

**[PNP MEMORANDUM CIRCULAR NO. 2008-0116,
January 16, 2008]**

**POLICY AND GUIDELINES ON GRIEVANCE MECHANISM FOR PNP
UNIFORMED PERSONNEL**

I. REFERENCES:

- a. NAPOLCOM Memorandum Circular No. 93-022 dated November 4, 1993 entitled: "Establishing a Complaint and Grievance Machinery for PNP Uniformed Personnel".
- b. Civil Service Commission Resolution No. 010113 dated January 10, 2001 and implemented through CSC Memorandum Circular No. 02, s. 2001; and
- c. PNP Integrity Development Review Action Plan.

II. SCOPE:

The Grievance Machinery set forth in this policy and guidelines shall cover all matters that give rise to PNP uniformed personnel dissatisfaction and discontentment which include but are not limited to the following:

- a. Wrongful or non-implementation and/or violation of policies and procedures which affect PNP uniformed personnel from recruitment and/or appointment to promotion, transfer, detail/designation/assignment/placement, termination, dismissal, and other related issues that affect them;
- b. Wrongful or non-implementation and/or violation of policies and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions;
- c. Physical working conditions; and
- d. Interpersonal relationships and linkages

However, the following cases shall not be acted upon through the grievance machinery

- a. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;
- b. Complaints on official actions of Head of Offices pertaining to the exercise of disciplinary powers under the provisions of RA 6975 where specific procedures for relief through appeal are hereby already provided;

- c. An objection to the terms or provisions of a policy, procedure, or rule and regulation
- d. Sexual harassment cases as provided for in RA7877; and
- e. Anonymous grievances and/or complaints.

III. PURPOSE:

This policy and guidelines prescribe the procedures for the hearing and resolution of grievances and/or complaints filed by a PNP uniformed personnel or group and the composition of grievance committees at the different levels of offices in the PNP organization. In order to have an efficient and effective process that is fair to all parties and to help every committee hear and decide grievance in a manner that increases the likelihood that its decision will be upheld, the roles of the committee chair and members, complainant, respondent, and observers shall be defined.

The establishment of this grievance machinery intends to achieve the following objectives;

- a. To provide a system for the promotion of wholesome and harmonious relationships between and among employees and supervisors in the PNP organization;
- b. To encourage PNP members to exercise their rights in presenting grievances and have them fairly, equitably and expeditiously adjudicated, thus preventing discontentment and dissatisfaction among them;
- c. To discover interpersonal problems of employees and find ways to resolve them within the ambit of this policy and guidelines, and
- d. To improve employee morale through management response to the needs of personnel and employees and vice versa.

IV. DEFINITION OF TERMS:

- a. *Grievance* - means an employee's expressed (written or spoken) feelings of discontentment and dissatisfaction on any or all of the matters or issues enumerated in Section II. For intents and purposes, grievance has only reached Stage I of the procedures, the Oral Discussion.
- b. *Complaint* - refers to a grievance in writing which has, in the first instance and in the employee's opinion, had been ignored, overridden or dropped without due consideration at the lowest level of office where the complainant is assigned and has been lodged or elevated to the next level of office.
- c. *Grievance Procedure* - refers to the method prescribed in this policy and guidelines to resolve a grievance and/or complaint.
- d. *Modes of Settling Disputes:*

1. *Conciliation* - process whereby a third party (conciliator) brings the parties together, encourages them to discuss their differences and assists them in developing their own proposed solutions.

2. *Mediation* - a process whereby a third party (mediator) is more active in assisting the parties reach acceptable solutions to the problem/s and helps the disputing parties develop or come out with an acceptable solution. The mediator can even submit his own proposal/s for the settlement of disputes.

3. *Arbitration* - a process whereby a third party who may be an individual arbitrator, a board of arbitrators or an arbitration court, is empowered to render decision which disposes of the dispute and is binding on both parties.

(i) *Voluntary*- a method of settling dispute/s by submitting the "disputed facts" before an arbitrator or panel of arbitrators chosen by both parties. The voluntary arbitrators shall render a decision after proper hearing of the issues. The decision of the arbitrator shall be final and binding on the contending parties.

(ii) *Compulsory* - a method of settling disputes which have become hardened and irreconcilable and remains unresolved after exhausting all available remedies and exploring all avenues for a peaceful settlement of the dispute under existing laws and procedures. For PNP Uniformed Personnel, a grievance maybe elevated to the Civil Service Regional Office concerned only upon issuance of a certification on the Final Action on Grievance (CFAG) issued by the grievance committee.

e. *Levels of Appointment* - 1st - from PO1 to SPO4; 2nd - from Police Inspector to Police Superintendent; 3rd from Police Senior Superintendent to Police Director General.

f. *Group* - members of the PNP organization acting as complainants who are considered to have the locus stand or are party in interest to a grievance and/or complaint.

g. *Association* - an organization of uniformed and non-uniformed personnel having a common interest. It does not partake of this nature of a labor union.

V. PRINCIPLES AND POLICIES:

The following shall be the guidelines in the conduct of grievance-and/or complaint Proceedings:

a. Employees, individual or group, shall have the right to present their grievance(s) and/or complaint(s) to the management and have them settled as expeditiously as possible and/or complaint(s) to the management and have them settled as expeditiously as possible in the best interest of the employee or group concerned, the PNP organization, adn the government as a whole.

b. The complainant/aggrieved party shall first discuss his problem(s) with his

immediate supervisor before considering the filing of a formal written complaint;

c. The employee/subordinate presenting a grievance and/or complaint shall be assured freedom from coercion, discrimination, harassment or reprisal;

d. Grievance(s) shall be settled at the lowest possible level of office;

e. The grievance proceedings shall be aimed at determining "what is right" and not "who is right;"

f. The right to appeal action/decision on grievance and/or complaint shall not be curtailed;

g. Grievance and/or complaint concerning promotion shall be given due course. However, the party aggrieved may elect to proceed either under the procedure or pursuant to any other applicable law/regulations;

h. All proceedings shall be treated as confidential

i. Grievance proceedings shall not be bound by formal legal rules and technicalities;

j. The services of a legal counsel for the parties in dispute shall not be allowed during the hearing. The Grievance Committee however shall have a legal officer as member to guide the chair and the members on issues and procedures; '

k. In no case shall members of the PNP ventilate their grievances direct to any forum outside of the PNP organization; and

I. Supervisors and/or Head of Offices who refuse to take action on a grievance shall be liable for neglect of duty in accordance with existing civil service law, rules and regulations. At the instance of the complainant or the PNP, any personnel who shall be found violating the prescribed guidelines and procedures in ventilating or expressing complaints and/or grievances shall be held administratively liable and shall be meted with appropriate sanctions.

VI. PROCEDURES:

a. Initiating and/or Filing a Grievance

STAGE I:

Oral Discussion -A Grievance shall be initially presented orally to the complainant's direct supervisor or Head of the Office as the case maybe, where the complainant is assigned, which will be considered the 1st level of office or venue. The supervisor or the Head of Office shall take the following actions:

- (i) Discuss with the complainant/aggrieved party his/her complaint in private;
- (ii) Keep the complainant/aggrieved party at ease and encourage him to talk freely;
- (iii) Refrain from expressing his/her views and opinions until after the complainant or aggrieved party has given or explained his/her side;

(iv) At the end of the discussion, the direct supervisor of Head of Office must state his/her stand clearly, accurately, and without any display of affectionate or ill feeling towards the employee/subordinate. He/She may not immediately give a definite decision but shall inform orally the employee/subordinate of his/ her decision within three (3) days from the date of presentation.

STAGE II:

1. *Grievance in Writing* - If the grievance is not settled at the lowest level of office, the complainant shall submit his/her grievance in writing to the Head of Office, who shall - personally decide on the matter or form an ad hoc Grievance Committee to hear the issue and give its recommendation from which the Head of office will decide and inform the complainants of his/her decision in writing within five (5) days from date of receipt of the committee's recommendation through the direct supervisor/superior (of the complainant). If the complainant is not satisfied with the decision, the Head of Office shall forward the written complaint with his comments to the next level Head of Office within 48 hours. The succeeding Head of Office shall follow the prescription at the lower level of office. If the grievance reaches the Office where the Grievance Committee is organized {PRO, NCRPQ, NSU National Office, PNP NHQ}, the Head of Office may forthwith within fifteen (15) days decide the case or refer it to the Grievance Committee.

At the Police Regional Office (PRO) - NCRPO excluded - the Police Station (PS); City Police Stations (CPS); Provincial Mobile Groups; Companies of the Regional Mobile Groups (RMG); and Police Stations of City Police Offices (CPO are considered the lowest level of offices. Agrievance emanating from a group shall be presented through the following scheme:

Members assigned at different offices within:

City Police Office
Police Provincial Office
Regional Mobile Group
Police Regional Office

Grievance Presented to:

City Director
Provincial Director
Group Director
Regional Director

At the National Support Unit (NASU/NOSU), the Regional Office is considered the lowest level of office. As to grievance and/or complaint presented by a Group which members are assigned at the different regional offices within a NSU, it shall be first presented to the Director, NSU.

At NCRPO, the Numbered Precincts of CPS, and the CPS without numbered precincts are the lowest level of offices, A grievance emanating from a group shall be presented through the following scheme:

Members assigned at different offices within:

CPS with numbered precincts

NCRPO

Grievance Presented to:

Chief of Police, CPS

Regional Director