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HANDLING OF ALL COURT PROCESSES AND ISSUANCES OF QUASI-JUDICIAL AGENCIES IN CONNECTION WITH THE DISPOSITION AND MOVEMENT OF PERSONS UNDER PNP DETENTION OR CUSTODY

PNP CIRCULAR NO. 2003-001, January 03, 2003

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I. PURPOSE

This Circular prescribes the policies and guidelines in the disposition of court processes and/or issuances by quasi-judicial agencies addressed to the PNP.

II. DEFINITION OF TERMS

1. Court Processes and Issuances of Quasi-Judicial Agencies - formal writings issued by authority of law through the regular courts or quasi-judicial agencies, which compel compliance with its demands. It includes, but not limited to, notices, subpoenas, summons, resolutions, orders, writs, judgments and decisions.

2. Courts - instrumentalities of government invested by law with the power and authority to resolve justiciable disputes involving rights that are enforceable and demandable under Philippine Laws. It includes Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals , Regional Trial Court, Shari'a District Courts, Metropolitan Trial Courts, Mu nicipal Trial Courts, Municipal Circuit Trial Courts and the Shari'a Circuit Courts.

3. Quasi-Judicial Agencies - instrumentalities of government other than regular courts of law vested with authority to resolve controversies or issues involving laws that are man dated to enforce and under their technical knowledge, which cannot be possibly handled by regular courts. It includes all executive agencies of the government mandated by law to act as such like the DOJ, BOC, BUD, NBI, LTO, MMDA, etc, and the Legislature, Senate and House of Representatives.

4. Persons in Custodia Legis (under Custody ofthe Law) -refer to persons under judicial control, whether actual or constructive, in furtherance of the purposes of the law or duty requiring it.

5. Persons Under Personal Custody of a Court Appointed Custodian - refer to persons under the actual and immediate control by one mandated by the court of law to be under his care or safekeeping.

III. GENERAL POLICY

1. The disposition of all court processes and/or issuances by quasi-judicial agencies re ceived by the PNP shall be approved by the CPNP or his duly authorized representative before any action can be taken thereon.

2. The disposition and/or movement of any person under PNP detention or custody shall be made only upon lawful orders of the court having jurisdiction over the detained person.

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IV. PROCEDURE

1 All court processes received by any PNP unit shall, at the first instance, be referred to the CPNP, copy furnished the D, LS.

2. The PNP Legal Service shall coordinate with and secure from the PNP unit concerned any documents, papers or effects necessary in formulating the proper or appropriate action(s) to be undertaken.

3. The PNP Legal Service shall then recommend to the CPNP whatever action(s) is(are) deemed necessary and appropriate to be undertaken to comply with such court processes and/or quasi-judicial.agency issuances. In no case shall any disposition and/or movement of detained persons be caused without the prior approval of the CPNP.

4. Any PNP unit, implementing such processes and/or issuances shall submit an After Operations Report or Compliance Report to the CPNP, copy furnished the PNP Legal Service. Forthwith, the latter shall make appropriate return to the court or quasi-judicial agency of origin citing compliance or non-compliance as the case maybe and the reason(s) therefor.

V. RESCISSION

All PNP memoranda and circulars contrary or in direct conflict with this Circular are hereby rescinded/nullified upon approval.

VI. EFFECTIVITY

This Circular will take effect upon approval.

Adopted: 03 Jan. 2003

(SGD,) HERMOGENES E EBDANE, JR
Police Director General
Chief. PNP

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