



# **Internal Affairs Service Manual 2008**

**Service Guide and Handbook**

**Planning and Research Division**

PNP-Internal Affairs Service

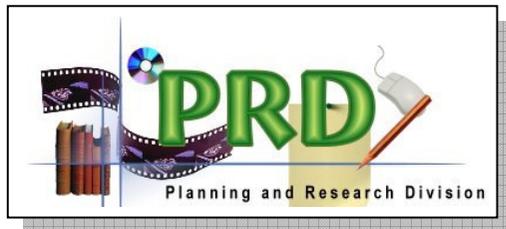
Camp, Crame Quezon City

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# Internal Affairs Service Manual 2008

April 2008  
1<sup>st</sup> Edition



**Compiled by**

Planning and Research Division  
PNP- Internal Affairs Service

**PNP -Internal Affairs Service  
NATIONAL HEADQUARTERS  
Camp Crame, Quezon City, Philippines**

Under the Leadership of

**ATTY ALEXIS C CANONIZADO  
The Inspector General**

## The Internal Affairs Service

### NIAS KEY OFFICERS

Inspector General	ATTY ALEXIS C CANONIZADO
DIG	PSSUPT JAIME LAGRIO TAGACA
SEA	ATTY ALFONSO B UMALI
EA for Legal Matters	ATTY FERNANDO G BARIA
EA for Financial Matters	MR JOSE V CABRERA
C, AFMD	DR WILLARD N GRAGEDA, DPM
C, PRD	PLO5 REMEDIOS V OBRA, MPA
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## PREFACE

The manual was compiled and prepared by **Ms. Genevieve M Solayao**, Planning Officer I under the supervision of Chief Planning and Research Division, **Ms REMEDIOS V OBRA, MPA** and edited by **Atty. Alfonso B. Umali**, Senior Executive Assistant, Office of the Inspector General. The purpose of this manual is to acquaint PNP personnel as well as the IAS personnel about the Internal Affairs Service as a police disciplinary body. It is not a body created to institutionalize a culture of fear in the ranks of the police but rather, a culture of mutual trust and respect. Therefore, the members of the PNP should not feel intimidated or threatened with the creation of the Internal Affairs Service.

Internal Affairs Service will help in improving the quality of police services, and police system particularly in **administrative disciplinary process**. It will objectively investigate all formal complaints against the Police as fairly and impartially as possible, striving to provide the highest quality of police service available.

This manual covers and provides general guidelines and information about the Internal Affairs Service (IAS).

## THE INTERNAL AFFAIRS SERVICE of Philippine National Police

### Introduction

Exacting ethical standards and a high degree of honesty are perhaps more essential for police agencies than for any other group in society. Police are entrusted with enforcement of the fundamental rules which guide society's conduct; therefore, an officer's violation of the law and his failure to enforce it, desecrates the very system and authority he represents. On other hand, one must remain cognizant of the fact that it is not possible for police to enforce the law and preserve the peace without incurring some hostility and resentment.

The issue of addressing and improving the internal discipline of the PNP became persistent some seven years after the establishment of the Philippine National Police (PNP) pursuant to the passage of Republic Act No. 6975 in January 1991.

This situation led to the conduct of a study initiated at the level of the National Police Commission (NAPOLCOM). This study resulted in the inclusion to the proposed amendment to Republic Act No. 6975 that was submitted to Congress a separate or

independent internal affairs body headed by an Inspector General.

The final proposed amendments to Republic Act No. 6975 which contains the creation of a separate or independent internal affairs body in the PNP consisted of the consolidation of House Bill No. 10089 and Senate Bill No. 2215. It was submitted for deliberation to the 10<sup>th</sup> Congress during its Fifth Special Session on February 17, 1998 and was finally passed by the Senate and the House of Representatives on February 20, 1998.

On February 25, 1998, the then President FIDEL V. RAMOS signed into law Republic Act No. 8551, **AN ACT PROVIDING FOR THE REFORM AND REORGANIZATION OF THE PHILIPPINE NATIONAL POLICE AND FOR OTHER PURPOSES, AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED SIXTY-NINE HUNDRED AND SEVENTY FIVE ENTITLED, "AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES."**

Republic Act No. 8551 is also otherwise known as "*The PNP Reform and Reorganization Act of 1998.*" Among the salient provisions of the said Act as embodied under Title V, Section 39 thereof is the creation of the **INTERNAL AFFAIRS SERVICE (IAS).**

# Chapter 1

## General Information

### A. Historical Background

Internal Affairs Service was created pursuant to the provisions of Title V, Republic Act 8551, otherwise known as the Philippine National Police Reform and Reorganization Act 1998 approved on February 25, 1998.

The philosophy and clear intent of Congress to create IAS is to establish an agency that is independent and autonomous with its own separate hierarchy and career

path for its members to effectively carry out its mandate to “**police the police**”. Based on their studies they found out that the most effective and successful mechanism in disciplining of police officers used in other countries is the creation of a police within the police.

Upon assumption to office of the newly-elected President of the Republic of the Philippines, His Excellency Joseph Estrada, he appointed **ATTY. ALEXIS CORTEZ CANONIZADO** as the *First Inspector General on July 1, 1998*. The Inspector General is a lawyer by profession, a former Commissioner of the NAPOLCOM, former Senior State Prosecutor of the Department of Justice and Presiding Judge of the Regional Trial Court Branch 39 of San Jose City.

On August 12, 1998, NAPOLCOM issued resolution No. 98-179 designating the Acting Chief, Philippine National Police who was then Police Director General SANTIAGO L. ALIÑO, as the lead Commissioner who shall represent the Commission in overseeing and coordinating the immediate organization and operationalization of the PNP Internal Affairs Service during the transition period of 90 days.

Shortly after the assignment of **P/CSUPT AVELINO I. RAZON** as the Deputy Director of the PNP Directorate for Plans on October 9, 1998 he immediately initiated the move to

speedily activate the Internal Affairs Service to give essence to the provision of the law and the afore-cited NAPOLCOM Resolution. Series of conferences were then held and attended by representatives of all PNP Directorial Staff, PNP Legal Service, the now defunct PNP Inspectorate and Internal Affairs Office and the PNP Internal Affairs Service.

On December 18, 1998, NAPOLCOM issued Memorandum Circular No. 98-017 prescribing the guidelines to facilitate the organization and operationalization of the Internal Affairs Service.

Finally, the members of the committee chaired by **P/CSUPT RAZON**, came up with the recommendation which eventually led to the issuance of PNP Letter of Instruction 11/99 (Gabay) dated February 16, 1999 which prescribed the smooth reassignment of PNP personnel, and the transfer of facilities, equipment, firearms, ammunitions, vehicles, supplies, records, and other resources of the now defunct Inspectorate and Internal Affairs Office, Regional Internal Affairs Office and the Provincial Internal Affairs Office to the newly-created PNP Internal Affairs Service and provisions for their fund support.

Meanwhile, a small staff of the PNP Internal Affairs Service was organized through the detail of a few personnel from the NAPOLCOM and others are from the offices of

the PNP Headquarters. The following personnel are ; **Atty Tereso B Bueno, Atty Fernando G Baria, Atty Arsenio D Albano, Atty Cecilia C Miranda, Director Lourdes W Aniceto, Ms Belinda B Santos, Ms Zenaida M Belleza and Ms. Soledad J Buragay. Two (2) former (ret.) NAPOLCOM personnel, Atty Alfonso B Umali, and Mr. Jose V Cabrera** joined the initial IAS staff as consultant on legal and financial matters respectively during its fledging organizational phase.

This core group practically laid the groundwork for the organizational structure of IAS from the national to the regional and provincial levels including its manning and staffing pattern. Headed by the Inspector General, the same group spearheaded the nationwide information dissemination for IAS in all 16 regions.

Various contentious issues were raised during the information dissemination campaign made during this period. Arguments revolved around issues ranging from the authority of IAS in relation to other disciplinary authorities, to the other matters such as benefits, career developments, incentives, etc. The discussions about these issues dragged for months that it took a toll on the progress of settling and formally starting the operations of IAS.

Ten months after the appointment of the Inspector General, one year and two months later after the creation of IAS, on May 7, 1999, President Joseph Estrada issued Executive Order NO. 101 entitled " Providing for the Immediate Organization and Operationalization of the Interim Internal Affairs Service of the Philippine National Police." Executive Order No. 101 provided for the immediate organization and operationalization of an Interim IAS pending the approval of its manning and staffing pattern. It empowered IAS to inquire into the state of discipline, efficiency, economy, training, morale and readiness of the PNP.

EO 101 concerned the status of the IAS as the lead agency for the PNP organization in the campaign against all forms of misconducts in the police service. It shall be recorded the status of an independent, impartial and objective investigative and adjudicatory agency within the PNP. The agency was exclusive tasked to formulate, develop and maintain the following programs ;

- a) A career development and management program for both Uniformed and Non-Uniformed personnel;
- b) A retirement and separation benefit program;
- c) A separate financial and budgetary management program;

d) A separate logistics management and services program; and

e) Other programs as may be needed, subject to approval of the Secretary of the Interior and Local Government.

Finally, on June 1, 1999, NHQ PNP issued General Order No. DPL 99-004, setting the formal amendment of IAS operations on the same date. The order also de-activated the Inspectorate and Internal Affairs Office (IIAO) in various PNP offices nationwide. In turn, the Inspector General issued Staff Memo Nos. 99-001, 99-002, 99-003 and 99-004 to constitute the IAS interim offices at the national, regional, provincial, district and city levels.

The initial seat of office of the Internal Affairs Service was located inside Camp Crame occupying the cramped office spaces of the former IIAO at the National Headquarters, PNP. The old IIAO office has poor ventilation, lacking in utilities and needed repair. The Inspector General and his staff occupied a portion of the 2<sup>nd</sup> Floor of the Kiangnan Hall.

Pending the availability of a more spacious office building inside Camp Crame, the IAS was authorized to look for other office site and on November 8, 1999, relocated its national office to a building at Makati City pursuant to NAPOLCOM Resolution – 99-128

dated October 1, 1999. The new office was found more suitable and consistent with the general requisites of client accessibility, security and safety. But, because of the very limited fund support from the national government, the IAS was not able to cope with the high monthly rentals and bills incurred at the Makati office building.

Although there is still no available office building suitable for the needs of IAS offices, it was forced to transfer back to Camp Crame to avoid the accumulation of unpaid obligation. At present, IAS offices are located in three buildings. The office of the Inspector General and the AFMD are at the 2<sup>nd</sup> floor of the NHQ while the office of the Deputy Inspector General as well as the OSEA, LAD, PD, IAD and PRD are located at the former PCRG office. The third one, the IID is located at the 1<sup>st</sup> floor PNP Legal Service Building.

This arrangement may not be conceive to good and effective management but the IAS has no choice considering that there are no available offices inside crame.

## **B. IAS Mission Statement**

The Vision statement of IAS was an output during the IAS Visioning Seminar-Workshop conducted on October 3-6, 1999. It articulates what the participants – Regional Directors of RIAS 1-13, NCRPO, CAR, ARMM, CARAGA, Directors of Provincial IAS – wish, aspire and commit the IAS organization to be.

**To secure for the nation the evolvement of a well-disciplined, effective, efficient and service-oriented Philippine National Police**

## **C. IAS Vision Statement**

**We envision the Internal Affairs Service (IAS) to be truly independent and impartial body, manned by God-Centered and Professional Personnel, with the end in view of sustaining PNP professionalism by instilling police discipline, enhancing delivery of police services and dispensing justice for the people to whom the Philippine National Police is mandated to serve and to protect**

## **Chapter 2**

### **Powers and Functions**

The Internal Affairs Service (IAS), although a part of the PNP has the attribute of an independent and autonomous unit which empowers it to act on matters within its jurisdiction without having to wait for instructions from the Chief, PNP. Pursuant to Section 39, Republic Act 8551, such powers are:

- a.) Pro-actively (on its own accord; motu proprio /automatically) conduct inspection and audit of PNP personnel and units;

- b.) Investigate complaints and gather evidence in support of an open investigation;
- c.) Conduct summary hearings on PNP members facing administrative charges;
- d.) Submit a periodic report on the assessment, analysis and evaluation of the character and behavior of PNP personnel and units to the Chief, PNP and the Commission;
- e.) File appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case;
- f.) Provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

The Internal Affairs Service (IAS) also conducts motu proprio, automatic investigation of the following cases:

- 1.) Incidents where a police personnel discharges a firearm;
- 2.) Incidents where a death, serious physical injury or any violation of human rights occurred in the conduct of police operation;
- 3.) Incidents where evidence was compromised, tampered with, obliterated or lost while

- in the custody of police personnel;
- 4.) Incidents where a suspect in the custody of the police was seriously injured; and
- 5.) Incidents where the established rules of engagement have been violated.

Finally, the IAS shall provide documents or recommendations as regards to the promotion of the members of the PNP or the assignment of PNP personnel to any key position.

**Three major functions of the IAS, namely:**

- (1) Investigation and Adjudication of cases;
- (2) Inspection and Audit;
- (3) Records Management.

## Chapter 3

### A. Status of IAS as an Investigative and Adjudicatory Agency

Section 2 of Executive Order 101 dated May 7, 1999 provides that “the interim IAS shall be the lead agency for the PNP organization, in its campaign against all forms of misconduct in the police service. **It shall be accorded the status of an independent, impartial and objective investigative and adjudicatory agency within the PNP.**”

This status is well clarified by decisions made in SPO1 JAIME ALBAO & PO3 VICTOR DE LEON vs. MENDOZA, IAS & BARIA (CA-G.R. SP. No. 58225, January 15, 2001) and Rudy Celis vs

RIAS et. al (CA-G.R. No SP-72845, March 26, 2003 where the court held that the PLEB jurisdiction is concurrent with that of other disciplinary authorities, including the IAS, and that the IAS can conduct summary hearings on PNP members facing administrative charges and to hear and decide the case. )

### B. Delineation of the Inspection and Audit Authority of the IAS and NAPOLCOM

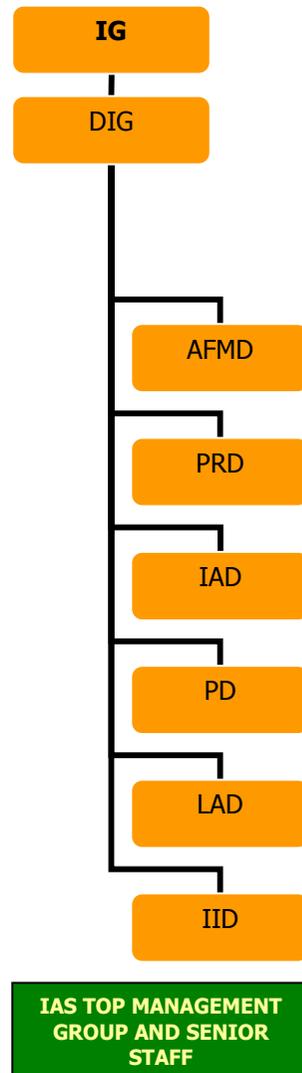
The IAS shall conduct inspection and audit of PNP personnel and units principally for the purpose of determining the state of behavioral discipline of personnel and operational preparedness of PNP units. In other words, IAS looks into the **readiness to do the job of every policeman as well as his conduct as a police officer.**

The National Police Commission (NAPOLCOM) through its Inspection, Monitoring and Investigation Service (IMIS), on the other hand, focus on determining the state of effectiveness of all levels and units of the PNP organization and the degree of compliance with established policies and standards of the police service as promulgated by the Commission. Meaning NAPOLCOM primarily looks into whether the PNP units in all levels are efficient given its resources, manpower and logistical requirements, and whether they have complied with the policies and directions of the Commission on matters of law enforcement.

## Chapter 4

### Organizational Set Up

In accordance with the approved IAS Staffing Pattern based on the Letter from Secretary of the Department of Budget and Management to the Secretary of the Department of the Interior and Local Government dated January 2, 2002, the organizational structure of the Internal Affairs Service is hereby established as follows:



a. Internal Affairs Service is headed by the Inspector General who is a civilian, appointed by the President and exercises general supervision and control over all the IAS offices and personnel nationwide.

b. The Inspector General is assisted by a Deputy Inspector General who is a uniformed member of the Philippine National Police with a rank of Police Director

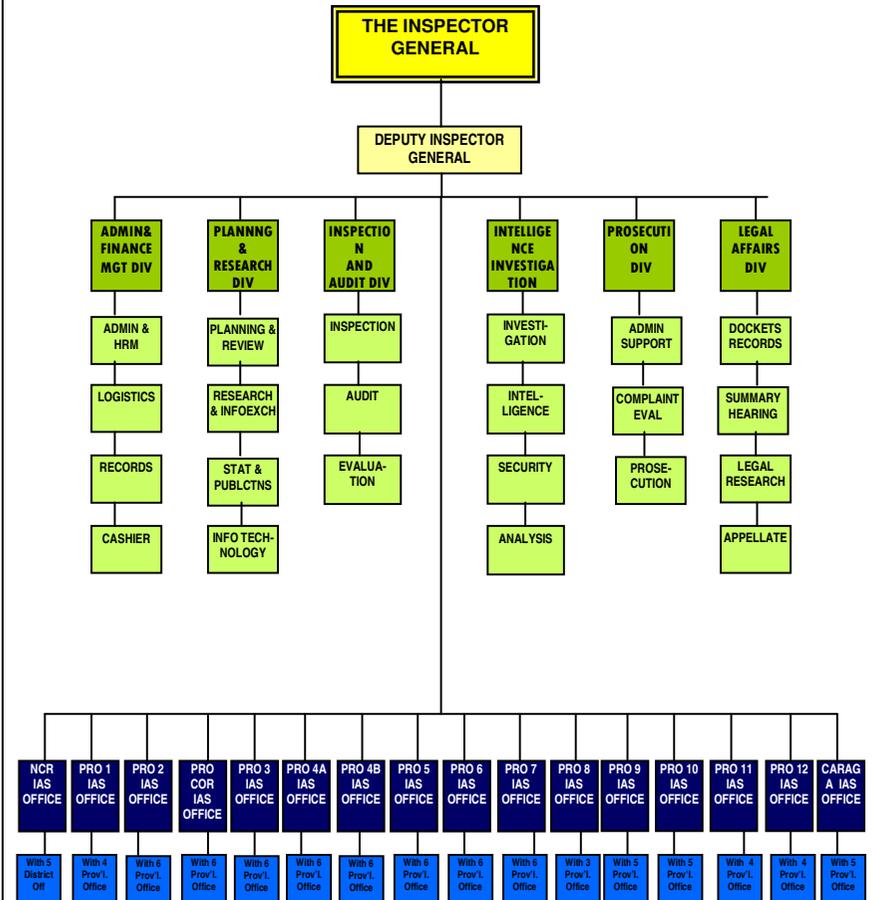
c. There are six (6) staff divisions which assist the Inspector General in the discharge of the IAS mission and functions. These are (1) Administrative and Financial Management Division (AFMD), (2) Planning and Research Division (PRD), (3) Inspection and Audit Division (IAD), (4) Prosecution Division (PD), (5) Legal Affairs Division (LAD), and (6) Investigation and Intelligence Division (IID).

d. There are 17 Regional IAS Offices corresponding to the 17 regional subdivisions of the country including the newly created Region 4A and Region 4B, the CARAGA administrative Region (also known as Region 13), National Capital Region (NCR), Cordillera Region (CoR), and the Autonomous Region of Muslim Mindanao (ARMM). The Regional IAS Office is normally headed by a director with the rank of Police Senior Superintendent. In selected regions, IAS uniformed police personnel with the ranks of Police Chief Superintendent or Police Superintendent are

designated as regional directors. There is a deputy director in each IAS regional office to assist the regional director in the discharge of his duties and functions. There are four (4) regional staff offices in every region namely the Administrative Division, Audit and Inspection Division, Investigation and Intelligence Division, and the Legal Affairs Division.

e. The provincial/district/city IAS office is normally headed by a Police Superintendent and is assisted by another police officer of equivalent or responsible junior rank. There are 79 Provincial IAS Offices established nationwide. In addition, there are five (5) NCR District (DIAS) offices (with organization and manning equivalent to an IAS provincial office) corresponding to the five (5) districts of the NCR. Also, there are currently two (2) City IAS Offices established in two (2) highly urbanized cities of Cebu and Davao. Each of these offices are staffed as a provincial or district office and is headed by a City IAS Director.

Chart 1.0  
IAS Organizational Chart



### **Organizational Relationship with PNP**

The law creating the IAS provides the initial guideline on how IAS is related to the PNP. Section 39 of RA 8551 states that "An Internal Affairs Service (IAS) of the PNP is hereby created which shall"... The word "**of the**" connotes IAS is part of the PNP.

Executive Order 101 describes further that "**RA 8551 has established the IAS as the mandated institutional watchdog agency for the PNP organization.**" And that the "government provides the PNP with a highly professional and competent office within the PNP that shall be independent, impartial and objective..."

This organizational relationship of IAS with the PNP is more vividly expressed in the Proposed PNP Reorganization Plan before the Committee on Public Plans and Safety thus:

" That the Internal Affairs Service (IAS) shall not be a '**personal staff arm**' of the Chief, Philippine National Police, as discussed in the plan, but shall be constituted and operated under the Office of the Chief of the Philippine National Police. "

Considering that the RIAS and the PIAS are directly under the control and supervision of the IG, they shall have coordinative

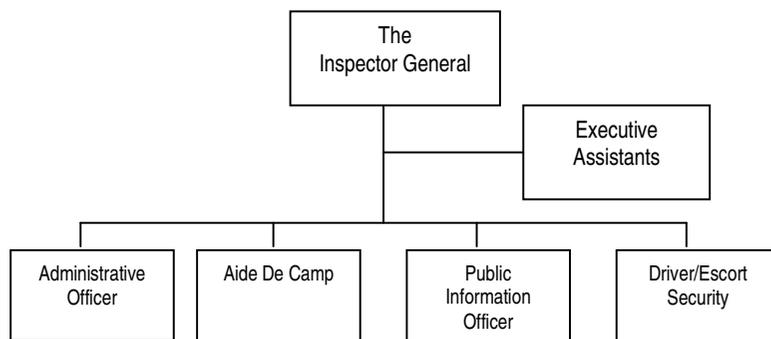
relationships with their counterparts in the regions and provinces in mainstream PNP.

# Chapter 5

## Duties and Functions

### A) Office of the Inspector General

Chart 2.0  
Office of the IG

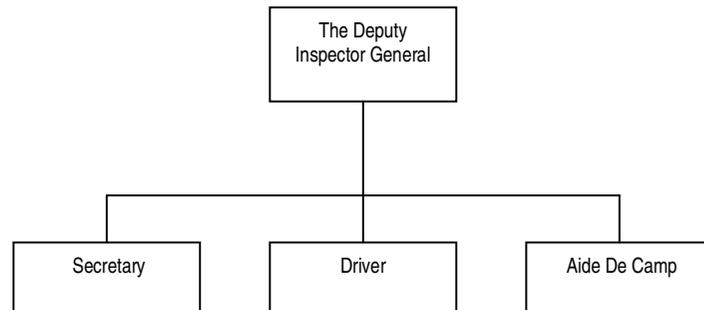


## Duties and Functions

1. Provide policy direction in the conduct of inspection and audit of PNP personnel and units, and investigation, prosecution and summary hearing of administrative cases involving PNP personnel;
2. Review, evaluate and resolve appealed cases from decisions of the Regional IAS;
3. Periodically submit to the C, PNP and the Chairman NAPOLCOM an assessment, analysis and evaluation of the character and behavior of PNP personnel and units;
4. Insure that powers and functions of the IAS are effectively exercised and implemented;
5. Exercise control and supervision of all IAS personnel;
6. Submits reports to the Senate and to the Office of the President.

## B. Office of the Deputy Inspector General

Chart 3.0  
Office of the DIG

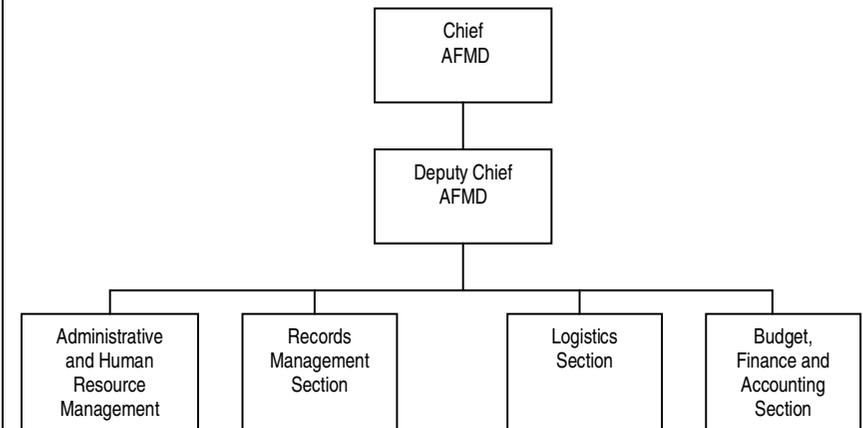


### Duties and Functions

1. Assists the Inspector General in the performance of his duties and responsibilities;
2. Takes over the place of the Inspector General in his absence;
3. Represents the Inspector General in conferences, dialogues and meetings; and
4. Performs such other duties and functions as the Inspector General may assign.

## C. Administrative and Finance Management Division

Chart 4.0  
Administrative and Finance Management Administration (AFMD)



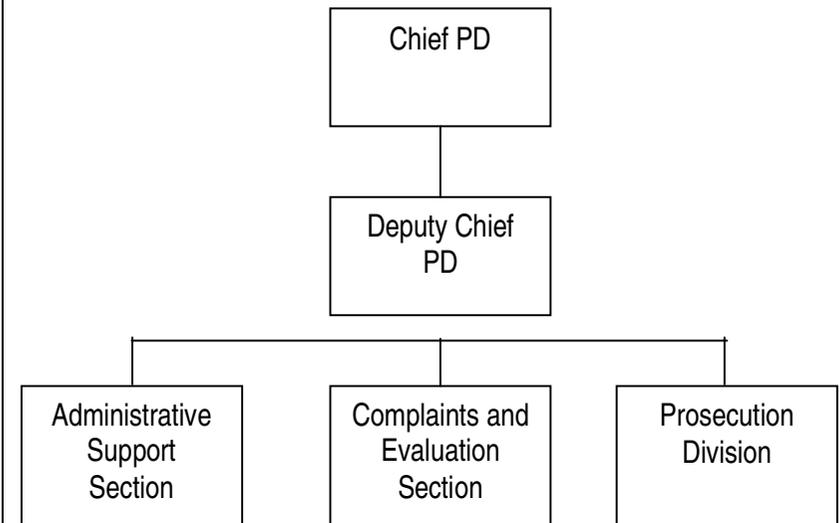
### Duties and Functions

1. Provides administrative, personnel management, career development, and general services for the members of AIS;
2. Formulate training plans and policies for the members of IAS;

3. Provide financial management and budgetary services;
4. Provide logistics and supply management services;
5. Undertake liaison services with other governmental and non-governmental agencies on matters relating to the IAS areas of functional interest;
6. Act as central repository of IAS records;
7. Serve as the all-source clearinghouse of all PNP disciplinary, administrative and criminal cases;
8. Maintain accurate and up-to-date records of disciplinary and criminal cases against PNP personnel;
9. Keep-up-to-date records of all IAS personnel as well as PNP personnel together with their places of assignments;
10. Perform other tasks as the Inspector General may direct.

## D. Prosecution Division

Chart 5.0  
Prosecution Division  
(PD)



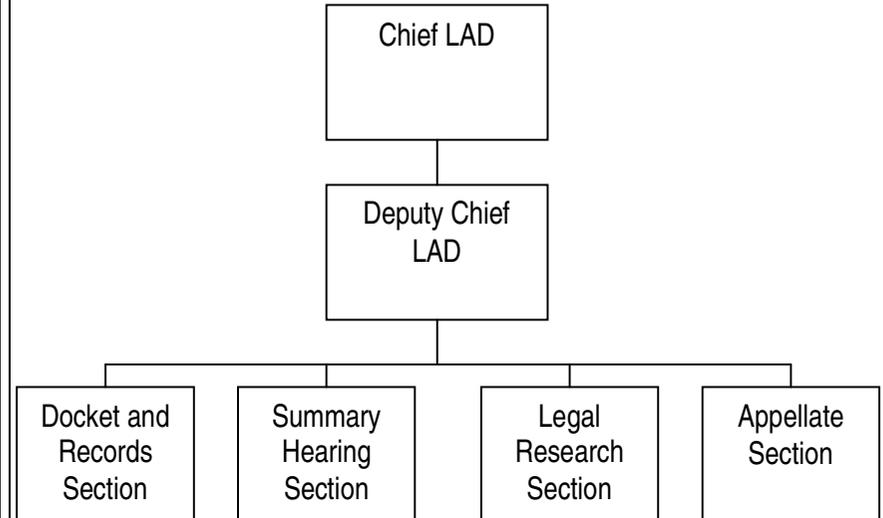
### Duties and Functions

1. Investigates complaints and gather evidences in support of an open investigation;
2. Undertakes prosecution of administrative cases involving PNP members before summary hearing officer;

3. Gathers and evaluates evidence and file appropriate criminal cases before the court as evidence warrants and assist in the prosecution;
4. Provides assistance to the Office of the Ombudsman in cases involving the personnel of the PNP;
5. Undertakes/initiates motu-proprio investigation of any incidents even without any formal complaints filed; and
6. Performs other tasks as the Inspector General may direct.

### E. Legal Affairs Division

Chart 6.0  
**Legal Affairs Division  
(LAD)**



### Duties and Functions

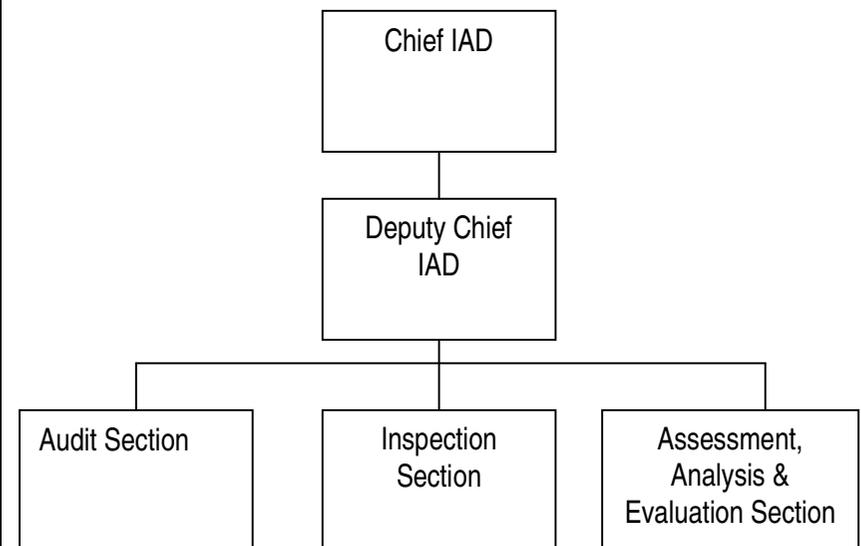
1. Conducts hearing and adjudication of administrative cases of PNP members;
2. Conducts review of cases as may be referred on first instance or on appeal;

3. Coordinates with cognizant government legal and judicial authorities in the prosecution of criminal cases involving PNP members falling within the IAS sphere of functional interest;
4. Provides and renders legal opinion on matters relating to the IAS areas or functional interest;
5. Drafts and reviews contracts to be entered into by IAS with a third party of agency;
6. Investigates and reviews application for avilment of benefits under PD 448 filed by IAS members;
7. Conducts legal research on matters referred to it needing study and review;
8. Conducts periodic research on jurisprudence related to Police Administrative cases and compile the same for reference;
9. Prepares reports of accomplishments in the adjudication of administrative cases of National and Regional Offices for submission to PNP and NAPOLCOM for policy formulation; and

10. Performs other tasks as the Inspector General may direct.

### F. Inspection and Audit Division

Chart 7.0  
Inspection and Audit Division  
(IAD)



### Duties and Functions

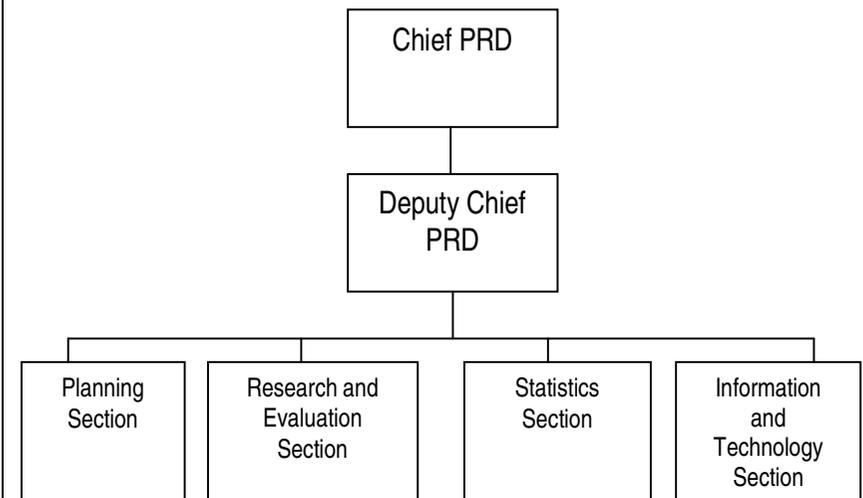
1. Conducts Pro-Active Inspection: Annual General Inspection/Operational Readiness Security Inspection Test and Evaluation (AGI/ORSITE): and

- Special Inspection to determine the character and behavior, and state of discipline of PNP personnel and units from the National Headquarters down to the lowest police community blocks or precincts;
2. Conducts management audit on all PNP units and offices to determine the condition, effectiveness, adequacy and management of assigned resources to accomplish the assigned mission;
  3. Identifies obstacles that hinder the accomplishment of the PNP units or offices with regard their mission and functions;
  4. Establishes strong liaison between the PNP units or offices and the community or clientele such as the local government, church, non-government organizations and business sector in order to determine the quality of services and the attitude or behavior of the police towards these various sectors;
  5. Renders periodic report on the result of inspection and audits

- and assessment, analysis and evaluation of the character and behavior of PNP personnel and units; and
6. Performs such other functions as the Inspector General may direct.

### G. Planning and Research Division

Chart 8.0  
Planning and Research Division  
(PRD)



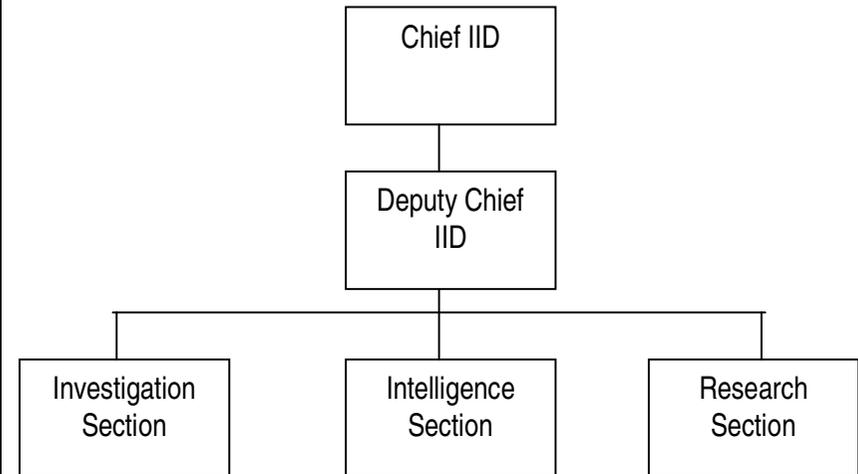
**Duties and Functions**

1. Undertakes researches, studies and surveys on matters relating to the IAS areas of functional interests;
2. Provides statistical information and prepares reports on matters relating to the IAS areas of functional interest as may be required by the Inspector General;
3. Conducts review, assessment and evaluation of IAS policies, plans, and programs as they relate to the efficient and effective administration and operation of the organization;
4. Collates statistical reports as needed;
5. Prepares Annual Report of the IAS and provides information technology direction and supervision;
6. Establishes and monitors the maintenance of Information Technology base data of all IAS offices for purposes of policy formulation;

7. Complies data inputs and outputs of IAS staff offices including those from the regional offices; and
8. Performs other tasks as the Inspector General may direct.

**H. Intelligence and Investigation Division**

Chart 9.0  
**Intelligence and Investigation Division (IID)**



**Duties and Functions**

1. Conducts motu proprio, automatic investigation on cases enumerated in Sec. 39, RA 8551;
2. Undertakes, prepares, supervises and provides intelligence operations and support to inquiries and fact-finding investigations of the IAS;
3. Initiates extensive multi-disciplinary counter-intelligence operations for the purpose of providing continuing security threat assessments against members to determine their susceptibility to control, hazard and risks;
4. Prepares, conducts and supervises the general and specialized training of IAS intelligence personnel;
5. Undertakes miscellaneous functions related to the area of intelligence and security;
6. Supervises and monitors all IAS intelligence and security units nationwide;
7. Keeps intelligence data for reference; and

8. Performs other tasks as the Inspector General may direct.

Chart 10  
**Regional IAS Office  
(RIAS)**

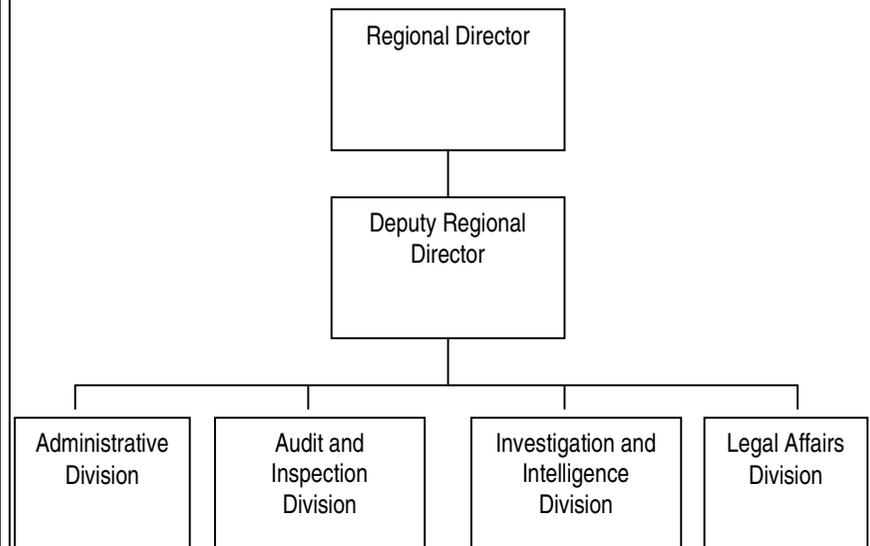
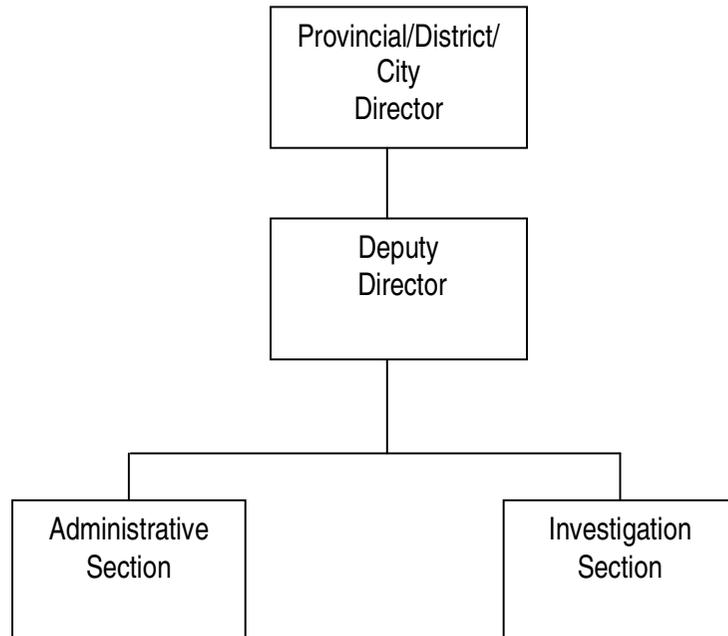


Chart 11  
Provincial/District/City IAS Office  
(PIAS)



## Chapter 6

### Qualification in Entering the Internal Affairs Service

#### I. Uniform Personnel

Entry to the Internal Affairs Service is voluntary and subject to rigid screening where only PNP personnel who have at least five(5) years experience in law enforcement and who have no derogatory records shall be considered, except members of the BAR may enter the service laterally (RA 8551, Title V Sec. 42).

#### II. Non – Uniform Personnel

Like other government agencies, Internal Affairs Service is bound to abide by the

Civil Service Laws, rules and regulations in its human resource management policies and practices.

To join the Organization, you have to undergo the screening process conducted by the Selection Boards based on the qualification standards, fitness to perform the duties and to assume the responsibilities of the position you will occupy.

The Inspector General shall be appointed by the President upon recommendation of the Chief of the PNP and duly endorsed by the Commission. Appointments of personnel who shall occupy various positions in the agency shall be made by the Inspector General and shall be based on established career pattern and criteria to be promulgated by the Commission. Appointments in the Internal Affairs may be issued as permanent, temporary or co-terminous with depending on the position applied for and the qualifications of the appointee.

### **III. Prohibitions**

Personnel of the IAS may not join any other unit of the PNP nor be allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any PNP member.

## **Chapter 7**

### **IAS Clearance**

One of the functions of IAS is to issue clearances to the PNP Personnel. Clearances can be issued on time to applicants for purposes like promotion, reassignment, retirement, loan, leave, death claims and other purposes. Applications for clearances may be procured at the designated Clearance Section.

#### **A. Procedure**

1. Initially, the applicant will secure an application form from the Records Section, Administrative and Finance Management Division and submit the same for processing

together with the requirements. The following are mandatory requirements:

**a. Promotions**

- RIAS/PIAS/DIAS Clearance
- Unit Clearance

**b. Reassignment**

- Memo from DPRM: Subject Request Issuance of Clearance
- DL, DC&D1 Clearance

**c. Retirement**

- Retirement Order
- RIAS/PIAS/DIAS Clearance
- Unit Clearance

**d. Loan**

- RIAS/PIAS/DIAS Clearance
- Unit Clearance

**e. Leave Abroad**

- RIAS/PIAS/DIAS
- Endorsement from their respective Chief of Office.
- Unit Clearance

**f. Death Claim**

- RIAS/PIAS/DIAS
- Photocopy of Death Certificate.

2. Fill up the Application Form supplied at the Clearance Section and submit the same together with necessary attachments to the duty staff.

3. After the application form and the mandatory requirements have been thoroughly checked by the Clearance Section, same shall be forwarded to the Legal Affairs Division (LAD), to check if the applicant has a case being investigated, pending, undergoing summary hearing, or has any derogatory record.

4. Finally, the application form and the mandatory requirements will be returned to the Clearance Section, AFMD for the preparation of the clearance. The corresponding remarks will be indicated in the clearance issued showing whether the applicant has a pending case.

## **B. Authorized Signatories**

Personnel Authorized to sign/ IAS Clearance / Authenticate photo copies of documents:

- a. For PSUPT and above – Chief AFMD, Deputy AFMD
- b. For PCINSP to PO1 including NUP as well as the authentication of photo copied documents – C, AFMD or Chief, Records Mgmt Section

## **C. Validity from Date of Issuance.**

- a. Loan - 15 days
- b. Leave abroad - 30 days
- c. Reassignment - 45 days
- d. Promotion - 180 days
- e. Retirement - 90 days
- f. Death Claims - 30 days
- g. Others - 30 days

# **Chapter 8**

## **Filing of an Administrative Complaint**

### **Part 1. Commencement of Complaint**

An administrative complaint may be initiated by filing a written and sworn statement before any disciplinary authority or the IAS, accompanied by affidavits of witnesses, if any, and other evidence in support thereof.

The complaint shall be accompanied by a *certificate of non-forum shopping* duly subscribed and sworn to by the complainant. If the complaint is not accompanied by a *certificate of non-forum shopping*, the

complainant shall be required to submit the same within five (5) days from notice; otherwise the complaint shall be dismissed.

However, if the complaint is verbally made with the PNP, IAS, or NAPOLCOM, the concerned agency shall assist the complainant in preparing his complaint-affidavit and other documents in support thereof.

In case of a letter-complaint, which is neither under oath nor based on official reports, the evaluator shall require the complainant and witnesses to affirm their signatures and to execute affidavits to substantiate the complaint.

Such complaint shall likewise be accompanied by a *certificate of non-forum shopping*.

An anonymous complaint may be the basis of a formal complaint provided that the material allegations contained therein may be validated.

### **A. Contents of a Complaint**

The complaint shall contain the following:

- a) Full name and address of the complainant;
- b) Full name, rank and station or

assignment of the respondent/s; and

c) A narration of the material facts which show the act or omission constituting the offense allegedly committed, the place, date and time of commission of the offense.

### **B. Evaluation**

Upon receipt of the complaint, the disciplinary authority concerned shall designate the officer who shall conduct the evaluation of the same to determine whether it shall be:

- a) closed or dropped outright for lack of probable cause;
- b) referred to the appropriate disciplinary authority;
- c) treated as a grievance/request for assistance which may be referred to the concerned office or government agency; or
- d) recommended for summary hearing.

Any recommendation by the evaluator closing or dropping an administrative complaint for lack of probable cause shall, in all cases, be approved by the concerned disciplinary authority or IAS.

If after pre-charge evaluation probable cause is found to exist which warrants the

conduct of summary hearing, the recommendation of the evaluator for the conduct of the same shall be approved by the disciplinary authority or IAS. When the authority to conduct pre-charge evaluation is delegated by the disciplinary authority to any of its Office, the approval of the said recommendation shall be made by the Head thereof.

## **Chapter 9**

### **IAS Investigation Procedures**

#### **A. Pre-Charge Evaluation**

Pre-charge evaluation is a process to determine the existence of probable cause based on the allegations on the complaint and supporting evidence.

All complaints for pre-charge evaluation shall be stamped on its face with the date and time of its receipt and an assigned reference number, and shall be recorded in a docket book exclusively maintained for that purpose.

Within three (3) days from receipt of the complaint or the referral from other disciplinary authority or investigative agencies, the assigned officer shall evaluate the same and

submit his recommendation to the concerned disciplinary authority for proper disposition.

**B. Filing and Assignment of Cases for Formal Hearing**

Upon receipt of the approved pre-charge evaluation report that the respondent should be administratively charged together with the complete records of the complaint, the office tasked by the disciplinary authority to maintain the records of administrative cases, shall enter the case into its official docket by stamping on the face of the report or complaint the time and date of receipt and assign a case number to it.

A docket book shall be maintained by the said office and shall contain, among others, the following data of the case: date and time of receipt from the evaluator, the case number, the name of the parties, the offense charged, the hearing officer to whom the case was assigned; the date decision was rendered; the implementing orders; proof of service of decision; date appeal was filed; date the decision became final and certificate of finality was issued; and other relevant and material data.

The case shall be deemed formally filed and pending upon receipt and entry of the same in the official docket of the disciplinary authority or IAS. The office tasked to maintain the docket of administrative cases shall inform the PNP Directorate for Investigation and Detective Management (DIDM) of the pending cases, as well as the PNP unit where the respondent is assigned.

Except in cases filed before the PLEBs, the disciplinary authority or the IAS shall within five (5) days from receipt and docketing of the complaint, assign and transmit the same to a hearing officer.

**C. Preventive Suspension**

***1) Preventive Suspension of the Respondent by the Disciplinary Authority and IAS***

The concerned disciplinary authority or IAS, upon motion of the complainant may, at any time after a case is formally filed but before the presentation of complainant's evidence is terminated, place the respondent/s on preventive suspension for a period not exceeding ninety (90) days under any of the following circumstances:

- a) That the charge is serious or grave

and the evidence of guilt is strong; or

- b) There is evidence to show that the respondent is exerting efforts to harass, intimidate, coerce, or unduly influence the complainant or his/her witnesses into withdrawing his complaint or retracting his sworn statement or that of his witnesses against the respondent or to tamper with the evidence.

**2) Request for Preventive Suspension by the PLEB**

In the following cases the superior officer shall not deny a request for preventive suspension:

- a) When the respondent refuses to heed the PLEB's summons or subpoena;
- b) When the PNP personnel have been charged with offenses involving bodily harm or grave threats;
- c) When the respondent is in a position to tamper with the evidence; and
- d) When the respondent is in a position to unduly influence the witnesses.

Any superior who fails to act on

any request for suspension without valid grounds shall be held administratively liable for *serious neglect of duty*.

**3. Entitlement to Reinstatement and Salary.**

A member of the PNP who may have been suspended from office in accordance with R. A. No. 6975 as amended, or who shall have been separated from office, shall upon exoneration from the charges against him, be entitled to reinstatement and to prompt payment of salary, allowances and other benefits withheld from him by reason of such suspension or separation.

**D. Formal Hearing and Disposition of Cases**

**Summons** - Within three (3) days upon receipt of the complaint by the Hearing Officer, he shall issue the summons to be served upon the respondent, directing him to submit his *answer* within five (5) days from receipt thereof, together with whatever documentary evidence the respondent may have in support of his defense.

**Answer** - The *answer* shall be in writing, under oath and must contain material facts, which may either be a specific denial or affirmation of the allegations in the complaint. It shall be accompanied by documentary or other evidence, if there be any, in support of

the defense, copy furnished the complainant. It shall also contain a list of witnesses and their individual addresses, whenever appropriate.

The *answer* shall be filed in three (3) copies either personally or by registered mail, with proof of appropriate service to the complainant. If the *answer* is sent by registered mail, it is deemed filed on the date and hour of receipt stamped by the post office on the envelope. Said envelope shall be kept and made an integral part of the answer and records of the case.

No motion to dismiss, motion for bill of particulars or any other motion shall be allowed, and the filing of the same shall not interrupt the running of the reglementary period for filing an answer.

***Effect of Failure/Refusal to File Answer***

Failure of the respondent to file an *answer* within the reglementary period shall be considered as a general denial of the charges.

***Effect of Admission by Respondent***

When the respondent in his *answer* admits his culpability to the charge, the hearing shall, nonetheless, proceed in order to determine the degree of his responsibility, and the appropriate penalty to be imposed.

***Pre-Hearing Conference***

Within ten (10) days from receipt of the *answer*, the disciplinary authority or IAS shall conduct the pre-hearing conference for the purpose of: a) defining and simplifying the issues of the case; b) entering into admissions and/or stipulation of facts; c) limiting the number of witnesses to be presented; d) scheduling the dates of hearing; e) marking of exhibits; and f) threshing out other matters relevant to the case. Witnesses not included in the pre-hearing stipulations shall in no case be allowed to testify.

The parties may agree that summary hearing be dispensed with, instead, memorandum or position papers be submitted.

The conference shall be completed within two (2) days and the proceedings shall be duly recorded and attested by the parties and/or counsels.

Whether the parties are represented by counsel or not, they shall be made to sign the certificate of readiness to appear at the scheduled hearings. In the said certification, the date of hearing agreed upon by the parties shall be strictly followed to avoid unnecessary delay in the proceedings.

### ***Hearing Proper***

Within five (5) days from the pre-hearing conference, the summary hearing of the case shall proceed.

### ***Order of Summary Hearing***

The order of the summary hearing shall be as follows:

- a.) The complainant shall adduce evidence with proper identification and marking thereof of his exhibits;
- b.) The respondent shall then present evidence in support of his defense with proper identification and marking thereof of his exhibits;
- c.) The proceedings being summary in nature, direct examination of witnesses shall be dispensed with and the sworn statements/affidavits of witnesses, after proper identification and affirmation on the truth of the contents thereof, shall take the place of their oral testimony, except for witnesses who appeared pursuant to a subpoena;

- d.) Clarificatory questions may be allowed, if requested by either party, but shall be confined strictly to material and relevant matters and, insofar, as may be compatible with the ends of justice.

### ***Submission of Position Papers***

The hearing officer may require the parties to submit their respective position papers within ten (10) days from the date the summary hearing is terminated.

### ***Right to Counsel***

Parties have the right to avail of counsel. If the parties at the start of the proceedings appear without counsel, they shall be informed of the right to avail of one if they so desire. However, the hearings shall proceed as scheduled even in the absence of counsel.

If a party is not represented by counsel, the Hearing Officer shall mark the exhibits presented during the preliminary conference and may propound clarificatory questions, if necessary.

***Postponement***

Postponement of hearing should be discouraged and shall be allowed only in meritorious cases, such as illness of a party or his/her counsel and/or other similar unavoidable causes. A request for postponement on the ground of illness shall be supported by a duly sworn medical certificate.

Regardless of the ground invoked, not more than two (2) postponements shall be granted for either of the parties. Thereafter, the hearing shall proceed as scheduled.

***Prohibition of Reassignment of Respondent During the Pendency of an Administrative Case***

A respondent PNP member shall not be reassigned or transferred to another city/municipal police station or unit during the pendency of the case, unless the concerned disciplinary authority or IAS certifies that the presence of the respondent is no longer necessary. Any superior who violates this provision shall be administratively liable for *irregularity in the performance of duty*.

***Effect of Failure to Prosecute***

The failure to prosecute the case during the hearing, despite due notice, shall be a sufficient ground to drop the complaint where the culpability of the respondent could not be

established or proven without the testimony of the complaining witnesses. However, before dropping the complaint, the disciplinary authority or designated hearing officer shall exert best efforts to locate the complainant and his witnesses and to inquire into the reason(s) for their failure to prosecute the case.

In cases where the culpability of the respondent can be established by evidence other than the testimony of the complainant, non-appearance of the latter shall not be a ground to terminate the proceedings. The disciplinary authority or hearing officer shall endeavor to continue with the hearing and secure the attendance of other vital witnesses, upon proper motion by the prosecution.

***Effect of Failure or Refusal of Respondent to Appear***

If the respondent, despite due notice, fails or refuses to appear without justifiable reason during the scheduled hearings, he is deemed to have waived his right to be present and to submit evidence.

The respondent shall however, be afforded every opportunity to adduce his evidence during the pendency of the case.

### ***Effect of Compulsory Retirement***

The compulsory retirement of the respondent shall not affect the pendency of his administrative case and the award of retirement benefits due him shall be subject to its final disposition.

In the event that the respondent who has retired is found guilty and the penalty of suspension is imposed, the corresponding amount relative to the period of suspension shall be deducted from that portion of his retirement benefits that are allowed by law.

### ***Effect of Death***

Death of the respondent during the pendency of the case shall terminate the administrative proceedings and has the effect of exoneration.

Upon presentation of a certified true copy of the death certificate, a resolution dismissing the case shall be issued by the concerned disciplinary authority, appellate body or IAS, where the case is pending.

### ***Stenographic Records of Proceedings***

The entire proceedings during the conduct of the summary hearing shall be taken in shorthand or stenotype, if there is a stenographer.

The stenographer shall immediately transcribe the transcript of stenographic notes taken, but in no case beyond fifteen (15) days from the date of the hearing; *Provided however*, that if the case is deemed submitted for report of investigation/resolution/decision, he shall transcribe all the stenographic notes within ten (10) days.

A transcript of the records made and certified to as correct by the official stenographer or steno typist shall be a *prima facie* correct statement of the proceedings.

### ***Where Services of Stenographer Not Available.***

In areas and cases, where the services of a stenographer are not available to the disciplinary authority or IAS, a substantial account of the proceedings duly certified to as correct by the disciplinary authority or hearing officer shall suffice.

### ***Submission of Report of Investigation***

The hearing officer of the disciplinary authority and IAS, whenever applicable, shall have thirty (30) days to submit the report of investigation accompanied by the complete original records from the date the case is submitted for resolution. The report of investigation shall contain the findings of facts and the corresponding recommendation.

In cases filed before the IAS, the provincial director, regional director and the Inspector General shall resolve and forward the recommendation to the disciplinary authority, within thirty (30) days from receipt of the report of investigation from the hearing officers.

***Period to Render Decision***

The disciplinary authority shall decide the case within thirty (30) days from receipt of the Report of Investigation, or IAS resolution: *Provided*, that failure of the disciplinary authority to decide on the IAS recommendation within the above-prescribed period shall render the same final and the disciplinary authority is mandated to implement the Decision.

***Contents of Decision***

The decision shall contain the full name of the parties, rank and assignment of the respondent, the offense charged, a brief statement of the material and relevant facts, the findings as established during the hearing, the conclusion, the applicable laws, rules and regulations, jurisprudence, and the disposition thereof.

***Respondent Found Liable for an Offense Separate and Distinct from which he was Charged***

A respondent may be found culpable of an offense separate and distinct from that for which he was charged: *Provided*, that the acts constituting the offense of which he was found guilty were alleged in the complaint; and the respondent has been given the opportunity to answer.

***Finality of Decision***

The disciplinary action imposed upon a member of the PNP shall be final and executory: *Provided*, that a disciplinary action imposed by the regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the regional appellate board within ten (10) days from receipt of the copy of the notice of decision: *Provided, further*, that the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within ten (10) days from receipt thereof: *Provided, furthermore*, that the Regional or National Appellate Board, as the case may be, shall decide the appeal within sixty (60) days from receipt of the notice of appeal: *Provided, finally*, that the decisions of the National Appellate Board and Regional Appellate Board may be appealed to the

Secretary of the Interior and Local Government.

***Motion for Reconsideration***

The party adversely affected may file a motion for reconsideration from the decision rendered by the disciplinary authority within ten (10) days from receipt of a copy of the decision on the following grounds:

- a) Newly discovered evidence which, if presented, would materially affect the decision rendered; or
- b) Errors of law or irregularities have been committed prejudicial to the substantial rights and interest of the movant.

The filing of a motion for reconsideration shall stay the execution of the disciplinary action sought to be reconsidered. Only one (1) motion for reconsideration shall be allowed and the same shall be considered and decided by the disciplinary authority within fifteen (15) days from receipt thereof.

***Certificate of Finality***

The disciplinary authority or appellate body shall issue a certificate of finality of the decision

or resolution finally disposing of the case when no motion for reconsideration or appeal is filed within the prescribed period.

**E. Service of Notices and Summons**

All notices and summons to the respondent shall be served by handing the same to the respondent in person, or, if he refuses to receive and sign for it, by tendering it to him. The process server of the disciplinary authority or IAS shall effect said service.

All notices and summons to the respondent shall be personally delivered to him at his official station or residence. If for any reason, the respondent cannot be located thereat, the notices and summons shall be served at his last known address as appearing in his personal file with the Administrative Office.

However, if service by the disciplinary authority, IAS or Appellate Body cannot be accomplished under the foregoing modes, the notices and summons directed to the respondent shall be endorsed to his Chief of Police or equivalent supervisor who shall have the duty to serve the same to him personally within five (5) days from receipt .

In all cases, the *Return* shall be made within twenty-four (24) hours from service, either personally or by registered mail.

### ***Constructive Service***

If, for whatever justifiable reason, the respondent cannot be served personally, service may be made by leaving a copy of the notice and summons at the respondent's official station.

### ***Responsibility of the Administrative/Personnel Office***

The Administrative/Personnel Officer of a unit, office or station shall compile and keep a complete record of the residential addresses of all the PNP uniformed personnel assigned within his area of responsibility.

### **F. Filing and Service of Pleadings, Processes and Decisions**

The filing of pleadings by the parties shall be made by presenting the original copies thereof to the concerned disciplinary authority, IAS or Appellate Body or by sending them by registered mail with proof that the other party was served with a copy.

The date and time of the receipt shall be indicated on the face of the original document and the receiving copies. In case the above-indicated documents were sent by registered mail, the date and time of actual receipt shall be the time and date of receipt

as stamped on the envelope. The envelope is required to be attached to the document as part of the record.

### ***Service of Subpoenas and Interlocutory Orders***

Subpoenas and other interlocutory orders shall be served personally in the manner provided for under Rule 18 hereof; *Provided however*, that if the complainant and/or respondent is represented by counsel, service of orders to the counsel shall be deemed service to his client.

### ***Service of Final Orders/ Decisions/Resolutions.***

Final orders, decisions, and resolutions shall be docketed after its release by the disciplinary authority, IAS or Appellate Body and copies thereof shall be served upon the parties personally or by registered mail.

### ***Implementation of Final Orders/ Decisions, or Resolutions Which Have Become Final and Executory***

Final orders, decisions, or resolutions which have become final and executory shall be referred to the PNP Regional Director or his equivalent supervisor or the Director, Directorate for Personnel and Records Management (DPRM) for implementation within five (5) days from receipt of the request or order of the disciplinary authority or

appellate body to implement the same, copy furnished Director, PNP Finance Service; Director, Directorate for Investigation and Detective Management (DIDM); and the respondent's unit assignment.

Any PNP officer charged with the implementation of a *Decision* which has become final and executory who fails to implement the same shall be liable for *serious neglect of duty*.

### **G. Appeal**

Appeals from the decisions of the disciplinary authority, Regional Appellate Board, National Appellate Board or recommendation of IAS which ripened into a decision due to inaction by the disciplinary authority, shall be taken by the party adversely affected by filing a notice of appeal and furnishing a copy thereof to the other party and the appellate body, with the deciding authority within ten (10) days from receipt of a copy of the decision.

#### ***Notice of Appeal and Memorandum On Appeal***

a) A *Notice of Appeal* shall be filed in three (3) legible copies which shall contain the following:

1) the material dates showing that it was filed on time;

2) the assignment of the specific errors of fact or law, or both, allegedly committed by the disciplinary authority; and 3) the specific appellate body to which the appeal is being taken.

The appellant shall submit a *Memorandum on Appeal* in three (3) legible copies not later than fifteen (15) days from the filing of the notice of appeal, copy furnished the other party. However, the memorandum on appeal maybe submitted upon filing the notice of appeal. Proof that copy of the memorandum on appeal was served to the other party must be submitted by the appellant.

b) In all appealed cases, the title of the case shall remain as it was before the disciplinary authority, but the party appealing the case shall be further referred to as the appellant and the prevailing party as the appellee.

#### ***Dismissal of the Appeal***

Failure of the appellant to comply with the requirements provided in Sections 1 and 2 (a) of this *Rule* shall be sufficient ground for the dismissal of the appeal.

### ***Transmittal of the Records***

Within fifteen (15) days from receipt of the *Notice of Appeal*, the concerned disciplinary authority shall forward the complete original records of the case to the appellate body, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss of any piece of document thereof. The transmittal of the records shall be a ministerial duty and failure to forward the same shall be a ground for administrative action against the concerned official or personnel for *serious neglect of duty*.

### ***Docketing of Appealed Cases***

Upon receiving the complete original records, which shall include the exhibits and transcript of stenographic notes from the disciplinary authority, the appellate body shall immediately docket the same by stamping the time and date of receipt on its cover, assigning the appellate the case number and entering the same on the docket book which shall be purposely maintained for appealed cases only.

### ***Period to Act on Appeal***

The Regional Appellate Board and the National Appellate Board shall decide the appeal within the period of sixty (60) days from receipt of the complete records of the case.

Failure of the RAB to decide the appeal within sixty (60) days from receipt of the case records shall render the decision of the disciplinary authority final without prejudice to the filing of an appeal by the party adversely affected to the Secretary of the Department of the Interior and Local Government.

Should the RAB fail to decide the appeal within the reglementary period provided in this Section, the concerned Board shall automatically make a written explanation to the Commission En Banc on its failure to do so.

The Commission En Banc shall order the conduct of investigation against the Chairman and the PNP representative of the concerned Board if it appears from the explanation that an evident neglect of duty was committed by the Board.

### ***Withdrawal of Appeal***

At any time before the appellate body renders its decision finally resolving the appeal, the appellant, as a matter of right, can withdraw the same; which shall consequently, render the appealed decision final and executory. No motion to reinstate the appeal shall be allowed.

## Chapter 10

### Administrative Offenses and Penalties

The following are the offenses punishable and defined as follows:

- 1) *Neglect of Duty or Nonfeasance* – is the omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; implies a duty as well as its breach and the fact can never be found in the absence of duty.
- 2) *Irregularities in the Performance of Duty or Misfeasance* – is the

improper performance of some act which might lawfully be done.

- 3) *Misconduct or Malfeasance* – is any wrongful, improper or unlawful conduct motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except where necessity may demand; it does not necessarily imply corruption or criminal intention.
- 4) *Incompetence* – is ignorance or the material lack of adequate ability and fitness for the satisfactory performance of police duties. This refers to any physical, intellectual, psychological and moral quality, the lack of which substantially incapacitates a person to perform the duties of a police officer.
- 5) *Oppression* – imports an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of unlawful powers or other means, in depriving an individual of his property or liberty against his will, is generally an act of oppression.

- 6) *Dishonesty* – is the concealment or distortion of truth in a matter of fact relevant to one’s office, or connected with the performance of his duties or connected with the performance of his duties; and
- 7) *Disloyalty to the Government* - consists of the abandonment or renunciation of one’s loyalty to the government of the Philippines, or advocating the overthrow of the government, through overt or covert acts.

Sec. 2. *Classification of Offenses* - For purposes of determining jurisdiction and applying the appropriate penalty, administrative offenses are classified into light, less grave and grave:

**A. LIGHT OFFENSES:**

- 1) **Simple Neglect of Duty** – Shall include but not limited to the following:
- a) fail to supervise, inspect and control subordinates directly under his command as to their punctuality, attendance, prescribed attire, proper use and maintenance of equipment, preparation

- and submission of reports, efficient performance of their duties and responsibilities, and the observance of good order, conduct, behavior and discipline;
- b) fail to take corrective action by way of warning, advise, admonition, suggestion or disciplinary action to a subordinate, or to report such conduct when such subordinate is committing or has already committed a dereliction, irregularity or violation of departmental rules and regulations;
- c) fail to order or cause the investigation of a subordinate reported to him as absent without leave;
- d) fail to disseminate any order, directive or instruction;
- e) fail to coordinate or cooperate with other law

- enforcement agencies and their personnel;
- f) absent oneself from office without having filed the necessary application for leave or secured the approval of the superior officer for a period not exceeding three (3) days in a month;
  - g) fail or refuse to give his name and badge number when properly requested;
  - h) fail to report upon declaration of alert levels;
  - i) fail to report for duty in prescribed uniforms with badge, identification card, service firearm and other required equipment, except those not required to wear the prescribed uniform by reason of the exigency of the service;
  - j) fail to keep an official appointment with a complainant, informer or crime witnesses without lawful justification;

- k) fail to submit a written report to his superior officer immediately or within a reasonable time after accidental firing of his firearm, when time and circumstances would permit;
- l) fail to take custody of government issued property from a member under his supervision who is suspended, separated, retired or dead;
- m) fail to conduct within a reasonable period, proper, thorough and complete investigation when assigned to do so;
- n) fail to thoroughly search for, collect, preserve and identify evidence in any arrest or investigation conducted by him;
- o) fail to take proper custody, record, tag, and identify property entrusted to him as evidence;

- p) be delayed unnecessarily in attending to or in performing a duty;
- q) fail to report to his superior officer his inability or incapability to report for duty, attend a conference, general inspection, or participate in an operation;
- r) delay or fail to respond to a call for assistance ;
- s) fail to inform his superior as to the result of action taken on a call or dispatch;
- t) fail to report to his superior officer a hazardous condition or dangerous situation;
- u) fail to prepare and submit properly written reports within the prescribed period of time, if required by standing regulations;
- v) fail to report to a new assignment within ten (10) days from the order of

reassignment without sufficient reason;

- w) leave his post or beat before the end of tour of duty or leave without the required turn over to the incoming duty personnel.

**2) Simple Irregularity in the Performance of Duty** – Shall include but not limited to the following:

- a) drive a marked police vehicle while not in prescribed uniform, except those who are not required to do so by reason of the exigency of the service;
- b) use siren and/or red blinker light while not responding to an emergency or not in hot pursuit of a fleeing criminal or law violator;
- c) malingering, loaf or consort with others while on duty or arrange with another member to take his place during his tour of duty, without prior approval of his superior;

- d) allow unauthorized member of the PNP to drive marked or unmarked police vehicles;
  - e) interfere or obstruct the work of other members or change the assignment or tour of duty of subordinates not belonging to his unit/office;
  - f) arrange with another member to take his post or tour of duty without superior's approval.
- 3) **Slight or Simple Misconduct** – Shall include but not limited to the following:
- a) fail to salute officials, dignitaries, superior officers and other officials entitled thereto or the national colors during the playing of the national anthem;
  - b) fight, threaten or quarrel with any member of the police force; provided, that when the member

- being challenged or threatened is one of higher rank, the charge shall be that of Grave Misconduct;
- c) read newspaper, books or periodicals while in uniform and on street duty;
- d) be untidy or couth in his personal appearance and behave in an ungentlemanly or undignified manner;
- e) fail to recognize and satisfy any just debt;
- f) engage in private business or practice his vocation or profession during off duty hours without approval of proper authority;
- g) solicit attorneys, bondsmen or guarantors for arrested or confined persons;
- h) fail to be home or to be at the place of confinement without legitimate reason after having been

reported sick or suffering injuries;

- i) use rude or insulting language or exhibit similar rudeness to the public;
- j) fail to report for record with the Complaint or Desk Officer a case prior to its investigation;
- k) allow or tolerate idlers, fixers or persons of questionable character to stay or loiter in his office, post or place of assignment without any legitimate reason or purpose;
- l) fail to maintain cleanliness and orderliness in his office, premises, post or surroundings;
- m) use official forms, letterheads, seals and stamps privately or in violation of protocol; provided, that when they are used for committing fraud or dishonesty, the

charge shall be Grave Misconduct;

- n) be found to have the odor or smell of alcohol on his breath while on duty, or possesses alcoholic beverages on his person, police vehicle, post or office;
- o) make or conduct unauthorized solicitations of contributions from subordinates or private persons.

**B. LESS GRAVE OFFENSES:**

- 1) **Less Grave Neglect of Duty** – Shall include but not limited to the following:
  - a) fail to execute lawful orders from higher authority or tolerate any subordinate to ignore or ridicule any order, rule or regulation;
  - b) fail to make immediate correction or take appropriate action when

a dereliction, irregularity or violation of law or duty is being committed or has been committed in his presence by a subordinate under his command, or fail to report the same to his commanding officer within twenty-four (24) hours;

- c) fail to prepare disciplinary or administrative complaint or take such other disciplinary action as may be necessary against a subordinate under his command who has committed a serious dereliction, violation or irregularity;
- d) fail to comply with any lawful order or instruction of a superior officer or the Chief of Police;
- e) fail to report immediately to his superior officer, or to the Chief of Police the injury, illness, death or escape of a prisoner who is under his custody;

- f) fail to communicate to the Chief of Police, through channels, any valuable information that will lead to the apprehension of a wanted person, or furnish clues for the solution of a case, or for the recovery of stolen property;
- g) fail to issue a Traffic Citation Ticket (TCT) or Temporary Operator's Permit (TOP) to an offending driver whose license is already confiscated;
- h) fail to turn in the used Traffic Citation Ticket or Temporary Operator's Permit together with confiscated driver's license at the end of his tour of duty or within twenty-four (24) hours, or fail to account for the TCT's or TOP's issued to and used by him;
- i) fail to report as a peace officer any incident, condition or occurrence witnessed by or reported

- to him which calls for immediate police action;
- j) fail to properly patrol his beat, sector or post or to leave or abandon the same without being properly relieved; fail to take appropriate action concerning vice conditions in his beat and/or give written report of the same to his superior;
  - k) fail to report to his superior officer, within a reasonable period, injury inflicted by him to a person or animal, damage or loss of government property while on or off duty;
  - l) fail to comply with the order of a court of competent jurisdiction;
  - m) willfully violate office regulations and/or refuse or neglect to comply with said provisions;

- n) sleep on his post while performing patrol or guard duty;
- m) absent oneself from office without having filed the necessary application leave or secured the approval of the superior officer for a period of more than three (3) days but not exceeding fifteen (15) days.

2) **Less Grave Irregularities in the Performance of Duties** – Shall include but not limited to the following:

- a) apply for and serve a search or seizure warrant in any establishment or private house without the knowledge or approval of the Chief of Police or his superior officer;
- b) use traffic violation reports which are not duly validated by the Land of Transportation Office (LTO), the Metro Manila Development Authority (MMDA), or city or municipal government;

- c) use traffic violation reports duly validated by the LTO, MMDA, or city/municipal government but are not issued to him for traffic enforcement work;
- d) use the official insignia, markings and seal of the police force in any privately owned vehicle, without the authority of the Chief of Police/superior officer;
- e) disregard or violate traffic rules and regulations while driving a police vehicle when not in hot pursuit and not responding to an emergency call.

3) **Less Grave Misconduct** – Shall include but not limited to the following:

- a) take advantage of his position by procuring goods and commodities at a losing price to an unwilling seller, or partake of food, drinks and cigarettes free of charge;

- b) engage in regulated gambling or games of chance, while on duty;
- c) be drunk and disorderly while on off duty, or drunk while on duty and in uniform or in recognizable uniform of the force;
- d) maliciously intrigue against the honor of a co-officer, or indulge in idle gossip or spread rumors that tend to discredit member;
- e) exhibit marked discourtesy in the course of official duties or use profane or insulting language to any superior officer;
- f) serve as escort or security officer, whether on foot or by motor vehicle, for any private individual regardless of his status in social or religious circles on any occasion, unless authorized by the Chief of Police or the appropriate officials authorized to do so;

- g) take a trip abroad without approved leave and approval of the authorities concerned;
- h) borrow or solicit money or any valuable from his subordinates unless the latter is engaged in the lending business.

**C. GRAVE OFFENSES:**

1) **Serious Neglect of Duty** – Shall include but not limited to the following:

- a) fail or refuse to take command in an emergency in order to carry out police duty, being the officer present with the highest rank, grade or position;
- b) fail to prevent or suppress the criminal act of a subordinate being committed in his presence or fail to report the same to the Chief of Police within twenty-four hours (24) after discovery;

- c) fail to apprehend and/or arrest a person under circumstances where it is his duty to do so;
- d) fail to return personal effects of released prisoners or other property used in evidence the release of which is ordered by competent authority or court;
- e) fail to perform his assigned mission or fail to participate in an operation for the security of the President, or other high ranking officials of the Philippines or foreign heads of state;
- f) fail to administer first aid when able and/or convey to the hospitals, victims of traffic accidents, persons shot or stabbed, persons electrocuted, and other who are dying and in need of urgent medical or surgical attention;
- g) fail to quell a disturbance or to protect a person

from death or injury when able to do so;

- h) fail to help a brother peace officer in apprehending or arresting a violator who resists, or in subduing one assaulting the arresting officer, or in disarming an armed violator or in coming to the succor of another officer who is wounded, injured or outnumbered;
- i) fail to appear and testify in court, prosecutor's office, the PNP disciplinary authorities, appellate bodies, the IAS or any other quasi-judicial body when duly notified or subpoenaed as witness. If his non-appearance resulted in the dismissal of the case or the acquittal of the accused; or when he is the principal witness or the arresting officer, the penalty of dismissal from the service shall be imposed;
- j) Absent oneself from office without having filed the

necessary application for leave or secured approval of the authorized official for a period of more than fifteen (15) days prior to the enjoyment of the leave.

2) **Serious Irregularities in the Performance of Duties** – Shall include but not be limited to the following:

- a) act as bodyguard or security guard for any public official or candidate for any elective public office or position or any other person within three (3) months immediately preceding any election and within one (1) month thereafter, without authority from the Commission on Election;
- b) acts as bodyguard or security guard for the person or property of any public official, or private person unless approved by the proper authorities concerned;

- c) reveal secret or confidential police matters and information which jeopardize police mission and operations, or which cause injury or damage to citizens;
- d) unauthorized establishment of checkpoints in any public thoroughfare for the purpose of stopping or searching vehicles or persons or if authorized does not comply with the Rules set by the PNP;
- e) unauthorized escorting of any vehicle carrying highly dutiable or taxable goods, merchandise, appliances or machinery;
- f) failure to turn over to the police station within a reasonable period any apprehended or arrested person;
- g) countermand any lawful order of the mayor, chief

- of police, or his superior officer;
- h) perform the duties and functions of customs or immigration authorities without proper deputation in accordance with law;
- i) escort or allow other members to escort detention prisoners outside the jail in order to attend a funeral, visit a sick relative, or solicit a bond without an order of the court or proper jurisdiction.

3) **Grave Misconduct** – Shall include but not limited to the following:

- a) maltreat or abuse any prisoner or detained person under his custody;
- b) receive for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the

hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;

- c) join a strike or refuse to report for duty in order to secure changes in terms and conditions of his employment, or to oust the chief of police or any other officer from office;
- d) contract loans of money or other property from persons with whom the PNP office has business relations;
- e) solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office.

The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between the giver and receiver and the motivation. A thing of monetary value is one which is evidently or materially excessive by its very nature;

- f) directly or indirectly have financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;
- g) own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee, nominee in any private enterprise regulated, supervised or licensed by his office, unless expressly allowed by law;

- h) publicly consort with women of ill repute and/or scandalously cohabit with or maintain a wife other than his legitimate spouse;
- i) fail or refuse to surrender or deposit his service firearm, badge, identification card and police vehicle, if any, to his superior officer upon demand during the period of suspension;
- j) willful failure to pay just debts or obligation due to the government;
- k) appropriate for his or allow another person the beneficial use of any stolen property that is recovered, found or abandoned;
- l) solicit money, valuable or favor for the amicable settlement of cases under investigation;
- m) engage directly or indirectly in partisan political activities or take

- part in any election except to vote;
- n) deliberately or through gross negligence, destroy, damage or lose government property entrusted to him for official use;
- o) mutilate, deface or destroy any driver's license, traffic citation ticket or temporary operator's permit issued in lieu thereof;
- p) inflict physical injuries upon a suspect to force the latter to give a confession;
- q) act as mediator or fixer for the return of any stolen vehicle or property whether held for ransom or not;
- r) commit any act or omission that constitutes a crime punishable under the Revised Penal Code or Special Laws.

4) **Oppression** - Any member of the police force who shall abuse his authority in a tyrannical, cruel and high-handed manner shall be guilty of Oppression.

5) **Gross Incompetence** - When the offense or negligence is committed by a reason of manifest lack of adequate ability and fitness on the part of the respondent member for the satisfactory performance of police duties, the erring member shall be guilty of Gross Incompetence.

6) **Disloyalty to the Government** - Any member of the PNP who shall abandon or renounce his loyalty to the government of the Republic of the Philippines or who shall advocate the overthrow of the government, through covert or overt acts, shall be guilty of Disloyalty to the Government. He shall be punished with the maximum penalty of dismissal from the service.

7) **Dishonesty** - Any member of the police force who shall conceal, alter, or distort the truth in a matter of fact relevant to his office, or connected with the performance of his duties shall be guilty of Dishonesty. It shall include but not be limited to the following:

- a) any member who shall knowingly enter in his Information Sheet or CSC 212 Form, or in his Individual Police

Profile, facts which are not true, or conceal or distort material facts;

- b) makes a false report or entry in the police blotter or any department record;
- c) gives deliberate false testimony against or in favor of a person facing a criminal or administrative charge;
- d) destroy, conceal, or tamper physical evidence to be presented in court or any office conducting an investigation by exchanging, altering, damaging or diluting as to affect its original appearance, composition and content;
- e) intentionally provide the public with false information affecting public interest.

## PENALTIES

The following are the penalties that may be imposed in police administrative cases:

- a) Withholding of privileges
- b) Restriction to specified limits
- c) Restrictive custody
- d) Forfeiture of salary
- e) Suspension
- f) Any combination of penalties under Section 1, subparagraphs (a) to (e)
- g) One (1) rank demotion
- h) Dismissal from the service

Sec. 2. *Range of Penalties.* - The penalties for light, less grave and grave offenses shall be made in accordance with the following ranges:

### For Light Offenses:

- 1) Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from one (1) day to ten (10) days (minimum period);
- 2) Withholding of privileges ; restriction to specified limits; restrictive custody; suspension

or forfeiture of salary; or any combination thereof from eleven (11) days to twenty (20) days (medium period);

- 3) Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from twenty one (21) days to thirty (30) days (maximum period)

### For Less Grave Offenses:

- 1) Withholding of privileges; restriction to specified limits; restrictive custody; suspension or forfeiture of salary; or any combination thereof from thirty-one (31) days to forty (40) days (minimum);
- 2) Withholding of privileges; restriction to specified limits; suspension or forfeiture of salary; or any combination thereof from forty one (41) days to fifty (50) days (medium period);
- 3) Withholding of privileges; restriction to specified limits; restrictive custody; suspension

or forfeiture of salary; or any combination thereof from fifty-one (51) days to fifty nine (59) days (maximum period).

**For Grave Offenses:**

- 1) Sixty (60) days to Six (6) months suspension (minimum period);
- 2) One (1) rank demotion (medium period);
- 3) Dismissal from the service (maximum period).

***Limitation in the Imposition of Penalties***

In case of forfeiture of salary the amount shall not exceed the equivalent of one (1) month salary.

The penalty of "*Withholding of Privileges*" shall be confined to deferment of vacation leave privileges, participation in training grants or programs and such other similar privileges normally enjoyed by civil service employees.

***Qualifying Circumstances***

In the determination of penalties to be imposed, mitigating and aggravating circumstances attendant to the commission of the offense/s shall be considered.

a) The following are mitigating circumstances:

- 1) illness;
- 2) good faith;
- 3) length of service in the government;
- 4) Awards and commendations;
- 5) analogous circumstances.

b) The following are aggravating circumstances:

- 1) taking advantage of official position;
- 2) taking undue advantage of subordinate;
- 3) use of government property in the commission of the offense;
- 4) repeatedly charged;
- 5) offense is committed during office hours and/or within the premises of the government office or building;
- 6) employment of fraudulent means to commit or conceal the offense;
- 7) intoxication;
- 8) being a recidivist;
- 9) offense committed in consideration of a price or reward;

- 10) when the victim is a minor, feeble minded or physically disabled;
- 11) when offense is committed in cooperation with two (2) or more persons;
- 12) utilizing minor in the commission of the offense; and
- 13) Analogous circumstances.

***Guidelines in the Application of Penalties***

The imposition of the penalty shall be made in accordance with the manner herein below provided:

- a) Like penalties shall be imposed for like offenses and only one penalty shall be imposed for each case. "Each case" means one administrative case which may involve one or more charges or counts.
- b) The minimum period of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- c) The medium period of the penalty shall be imposed

where no mitigating and aggravating circumstances are present.

- d) The maximum period of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- e) Where aggravating and mitigating circumstances are present, rule (b) shall be applied where there are more mitigating circumstances present; rule (c) shall be applied where the circumstances equally off-set each other; rule (d) shall be applied when there are more aggravating circumstances.
- f) If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.
- g) In the appreciation of any mitigating circumstance in

favor of the respondent or of any aggravating circumstance against him, the same must be invoked or pleaded by the party concerned, otherwise, such circumstances shall not be considered in the determination of the penalty to be imposed.

***Administrative Disability Inherent in Certain Penalties***

The following are the administrative disabilities inherent in certain penalties:

- a) The penalty of dismissal, which results in the separation of the respondent from the service, shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the disqualification for re-employment in the government service;
- b) The penalty of suspension, which consists in the temporary separation or cessation of work of the respondent for the duration of the sanction,

shall carry with it that of disqualification for promotion and withholding of privileges corresponding to the period of suspension.

- c) The penalty of forfeiture of salary, which consists of an amount not exceeding one (1) month salary, shall carry with it that of disqualification for promotion corresponding to the period of the penalty imposed.

# Chapter 11

## Frequently Asked Questions

### 1. What is the Internal Affairs Service?

The Internal Affairs Service is designated as the institutional watchdog agency for the PNP. As such, it is the lead agency for the PNP organization in the campaign against all forms of misconduct in the PNP. It is accorded with the status of an independent, impartial, objective, investigative and adjudicatory agency within the Philippine National Police. It is empowered primarily to inquire into the state of discipline, efficiency, economy, training, morale and readiness of the PNP.

### 2. When and how was the IAS created?

The Internal Affairs Service was created pursuant to the provisions of Title V, Republic Act 8551, otherwise known as the Philippine National Police Reform and Reorganization Act 1998 approved on February 25, 1998.

The philosophy and clear intent of Congress to create IAS is to establish an agency that is independent and autonomous with its own separate hierarchy and career path for its members, to effectively carry out its mandate to "Police the Police". Based on their studies, they found out that the most effective and successful mechanism in the disciplining of police officers used in other countries is the creation of a police within the police.

It was then on June 1, 1999, when NHQ PNP issued General Order No. DPL 99-004 dated June 1, 1999, setting the formal start of IAS operation. The order also deactivated the Inspectorate and Internal Affairs Office (IIAO) in the various PNP Offices nationwide. In turn, IG IAS issued Staff Memo Nos. 99-001, 99-002, 99-003 and 99-004 to constitute the IAS Interim Offices at the national, regional, provincial, district and city levels.

### **3. Who heads the Offices of the IAS?**

The Internal Affairs Service shall be headed by an Inspector General who shall be assisted by a Deputy Inspector General.

Currently, the Inspector General is Atty. Alexis Cortez Canonizado, a lawyer, former Senior State Prosecutor of the Department of Justice, RTC Judge and Commissioner of the National Police Commission. He is assisted by the Deputy Inspector General in the person of PCSUPT JAIME L TAGACA.

### **4. What is the qualification requirements for the Head of the IAS?**

The Head of the Internal Affairs Service shall be a civilian who shall meet the qualification requirements provided in RA 8551. Its purpose is to stress the civilian character of the police service.

### **5. What are the Powers and Functions of the Internal Affairs Service?**

IAS exercises the following powers and functions as enumerated in Sec. 39, RA 8551:

- a) pro-actively conduct inspections and audits on PNP personnel and units;

- b) investigate complaints and gather evidence in support of an open investigation;

- c) conduct summary hearings on PNP members facing administrative charges;

- d) submit a periodic report on the assessment, analysis and evaluation of the character and behavior of PNP personnel and units to the Chief, PNP and the Commission;

- e) file appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case;

- f) provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

### **6. Can the IAS, on its own initiative conducts investigation of PNP members?**

Yes, the IAS can conduct motu proprio, automatic investigation on the following cases:

- a) incidents where police personnel discharges a firearm;

- b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;
- c) incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- d) incidence where a suspect in the custody of the police was seriously injured; and
- e) incidence where the established rules of engagement have been violated.

**7. How does IAS affect the career of a Police Officer?**

The IAS shall provide documents or recommendations as regards to the promotion of the PNP members or the assignment of any PNP personnel to any key position. A PNP member with a pending case with IAS cannot also be issued a clearance or cannot be suspended or dismissed upon the initiative of IAS.

**8. What exactly is the disciplinary mechanism in the IAS?**

The pre-charge investigation is conducted by the Provincial IAS. His findings/recommendations are submitted to the Regional IAS for review. Once a probable

cause is found to exist, the Regional IAS will conduct summary hearings and thereafter, decide the case. Decisions of the Regional IAS on findings of probable cause are subject to appeal to the National IAS and the decisions of the latter are appealable to the National Appellate Board of NAPOLCOM, or to the court as may be appropriate.

**9. In what particular instance may a PNP member be dismissed from service?**

Once found culpable for violation of any of the cases mentioned in Sec. 39 of RA 8551 (supra) as well as other administrative offenses provided under existing laws and Civil Service Rules and Regulations.

**10. What liability has the superior or the supervisor of the erring PNP member, if any?**

The immediate supervisor or superior of the erring PNP member shall be included in the investigation to determine lapses in administration and supervision.

**11. Does the IAS perform similar functions as the People's Law Enforcement Board (PLEB)?**

The IAS exercises concurrent jurisdiction with the PLEB and other disciplinary authorities on matters of investigation of cases although NAPOLCOM Memorandum Circular No 2007-001 requires it to submit its resolutions/orders/decisions to the proper PNP disciplinary authority for disposition and implementations.

In the case of Albao and De Leon vs IAS, et.al., (CA-G.R. SP No. 58225, January 15, 2001). The court ruled that the **“PLEB jurisdiction is concurrent with that of other disciplinary authorities, including the IAS.”**

In the other case of Rudy L. Celis vs. Regional Internal Affairs Service, et.al. (CA G.R SP No. 72845, March 26, 2003), the Court held that “The Internal Affairs Service was created pursuant to Republic Act 8551, otherwise known as the PNP Reform and Reorganization Act of 1998, with the mandate, among others, to investigate complaints, and gather evidence in support of an open investigation conduct summary hearings on PNP members facing administrative charges and **to hear and decide the case.**”

**12. Can the disciplinary authority in the PNP revise the decision of IAS?**

Decisions of IAS in the imposition of disciplinary measures against an erring PNP personnel, once final, cannot be revised, set

aside, or unduly delayed by any disciplining authority without just cause.

**13. What is the effect of the creation of IAS to the summary dismissal powers of the Chief, PNP and Regional Directors?**

The summary dismissal powers of the Chief, PNP and Regional Directors as provided in Sec. 42 of R.A. 6975 shall remain valid. Provided, that the existing jurisdiction over offenses as provided under R.A. 6975 shall not be affected.

**14. What is the liability of a disciplining authority who fails to act or who acts with abuse of discretion in the decisions of IAS?**

Any disciplinary authority who fails to act or who acts with abuse of discretion on the decisions of IAS shall be made liable for gross neglect of duty.

**15. Where can complaints against an IAS personnel be brought?**

A complaint against any personnel or office of IAS shall be brought to the Inspector General’s Office or to the Commission as may be appropriate.

**16. How does one become a member of the IAS?**

Entry to IAS is voluntary and subject to rigid screening where only PNP personnel who have at least five (5) years experience in law enforcement and who have no derogatory records shall be considered, except members of the BAR may enter the service laterally.

**17. Who appoints the members of the IAS?**

Initial appointments of Heads of Offices in the IAS shall be made by the President. Thereafter, appointments and promotions shall be made by the Inspector General based on a career pattern and criteria to be promulgated by the NAPOLCOM.

**18. How about the civilian components of the IAS?**

Appointment of non-uniformed personnel to the IAS shall be made by the Inspector General either from within or outside the PNP organization.

**19. What are the prohibitions on PNP members who join the IAS?**

Any personnel who joins the IAS "may not" thereafter join any other unit of the PNP. Neither shall any personnel of the IAS be

allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any PNP personnel.

**20. What are the incentives provided by law for joining IAS?**

1. an occupational specialty pay not to exceed fifty percent (50%) of the basic pay;
2. priority in the quota allocation for training and education both here and abroad;
3. separate promotion system to be established by NAPOLCOM.

**21. Who may file a complaint against the PNP?**

Any individual whether a natural or juridical person who is a victim of police abuses / misconduct or who has knowledge of any police irregularities may file a complaint.

**22. How is a complaint made?**

Generally, all complaints should be submitted in writing and under oath with a detailed account of the matter complained about, with enough evidence, will be of great help. A complaint which does not disclose the identity of the complainant will be acted upon only if it merits appropriate consideration, or contain sufficient leads or particulars, enable the taking of further action.

**23. To whom should complaints be addressed?**

Complaints may be addressed directly to the Office of the Inspector General or to the Regional and Provincial Internal Affairs Service.

**BIBLIOGRAPHY**

IAS Manual 2006  
RA 8551, Title V Sec. 39-51  
NAPOLCOM Memo Cir No 2007-001  
EO 101 dated May 7, 1999  
IAS organizational Pattern and Functions

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