

**[PNP MEMORANDUM CIRCULAR NO. 2005-007,
May 30, 2005]**

**POLICY GUIDELINE ON THE SPEEDY, IMPARTIAL AND
JUDICIOUS CONDUCT OF PRE-CHARGE INVESTIGATION AND
CLASSIFYING SOME ACTS AS CONDUCT UNBECOMING OF A
POLICE OFFICER**

I. REFERENCES:

- a. Section 11, Article III of the 1987 Constitution;
- b. Omnibus Rules Implementing Book V of EO 292;
- c. Civil Service Law, Rules and Regulations;
- d. NAPOLCOM Memorandum Circular No. 95-017;
- e. NAPOLCOM Memorandum Circular No. 93-024;
- f. NAPOLCOM Memorandum Circular No. 96-010;
- g. NAPOLCOM Memorandum Circular No. 99-006;
- h. The Family Code of the Philippines;
- i. The Civil Code of the Philippines; and
- j. DIDM Memorandum Circular No. 00-01 dated May 5, 2001.

II. PURPOSE

This Memorandum Circular is intended as guide in the speedy, impartial, inexpensive and judicious conduct of Pre-Charge Investigation and classifying some acts as Conduct Unbecoming of a Police Officer, which is applicable to all level of the PNP Units exercising Disciplinary Authority.

III PRE-CHARGE INVESTIGATION

Consistent with the provision of NAPOLCOM Memorandum Circular 96-010 and pursuant to the power of the Directorate for Investigation and Detective Management (DIDM "for brevity) of general supervision overall subordinate units/personnel insofar as pre-charge investigation is concerned, the following guidelines are henceforth adopted:

A. Complaint

The verified complaint to be filed by any complaining party including the affidavit(s) of his/her witnesses shall be prepared by the said complaining party or by his or her Attorney. A legible copy of the said verified complaint shall be filed with the Pre-Charge Investigation Division (PCID) Docket Section or other equivalent investigative body of the PNP as the case maybe. The complaint shall state the rank, name, present unit assignment of the respondent as well as the acts and/or omissions complained of. It shall likewise state the full name, address and contact telephone number of the complainant(s). The complainant shall be responsible to

provide the PCID or other equivalent investigative body of the PNP as the case maybe, copy of the complaint equivalent to the number of the respondent's

B. Anonymous Complaint

Although anonymous letter/complaint do not comply with the prescribed form, the PCID, DIDM or other equivalent investigative body of the PNP as the case maybe, shall consider such letter as investigation leads. As such, information gathered from anonymous complaint shall be verified not only from persons, offices or documents mentioned therein but also from other sources, from which the truthfulness of the anonymous complaint may be inferred. If the veracity of the allegation in the anonymous complaint is verified from sources either mentioned or not in the anonymous complaint, the Chief, PCID or other equivalent investigative body of the PNP as the case maybe shall:

- a. Execute the appropriate administrative complaint as nominal complainant; and/or
- b. Refer the case to the CIDG or other appropriate law enforcement office for the conduct of investigation and/or filing of appropriate criminal action as the case maybe.

C. Notice to the Respondent

Respondent(s) shall be apprised of the complaint filed against him. Whenever practicable, the summons shall be served by handing a copy thereof to the PCO, PNCO or NUP concerned in person, or if he/she refuses to receive and sign for it, by tendering it to him/her. If, for justifiable causes, the PCO, PNCO or NUP concerned cannot be personally served with the summons, the service thereof may be effected thru substituted service -that is by leaving a copy of the summons at the said PCO's, PNCO's or NUP's office or residence, as the case maybe with some person of suitable age and discretion therein. Service of the summons by registered mail with return card may be availed of in cases where personal or substituted service thereof cannot be effected. The notice and proof of service of the notice shall constitute an integral part of the Pre-Charge Investigation records.

The notice/summon shall include copy of the complaint and its pertinent documents requiring the respondent to submit his/her counter-affidavit at the PCID, DIDM, National Headquarters Building, Camp Crame, Quezon City or other equivalent investigative body of the PNP as the case maybe, within ten (10) days from receipt of the complaint. The period for the submission of Counter-Affidavit and controverting evidence shall be reckoned from the date of the actual receipt by the respondent of the complaint. Failure on the part of the respondent to submit counter-affidavit within the reglementary period shall constitute a waiver and the investigation shall proceed ex parte.

D. Confrontation between the Complainant and the Respondent

The presence of the complainant and the respondent before the investigator-on-Case is not an indispensable part of pre-charge investigation. As such, the Investigator-on-Case shall immediately endeavor to resolve the pre-charge investigation based on the evidence submitted by the parties without requiring the presence of the litigants, save in cases where a clarificatory confrontation is extremely necessary or in cases initially cognizable by the Women and Children