OPERATIONALIZING THE PARTICIPATION OF LOCAL CHIEF EXECUTIVES IN THE ADMINISTRATION OF THE PHILIPPINE NATIONAL POLICE (PNP) AS PROVIDED FOR UNDER REPUBLIC ACT NO. 6975, AS AMENDED

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WHEREAS, pursuant to Section 51 of R.A. No. 6975 as amended by Sections 62 to 64 of R.A. No. 8551, local chief executives have been granted substantial powers and responsibilities in police administration, as follows:

A. POWERS

1. Operational Supervision and Control

"City and Municipal Mayors — (1) Operational Supervision and Control. The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local or barangay elections, During the said period, the local police forces shall be under the supervision and control of the Commission on Elections." (Section 51 (b)(1), R.A. No. 6975)

"The term ‘operational supervision and control’ shall mean the power to direct, superintend, and oversee the day-to-day functions of police investigation of crime, crime prevention activities, and traffic control in accordance with the rules and regulations promulgated by the Commission." (Section 62, R.A. No. 8551)

"The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives." (Section 63, R.A. No. 8551)

2. Authority to Exercise Administrative Disciplinary Powers

"Administrative Disciplinary Powers — In the areas of discipline, city and municipal mayors shall have the power to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdiction, as provided in Section 41 of this Act." (Section 51, (b)(3), R.A. No. 6975)

3. Authority to Choose the Chief of Police

"Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: Provided, however, That in no case shall an officer-in-charge be designated for more than thirty (30) days:

Provided, further, That the local peace and order council may, through the city or municipal mayor, recommend the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality: Provided, finally, That such relief shall be based on guidelines established by the Napolcom." (Section 63(4)(I), R.A. No. 8551)

4. Authority to Recommend Appointment of New PNP Members

"Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their respective cities or municipalities without

which no such appointments shall be attested: Provided, That whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence." (Section 63 (4) (iii), R.A. No. 8551)

5. Authority to recommend the Transfer, Reassignment or Detail of PNP Members

"Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences." (Section 63(4)(ii), R.A. No. 8551)

6. Authority to Conduct Inspection and Audit

"As deputized agents of the Commission, local government executives can inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission." (Section 64, R.A. No. 8551)

B. RESPONSIBILITIES

1) Responsibility to Develop an Integrated Area/Community Public Safety Plan

"Integrated Community Safety Plans - The municipal/city mayor shall, in coordination with the local peace and order council of which he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations." (Section 51 (b)(2), R.A. No. 6975)

2) Responsibility to Sponsor Periodic Seminars for PNP Members

"It shall, likewise, be the duty of the city or municipal mayor to sponsor periodic seminars for members of the PNP assigned or detailed in his city or municipality in order to update them regarding local ordinances and legislations." (section 51 (b)(2) para 2, R.A. No. 6975)

WHEREAS, under Section 31, R.A. No, 6975, the appointing authorities for police non-commissioned officers (Police Officer I to Senior Police Officer IV) are the PNP Regional Directors for the regional personnel, and the Chief, PNP for the national headquarters personnel.

Police commissioned officers (Inspectors to Superintendents), are likewise appointed by the Chief, PNP. The President is the appointing authority for Senior Superintendents and higher ranks;

WHEREAS, effective police administration at the local level requires a clearer delineation and operationalization of the aforementioned statutory powers of local chief executives;

NOW, THEREFORE, THE COMMISSION RESOLVED TO PRESCRIBE, AS IT HEREBY PRESCRIBES the following guidelines in the exercise of the aforementioned powers by local chief executives:

A.1. Power of Operational Supervision and Control — The power of operational supervision and control pertains to the authority to direct, superintend, and oversee the daily performance of police functions at the local level to ensure the effective conduct of crime investigation, traffic control and crime prevention activities. (sec. 62, R.A. No. 8551). In pursuance thereto, City/Municipal Mayor is empowered to:

a. Issue directives for the conduct of operations to stop illegal activities and neutralize criminal syndicates especially those engaged in kidnap-for-ransom, illegal drugs, bank robberies, and illegal gambling;

b. Determine operational strategies to be adopted to ensure efficient and effective accomplishment of police operations;

c. Direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the

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terms employment and deployment shall mean as follows:

"Employment refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawlessness, violence, rebellious and seditious conspiracy, subversion or other related activities.

In case of insurgency, the police shall support the Armed Forces of the Philippines through information gathering and performance of its ordinary police functions except when the President shall call on the PNP to support the AFP in combat operations.

Deployment' shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined." (Sec. 62, R.A. No. 8551)

d. Be updated on the status of on-going police operations and be furnished with after-operation reports;

e. Assess and evaluate the overall effectiveness of the police stations as well as the overall performance of the Chief of Police and furnish the Napolcom Regional Director, the PNP Provincial Director and the Governor with copies of the evaluation report.

For the National Capital Region, the City Mayors of Manila and Quezon shall furnish the Napolcom NCR Regional Director, National Capital Region Police Office (NCRPO) Director, Western Police District Director and the Central Police District Director with copies of the evaluation report on the overall effectiveness of the concerned police district offices of the Western Police District and Central Police District. For cities and municipalities other than Manila and Quezon, the Mayors shall furnish the Napolcom NCR Regional Director, NCRPO Director, Police District Directors and concerned Chief of Police with copies of their evaluation reports on their respective police stations.

f. Be furnished with data on the annual Maintenance and Other Operating Expenses (MOOE) and logistical equipment allocated to the police stations in his jurisdiction to determine adequacy and judicious utilization of financial and logistical resources.

The City/Municipal Mayor may at his discretion, lead or join police operations, whether regular or special, or oversee the operations being conducted by police operating units.

2. Power to Discipline PNP Uniformed Personnel Assigned Within the Mayor's City/Municipality — As a disciplinary authority, a City/Municipal Mayor shall:

a. Have jurisdiction over citizen's complaint when the offense alleged to have been committed by a PNP member is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days; (Sec. 52, R.A. No. 8551)

b. Refer to the PLEB a citizen's complaint filed with his office when the offense alleged to have been committed by a PNP member is punishable by a penalty higher than 30 days forfeiture of salary or suspension; (Sec. 52, R.A. No. 8551)

c. File with the appropriate PNP disciplinary authority a complaint against any PNP member in his/her city/municipality for breach of internal discipline pursuant to Section 55 of the Implementing Rules and Regulations of R.A. No. 8551.

"Sec. 55. Internal Discipline — In dealing with breach of internal discipline, including minor offenses, committed by any member, the duly designated supervisor or equivalent officer of the PNP shall, after due

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notice and summary hearing, exercise disciplinary powers as follows:

a. Chief of Police or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restriction to specified limits, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: Provided, That in all cases, the total period shall not exceed fifteen (15) days. The supervisor equivalent to a Chief of Police is the officer-in-charge of the police station, the district commander of the PNP Mobile Force, or any other officer classified as such by the Commission;

b. Provincial Director or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restrictive custody, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days.

The supervisor equivalent to a PNP Provincial Director is the Head of the Regional Mobile Force, the Head of the Regional Unit of Administrative and Operational National Support Units, the Director of a Police District Office, or any other officer classified as such by the Commission;

c. Police Regional Director or equivalent supervisor shall have the power to impose upon any member the administrative penalty of dismissal from the service. He may also impose the penalty of admonition or reprimand, restrictive custody, withholding of privileges, suspension or forfeiture of salary, demotion, or any combination of the foregoing: Provided, that in all cases, the total period shall not exceed sixty (60) days.

The supervisor equivalent to a PNP Regional Director is the Director of a PNP administrative or operational support unit or any other officer classified as such by the Commission; and

d. The Chief of the PNP shall have the power to impose the administrative penalty of dismissal from the service, suspension or forfeiture of salary, or any combination thereof for a period not exceeding one hundred eighty (180) days: Provided, That the Chief of the PNP shall have the authority to place a PNP member under restrictive custody during the pendency of an administrative case for a grave offense or a criminal case for a serious offense filed against said member.

"Breach of internal discipline refers to any offense committed by a member of the PNP affecting order and discipline within the police organization.

"A minor offense shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but shall not be limited to:

(1) Simple misconduct or negligence;

(2) Insubordination;

(3) Frequent absences and tardiness;

(4) Habitual drunkenness; and

(5) Gambling prohibited by law."

d. As authorized under Section 64 of R.A. No. 8551, file with the National Police Commission, the Chief of the PNP, or the PNP Regional Director, who are vested with summary dismissal authority under Section 53, R.A. No. 8551, an administrative complaint against any PNP member under the following cases:

1) when the charge is serious and the evidence of guilt is strong;

2) when the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charge;

3) when respondent is guilty of a serious offense involving conduct unbecoming of a police officer;

4) when a PNP member is on AWOL for a continuous period of thirty (30) days or more.

e. Observe administrative due process in the investigation, hearing and adjudication of citizen's complaints;

f. Comply with the procedure prescribed under Napolcom Memorandum Circular No. 91-008 as follows:

"Sec. 4. Procedure. — The city/municipal Mayor shall, motu proprio, or upon written complaint of any person, investigate the PNP member for any minor offense within his disciplinary jurisdiction in accordance with the following procedure:

a. The respondent shall be informed and furnished with a copy of the complaint against him and given the opportunity to answer the same in writing, within forty-eight (48) hours from receipt thereof.

b. In his answer, the respondent shall state whether or not he elects a summary investigation. If not, the city/municipal Mayor shall immediately render his decision on the case, which shall be in writing and based on the submitted evidence of the parties.

c. If the respondent asks for a summary investigation, the same shall take place within twenty-four (24) hours after receipt of his answer and he should thereon be allowed the opportunity to present witnesses and other evidences in his behalf and to cross-examine the witnesses against him.

Direct examination of witnesses shall be dispensed with. In lieu thereof, the city/municipal Mayor concerned shall require each party and their witnesses to submit their testimonies in affidavit form (duly sworn to) subject to the right of cross-examination by the other party.

d. Postponement of investigation shall be discouraged and allowed only in meritorious cases.

e. The investigation shall be completed within seventy-two (72) hours, and the city/municipal Mayor shall render his decision in writing within twenty-four (24) hours thereafter, copy furnished the Chief of Police and the PNP Provincial Director.

Decision, as used herein, is the written finding by the Mayor that the respondent is guilty or not guilty of the offense charged, and the imposition of the appropriate penalty in case of conviction, it shall contain the charge, name of respondent and his rank, his station or police unit, a brief statement of the material and relevant facts, findings, offense committed and penalty imposed, if found guilty."

g. Recommend to Chief of Police the preventive suspension for a period not exceeding ten (10) days of any officer or member of the police station within his jurisdiction if it is established by convincing evidence at any time during the hearing that respondent is exerting efforts to harass, intimidate, coerce or unduly influence the complainant or any of his witnesses into withdrawing his/her complaint or retracting his sworn statement against the former.

3. Authority to Choose the Chief of Police - In the exercise of the authority to choose the Chief of Police in his locality, the City/Municipal Mayor shall be guided by the following:

a. "Qualifications of Chief of City and Municipal Police Stations - No person shall be appointed chief of a city police station unless he/she is a graduate of Bachelor of Laws or has finished all the required courses of a master's degree program in public administration, criminology, criminal justice, law enforcement, national security administration, defense studies, or any other related disciplines from a recognized institution of learning. No person shall be appointed chief of a municipal police station unless he or she has finished at least second year Bachelor of Laws or has earned at least twelve (12) units in a master's degree program in public administration, criminology, criminal justice, law enforcement , national security administration, or any other related disciplines from a recognized institution of learning: Provided, That members of the Bar with at least

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five (5) years of law practice, licensed criminologists or graduates of the Philippine National Police Academy and who possess the general qualifications for initial appointment to the PNP shall be qualified for appointment as chief of a city or municipal police station: Provided, further, that the appointee has successfully passed the required field training program and has complied with other requirements as may be established by the Commission: Provided, furthermore, That the chief of police shall be appointed in accordance with the provisions of Section 51, paragraph (b), subparagraph 4(I) of R.A. No. 6975."

b. Procedure in the Selection of Chiefs of Police (COPs) of Municipalities and Component Cities:

1) COP for municipalities and component cities

a) The Provincial Director (or District Director of the Southern Police District, Eastern Police District or Northern Police District of the NCRPO) through the PNP Regional Director shall submit within fifteen (15) days before the expiration of the tour of duty of the incumbent Chief of Police, a list of five (5) qualified eligibles, together with their personal information folders, to the Napolcom Regional Director for review and confirmation of their qualifications within five (5) working days from receipt thereof.

In cases where the tour of duty of an incumbent Chief of Police is shortened due to the exigencies of the service or maintenance of the integrity of the police station, the Provincial Director/District Director shall submit, within five (5) days after the relief or reassignment, the list and personal information folders of five (5) qualified eligibles to the Napolcom Regional Director, through the PNP Regional Director, for review and confirmation within five (5) working days: Provided, That the Deputy Chief of Police shall perform the functions of the relieved/reassigned COP until a new COP or an OIC has been designated.

b) Should the Napolcom Regional Director find the list of qualified and eligible recommendees in order, he shall confirm the same, and forthwith return it to the PNP Provincial Director/District Director through the PNP Regional Director for immediate transmittal to the City/Municipal Mayor for him to select the Chief of Police of the city/municipality, within five (5) working days from receipt thereof.

c) If any of the submitted recommendees is not qualified for assignment/designation as Chief of Police in accordance with existing laws and regulations, the Napolcom Regional Director, within five (5) working days from receipt of the list, shall return the same to the PNP Provincial Director/District Director through the PNP Regional Director stating therein the reason(s) with the specific instruction to replace unqualified recommendee(s) with qualified officer(s).

d) Within five (5) working days from receipt of the list of the five (5) recommendees, the City/Municipal Mayor shall evaluate and signify his/her choice of Chief of Police in writing to the PNP Provincial Director/District Director, who shall, thereupon, issue the Order of Assignment.

e) Should the Mayor fail to choose the COP from among the five (5) recommendees within the prescribed five-day period, he shall:

1) return within five (5) working days the list/folders to the PNP Provincial Director/District Director stating the reasons for his non-selection of the COP;

2) require the PNP Provincial Director/District Director to submit a replacement list within five (5) days from receipt thereof;

3) recommend the designation of a qualified Officer-in-Charge (OIC) for a period not to exceed thirty (30) days.

Should the Mayor fail to select from the replacement list, the Mayor or the PNP Provincial Director/District

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Director shall elevate the matter to the Napolcom Regional Director stating their reason(s) for non-selection. The Napolcom Regional Director shall resolve the conflict within five (5) days from receipt thereof. The decision shall be immediately executory unless appealed to the Commission en banc for resolution within five (5) days.

f) The PNP Provincial Director/District Director shall furnish the Mayor, PNP and Napolcom Regional Director copies of the Order of Assignment of the Chief of Police or the Designation of the OIC, as the case may be.

(See figure 1)[1]

2) COP for Highly-Urbanized Cities and Independent Component Cities, Including the District Director of the Cities of Manila and Quezon

a) The PNP Regional Director shall submit within fifteen (15) days before the expiration of the tour of duty of the incumbent Chief of Police, the list and personal information folders of five (5) qualified eligibles to the Napolcom Regional Director for review of qualifications and eligibility.

In cases where the relief or reassignment of the incumbent Chief of Police is urgently required by needs of the service or reinstated to maintain the integrity of the police station before the expiration of his tour of duty, the Regional Director shall submit, within five (5) days after the relief or reassignment, a list and personal information folders of five (5) qualified eligibles to the Napolcom Regional Director, for review and confirmation within five (5) working days from receipt thereof: Provided, that the Deputy Chief of Police shall perform the functions of the relieved COP until the new COP or OIC has been designated.

b) The Napolcom Regional Director, within five (5) working days, shall evaluate the qualifications and eligibility of the recommendees and return the list and folders to the PNP Regional Director.

c) Should the Napolcom Regional Director find that any of the recommendees in the list does not meet the qualifications and eligibility, he shall return the list to the PNP Regional Director stating therein the reason(s) with the specific instruction to replace unqualified recommendee(s) with qualified officer(s).

d) The PNP Regional Director shall transmit the list of qualified eligibles previously reviewed by the Napolcom Regional Director to the City Mayor for him to select his COP, or the District Director on the case of the cities of Manila and Quezon, within five (5) days from receipt thereof.

The City Mayors of Manila and Quezon select the Western Police District Director and Central Police District Director, respectively, from a list of five (5) qualified and eligible officers submitted by the NCRPO Director

e) The City Mayor shall signify his choice in writing to the PNP Regional Director, who shall thereafter issue the Order of Assignment.

f) Should the City Mayor fail to choose from among the five (5) recommendees within the prescribed five-day period, he shall:

> 1) return within five (5) working days the list/folders to the PNP Regional Director stating the reasons for non-selection of the COP;
>
> 2) require the PNP Regional Director to submit a replacement list within five (5) days from receipt thereof;
>
> 3) recommend the designation of a qualified Officer-in-Charge (OIC) for a period not to exceed thirty (30) days.

Should the City Mayor fail to select from the replacement list, the Mayor or the PNP Regional Director shall elevate the matter to the Napolcom Regional Director stating their reason(s) for non-selection. The Napolcom

Regional Director shall resolve the conflict within five (5) days from receipt thereof. The decision shall be immediately executory unless appealed to the Commission en banc for resolution within five (5) days.

g) The PNP Regional Director shall furnish the City Mayor and the Napolcom Regional Director copies of the Order of Assignment of the Chief of Police, including the District Director of the cities of Manila and Quezon, or the Designation Order of the OIC, as the case may be.

(See figure 2)[2]

3) Station Commanders of the Western Police District and Central Police District (City of Manila and Quezon City)

> a) The Police District Director shall submit within fifteen (15) days before the expiration of the tour of duty of the incumbent Station Commander the list and personal information folders of five (5) qualified and eligible officers to the City Mayor, copy furnished the NCRPO Director and the Napolcom NCR Regional Director, for evaluation and confirmation.
>
> b) The City Mayor receives list/folders of the five (5) recommendees from the Police District Director.
>
> c) Within five (5) working days from receipt of the list and personal information folders, the City Mayor shall evaluate the qualifications and eligibility of the recommendees and endorse his/her choice in writing to the Police District Director, who shall, thereupon, issue the Order of Assignment.

d) Should the City Mayor fail to choose from among the five (5) recommendees within the prescribed five-day period, he shall:

> 1) return within five (5) working days the list/folders to the Police District Director stating the reasons for non-selection of the Station Commander;
>
> 2) require the Police District Director to submit a replacement list within five (5) working days from receipt thereof;
>
> 3) recommend the designation of a qualified Officer-in-Charge (OIC) for a period not to exceed thirty (30) days.

Should the City Mayor fail to select from the replacement list, the City Mayor or the Police District Director shall elevate the matter to the Napolcom Regional Director stating their reason(s) for non-selection. The Napolcom Regional Director shall resolve the conflict within five (5) days from receipt thereof. The decision shall be immediately executory unless appealed to the Commission en banc for resolution within five (5) days.

e) The Police District Director shall furnish the City Mayor, NCRPO Director and Napolcom NCR Regional Director with copies of Order of Assignment of the Station Commander or the Designation Order of the OIC, as the case may be.

(See figure 2-A) [3]

c. Limitations in the Selection of Chief of Police (COP) and Officer-in-Charge (OIC) — The following shall be observed:

> 1) No one shall be designated Chief of Police or Officer-in-Charge unless he/she meets the qualifications for such position as provided for by law.
>
> 2) The PNP Provincial Director, District Director, or Regional Director, as the case may be, shall include in the list of recommendees such officers qualified for designation as COP/OIC who are presently assigned in the police station.

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3) In case there are no qualified officers in the police station, recommendees shall be considered according to the following priorities:

1st priority — those assigned to cities/municipalities within the province, including the Police Provincial Office (PPO) and District Office

2nd priority — those assigned to cities/municipalities of other provinces within the region, including the Police Regional Office

3rd priority — those assigned to cities/municipalities outside of the region (other Police Regional Offices, National Headquarter, National Support Units)

4) A certification as to the non-availability of officer(s) qualified for designation as COP/OIC shall be issued by the Police Provincial Director, Police Regional Director or the Director of the Directorate for Personnel and Records Management (DPRM), as the case may be.

5) Any police officer who is qualified but refuses to be designated as COP/OIC shall execute a waiver stating the reason(s) for his/her non-acceptance.

4. Authority to recommend the Appointment of PNP Members Under Section 63(4)(iii) of R.A. No. 8551 — In the exercise of this authority, a City/Municipal Mayor shall be guided by the following:

a. General Qualifications for Appointment to the PNP - Pursuant to Section 14, R.A. No. 8551, no person shall be appointed as officer or member of the PNP unless he possesses the following qualifications:

1) A citizen of the Philippines;

2) A person of good moral conduct

3) Must have passed the psychiatric/psychological, drug and physical tests to be administered by the PNP or by any Napolcom accredited government hospital for the purpose of determining physical and mental health;

4) Must possess a formal baccalaureate degree from a recognized institution of learning;

5) Must be eligible in accordance with the standards set by the Commission;

6) Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the Government;

7) Must not have been convicted by final judgment of an offense on crime involving moral turpitude;

8) Must be at least one meter and sixty-two centimeters (1.62 m.) in height for male and one meter and fifty-seven centimeters (1.57 m.) for female;

9) Must weigh not more or less than five kilograms (5 kgs.) from the standard weight corresponding to his or her height, age, and sex; and

10) Must not be less than twenty-one (21) nor more than thirty (30) years of age. (Section 14, R.A. No. 8551)

b. Eligibility Standards Under Napolcom Resolution No. 2002-034 - A proposed appointee must possess the appropriate eligibility acquired from any of the following examinations:

1) PNP Entrance Examination

2) R.A. No. 1080 (Bar and Board Examinations)

3) R.A. No. 6506 (Licensure Examination for criminology graduates)

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4) P.D. No. 907 (Granting Civil Service Eligibility to College Honor Graduates)

c. Procedure — the following are the procedures in the recruitment and appointment of new members of the PNP:

1) Police applicants submit their application papers at the Office of the City/Municipal Mayor.

In case applications for police appointment are filed with any of the PNP Offices, the applicants shall be advised to submit their papers at the Office of the Mayor.

2) Immediately upon receipt of the application papers, the Mayor shall refer the applicants to the local peace and order council (POC) which shall inform them of the screening schedule.

3) The POC shall evaluate within five (5) working days from receipt of referral the qualifications of the applicants to determine if they meet the general qualifications for appointment and to ensure that their names are included in the Napolcom Roster of Certified Eligibles.

4) The POC shall endorse to the Mayor within two (2) working days, the names of qualified applicants.

5) From the list endorsed by the POC, the Mayor shall recommend to the PNP Provincial/District Screening Committee through the PNP Provincial/District Director, within three (3) working days, the names of those to be appointed in the order of his preference and in accordance with the recruitment quota of the city/municipality.

In case the number of qualified applicants is less than the quota or there is no qualified applicant, applicants from other localities shall be considered according to the following priorities:

1st priority

—

those coming from the adjacent cities/municipalities.

2nd priority

—

those coming from other cities/municipalities within the province or district.

3rd priority

—

those coming from any part of the region

4th priority

—

those coming from other regions

6) The PNP Provincial/District Screening Committee shall conduct a background investigation of the applicants, initial interview, validate their documents and ensure their compliance with the general qualifications for appointment within ten (10) working days from receipt of recommendation.

7) The PNP Provincial/District Screening Committee shall endorse to the PNP Regional Screening Committee those found to be qualified for final evaluation of compliance with general qualifications. This shall include the conduct of physical agility test, drug test, neuro-psychiatric examination, medical and dental examination, within ten (10) working days.

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8) Within ten (10) working days, the PNP Regional Screening Committee shall submit the list of proposed appointees to the Napolcom Regional Director through the PNP Regional Director, for approval and certification.

9) The Napolcom Regional Director returns the approved and certified list of proposed appointees to the PNP Regional Director, within three (3) working days.

10) The PNP Regional Director issues appointment papers to those certified to be qualified and eligible, within three (3) working days.

11) The appointment papers are forwarded to the Regional Civil Service Commission (CSC) for attestation, within two (2) working days.

12) The Regional CSC attests and returns the appointments to the PNP Regional Director.

13) The PNP Regional Director shall inform the Mayor of the appointment of his recommendees and furnish a copy of the list of appointees to the Napolcom Regional Director, PNP Provincial Director and Chief of Police, within five (5) working days from receipt of the attested appointment.

14) The newly appointed policemen and newly assigned policemen, if any, shall pay a courtesy call on the Mayor before assuming their duties.

Figure 3[4]

d. Recruitment Quota — The annual recruitment quota of the PNP is made up of new positions authorized by the DBM as well as vacancies due to attrition.

Any vacancy existing in a city/municipal police station due to attrition of a member in that police station shall be filled up by a qualified recommendee of the City/Municipal Mayor.

The allocation of recruitment quota is determined by the following factors, among others:

1) state of peace and order

2) police density

3) actual demands of the service

4) class of city/municipality

City/Municipal Mayors shall be informed of their recruitment quota, if any, by the Provincial Director through the Chief of Police.

The City/Municipal Mayor shall recommend the promotion of any member or officer assigned in his area of responsibility who is qualified and eligible to the PNP Regional Director, Provincial Director, District Director and Chief of Police, as the case may be.

e. Dissemination of Information on the Recruitment of New PNP members — Upon receipt of information that the city/municipality has a recruitment quota, a Notice of Recruitment shall be posted at the city/municipal Hall and in at least three (3) strategic places.

5. Authority to Recommend the Recall or Reassignment of Chief of Police Under Section 63 (4)(i) of R.A. No. 8551 — As a matter of policy, the personnel action recommending the recall or reassignment of the COP should be exercised with the paramount consideration of public service and interest. It should not be a reward for past favors or dictated by consideration of partisan politics. The following procedures shall be observed:

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a. The local peace and order council shall, prior to any recommendation on the matter, conduct a public hearing or dialogue among the cross section of the community to ascertain the effectiveness of the COP in combating crime or maintaining peace and order.

b. Such recourse may no longer be necessary when it is of public knowledge that the COP has become incompetent as shown by rampant criminality, proliferation of illegal activities, breakdown of peace and order, and involvement of police officers in nefarious activities.

c. The recommendation for recall or reassignment shall be in a resolution form duly approved and signed by a majority of the members of the local POC.

Any police officer assigned or reassigned to any key position in the PNP shall have a maximum tour of duty of two (2) years: Provided, that on his first year of incumbency, he shall not be relieved or recalled from duty except for cause, in which case, appropriate administrative disciplinary measure shall be filed: Provided further, that in no instance shall a police officer be relieved or recalled from his assignment or position on account of change of leadership either on the part of PNP or the local government. (Napolcom Memorandum Circular No. 2001-010)

The City/Municipal Mayor should be consulted if the PNP Provincial/District Director or higher PNP official relieves or reassigns the COP unless such relief or reassignment is urgently required by the needs of the service or necessitated to maintain the integrity of the police station. In such case, the PNP Provincial Director or higher PNP official shall inform the Mayor within 48 hours of the relief or reassignment made.

See figure 4[5]

6. Authority to Recommend the Reassignment or Detail of PNP Members Under Section 63 (ii), R.A. No. 8551 — This authority of the City/Municipal Mayor is a positive measure to enhance police service in his/her city/municipality. Such reassignment or detail outside his city/municipality should not be resorted to as a form of disciplinary action. The following guidelines shall be adopted:

a. The recommendation of the Mayor on certain personnel movement shall be based on any of the following grounds:

1) the PNP member is found to be ineffective in the discharge of his/her duties;

2) to protect the image or good name of the city or municipality;

3) to prevent harm to the person of the police officer concerned; and

4) to preclude harassment of the community by any PNP member.

b. The recommendation of the City/Municipal Mayor shall be embodied in a resolution of the City or Municipal Council to pre-empt any color of partisanship or abuse of authority.

c. A City/Municipal Mayor shall be informed within 48 hours by the COP of the assignment of new policemen to his/her city/municipality. As a matter of policy, these new recruits and newly assigned shall pay a courtesy call on the Mayor before performing their duties.

d. The City/Municipal Mayor shall be consulted if the COP intends to relieve or reassign a policeman in his/her station unless such relief or reassignment is urgently required by the needs of the service or necessitated to maintain the integrity of the police station. In such case, the Mayor shall be informed within 48 hours by the COP of the relief or reassignment made.

7. Authority to Conduct Inspection and Audit of Police Station Under Section 64 of R.A. No. 8551 — As a matter of policy, the purpose for conducting inspection and audit of the police station by the City/Municipal Mayor is to

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promote effectiveness and economy in police administration and operations. Relative thereto, the following guidelines are hereby prescribed:

a. Objectives of the Inspection and Audit Function - The City/Municipal Mayor shall regularly conduct inspection and audit of the police station in his locality for the purpose of:

1) Looking into existing programs/projects/activities (P/P/As), systems and procedures, police personnel, facilities, supplies and equipment, and financial resources in order to reveal the actual numbers, conditions and situations that affect police operations including their performance or accomplishment;

2) Determining strengths and weaknesses in the administration and operations of the police station, make suggestions or recommendations and provide assistance for their improvement;

3) Assisting the police station in the development and implementation of police reforms in local governance; and

4) Submitting to the National Police Commission semi-annual reports on the state of administration and operation of the local police station and the impact of its operations on the peace and order situation and the social and economic conditions in the locality.

b. Scope and Coverage of Inspection - The inspection and audit program shall look into the following:

1) Organizational Structures and Functions

2) Actual number of uniformed personnel distributed according to:

a) Rank

b) Designation/Position

c) Highest Educational Level

d) Eligibility

e) Nature of Appointment

f) Training

g) Sex

h) Age

3) Actual number of non-uniformed personnel distributed according to:

a) Position Appointed To

b) Highest Educational Attainment

c) Eligibility

d) Nature of Appointment

e) Training

f) Sex

g) Age

4) Incidence of administrative disciplinary and/or criminal cases filed against officers and members of the police

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station, broken down as follows:

a) Name and rank of respondent

b) Nature of offense

c) Status of the case

5) Promotions and other personnel movements.

6) Separations from the service within a span of one (1) year before the conduct of initial inspection

a) resignation

b) optional retirement

c) early retirement

d) compulsory retirement

e) expiration of appointment

f) transfer to another police station or agency

g) disciplinary action

h) disability/death

7. Existing Programs/Projects/Activities which are being implemented such as but not limited to:

a) Community-Oriented Policing System (COPS)

b) Women and Children's Protection Desk

c) Complan Patnubay (previously Complan Pagbabago)

d) LOI Banat (Anti-Drug Campaign)

e) Anti-Illegal Gambling Campaign

f) Job Enrichment Program (In-Service Training Program)

g) Police-Community Relations Program

8) Existing Systems and Procedures on:

a) Police Personnel Transactions such as action on leaves and benefits

b) Police Personnel Development such as Performance Appraisal; Incentives and Awards System; Education and Training; Sports, Cultural and Spiritual Activities

c) Police Personnel Relations such as grievance machinery, employee organizations, dispute settlement

d) Police Discipline such as procedures for investigation, preventive suspension and appeal; penalties; submission of assets and liabilities; maintenance of attendance cards/logbooks

e) Standard Operating Procedures in the performance of police operations

1) patrol

2) intelligence

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3) criminal detection and investigation

4) traffic enforcement and accident investigation

5) other fields of operations such as vice control, crowd dispersal control, etc.

9. Allocation of Budgetary and Logistical Support such as:

a) Maintenance and Other Operating Expenses (MOOE) broken down as follows:

02 — traveling expenses

03 — communication services

04 — repair and maintenance of government facilities

05 — repair and maintenance of government vehicles

06 — transportation services

07 — supplies and materials

08 — rents

14 — water illumination and power services

17 — training and seminar expenses

23 — gasoline, oil and lubricants

29 — other services

b) Equipment and other logistical resources for mobility, firepower, communication, office operation, etc.

10) Level of Performance or Accomplishments, as measured through;

a) Survey of public perception on the police

b) Analysis of crime reports

c. Nature of Inspection — Inspection and audit shall be of two (2) kinds — the regular and the special. The regular inspection and audit is a periodic appraisal of all the items covered by the aforementioned scope of inspection and audit. Such inspection shall be scheduled at the first month of every quarter but the initial regular inspection of city/municipal police stations for the current year by City/Municipal Mayors shall be done before the end of FY 2002.

Regular inspection is accomplished by the examination and analysis of:

a) police records

b) police statistics

c) police procedures

d) police station inspection reports

and by interview with:

a) officers and members of the force

b) persons involved in police incidents, either as victims or suspects

c) the general public and observation of the condition of

a) police building/quarters/offices

b) detention cell(s)

c) equipment

d) police personnel actions/behaviors.

A special inspection covers specific areas of concern and partakes of the nature of a particular inquiry into reported irregularities.

A City/Municipal Mayor may conduct spot inspection and audit of the police station or district office. This type of inspection ensures that the police are always on their toes and are administratively and operationally alert for any situation.

d. Procedure in the Conduct of Inspection and Audit - In the conduct of inspection and audit of a police station, the City/Municipal Mayor shall:

1) Formulate the Annual Police Station Inspection and Audit Program based on the guidelines issued by the Napolcom;

2) Organize his/her inspection team which shall be composed of city/municipal officials and members of NGOs in the city/municipality. A representative of the Napolcom Regional Office may be included in the inspection team.

3) Coordinate with the COP/District Director/Station Commander prior to the conduct of a regular inspection about the inspection schedule and the availability of police documents to be inspected.

4) Conduct pre-inspection briefing for the inspection team to ensure coordinated and unified actions during the activity.

5) Conduct rank inspection prior to the conduct of inspection proper.

6) Meet with the COP/District Director/Station Commander and members of the police station to inform them of the purpose, scope, focus, duration of the inspection and the members of the inspection team.

7) Gather data, through the inspection team, by conducting interviews, observation and documentary examination.

8) Validate and document inspection findings through his/her inspection team.

9) Conduct a post-inspection briefing with the COP/District Director and station members.

Identified problems which can be solved at the level of the COP/District Director/Station Commander and the Mayor shall be dealt with immediately.

10) Prepare within ten (10) working days from the last day of the inspection, the inspection report in five (5) copies, copy furnished the following:

a) Provincial Governor

b) PNP Provincial Director/District Director

c) Napolcom Regional Director

d) PNP Regional Director

One (1) copy of the inspection report shall be retained by the City/Municipal Mayor for reference, particularly in the conduct of the next quarterly inspection.

e. Accomplishment of Forms — To facilitate the conduct of inspection and audit, particularly in the preparation of the inspection report, three (3) forms shall be accomplished by the COP/District Director for submission to the City/Municipal Mayor before the scheduled inspection.

1) The Police Station Profile, hereto attached as Annex A[6]

2) Roster of Police Personnel, hereto attached as Annex B[7]

3) Report of Administrative Disciplinary Cases Filed Against Members of the Police Station, hereto attached as Annex C[8]

8. Duty to Sponsor Periodic Seminars — Section 51 (2) (para. 2) of Republic Act No. 6975 as amended, provides that City/Municipal Mayors have the duty to sponsor periodic seminars for members of the PNP assigned or detailed in their city or municipality in order to update them on local ordinances and legislations.

In the conduct of seminars and trainings the following shall be observed:

1) Based on inspection findings, specifically on their training profile of police members, the City/Municipal Mayor shall cause the formulation of a job enhancement training program and requisite training modules;

2) The City/Municipal Mayor submits a copy of the proposed training program to the National Police Commission (Napolcom) through the Napolcom Regional Director.

3) The City/Municipal Mayor implements the training program.

4) The training design must include but not be limited to the following:

a. Orientation on the place/city/municipality where the police are assigned, to include the local government unit's history, geography, population, topography, etc.

b. Moral and Professional Ethics in Public Service

c. Functional Relationships Between the Local Chief Executive and the Chief of Police

d. The Basics of Effective Policing

e. Personality and Human Relations

f. Briefing/Update on the City/Municipal Ordinances and Legislations

5) After the trainings/seminars the local chief executive concerned shall submit an after-training/seminar report including his/her recommendations to the Commission.

9. Responsibility to Develop and Implement the Integrated Area/Community Public Safety Plan (IA/CPSP) — As provided under R.A. No. 6975, as amended, and R.A. No. 7160, the City/Municipal Mayor is responsible for the maintenance of peace and order in his/her city/municipality. To provide direction on what should be done to control criminality and maintain public safety in the locality, the City/Municipal Mayor shall:

a. Assess the state of order in the city/municipality by considering the following five (5) basic problem parameters:

1) Magnitude — What is the extent of the crime problem?

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2) Rate of Change — How is the problem changing (increasing or decreasing) and how fast?

3) Seriousness — How many people are affected by the problem, and how does the problem compare with similar problems in other locations?

4) Locality or Concentration — Where does the problem occur?; What beat, district or area is the greatest contributor to the problem?; Where is it growing at the fastest rate?; Where is it most serious?

5) Who — Who are causing the problem, generally speaking?

b. Identify and rank the major problems affecting peace and order;

c. Determine the resources and constraints which might limit the success in dealing with the major problems;

d. Identify the strategies, programs and projects to be undertaken to resolve the identified problems.

A Strategy is a specific major action or pattern of action for attaining goals and objectives.

A program is a homogenous group of activities necessary for the performance of a major purpose for which a government agency is established.

A Project is a special undertaking which is to be carried out within a definite time frame and which is intended to result in some predetermined measure of goods and services.

e. Monitor the implementation of programs and projects under the city/municipal public safety plan on a monthly basis and furnish copies of the monitoring report to the Napolcom Regional Director, PNP Regional Director, Police Provincial/District Director and Governor.

f. Evaluate the effectiveness of the city/municipal public safety plan at the end of the year and furnish copies of the evaluation report to the Napolcom Regional Director, PNP Regional Director, Police Provincial/District Director and the Governor.

Submit copy of the city/municipal public safety plan to the Napolcom Regional Office, at the end of the year.

B. Section 64 of R.A. No. 8551 provides for the automatic deputation of Local Government Executives as Commission representatives, as follows:

"Automatic Deputation of Local Government Executives as Commission Representatives — Governors and Mayors, upon having been elected and having qualified as such, are automatically deputized as representatives of the National Police Commission in their respective jurisdiction. As deputized agents of the Commission, local government executives can inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission.

Pursuant to Section 65 of R.A. No. 8551, the statutory deputation of local chief executives may be withdrawn.

"Unless reversed by the President, the Commission may, after consultation with the Provincial Governor and Congressman concerned, suspend or withdraw the deputation of any local executive for any of the following grounds:

(a) frequent unauthorized absences;

(b) abuse of authority;

(c) providing material support to criminal elements;

(d) engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign.

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Upon good cause shown, the President may, directly or through the Commission, motu proprio restore such deputation withdrawn from any local executive."

Pursuant to Section 4 of Napolcom Memorandum Circular No. 2001-003, the following measures shall be undertaken by the Napolcom Regional Director in whose area the said Governor or Mayor is based before the deputation of the Provincial Governor and City/Municipal Mayor is suspended or withdrawn:

> "1. Upon receipt of complaint or report against a local chief executive, the Napolcom Regional Director shall evaluate the same to determine whether the acts or violations complained of fall under any of the grounds provided for under the preceding section;
>
> "2. In the affirmative, he shall conduct further verification/investigation with the end in view of securing additional information or evidence and the extent of violation;
>
> "3. Forthwith, he/she shall consult with the Provincial Governor and Congressman concerned with respect to the complaint against the Mayor and his/her findings related thereto, and in the case of the Governor, he/she shall consult with the Regional Director of the Department of the Interior and Local Government concerned;
>
> "4. Thereafter, he/she shall submit his/her findings and recommendations to the Commission which shall then approve or disapprove the same upon review by the Commission En Banc.

"Provided however, that the Commission may motu proprio initiate the investigation of any local executive for the purpose of determining the necessity of suspending or withdrawing his/her deputation if, based on its monitoring activity, the breakdown of peace and order and/or the incidence of illegal activities, such as kidnap for ransom, illegal drugs, bank robberies and illegal gambling, is of public knowledge and there is perception that said local executive is abetting or tolerating the same.

All issuances contrary to or inconsistent with the herein Circular are hereby amended or repealed accordingly.

This Circular shall take effect (15) days from date of filing with the UP Law Center in consonance with the Administrative Code of 1987.

Adopted: October 11, 2002

(SGD.) JOSE D. LINA, JR.
Chairperson

(SGD.) ROGELIO A. PUREZA
Commissioner
Vice-Chairperson and Executive Officer

(SGD.) EDGAR DULA TORRES
Commissioner

(SGD.) LINDA L. MALENA HORNILLA
Commissioner

(SGD.) CELIA S. LEONES
Commissioner

Attested by:

(SGD.) ADELMALYN A. MUNIEZA
Acting Chief, Secretariat

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

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

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

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

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

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

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

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

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