



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

CT 09 2016

PNP MEMORANDUM CIRCULAR
No.: 2016-065

**REVISED POLICY ON ABSENCE WITHOUT OFFICIAL LEAVE AND
DROPPING FROM THE ROLLS**

1. REFERENCES:

- a. Revised Rules on Administrative Cases in the Civil Service (RRACCS) dated November 18, 2011;
- b. RA No. 6975 as amended by RA No. 8551;
- c. NAPOLCOM Memorandum Circular (NMC) No. 95-017 dated August 14, 1995 entitled "Prescribing Guidelines Governing the Personnel Action of Dropping From the Rolls of Officers and Non-Officers of the Philippine National Police (PNP) for Incurring Absences Without Official Leave/Unauthorized Absences" as amended by NMC No. 2010-001;
- d. NMC No. 2016-002 dated March 7, 2016; and
- e. Executive Order No. 292 "Instituting the Administrative Code of 1987."

2. RATIONALE:

The thrust of each uniformed and non-uniformed personnel of the PNP is the commitment and dedication to have a high sense of accountability, professionalism, meritocracy, and high regard to public interest. Coupled with these principles is ensuring discipline among PNP ranks, through the application of disciplinary and non-disciplinary mechanisms with the end in view of observing due process at all times.

Based on the provisions of RRACCS dated November 18, 2011, the existing policy on Absence Without Official Leave (AWOL) and Dropping From the Rolls shall be revised and amended to conform with the civil service laws, rules and regulations.

3. PURPOSE:

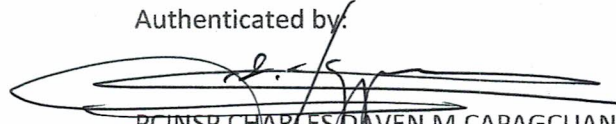
To empower the PNP Disciplinary Authorities to exercise their authority through the implementation of the non-disciplinary and disciplinary mechanism in addressing concerns with regard to personnel who were placed on AWOL status or ordered Dropped From the Rolls (DFR).

4. DEFINITION OF TERMS:

As provided for in this Memorandum Circular (MC), the following terminologies are defined to be understood as follows:

- a. Absence Without Official Leave (AWOL) - in general, it refers to the status of any official or employee who absents himself/herself from work without an approved leave of absence.
- b. Dropped From the Rolls (DFR) - it is a mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental incapacity which is non-disciplinary in nature and

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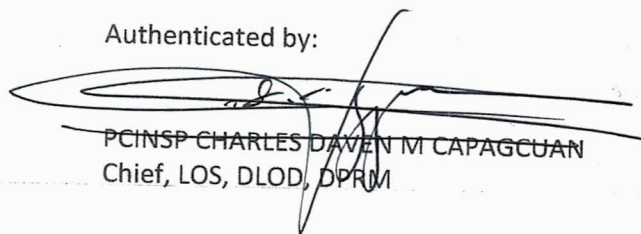
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shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government.

PNP personnel who has been continuously absent without approved leave for 30 working days or more shall be DFR without prior notice from its effectivity. He/She shall be informed of his/her separation from the service not later than five days from its effectivity through Written Notice by registered mail to the last known address as appearing on his/her 201 files; through personal service; and through the Barangay where he/she resides;

- c. Written Notice – it is the notice in writing signed by the appropriate appointing authority or head of office, informing the PNP personnel concerned that he/she was already DFR. It shall be sent to the last known address of the officer or employee as appearing on his/her 201 files through registered mail; through personal service; and through the Barangay where he/she resides.
- d. Return To Work Order – it is a written Order signed by the immediate supervisor, directing the PNP personnel concerned to immediately return to work within the specific period. It shall be sent to the last known address of the officer or employee through registered mail as appearing on his/her 201 files; through personal service; and through the Barangay where he/she resides. Failure on his/her part to report to work within the period stated in the order shall be a valid ground to drop him/her from the rolls.
- e. PNP Officers Authorized to Issue DFR Orders – The Chief, PNP as Head of Office and the appointing authority for second level Police Commissioned Officers (PCOs) and Police Non-Commissioned Officers (PNCOs) and Non-Uniformed Personnel (NUP) assigned in the National Headquarters, and the equivalent supervisors under Section 41 (b) of RA No. 6975, as amended and under NMC No. 2016-002 are authorized to issue DFR orders, as follows:
 - 1.) RD, PROs
 - a.) Director, Police District Office, National Capital Region Police Office
 - b.) Director, National Administrative Support Unit
 - c.) Director, National Operational Support Unit
 - 2.) Chief of Police
 - a) Chief, Provincial Public Safety Company
 - b) Chief, District Public Safety Battalion
 - c) Chief, Police Station of Manila Police District and Quezon City Police District
 - 3.) Provincial Director
 - a) Director, City Police Office of Highly Urbanized or Chartered Cities
 - b) Chief, Regional Public Safety Battalion
 - c) Chief, Regional Administrative Support Unit
 - d) Chief, Regional Operational Support Unit
- f. PNP Personnel – refer to uniformed and non-uniformed members of the PNP in active service.
- g. Individual Performance Evaluation Rating (IPER) – used to assess the performance of PNP personnel in terms of his/her contribution to the

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attainment of the PNP mission and vision, his/her skills, competencies, and attitude towards work.

- h. Appellate Body – refers to the Chief, PNP; Chairman, NAPOLCOM; and the Civil Service Commission who shall resolve the appeals brought by PNP personnel whose Motion for Reconsideration (MR) on DFR cases were denied by the appropriate authority.
- i. Resolution – is the written disposition on DFR cases by the disciplining authority/appellate body clearly stating therein the facts and legal circumstances upon which it is based.
- j. Jurisdiction – the authority vested by law to the disciplinary authority/appellate body to resolve issues brought upon their office.
- k. Pre-Charge Investigation (PCI) – it is the preliminary examination and evaluation of the complaint for the purpose of determining the existence or non-existence of probable cause. Immediately, a PNP personnel who has been declared AWOL or DFR shall be subjected to PCI.
- l. Probable Cause – is the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the investigator, that the respondent/s is probably guilty of a specific administrative offense or offenses.
- m. Reglementary Period – the period required by law to perform a specific act. In the computation of a period of time, the first day shall be excluded and the last day shall be included unless it falls on a Saturday, Sunday or a legal holiday, in which case the last day shall fall on the next working day. For purpose of clarification, PNP personnel who was ordered DFR is given 15 working days to file a Motion for Reconsideration (MR) or Appeal upon receipt of Written Notice.
- n. Reemployment – it is the process of returning back to the PNP organization based on reasonable grounds after having been declared DFR, provided that the PNP personnel involved meets the General Qualifications for Appointment enunciated in Sections 30 & 31, RA No. 6975 and Section 14, RA No. 8551.
- o. 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.

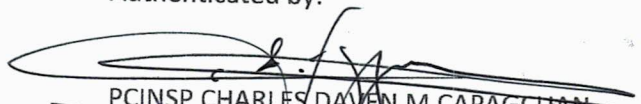
5. GUIDELINES:

a. Means of DFR

1) Absence Without Official Leave (AWOL)

- a) Any officer or employee who failed to report for work shall be declared on AWOL status;
- b) If the number of unauthorized absences incurred is more than five working days but not exceeding 30 working days, a Return To Work order shall be served on the official or employee at his/her last known address on record. Failure on his/her part to report to work within the period stated in the order shall be a valid ground to

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initiate Pre-Charge Investigation (PCI) and summary hearing proceedings, if evidence warrant;

- c) All PCI Reports shall include the total number of days of AWOL since the personnel failed to return to work. Upon approval of the PCI Report, the case shall be referred for summary hearing proceedings;
- d) Upon submission of Report of Investigation (ROI) by the Summary Hearing Officer (SHO) and the respondent failed to return to work, an order of Dropped From the Rolls shall be issued by the appointing authority; and
- e) The decision rendered by the disciplinary authority shall be served to the respondent. An order shall be issued pursuant to the decision rendered by the disciplinary authority but shall be held in abeyance in case of reinstatement.

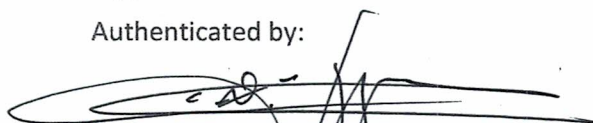
2) Unsatisfactory or Poor Performance

- a) An official or employee who was given two consecutive unsatisfactory performance evaluation ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his/her unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance shall warrant his/her separation from the service. Such notice shall be given not later than 30 days from the end of the semester and shall contain sufficient information which shall enable the official or employee to prepare an explanation; and
- b) An official or employee, who, for one evaluation period was rated poor in performance, may be dropped from the rolls after due notice. Due notice shall mean that the officer or employee concerned is informed in writing of his/her performance not later than the fourth month of that rating period with sufficient warning that failure to improve his/her performance within the remaining period of the semester shall warrant his/her separation from the service. Such notice shall also contain sufficient information which shall enable the official or employee to prepare an explanation.

3.) Physically Unfit

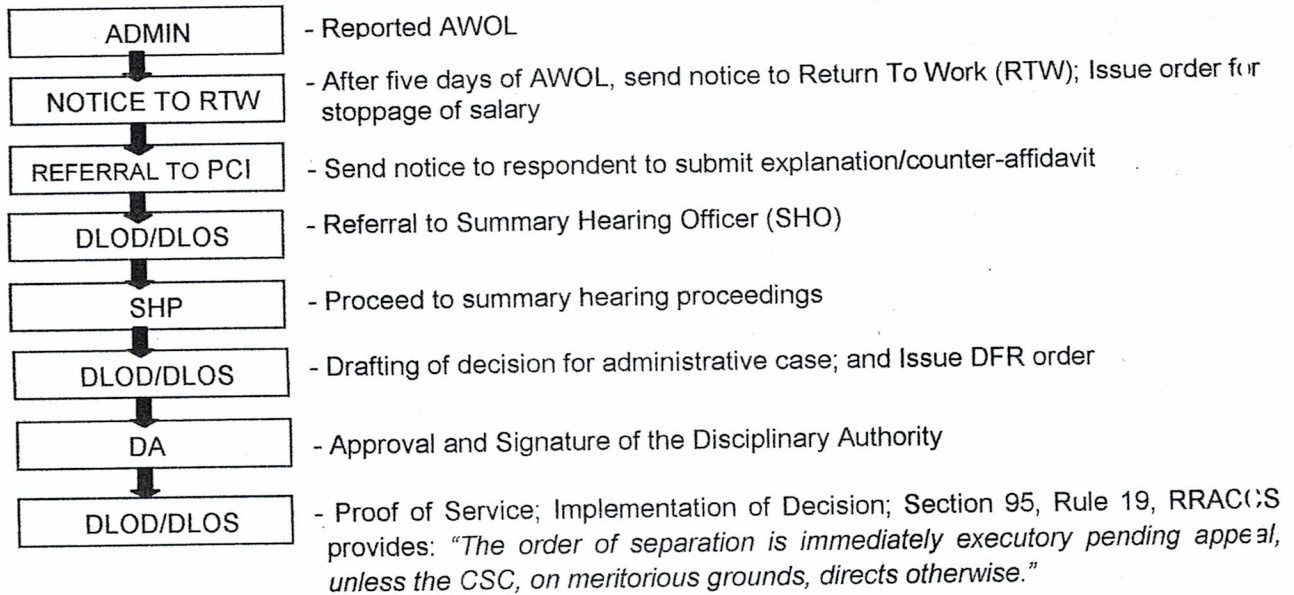
- a) An officer or employee who is continuously absent for more than one year by reason of illness may be declared physically unfit to perform his/her duties and the head of office in the exercise of his/her sound judgment may consequently drop him/her from the rolls;
- b) An officer or employee who is intermittently absent by reason of illness for at least 260 working days during a 24-month period may also be declared physically unfit by the head of office.
- c) An officer or employee who is behaving abnormally and manifests continuing mental disorder and incapacity to work as reported by his/her co-workers or immediate supervisor and confirmed by a competent physician (from the PNP Health Service), may likewise be dropped from the rolls; and

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- d) For the purpose of the three preceding paragraphs, Written Notice shall be given to the officer or employee concerned containing a brief statement of the nature of his/her incapacity to work.

b. Process Flow



c. Remedies

1.) Filing of Motion for Reconsideration (MR)

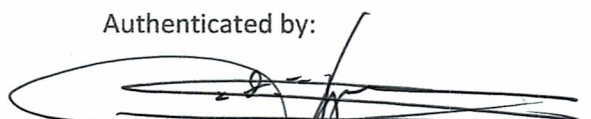
The PNP personnel who was ordered DFR may file a Motion for Reconsideration (MR) to the appropriate appointing authority who rendered the same within 15 working days from receipt thereof. An MR sent through registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office. It shall be based on any of the following wherein only one MR shall be entertained:

- a.) New evidence has been discovered which materially affects the decision rendered, or
- b.) The decision is not supported by the evidence on record, or
- c.) Errors of law or irregularities have been committed prejudicial to the interest of the movant.

2.) Filing of Appeal

The filing of appeal on the denial of the MR shall be within 15 working days from receipt thereof to the Chief, PNP. In case of denial, it shall be forwarded to the Chairman, NAPOLCOM and then to the Civil Service Commission. A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment within 15 days, to the appellate authority. An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.

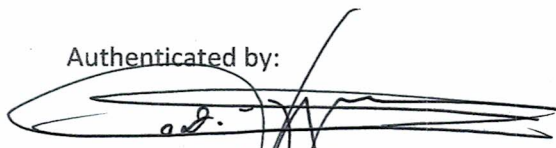
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d. Coordinating Instructions:

- 1) Both the disciplinary and non-disciplinary proceedings shall be instituted simultaneously against the personnel who has been declared on AWOL status. The non-disciplinary proceedings shall be in accordance with this MC, while the disciplinary proceedings shall be guided by NMC No. 2016-002 and the PNP Internal Disciplinary Mechanism and other relevant laws;
- 2) All personnel ordered AWOL shall be required by the present unit to surrender/turn-in their issued firearms;
- 3) All PNP personnel who were ordered on AWOL status shall be immediately subjected to Pre-Charge Investigation (PCI). In case that probable cause was not established, the personnel involved shall be ordered to file appropriate leave for the period of his/her absences;
- 4) All reported AWOL cases should be referred for Pre-Charge Investigation and may be subjected to Summary Hearing Proceedings despite continuous absence of the personnel involved;
- 5) No personnel in AWOL/DFR status shall be entitled to receive his/her salary, pay and allowances under the principle of "No work, No pay". The Heads of Offices shall be responsible in monitoring the stoppage of salary, pay and allowances from the date of the effectivity of AWOL/DFR order;
- 6) All personnel who were placed on AWOL status shall not receive any salary, pay and allowances from the effectivity of AWOL. In the event that the personnel who went on AWOL had received a salary despite his/her AWOL status, the number of days on AWOL for which a salary was received shall be deducted from the personnel's leave credit;
- 7) All personnel ordered AWOL or DFR shall be verified before the competent authorities to ensure that he/she was not involved in any nefarious activity during the period of his/her unauthorized absences. Any negative findings based on valid documents shall be a ground for the denial of the MR/Appeal for Reinstatement/Reemployment;
- 8) All personnel ordered DFR who submitted his/her MR/Appeal beyond the reglementary period shall be treated as Motion/Appeal for Reemployment and not MR/Appeal for Reinstatement subject to the provisions of Sections 30 & 31, RA No. 6975 and Section 14, RA No. 8551;
- 9) The one-year period to assert a right to a position (reinstatement in the service) as cited in the case law in *Madrid vs. Auditor General (108 Phil 578)* is not applicable considering that the personnel action undertaken was non-disciplinary in nature;
- 10) In case of non-appearance of PNP personnel subjected for summary hearing proceedings despite due notice, the proceedings shall proceed ex-parte and a decision shall be rendered based on the provisions of NAPOLCOM MC No. 2016-002 for uniformed personnel and the RRACCS for Non-Uniformed Personnel; and

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11) Lateral coordination among PNP Offices/Units is encouraged.

6. RESCISSION:

All existing PNP directives and other issuances which are contrary to or inconsistent with this MC are hereby rescinded or modified accordingly.

7. SEPARABILITY CLAUSE:

Any portion of this MC inconsistent with the organic law or declared unconstitutional shall not affect the validity of other provisions.

8. EFFECTIVITY:

Upon approval of NAPOLCOM and the CSC and after the filing of a copy hereof with the University of the Philippines Law Center, this MC shall take effect after 15 days in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as the "Revised Administrative Code of 1987," as amended.



RONALD M. DELA ROSA
Police Director General
Chief, PNP

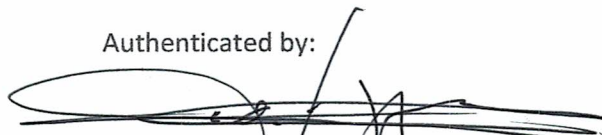
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