

**[NAPOLCOM MEMORANDUM CIRCULAR NO. 2002-011,
October 11, 2002]**

**OPERATIONALIZING THE PARTICIPATION OF LOCAL CHIEF EXECUTIVES
IN THE ADMINISTRATION OF THE PHILIPPINE NATIONAL POLICE (PNP)
AS PROVIDED FOR UNDER REPUBLIC ACT NO. 6975, AS AMENDED**

WHEREAS, pursuant to Section 51 of R.A. No. 6975 as amended by Sections 62 to 64 of R.A. No. 8551, local chief executives have been granted substantial powers and responsibilities in police administration, as follows:

A. POWERS

1. *Operational Supervision and Control*

"City and Municipal Mayors — (1) Operational Supervision and Control. The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local or barangay elections, During the said period, the local police forces shall be under the supervision and control of the Commission on Elections." (Section 51 (b)(1), R.A. No. 6975)

"The term 'operational supervision and control' shall mean the power to direct, superintend, and oversee the day-to-day functions of police investigation of crime, crime prevention activities, and traffic control in accordance with the rules and regulations promulgated by the Commission." (Section 62, R.A. No. 8551)

"The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives." (Section 63, R.A. No. 8551)

2. *Authority to Exercise Administrative Disciplinary Powers*

"Administrative Disciplinary Powers — In the areas of discipline, city and municipal mayors shall have the power to impose, after due notice and summary hearings, disciplinary penalties for minor offenses committed by members of the PNP assigned to their respective jurisdiction, as provided in Section 41 of this Act." (Section 51, (b) (3), R.A. No. 6975)

3. *Authority to Choose the Chief of Police*

"Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: Provided, however, That in no case shall an officer-in-charge be designated for more than thirty (30) days:

Provided, further, That the local peace and order council may, through the city or municipal mayor, recommend the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality: Provided, finally, That such relief shall be based on guidelines established by the Napolcom." (Section 63(4)(I), R.A. No. 8551)

4. *Authority to Recommend Appointment of New PNP Members*

"Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their

respective cities or municipalities without which no such appointments shall be attested: Provided, That whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence." (Section 63 (4) (iii), R.A. No. 8551)

5. Authority to recommend the Transfer, Reassignment or Detail of PNP Members

"Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences." (Section 63(4) (ii), R.A. No. 8551)

6. Authority to Conduct Inspection and Audit

"As deputized agents of the Commission, local government executives can inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission." (Section 64, R.A. No. 8551)

B. RESPONSIBILITIES

1) *Responsibility to Develop an Integrated Area/Community Public Safety Plan*

"Integrated Community Safety Plans - The municipal/city mayor shall, in coordination with the local peace and order council of which he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations." (Section 51 (b)(2), R.A. No. 6975)

2) *Responsibility to Sponsor Periodic Seminars for PNP Members*

"It shall, likewise, be the duty of the city or municipal mayor to sponsor periodic seminars for members of the PNP assigned or detailed in his city or municipality in order to update them regarding local ordinances and legislations." (section 51 (b)(2) para 2, R.A. No. 6975)

WHEREAS, under Section 31, R.A. No, 6975, the appointing authorities for police non-commissioned officers (Police Officer I to Senior Police Officer IV) are the PNP Regional Directors for the regional personnel, and the Chief, PNP for the national headquarters personnel.

Police commissioned officers (Inspectors to Superintendents), are likewise appointed by the Chief, PNP. The President is the appointing authority for Senior Superintendents and higher ranks;

WHEREAS, effective police administration at the local level requires a clearer delineation and operationalization of the aforementioned statutory powers of local chief executives;

NOW, THEREFORE, THE COMMISSION RESOLVED TO PRESCRIBE, AS IT HEREBY PRESCRIBES the following guidelines in the exercise of the aforementioned powers by local chief executives:

A.1. *Power of Operational Supervision and Control* — The power of operational supervision and control pertains to the authority to direct, superintend, and oversee the daily performance of police functions at the local level to ensure the effective conduct of crime investigation, traffic control and crime prevention activities. (sec. 62, R.A. No. 8551). In pursuance thereto, City/Municipal Mayor is empowered to:

a. Issue directives for the conduct of operations to stop illegal activities and neutralize criminal syndicates especially those engaged in kidnap-for-ransom, illegal drugs, bank robberies, and illegal gambling;

- b. Determine operational strategies to be adopted to ensure efficient and effective accomplishment of police operations;
- c. Direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the terms employment and deployment shall mean as follows:

"Employment refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawlessness, violence, rebellious and seditious conspiracy, subversion or other related activities.

In case of insurgency, the police shall support the Armed Forces of the Philippines through information gathering and performance of its ordinary police functions except when the President shall call on the PNP to support the AFP in combat operations.

Deployment' shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined." (Sec. 62, R.A. No. 8551)

- d. Be updated on the status of on-going police operations and be furnished with after-operation reports;
- e. Assess and evaluate the overall effectiveness of the police stations as well as the overall performance of the Chief of Police and furnish the Napolcom Regional Director, the PNP Provincial Director and the Governor with copies of the evaluation report.

For the National Capital Region, the City Mayors of Manila and Quezon shall furnish the Napolcom NCR Regional Director, National Capital Region Police Office (NCRPO) Director, Western Police District Director and the Central Police District Director with copies of the evaluation report on the overall effectiveness of the concerned police district offices of the Western Police District and Central Police District. For cities and municipalities other than Manila and Quezon, the Mayors shall furnish the Napolcom NCR Regional Director, NCRPO Director, Police District Directors and concerned Chief of Police with copies of their evaluation reports on their respective police stations.

- f. Be furnished with data on the annual Maintenance and Other Operating Expenses (MOOE) and logistical equipment allocated to the police stations in his jurisdiction to determine adequacy and judicious utilization of financial and logistical resources.

The City/Municipal Mayor may at his discretion, lead or join police operations, whether regular or special, or oversee the operations being conducted by police operating units.

2. *Power to Discipline PNP Uniformed Personnel Assigned Within the Mayor's City/Municipality*
— As a disciplinary authority, a City/Municipal Mayor shall:

- a. Have jurisdiction over citizen's complaint when the offense alleged to have been committed by a PNP member is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days; (Sec. 52, R.A. No. 8551)
- b. Refer to the PLEB a citizen's complaint filed with his office when the offense alleged to have been committed by a PNP member is punishable by a penalty higher than 30 days forfeiture of salary or suspension; (Sec. 52, R.A. No. 8551)

- c. File with the appropriate PNP disciplinary authority a complaint against any PNP member in his/her city/municipality for breach of internal discipline pursuant to Section 55 of the Implementing Rules and Regulations of R.A. No. 8551.

"Sec. 55. *Internal Discipline* — In dealing with breach of internal discipline, including minor offenses, committed by any member, the duly designated supervisor or equivalent officer of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

a. *Chief of Police* or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restriction to specified limits, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: Provided, That in all cases, the total period shall not exceed fifteen (15) days. The supervisor equivalent to a Chief of Police is the officer-in-charge of the police station, the district commander of the PNP Mobile Force, or any other officer classified as such by the Commission;

b. *Provincial Director* or equivalent supervisor may summarily impose the administrative penalty of admonition or reprimand, restrictive custody, withholding of privileges, forfeiture of salary or suspension, or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days.

The supervisor equivalent to a PNP Provincial Director is the Head of the Regional Mobile Force, the Head of the Regional Unit of Administrative and Operational National Support Units, the Director of a Police District Office, or any other officer classified as such by the Commission;

c. *Police Regional Director* or equivalent supervisor shall have the power to impose upon any member the administrative penalty of dismissal from the service. He may also impose the penalty of admonition or reprimand, restrictive custody, withholding of privileges, suspension or forfeiture of salary, demotion, or any combination of the foregoing: Provided, that in all cases, the total period shall not exceed sixty (60) days.

The supervisor equivalent to a PNP Regional Director is the Director of a PNP administrative or operational support unit or any other officer classified as such by the Commission; and

d. The Chief of the PNP shall have the power to impose the administrative penalty of dismissal from the service, suspension or forfeiture of salary, or any combination thereof for a period not exceeding one hundred eighty (180) days: Provided, That the Chief of the PNP shall have the authority to place a PNP member under restrictive custody during the pendency of an administrative case for a grave offense or a criminal case for a serious offense filed against said member.

"Breach of internal discipline refers to any offense committed by a member of the PNP affecting order and discipline within the police organization.

"A minor offense shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but shall not be limited to:

- (1) Simple misconduct or negligence;
- (2) Insubordination;
- (3) Frequent absences and tardiness;
- (4) Habitual drunkenness; and

(5) Gambling prohibited by law."

d. As authorized under Section 64 of R.A. No. 8551, file with the National Police Commission, the Chief of the PNP, or the PNP Regional Director, who are vested with summary dismissal authority under Section 53, R.A. No. 8551, an administrative complaint against any PNP member under the following cases:

- 1) when the charge is serious and the evidence of guilt is strong;
- 2) when the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charge;
- 3) when respondent is guilty of a serious offense involving conduct unbecoming of a police officer;
- 4) when a PNP member is on AWOL for a continuous period of thirty (30) days or more.

e. Observe administrative due process in the investigation, hearing and adjudication of citizen's complaints;

f. Comply with the procedure prescribed under Napolcom Memorandum Circular No. 91-008 as follows:

"Sec. 4. *Procedure.* — The city/municipal Mayor shall, *motu proprio*, or upon written complaint of any person, investigate the PNP member for any minor offense within his disciplinary jurisdiction in accordance with the following procedure:

a. The respondent shall be informed and furnished with a copy of the complaint against him and given the opportunity to answer the same in writing, within forty-eight (48) hours from receipt thereof.

b. In his answer, the respondent shall state whether or not he elects a summary investigation. If not, the city/municipal Mayor shall immediately render his decision on the case, which shall be in writing and based on the submitted evidence of the parties.

c. If the respondent asks for a summary investigation, the same shall take place within twenty-four (24) hours after receipt of his answer and he should thereon be allowed the opportunity to present witnesses and other evidences in his behalf and to cross-examine the witnesses against him.

Direct examination of witnesses shall be dispensed with. In lieu thereof, the city/municipal Mayor concerned shall require each party and their witnesses to submit their testimonies in affidavit form (duly sworn to) subject to the right of cross-examination by the other party.

d. Postponement of investigation shall be discouraged and allowed only in meritorious cases.

e. The investigation shall be completed within seventy-two (72) hours, and the city/municipal Mayor shall render his decision in writing within twenty-four (24) hours thereafter, copy furnished the Chief of Police and the PNP Provincial Director.

Decision, as used herein, is the written finding by the Mayor that the respondent is guilty or not guilty of the offense