall be every first week of the following month, while the quarterly reports shall be submitted every first week of April (1st Qtr), first week of July (2nd Qtr), first week of October (3rd Qtr), and first week of January (4th Qtr). The softcopy to be sent thru e-mail shall have a standard SUBJECT (ex. RIAS1 FORMS ABCD as of January 2015) and the filename (ex. RIAS1 FORM A / RIAS1 FORM B).

- The submission of an Annual Report covering January to November of a given year shall be every first week of December of the same year, while the report for the month of December shall be submitted on the first week of January of the following year.

- All IAS Offices shall submit correct and valid data on the monitoring forms. Any misrepresentation on the data by the Office concerned which results in discrepancies shall be cause for a formal explanation being required or even a Pre-Charge Evaluation if evidence warrants.

- All IAS Offices are directed to use a standard REFERENCE NUMBER for the motu-proprio and non-motu proprio investigations; PCE NUMBER for the evaluation of complaints; and DOCKET NUMBER for the summary hearing. In order to identify the specific IAS offices that have acquired jurisdiction over a certain complaint and/or administrative case, the following guidelines shall be used in assigning the respective Reference Number, PCE Number and Docket Number:

1)

REFERENCE NUMBER shall be automatically assigned to every complaint filed and/or motu-proprio investigation conducted which will serve to monitor all cases of respective IAS Offices initially acted upon. It consists of a minimum 11 digits/letters; the first 3 letters and the next digit refer to the Region code and Province code (please refer to Annexes re the coding); the next two letters refer to Motu-Proprio (MP) or Non-Motu Proprio (NMP) investigations; the next two digits refer to the last two digits of the calendar year; and the last four digits represent the sequential tracking number.

a)

FOR RIAS (Regional Offices of IAS)

-

REFERENCE NUMBER for MOTU-PROPRIO CASES

EX. R1R-MP-15-0001

R5A-MP-15-0001

RCORA-MP-15-0001

RNCRC-MP-15-0001

-

REFERENCE NUMBER for NONMOTU-PROPRIO CASES

EX. R1A-NMP-15-0001

R5R-NMP-15-0001

RCORA-NMP-15-0001

RNCRC-NMP-15-0001

b)

FOR NIAS (National IAS)

-

REFERENCE NUMBER for MOTU-PROPRIO CASES

EX. NIAS-MP-15-0001

-

REFERENCE NUMBER for NONMOTU-PROPRIO CASES

EX. NIAS-NMP-15-0001

(NOTE: In the given examples, R1A, R5R, RCORA and NIAS stand for the respective IAS offices. R1 for RIAS1; the letter A stands for the province code of Ilocos Norte; MP stands for Motu-Proprio while NMP is for NonMotu-Proprio. 15 stands for the year 2015 and 0001 is the sequential four-digit tracking number for complaints subsequently filed within the year.)

2)

PCE NUMBER shall also be assigned for complaint/motu-proprio investigation that has been forwarded for evaluation. It consists of a minimum 14 digits and letters: the first 3 letters and the next digit refer to the Region code and Province code (please refer to Annexes re the coding); the next two letters refer to Motu-Proprio (MP) or NonMotu-Proprio (NMP) investigations; the next three letters refer to the Pre- Charge Evaluation (PCE) and the next two digits refer to the last two digits of the calendar year; the last four digits represent the sequential tracking number.

a)

FOR RIAS (Regional Offices of IAS)

-

PCE NUMBER for MOTU-PROPRIO CASES

EX. R1A-MP-PCE-15-0001

R6D-MP-PCE-15-0001

RCORB-MP-PCE-15-0001

RNCRC-MP-PCE-15-0001

-

PCE NUMBER for NONMOTU-PROPRIO CASES

EX. R1A-NMP-PCE-15-0001

R6D-NMP-PCE-15-0001

RCORB-NMP-PCE-15-0001

RNCRC-NMP-PCE-15-0001

b)

FOR NIAS

-

PCE NUMBER for MOTU-PROPRIO CASES

EX. NIAS-MP-PCE-15-0001

-

PCE NUMBER for NONMOTU-PROPRIO CASES

EX. NIAS-NMP-PCE-15-0001

3)

DOCKET NUMBER is the administrative case number assigned to each and every formal charge against any PNP personnel. It consists of a minimum 16 digits and letters; the first 4 letters and the next digit refer to the IAS Office; the next two letters refer to Motu-Proprio (MP) or Non- Motu Proprio (NMP) investigations; the next three letters indicate an Administrative Case (ADM); the next two digits refer to the last two digits of the calendar year; and the last four digits represent the sequential tracking number.

a)

FOR RIAS (Regional Offices of IAS)

-

DOCKET NUMBER for MOTU-PROPRIO CASES

EX. RIAS1-MP-ADM-15-0001

RIASCOR-MP-ADM-15-0001

RIASNCR-MP-ADM-15-0001

-

DOCKET NUMBER for NON-MOTU PROPRIO CASES

EX. RIAS1-NMP-ADM-15-0001

RIASCOR-NMP-ADM-15-0001

RIASNCR-NMP-ADM-15-0001

b)

FOR NIAS

-

DOCKET NUMBER for MOTU-PROPRIO CASES

EX. NIAS-MP-ADM-15-0001

-

DOCKET NUMBER for NON-MOTU PROPRIO CASES

EX. NIAS-NMP-ADM-15-0001

4.

The new DOCKET NUMBER for Transfer of Venue shall be assigned by the receiving unit. It shall consist of 25 alphanumeric characters, followed by the original unit name and sequential number enclosed in parenthesis.

a)

Transferring unit: RIAS1-NMP-ADM-15-0001

Receiving Unit: NIAS-NMP-ADM-15-0003(RIAS1-0001)

- The nature, type and specific offenses are the following:

1)

NATURE OF OFFENSE classifies the administrative case into GRAVE, LESS GRAVE / LESS SERIOUS and SIMPLE;

2)

TYPE OF Offense refers to any of the seven (7) offenses with which Uniformed Personnel may be charged administratively. These include MISCONDUCT, IRREGULARITIES in the performance of Duty, NEGLIGENCE of Duty, INCOMPETENCE, OPPRESSION, DISHONESTY, and DISLOYALTY to the Government;

3)

SPECIFIC Offense includes OPPRESSION, DISLOYALTY, DISHONESTY, and INCOMPETENCE while the specific offenses under MISCONDUCT, IRREGULARITIES and NEGLIGENCE are enumerated under RULE 21 of NMC 2007-001;

4)

EXAMPLES OF ADMINISTRATIVE CHARGES

- GRAVE MISCONDUCT [(r) Violation of RPC (Robbery)]
- GRAVE MISCONDUCT [(r) Violation of Special Law (RA 9262)]
- GRAVE MISCONDUCT [(r) Violation of Special Law (RA 9165)]
- LESS GRAVE MISCONDUCT [(a) _____]
- SERIOUS IRREGULARITIES IN THE PERFORMANCE OF DUTY [(f) _____]
- LESS SERIOUS IRREGULARITIES IN THE PERFORMANCE OF DUTY [(d) _____]
- SERIOUS NEGLIGENCE OF DUTY [(h)]
- LESS SERIOUS NEGLIGENCE OF DUTY [(c) _____]
- SIMPLE MISCONDUCT [(n) _____]
- SIMPLE IRREGULARITIES IN THE PERFORMANCE OF DUTY [(p) _____]
- OPPRESSION
- DISHONESTY
- DISLOYALTY

(NOTE: Having a standard format to identify specific offenses will facilitate monitoring of administrative cases involving Uniformed Personnel.)

a)

Under the format wherein IG/Director, RIAS approved the PCE, three choices are available: either IG/Director, RIAS approved it to be Dropped and Closed (DC); or Referred to Other Unit (RTU); or for conduct of Summary Hearing (SH);

b)

DROPPED AND CLOSED shall be used for evaluation. Refrain from using dropped and closed for the resolution of administrative case after the conduct of summary hearing; instead CASE DISMISSED shall be used;

c)

APPEAL appearing in the format under these Internal Guidelines refers to complaint against Police personnel which has been DROPPED AND CLOSED; and

d)

The Format MONTH/DAY/YEAR (ex. January 1, 2015 or 1/1/15) shall be observed.

6. PENAL CLAUSE:

IAS personnel who commit any violation of this Circular shall be subjected to Pre-Charge Evaluation and/or investigation for possible filing of appropriate charges and may be held liable pursuant to NMC No. 2007-001 and the Revised Rules on Administrative Cases in Civil Service (RRACCS) as well as other existing laws, rules and regulations. Further, failure to meet the submission requirements of the PRD-IAS compliances as stated in this Circular shall result in the Monthly Operational and Other Expenses (MOOE) of the Office concerned being put on hold. Persistent violations regarding the timely submission of such compliances shall be dealt with accordingly.

7. REPEALING CLAUSE:

All IAS issuances contrary to or inconsistent with this Circular are hereby repealed or amended accordingly.

8. EFFECTIVITY:

This IAS MC shall take effect 10 days from the date a copy has been filed at the University of the Philippines Law Center pursuant to Sections 3 and 4 of Chapter 2, Book VII of E.O. No. 292, otherwise known as the Administrative Code of 1987.

(SGD) ALEXANDER LASAN ROLDAN

Police Director

Acting Inspector General

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