

**[PNP MEMORANDUM CIRCULAR NO. 2010-022,
November 03, 2010]**

**GUIDELINES AND PROCEDURES IN THE SERVICE OF AND THE
ISSUANCE OF ORDERS FOR LEGAL PROCESSES IN
ADMINISTRATIVE PROCEEDINGS**

I. REFERENCES

- a. NAPOLCOM Memorandum Circular (NMC) No. 2007-001; and
- b. PNP Memorandum circular No. 2008-0801-003 dated August 1, 2008 re: Uniform Guidelines in the Service of Sub-poena and other Legal Processes issued by the Courts, Tribunals, Administrative and Quasi-Judicial Bodies.

II. PURPOSE

This Circular aims to provide clear guidelines and procedures to be followed by Court Process Officers in the service of notices and other legal processes and to ensure the preservation of the evidentiary value of all proofs of service of these legal processes in administrative proceedings by issuing corresponding Special Orders, which shall form part of respondent's 201 File and shall be reflected in the Personnel Accounting and Information System of the Records Management Division, Directorate for Personnel and Records Management or its equivalent offices in the PROs and NSUs.

III. SCOPE

This Circular shall apply to the PNP Uniformed and Non-Uniformed Personnel.

IV. DEFINITION OF TERMS

- a. Constructive Service – if, for whatever justifiable reason, the respondent cannot be served with legal processes personally, service may be made by leaving a copy of the notice and summons at the respondent's official station, which shall be received by the designated Court Process Officer, or in his absence, the Administrative Officer or any responsible Officer who, in turn, has the obligation to serve the same to the respondent/ PNP member named in the notices or other legal processes.
- b. Court Process Officer (CPO) – designated PNP personnel who shall be responsible for the service of notices, subpoena and other legal processes and ensure the timely delivery of such process to the personnel concerned.
- c. Decision – the written disposition of the disciplinary authority or appellate body stating clearly the facts and the law upon which it is based;
- d. Legal Processes – the means used by a court, tribunal or investigating body to compel obedience to its mandates.

e. Notice – is the legal concept describing a requirement that a party be aware of legal process affecting their rights, obligations or duties.

f. Personal Service – whenever practicable, the notices and other legal processes shall be served by the CPO by handing a copy thereof to the concerned party in person at his official station or residence or last known address or station (or, if he/she refuses to receive and sign for it, by tendering it to him/her), or by endorsement to his Chief of Police or equivalent supervisor who shall have the duty to serve the same to the concerned party personally.

g. PNP Disciplinary Authority (DA) – refers to the PNP Regional Directors, Directors of National Support Units, and the Chief, PNP who could impose the maximum disciplinary sanction of dismissal from the police service pursuant to Section 41(b) (3) and 42, RA No. 6975, as amended by Sections 52 and 53, RA 8551.

h. Proof of Service – is a written statement under oath made by the CPO and shall set forth the manner, place and date of service; shall specify the papers which have been served with the process and the name of the person who received the same.

i. Records Custodian – personnel under the DLOD, DPRM or its equivalent offices in the PROs and NSUs who is in-charged in the keeping and filing of all accomplished proof of service, notices and other legal processes submitted by the CPO. He is also responsible in the cause of the issuance of the Special Orders of said proof of service, notices and other legal processes.

k. Resolution – the written disposition of the disciplinary authority or appellate body resolving the motion for reconsideration of the aggrieved party, stating clearly the facts and the law upon which it is based.

l. Service – the execution of the processes or writ to the person against whom it is directed.

m. Service by Mail – another way of serving the Decisions, Resolutions, Certificate of Finality and Implementing Orders through registered mail at his last known address appearing in his 201/Personal file.

n. Special Orders – An order issued by the DPRM or its equivalent offices in the PROs and NSUs affirming the service of notice and other legal processes.

o. Subpoena – is a process directed to a person requiring him to attend and to testify at the hearing or investigation of an administrative case.

p. Summary Dismissal Proceeding – an expeditious administrative proceeding conducted consistent with due process to determine the culpability or innocence of respondent for the gross neglect of duty/misconduct he allegedly committed.

q. Summary Hearing Proceeding – administrative investigation which shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.

r. Summons – is a written notice informing the respondent that he is charged with an offense and directing him to file his answer.

s. 201 File – file that contains important personal file/record of a PNP personnel that kept by the Administrative Officer.