LOI 21/08 (PATNUBAYII)

Read online (full-text search, related cases, audio case brief): https://batas.org/library/bbc56da021b0/

REFERENCES;

a. DILG Memorandum Circular No. 93-02 dated August 2,1993;
b. DILG Comprehensive Reform Plan 1993(COMPLAN"PAGBABAGO");
c. LOIs PAGBABAGO I, II, and III; and
d. LOIPATNUBAY.

2. SITUATION:

Despite modest gains in the field of law enforcement, the PNP is still suffering from credibility problems. Far from the God fearing, humane, dependable, approachable and presentable "Mamang Pulis", cops are still pictured as inept, corrupt or involved in crimes and other shenanigans. In a proposed bill, a senator even described the PNP as, mired in "deep rooted institutional deficiencies and suffers from a widely held and accurate public perception that it is corrupt." Rightly or wrongly, such perception persists because, undeniably, there are still a few defiant cops who refuse to toe the line of transformation in the PNP. If the estimated one thousand seven hundred seventy five (1,775) administrative case were a gauge, these few defiant cops comprise about a maximum of one and a half percent (1.5%) of the whole PNP population. While this number is not yet alarming, it is a cause of concern because administrative cases are piling up as soon as previous ones are resolved. No sooner had LOI PATNUBAY cut this hydra of a problem than another one cropped up in its place. Considering that cops are overworked, underequipped and underpaid, this phenomenon is not surprising. Even so, this must be addressed with dispatch inasmuch as the task of cleaning up the PNP ranks is a continuing concern. If each member of the PNP is to completely transform himself/herself from the much maligned police officer to the embodiment of "Mamang Pulis" this concern must be reduced to an inconsequential level.

3. MISSION:

The PNP shall conduct strategic intervention to clean up the ranks and rid itself of all defiant cops who refuse to toe the line of transformation. The PNP consistent with the Integrated Transformation Program shall also propagate advocacy on the image of a God fearing, humane, dependable, approachable and presentable "Mamang Pulis".

4. EXECUTION:

a. Concept of Operations:

In accordance with the Integrated Transformation Program, a Task Force shall be created (see Annex "A"[*] - Task Force Organization) to conduct strategic intervention to weed out defiant cops. Strategic intervention shall not be limited to punitive measures alone but must have three aspects. The first aspect, which is the Prevention Aspect, deals with the formulation of preemptive measures designed to lessen incidents of misdemeanors by eliminating or mitigating the causes that breed them. The second aspect, or the Investigation and Adjudication Aspect, tackles the procedures in the disposition of complaints and prosecution of administrative cases. Lastly, the

Rehabilitation Aspect of intervention aims to inspire cops with a new sense of responsibility and commitment to police work such as that possessed by "Mamang Pulis". Cutting across and embracing all aspects of the strategic intervention is Information and Advocacy. Faith in the capability of the PNP to transform itself must be translated into an advocacy not only to transform the much maligned policeman to the embodiment of "Mamang Pulis" but also to inform the public that there is such a transformation taking place (see Annex "B"[*] - Conceptual Framework).

1) Preventioned Aspect

a) All PNP offices/units shall be periodically inspected by IAS and inspecting groups from the NHQ, PROs, PPOs to check on the physical appearance of police officers and monitor the status of their morale and readliness.

b) All PNP offices/units shall create or activate their own version of TXT 2920, Isumbong mo kay Tsip," Anti-Kotong Text, and similar reporting systems to serve as watching or check and balance mechanism against erring PNP personnel and act with dispatch on reports reaching their Office.

c) All PNP offices/units shall maintain in a watclist of PNP personnel with derogatory information or suspected to be involved in crimes and other nefarious activities.

d) All PNP offices/units shall conduct a three (3)-day Mandatory Human Rights Seminar which shall include in its Program of Instruction Human Rights Violations which maybe committed by PNP personnel found in NAPOLCOM Memorandum Circular 2007-001.

e) All PNP offices/units shall conduct a three (3) - day Self Check Seminar for Combating Corruption which was conceived jointly by the PNP and Ombudsman to be attented by all personnel every unit from the highest ranking PCO down to the lowest PNCO and NUP.

f) All PNP offices/unit shall devise a transparent system of reshuffling personnel to avoid too much familiarization with the populace and prevent corruption. Also as a matter of policy, non-key personnel shall not be assigned in a hardship post for more than three (3) years unless there are compelling reasons. For offices holding key positions, they shall not be assigned in a position for more than their maximum tenure.

g) Formulation of a meaningful and cost affordable housing program for PNP personnel.

h) Development of a system of monetary and or other kinds of tangible rewards for good behavior and heroic conduct.

i) Development on a system of competition whereby an officer or a unit with the least number of erring personnel in proportion to its strength gets credit.

2) Investigation and Prosecution Aspect

a) Resolution of all backlog pending administrative cases nationwide within three (3) months. This includes all cases with actual formal charge from January of 2008 and backwards to 2007 which is about one thousand seven hundred seventy five (1,775).

b) Ensure the constant application of the basic procedure laid down by law, rules and regulations such as Section 52 and Section 53 of RA 8551 in relation to NAPOLCOM

c) Conduct Seminars on Summary Hearing Procedures and Awareness on the PNP Disciplinary Machinery including the PLEB and OMBUDSMAN.

d) Institutionalize the following procedures for acting on complaints:

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(1) All complaints like TXT 220, "Isumbong mo kay tsip" Anti-Kotong text, Email and others whether written, or sent through text messages shall be received by the Complaint Receipt Task Group composed of the Chief, PNP Complaint Office, CRAC, PCRG and DPRM or its equivalent in the PROs and NSUs which shall dispose the complaints as follows (See Annexes "C", "D" & "E" for diagram):

(a) If there is no verifiable data except the text message or complaint itself, the complaint shall be reffered to DI or IG and their equivalent in the PROs if the complaint emanated from the region for validation and case build-up

(b) If there is verifiable data but no sworn statement, or any document supporting the complaint, the complaint shall be reffered to CIDG and DI for investigation and validation, respectively, which should act on the complaint in coordination with each other.

(c) If the complaint is supported by affidavit/sworn statement or documents, the complaint shall reffered to DIDM, RIDMD, Investigation Section of PPOs, CPOs, MPS, RIAS, IAS as the case may be, which shall conduct pre-charged evaluation in accordance with NAPOLCOM Memorandum Circular 2007-001.

(d) After Pre-Charged Evaluation by the DIDM, RIDMD or its equivalent in the NSUs, Investigation Section of PPOs, CPOs and MPOs, as the case may be the findings shall be reffered to the concerned disciplinary authority either for dropping of the case, when no probable cause is found or filling of a formal charge when there is probable cause. If there is a formal charge, the case becomes a pending case which must be resolved within sixty (60) days from referral to the Summary Hearing Officer (SHO).

(e) All backlog pending administrative cases shall be resolved upon the submission of the pool of Summary Hearing Officers by the Summary Hearing Task Group (SHTG) as designated in this LOI.

(f) After hearing, the SHO shall render a resolution of the case for automatic review by the LS or RLS, as the case may be, and subsequent approval and disapproval by concerned disciplinary authority. After implementation, the case shall be archived at the RMD, DPRM for future reference.

(2) If upon evaluation of the anonymous written or SMS complaint by the Complaint Receipt Task Group, the information or complaint appears to be just a grievance or request for assistance, the same shall be referred to concerned office or agency for action in accordance with Section 3, C, Rule 13 of . NAPOLCOM Memorandum Circular 2007-001.

(3) A respondent PNP member shall not be reassigned or transferred to another ' city/municipal police station or unit during the pendency of the case, unless the concerned disciplinary authority or IAS certifies that the presence of the respondent is no longer necessary. Any superior who violates this provision shall be administratively liable for irregularity in the performance of duty.

(4) The Administrative/Personnel Officer of an office or a unit shall compile and keep a complete record of the residential addresses of all the PNP uniformed personnel assigned within his area of responsibility including sketches of their actual location.

(5) Disciplinary authorities and Summary Hearing Officers shall adhere to the administrative procedures as provided in NAPOLCOM Memorandum Circular 2007-001 and other issuances.

3) Rehabilitation Aspect

a) All personnel who were demoted includihg those suspended, and meted with the mini mum penalty for grave misconduct of from sixty (60) days to six (6) months suspension shall be sent to the PNP Values Formation School (VFS). The program shall include removal of the stigma of participating personnel.

b) There must be a Guidance Counseling Office (GCO) at the NHQ, PRO and NSU levels to help PNP personnel

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cope up with personal crises in life and work related stress.

c) A year long moral, soul and conscience searching spiritual maturity enhancement pro grams must be developed at the NHQ, PRO, and NSU levels.

d) Participation of personnel in moral and spiritual renewal program outside of PNP and during off hours must be encouraged.

4) Information and Advocacy

The three (3) aspects of the LO1 shall be strengthened by a "Mamang Pulis"advocacy.

b. Tasks:

1) Directorate for Personnel and Records Management (DPRM)

a) Receive complaints and refer them to the DI/IG for validation, ClDG for investigation, or DIDM for Pre-Charge Evaluation or IAS and SHO for summary hearing.
b) Perform other tasks on orders.

2) Directorate for Investigation and Detective Management (DIDM)

a) Conduct pre-charge evaluation against erring personnel in accordance with PNP and NAPOLCOM Memorandum Circulars Nr. 2007-001.
b) May conduct pre-charge evaluation against erring personnel whose case/s arc directly filed before the DIDM.
c) Recommend other appropriate actions such as issuances of preventive suspension or filing of criminal cases in court.
d) Perform other tasks on orders.

3) Directorate for Intelligence (Dl)/lntelligence Group (IG)

a) Validate all derogatory reports or allegations against personnel.
b) Collate all derogatory reports of undesirable elements and maintain a watchlist of misguided/undesirable personnel in the PNP.
c) Conduct case build-up on derogatory reports or complaints and refer validation results to DIDM or concerned Regional and NSU Task Forces for appropriate action.
d) Conduct counter intelligence operations against personnel suspected to be involved in crimes.
e) Perform other tasks on orders.

4) Directorate for Operations (DO)

a) Provide assistance/support to TF Patnubay in respective areas of expertise.
b) Provide support to specific tasks assigned to various Task Groups.
c) Perform other tasks on orders or as necessary.

5) Directorate for Logistics (DL)

a) Provide assistance/support to TF Patnubay in respective areas of expertise.
b) Provide support to specific tasks assigned to various Task Groups.
c) Perform other tasks on orders or as necessary.

6) Directorate for Comptrollership (DC)

a) Provide funds to support this LOI.
b) Perform othertasks on orders.

7. Directorate for Police and Community Relations (DPCR)

a) Conduct continuing Agency activities on the "Mamang Pulis" Program of the PNP.
b) Perform othertasks on orders.

8. Directorate for Human Resource Development Doctrine (DHRDD)

a) Establish a school for values formation.
b) Develop a year long moral and spiritual maturity enhancement program.
c) Perform other tasks on orders.

9. Internal Affairs Service (IAS)

a) Conduct hearings/summary dismissal proceedings.
b) Monitor progress of cases by maintaining a docket book and data base of cases
c) Codify jurisprudence on PNP administrative cases for reference.
d) Perform other tasks on orders.

10. Health Service (HS)

a) Establish a guidance counseling office.
b) Perform other tasks as directed.

11) Chaplain Service (CHS)

a) Conduct year long program on moral and spiritual maturity enhancement and spiritual enlightenment.
b) Perform other tasks as directed.

12) Legal Services (LS)

a) Study legal issues and/or obstacles which may hinder the implementation of this LOI, and defend PNP actions in cart or administrative bodies.
b) Review all resolutions rendered by Summary Hearing Officers.
c) Act on motions for reconsideration filed by respondents against decisions of Disciplinary Authorities or remand the same to Summary Hearing Officers (SHO) for resolution.
d) Perform other tasks on orders.

13. Training Service (TS)

a) Conduct continuing Advocacy activities on the "Mam3ng Pulis" Program of the PNP.
b) Perform other tasks on orders.

14. Police Community Relations Group (PCRG)

a) Conduct continuing Advocacy activities on the "Mamang Pulis" Program of the PNP.
b) Perform other tasks on orders.

15. Criminal Investigation Detection Group (CIDG)

a) Conduct investigation in support of pre-charge evaluation -against erring personnel.
b) Perform other task as directed.

16. Public Information Office (PIO)

a) OPR in press releases.
b) Conduct public advocacy on the "Mamang Pulis" Program of the PNP.
c) Perform other tasks on orders.

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17. PRO and NSU Task Forces (PR01-13, CAR, ARWIWI and NCRPO)

a) Organize task forces in their AOR to implement this LOI to be headed by the . . DRDAs and its equivalent in the NSUs.
b) OPRin implementation of LOI Patnubay in respective AOR.
c) Perform other tasks on orders or as necessary.

c. Coordinating Instructions:

1) Chief of offices/units shall strictly and expeditiously implement all existing directives, instructions and issuance to weed out undesirable elements from the PNP ranks.

2) All Task Groups shall strictly follow all laws, rules and regulations pertaining to t personnel action.

3) All erring NUP shall be administratively proceeded in accordance with Civil Service Law, Rules and Regulations.

4) Coordination among task groups is highly encouraged.

5) For light and less grave offenses, concerned disciplinary authorities shall not limit themselves to the meting out of penalties of suspension and forfeiture of pay only. They shall maximize the use of penalties like withholding of privileges, restriction to specified limits, and restrictive custody as added deterrence to the commission of same offenses.

6) Coordination with AFP units and other government agencies for the proper implementation of this LOI is authorized and encouraged.

5. COMMAND.

a) TDPRM and TDIDM are the Task Force Commander and Deputy Task Force Commander, respectively.

b) DPRM remains as the OPR of this LOI.

c) Joint Secretariat will be headed by the Chief, DLOD, DPRM and representatives from DIDM and IAS

d) Deputy Regional Directors for Administration of PROs and NSUs shall be designated as TF Commanders in their respective AOR. RIDMD and its equivalent in the NSUs shall be the Assistant Task Force Commanders, respectively. -

e) Respective RPHRDD and its equivalent in the NSU shall be the Secretariat at the PRO and NSU Levels.

6. EFFECTMTY:

This LOI takes effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended. Immediately after publication, DPCR shall make an LAN on the Prevention Aspect, DPRM on the Investigation and Adjudication Aspect and DHRDn on the Rehabilitation Aspect.

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

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