

Republic of the Philippines
NATIONAL POLICE COMMISSION
Quezon City

MEMORANDUM CIRCULAR NO. 2019-004

**PRESCRIBING THE PROCEDURES ON THE SUSPENSION/WITHDRAWAL
AND RESTORATION OF DEPUTATION OF LOCAL CHIEF EXECUTIVES AS
REPRESENTATIVES OF THE NATIONAL POLICE COMMISSION**

WHEREAS, the National Police Commission (NAPOLCOM) is the sole government agency mandated by the 1987 Philippine Constitution and Republic Act No. 6975, as amended by Republic Act No. 8551, to administer and control the Philippine National Police (PNP);

WHEREAS, Section 64 of Republic Act No. 8551 provides that Governors and Mayors, upon having been elected and qualified as such, are automatically deputized as representatives of the National Police Commission in their respective jurisdiction. 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;

WHEREAS, Section 52 of Republic Act No. 6975, as amended, provides for the basic procedure and grounds for the suspension/withdrawal and restoration of such deputation;

WHEREAS, after finding a need to ensure the uniformity in the implementation of the aforementioned provisions, the Commission issued Memorandum Circular No. 99-010 which was later amended by Memorandum Circular No. 2001-003;

WHEREAS, in order to ensure the expeditious and judicious resolution of complaints and/or information against local chief executives as representatives of the Commission, there is a need to prescribe procedures on the suspension/withdrawal and restoration of deputation under Title VIII of Republic Act No. 8551;

NOW, THEREFORE, the Commission, pursuant to its constitutional and statutory mandates, hereby prescribes the following procedures on the suspension/withdrawal and restoration of deputation of local chief executives:

Section 1. **NAPOLCOM as Collegial Body.** – All resolutions suspending/withdrawing and recommending the restoration of deputation of any local chief executive shall be done by the Commission *En Banc* as a collegial body.

Section 2. Quorum and Voting. – The presence of the majority of the members of the Commission *En Banc* is required to constitute a quorum. Further, the presence of either the Chairman or Vice-Chairman shall be required as the presiding officer of the Commission *En Banc*.

The vote of at least majority of the members of the Commission *En Banc* present and who participated in the deliberation called for the purpose is necessary for the suspension or withdrawal of the deputation of a local chief executive. However, any member who inhibits to participate in the deliberation shall not be considered in the determination of a quorum, and shall be deemed to have not casted a vote. In case of a tie or lack of quorum, the deliberation shall be rescheduled only once.

Any member who dissents to the proposed resolution, in whole or in part, shall sign on the space above his/her name with the phrase “I dissent”, or “I inhibit” in case of inhibition, with an accompanying statement on the reason/s for such dissent or inhibition.

Section 3. Grounds for Suspension or Withdrawal of Deputation. – Unless reversed by the President, the Commission may, after consultation with the provincial governor and congressman concerned, suspend or withdraw the deputation of any local executive for any of the following grounds:

- (a) Frequent unauthorized absences;
- (b) Abuse of authority;
- (c) Providing material support to criminal elements; or
- (d) Engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign.

Section 4. Procedure on Suspension or Withdrawal of Deputation. – The suspension or withdrawal of deputation of any local chief executive may be initiated through: (a) a verified complaint; (b) report from other government agencies/institutions; or (c) *motu proprio* investigation.

- a. **Verified Complaint.** - A verified complaint against any local chief executive may be filed with the NAPOLCOM Regional Office which has territorial jurisdiction over the municipality/city or province concerned.

The complaint shall be evaluated by the Office of the Regional Director (ORD) to determine whether the acts or omissions complained of fall under any of the grounds provided in Section 3 hereof. If in the negative, the same shall be immediately dismissed in writing, without prejudice to the filing of a petition for review with the Commission *En Banc* within ten (10) days upon receipt of the denial. If in the affirmative, a verification shall be conducted by the concerned ORD to determine the veracity of the allegations and authenticity of the documents submitted.

Upon compliance with the consultation requirement, a report with definite recommendation shall be submitted by the ORD to the Commission *En Banc* for its disposition which shall be made through a Resolution.

- b. **Report/information from other government agencies/institutions.** – A report/information from other government agencies/institutions against a local chief executive for committing any grounds enumerated in Section 3 hereof, may be made as a basis for the suspension or withdrawal of his/her deputation upon verification of the Commission *En Banc* of the report's/information's authenticity. When permissible under the circumstances, such verification may be delegated by the Commission *En Banc* to the ORD having territorial jurisdiction over the local chief executive concerned.
- c. **Motu proprio investigation.** – The Commission *En Banc* may initiate *motu proprio* investigation on any local chief executive to determine the existence of any ground for the suspension or withdrawal of his/her deputation.

Section 5. Consultation with the Governor and/or Congressional Representative Concerned. – In all cases, the consultation with the governor and/or congressional representative/s concerned is a pre-requisite for the suspension or withdrawal of deputation. It shall be done either personally or through a letter with the governor and congressional representative/s concerned, with respect to a complaint or report/information against a mayor. In case of a governor, the same manner of consultation with the congressional representative/s having territorial jurisdiction where any of the elements of the complaint/offense is committed shall be sufficient. For this purpose, the consultation requirement is deemed complied with once the said governor and/or congressional representative/s is given the opportunity to comment on the proceeding. If the consultation is made in writing, the same must be responded to by the governor and/or congressional representative within three (3) working days upon receipt thereof of their office. Otherwise, it shall be deemed as a waiver to comment and/or recommend on the suspension or withdrawal of deputation.

Section 6. Effects of Suspension or Withdrawal of Deputation. – The Resolution suspending or withdrawing the deputation of a local chief executive is executory on the date of its issuance. All powers and prerogatives vested by law and the Commission unto the local chief executive whose deputation is suspended/withdrawn are automatically removed/revoked accordingly. The local chief executive concerned shall likewise be ineligible for availment of police security detail from the PNP.

Section 7. Procedure on Restoration of Deputation. – Upon good cause shown, the President may, directly or through the Commission, *motu proprio* restore such deputation withdrawn from any local chief executive.

The concerned local chief executive whose deputation is suspended or withdrawn may file a verified Motion for Reconsideration with the Commission *En Banc* within ten (10) days upon receipt of a copy of its resolution.

If the Motion for Reconsideration is found meritorious, the Commission *En Banc* shall, subject to the quorum and voting requirements as stated in Section 2 hereof, recommend the restoration of the deputation to the President who shall decide it with finality. Otherwise, it shall be dismissed by the Commission *En Banc* without prejudice to the filing of an appeal with the President within ten (10) days upon receipt of a copy of the denial.

Section 8. Repealing Clause. - The procedure on the suspension or withdrawal of deputation set forth in NAPOLCOM Memorandum Circular No. 99-010, as amended by Memorandum Circular No. 2001-003, and all other issuances or parts thereof which are inconsistent with, or contrary to the provisions of this Circular are hereby repealed, amended, or modified accordingly.

Section 9. Separability Clause. - If any portion or provision of this Circular is declared illegal or unconstitutional by a competent court, other provisions shall not be affected thereby.

Section 10. Effectivity Clause. - This Memorandum Circular shall be effective after fifteen (15) days from the date of its filing with the Office of the National Administrative Register in compliance with E.O. 292 or the Administrative Code of 1987.

Adopted this 8th day of AUGUST 2019, at Quezon City, Philippines.


EDUARDO M. AÑO

Chairman



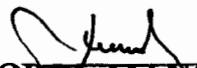

ATTY. ROGELIO T. CASURAO

Commissioner

Vice-Chairman and Executive Officer


FELIZARDO M. SERAPIO, JR.

Commissioner


ATTY. JOB M. MANGENTE

Commissioner


ZENONIDA F. BROSAS

Commissioner


OSCAR D. ALBAYALDE

Commissioner

Attested by:



DIR. MYRNA DP. MEDINA

Acting Deputy Executive Officer