

[DOJ DEPARTMENT CIRCULAR NO. 50, November 06, 1991]

CLARIFICATION OF DOJ MEMORANDUM CIRCULAR NO. 10

For your information and guidance, quoted hereunder is the full text of the Joint Circular of the Office of the Ombudsman and the Department of Justice dated October 14, 1991:

"Joint Circular of the Office of the Ombudsman and the Department of Justice

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In DOJ Memorandum Circular No. 10 dated August 19, 1991, the view was expressed that 'crime committed by members of the PNP fall within the exclusive jurisdiction of the regular courts pursuant to Section 46 of RA 6975, and that cases falling within the exclusive original jurisdiction of the Sandiganbayan involving members of the PNP are no longer cognizable by said court but are now within the exclusive jurisdiction of the regular courts.

That view thus expressed has arisen from an interpretation of the terms 'regular courts' as used in Section 46 of RA 6975 to mean courts other than the Sandigan-bayan. This construction of the law is perceived real import of the law involved. For one, it is not in consonance with the statutes governing the jurisdiction of the Office of the Ombudsman and the Sandiganbayan. Moreover, the law does not clearly nor categorically define the term 'regular courts' which, considering the underlying purpose of RA 6975 could refer to 'civilian courts' as distinguished from military courts. Needless to state, such a divergence of views would inevitably result in unnecessary discussions and unwanted delays in the prosecution of cases filed against the members of the PNP.

Recognizing the necessity of avoiding such an undesirable situation, the department of Justice and the Office of the Ombudsman, after a series of consultations, have agreed on the following guidelines to be observed in the investigation and prosecution of cases involving the members of the PNP.

1. The investigators and the prosecutors of the Department of Justice and of the Office of the Ombudsman have concurrent jurisdiction to investigate any criminal complaint filed against members of the PNP, irrespective of its nature or the penalty prescribed for the offense charged.

2. If the offense involved falls within the exclusive jurisdiction of the Sandiganbayan pursuant to Section 4 of PD 1606, as amended by PD