

[ADMINISTRATIVE ORDER NO. 82, September 10, 2003]

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF P/SSUPT MICHAEL RAY B. AQUINO OF THE PHILIPPINE NATIONAL POLICE FOR ABSENCE WITHOUT OFFICIAL LEAVE (AWOL).

Before this Office is the administrative case against Police Senior Superintendent Michael Ray B. Aquino of the Administrative Holding Office, Headquarters Support Service, Philippine National Police (PNP), for alleged Absence Without Official Leave (AWOL) for more than thirty (30) days effective August 1, 2001 up to the present.

On 10 July 2001, this Office issued a presidential clearance for the PNP to conduct administrative investigation against the subject PNP officer for the aforesaid offense.

In his letter-report dated 12 April 2002, PNP Chief Director General Leandro R. Mendoza found P/SSupt Aquino guilty of the offense charged and recommended his dismissal from the police service. A copy of the letter-report is attached hereto as Annex "A" and made an integral part hereof.

The Presidential Adviser for Police. Affairs, in his Memorandum of 10 May 2002, concurred with the above recommendation of the PIMP Chief with prejudice to future re-entry to the police service.

Section 42 of Republic Act (RA) No. 6975, as amended by Section 53 of RA 8551, provides the following:

"SEC. 42. Summary Dismissal Powers of the National Police Commission, PNP Chief, and the PNP Regional Directors. - The National Police Commission, the Chief of the PNP and the Chief of the PIMP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following case.

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Any member or officer of the PNP who shall go on absence without Official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly." (italics ours)

There is no doubt that subject PNP officer has not been seen or heard shortly after former President Joseph Estrada left his post in January 2001. To date, he has not