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GUIDELINES AND PROCEDURES REGARDING THE LIMITED PRIVATE PRACTICE OF PROFESSION BY PNP MEMBERS

PNP CIRCULAR NO. 2005-001, January 28, 2005

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I. REFERENCES:

a. Civil Service Resolution No. 93-2203, s. 1993
b. DILG Circular No. 98-17, s. 1998

II. APPLICATION:

This Circular provides the guidelines and procedures regarding the avaiiment by PNP personnel, uniformed and non-uniformed alike, of the privilege of engaging in the limited private practice of their respective professions for which they are duly licensed and considered in good standing by the concerned regulatory office.

III. OBJECTIVE:

To promote the professional advancement, growth and competence of PNP licensed professionals in their respective fields of specialization, make them attuned with present developments, and have the opportunity to establish contracts with other professionals in other government agencies or instrumentalities and those in the private sector whose services can later on be considered by the PNP organization in furtherance of its missions and functions.

IV. GUIDELINES:

1. Licensed professionals in the PNP, such as, but not limited to members of the legal profession, doctors of medicine, dentists, criminologist, accountants, and engineers are required to devote their time, energy, and talents to the PNP organization. Private practice of profession, as a rule, is discouraged especially in instances where the exigency of the service demands that the professional concerned must maximize his service to the PNP organization in the accomplishment of his tasks.

2. As a matter of privilege, however, and whenever appropriate and seen fit by the immedi ate superior officer of the professional concerned, limited engagement in the private prac tice of profession may be allowed subject to the following conditions:

a The applicant is not holding a key position or position of responsibility in the PNP or those positions which can only be filled up pursuant to PNP Circular No. 2000-008, entitled "Guidelines and Procedures Governing the Selection and Placement of Police Commissioned Officers to Key Positions and Other Positions of Responsibility in the PNP".

b. The limited practice will not conflict or tend to conflict with the applicant's official functions and shall not compromise, much less excuse, his attendance to command and other activities for which, as a PNP member, he is under obligation to attend. It shall therefore, be the responsibility of the applicant's immediate superior officer that the privilege, if granted, shall be for the best interest of the service and not of the applicant only.

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c. For those who joined the PNP organization thru lateral entry, an application for the limited private practice of profession can onty be entertained after rendering a continuous satisfactory service of three (3) years from the effective date of their respective appointments.

d. In the case of members of the Philippine Bar, their limited private practice shall be confined to civil cases only and to cases that fall within the jurisdiction of quasi judicial agencies, such as, but not limited to: the Securities and Exchange Commission the National Housing Land Use Regulatory Board, the Bureau of Customs, provided that the Government is not a party to the case.

3. Being just a mere privilege, the authority to engage in the limited private practice is revocable anytime, with or without cause. Further, the authority given is not a bar for the reassignment of the personnel concerned from one police office to another or the imposition of their additional duties and responsibilities as required by the exigency of the ser vice. Thus, lawyers who are not assigned in the Legal Service could be tasked, under Task Force "Legis", to handle service connected cases filed against PNP members. In the same vein, doctors, dentists, nurses can be detailed to other government hospitals to augment its health personnel especially in times of calamities and natural disasters.

4. It shall be the responsibility of the chiefs of offices or unit commanders to monitor the engagement in the limited private practice of professionals assigned in their respective jurisdiction whether the same is still consistent with the aforementioned objective. At the slightests indication that the interest of the police service is being neglected and held subordinate to the privilege to practice, the authority for such purpose shall be immediately cancelled and appropriate disciplinary action be taken against the professionals concerned for serious neglect of duty.

V. PROCEDURES:

1. A written-request to engage to limited private practice must be submitted by the professional concerned to his/her immediate chief of office or unit commander as the case may be. It shall be indicated in the request that the private practice shall be pursued for professional advancement and pecuniary gain shall only be incidental and not the primary consideration. The request shall be accompanied by the following documents: [a] license issued by the Professional Regulatory Commission or, in the case of members of the Philippine Bar, certificate of their admission as such, a copy of their IBP receipt evidencing payment of annual membership, and their latest PTR; [b] statement of service; and [c] copy of their latest performance evaluation report (PER). For renewal purposes, the appli cant shall, in addition, to the foregoing, also attach to his application a complete listing of the cases that he handled and their status.

2. The unit commander or chief of office concerned shall thoroughly evaluate the merit of the request vis-a-vis its impact or implication to the overall performance of the unit or office where the applicant is assigned. If meritorious, the unit or office concerned shall favorably indorse, the same to the approving authority. If not, the same shall be denied stating the reasons therefor. No appeal or request for reconsideration shall be entertained.

3. The Chief, PNP is the approving authority for all requests to practice profession as favorably recommended by the RD/Director concerned and concurred in by TDPRM, TCDS and TDCA. Unless sooner terminated, the authority to engage in the limited practice shall be valid for two (2) years from the date of approval.

VI. SANCTIONS:

1. Any PNP personnel authorized to engage in the limited private practice of their profession who shall neglect their obligations and responsibilities as members of the PNP shall in addition to the cancellation of the authority to practice, be administratively charged and sanctioned for serious neglect of duty and, after notice and hearing,

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shall be accordingly dealt with if warranted by evidence. Any personnel whose authority to practice has been revoked for cause shall not anymore be granted the same authority.

2. Chiefs of offices and unit commanders are tasked to monitor the limited private practice I of the personnel assigned in their respective jurisdictions. Failure on their part to perform this obligation shall serve as a ground for administrative prosecution under the doctrine of command responsibility.

VII. EFFECTIVITY:

This Circular shall take effect fifteen (15) days from the filing of a copy thereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, (Book VII, EO No. 292, s. 1987, otherwise known as the "Revised Administrative Code of 1987.

Adopted: 28 Jan. 2005

(SGD.) EDGAR B. AGLIPAY
Police Director General
Chief, PNP

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