



Republic of the Philippines
NATIONAL POLICE COMMISSION
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MEMORANDUM CIRCULAR NO. 2021 - 002

RULES AND REGULATIONS IN THE CONDUCT OF TERMINATION PROCEEDINGS AGAINST PNP UNIFORMED PERSONNEL IN TEMPORARY STATUS

WHEREAS, Article XVI, Section 6 of the 1987 Constitution provides that the State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission;

WHEREAS, in pursuance of the aforementioned constitutional mandate, R.A. 6975¹ and R.A. 8551² were enacted, granting the National Police Commission (NAPOLCOM) the authority to, among others, exercise administrative control and operational supervision over the Philippine National Police (PNP);

WHEREAS, in the exercise of its authority to administer and control the PNP, the NAPOLCOM issued Memorandum Circular No. 2007-009, entitled: *Prescribing the Procedures and Guidelines for the Recruitment, Selection and Appointment of PNP Uniformed Personnel and Termination of Service of Newly Appointed Police Officer 1 (PO1) While Still in Temporary Status*, and Memorandum Circular No. 2018-002, entitled: *Prescribing the Procedures and Guidelines in the Processing Applicants for Appointment as Police Commissioned Officers Via Lateral Entry*;

WHEREAS, there is a need to promulgate a new uniform circular which shall be applicable to termination proceedings of PNP uniformed personnel in temporary status, whether they are recruited as Non-Commissioned Officers or Commissioned Officers via Lateral Entry;

¹ Department of the Interior and Local Government Act of 1990.

² Philippine National Police Reform and Reorganization Act of 1998.

NOW THEREFORE, the Commission, pursuant to its constitutional and statutory mandates, **HAS RESOLVED TO PRESCRIBE, AS IT HEREBY PRESCRIBES**, the following procedures and guidelines in the termination from service of newly appointed police non-commissioned officers, and newly appointed police commissioned officers while still in temporary status.

RULE I. DEFINITION OF TERMS

- a. **Appellate Authority** – refers to the National Police Commission *En Banc*.
- b. **Appointing Authority** – refers to the Chief, PNP, Regional Directors in Police Regional Offices (PROs), and Directors of National Support Units (NSUs) duly authorized to issue appointments and exercise other human resource actions in the civil service.
- c. **Conduct Unbecoming of a Police Officer** – refers to any act or behavior of a police officer, irrespective of rank, done in his official or private capacity which, in dishonoring or disgracing himself as a police officer, seriously compromises his/her character and standing in the PNP in such manner as to indicate vitiated or corrupt state of moral character which shows his/her unworthiness to remain in the police service.
- d. **Fitness** – refers to the ability to cope with the demands of line and technical positions based on prescribed qualification standards and required core competencies.
- e. **Incompetence** – refers to the ignorance or material lack of adequate ability and fitness for the satisfactory performance of police duties. Also 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.
- f. **Injury** – any harmful change in the human organism sustained during officially sanctioned training related activities in the course of the PSBRC or the PSOBC.
- g. **Lack of Due Process** – refers to the failure of the concerned authority to observe the minimum standards of notifying a PCO/PNCO of the charge/s against him/her and affording said individual the right to be heard.

- h. **Lateral Entry** – refers to the appointment of PCOs to fill up the vacancies for line and technical service positions in the PNP. As used in this MC, it does not cover PNPA graduates.
- i. **Medical Disorders/Illnesses** – are permanent or temporary health conditions involving changes in emotions, thinking, or behavior associated with distress and/or problems functioning in social, work, and family activities.
- j. **Mental Incapacity** – refers to the inability of the police trainee to make his/her own decision whether temporary or permanent due to post stress disorders, mental illness or significant cognitive impairment to perform his/her duties and responsibilities to complete the required training.
- k. **Merit** – refers to the demonstrated superiority in knowledge, skills, ability, competence, values and attitude.
- l. **NAPCO** – Newly Appointed Police Commissioned Officer.
- m. **NAPNCO** – Newly Appointed Police Non-Commissioned Officer.
- n. **Permanent Status** – refers to the employment status of a NAPCO or NAPNCO who meets all the qualifications and requirements of the position to which he/she is being appointed to, including the completion of the Public Safety Basic Recruit Course (PSBRC) for NAPNCO, or the Public Safety Officers Basic Course (PSOBC) for NAPCO.
- o. **Physical/Medical Incapacity** – refers to the health conditions of a police trainee that would significantly affect or limit his/her ability to complete the required training in the PSBRC or PSOBC, as determined by the appropriate HS Medical Officer.
- p. **PSBRC** – Public Safety Basic Recruit Course.
- q. **PSOBC** – Public Safety Officers Basic Course.
- r. **Return to Unit (RTU)** – refers to the Order issued by a Training Provider against a police officer in temporary status who, upon initial investigation, was found to have probably committed training violations and/or any act or omission that constitutes a criminal, administrative, or civil offense; it shall also refer to the Order issued against female recruits who become pregnant during the pendency of their temporary appointment, and to male recruits who impregnate a fellow female recruit during the same period, in violation of their respective undertakings.

- s. **Temporary Status** – refers to an employment status of the police officer within which conditions are imposed for their compliance such as the completion of the PSBRC or PSOBC and the expiration of the one-year probationary period. Such status shall end after the conditions imposed have been complied with, and the Order changing the status to permanent has been issued.
- t. **Termination** – refers to the final step in the progressive employee discipline process where his/her employment with the employer is permanently severed.
- u. **Termination Authority** – refers to the Chief of the PNP, the PNP Regional Directors, or the NSU Directors who acted as appointing authority to the police officer in temporary status subject of the termination proceedings.
- v. **Termination Deliberation Board** – refers to the body that shall have authority to assess and determine the merit and fitness of police officers in temporary status and recommend the termination of those found unfit to remain and continue in the PNP service.
- w. **Termination Proceeding** – for purposes of this MC, is a human resource action, which can either be disciplinary or non-disciplinary in nature, wherein the fitness of the police officer in temporary status is evaluated and determined after notice and investigation.
- x. **Total Permanent Physical Disability** – any impairment of the mind or body arising during the course of the training/course which renders the disabled NAPCO or NAPNCO incapable of completing the PSBRC or the PSOBC or, if already completed, will render subject police officer incapable of performing the duties of a police officer. The irreparable loss of the power of speech, or sense of hearing, or loss of one or both hands or feet, or loss of one eye or both eyes, or loss of limbs, or brain injury resulting in incurable imbecility or insanity shall be considered total permanent physical disability.
- y. **Training Provider** – refers to the Director of PNPTS/NPTI/PPSC or Training Manager of RSTUs and/or Regional Training Director of Regional Training Centers where a police officer in temporary status is undergoing training.
- z. **Unsatisfactory Conduct/Behavior** – refers to the following: failure of the trainee to observe propriety in his/her acts, behavior and human/public relations; irregularity in punctuality and attendance while performing their duties and responsibilities during the probationary period; neglect of duty, misconduct, insubordination, habitual tardiness and absenteeism.
- aa. **Want of Capacity** – refers to the failure of the police officer in temporary status to perform the duties and responsibilities based on standards of work outputs

agreed upon and reflected in the duly signed performance targets developmental intervention provided by the immediate supervisor.

RULE II. GENERAL PRINCIPLES/ GUIDELINES

Consistent with existing laws, rules, and regulations, the following policies and guidelines shall be observed in the conduct of termination proceedings:

- 1) All newly appointed police officers for both entry level (Patrolman/Patrolwoman) and via lateral entry (Police Lieutenant/Police Captain) shall complete the 12-month Public Safety Field Training Program (PSFTP) [PSOBC for NAPCOs and Public Safety Basic Recruit Course (PSBRC) for Newly Appointed Police Non-Commissioned Officers (NAPNCOs)] to include actual experience in patrol, traffic, and investigation as active observer and passive performer;
- 2) The Termination Deliberation Board (TDB) shall have jurisdiction to assess and determine the merit and fitness of police officers in temporary status and recommend their termination from police service, cancellation of appointment, or non-renewal of appointment of those found unfit to remain and continue in the PNP service;
- 3) The Appointing Authority shall have the power to decide the termination from the service, cancellation of appointment, or non-renewal of appointment of the subject police officer upon recommendation of the TDB;
- 4) For in-service lateral entry applicants who have pending administrative case/s, said applicants shall endeavor to have their administrative cases resolved prior to their oath-taking as NAPCO. The said administrative case shall not be a bar to his/her appointment as NAPCO. A finding of culpability in said case shall, however, have the following effects:
 - a) In case the penalty of suspension is imposed, upon resolution of the Motion for Reconsideration thereon, if any, subject NAPCO shall serve the penalty of suspension as imposed.
 - b) In case the penalty of demotion is imposed, upon resolution of the Motion for Reconsideration thereon, if any, subject NAPCO shall serve the penalty of demotion as imposed, reckoned from his/her new rank as NAPCO.

- c) In relation to the aforementioned rules, the temporary appointment of an in-service PLT/PCPT who was charged for an administrative offense while in his/her former rank but found culpable during the pendency of his/her temporary appointment as NAPCO shall result in the cancellation of said temporary appointment and shall cause his/her return to his/her former position if no Motion for Reconsideration is filed on the Decision of his/her case, or in the event that his/her Motion for Reconsideration is resolved during the pendency of his temporary appointment without his/her being absolved from administrative liability, which would result in his/her having to serve the penalty of suspension or demotion and thus preventing him/her from completing the course;
 - d) In case the penalty of dismissal from the service is imposed by the Chief, PNP, PNP Regional Directors, or the NAPOLCOM, subject NAPCO shall be immediately dismissed from the police service and be likewise imposed with all the accessory penalties appurtenant to the penalty of dismissal, notwithstanding the filing of a Motion for Reconsideration, if any, (NAPOLCOM Resolution 2019-005).
- 5) For in-service PLT/PCPT in temporary status who was formally charged for an administrative offense after his/her appointment for acts/omissions while in their former rank, the proceedings in NAPOLCOM M.C. 2016-002 shall be observed and, in case of finding of culpability, the afore-cited rules shall be observed.
- 6) For in-service PLT/PCPT in temporary status who was formally charged during the period of his/her temporary appointment as NAPCO for an administrative offense committed during said temporary appointment, the Training Provider shall then proceed with the determination of subjecting the NAPCO to Termination Proceedings, subject to the succeeding Rules.
- 7) Police Officers in temporary status can be terminated at any time during the PSBRC or PSOBC while in temporary status due to any or combination of the following grounds:
- a) Commission of a felony punishable under the Revised Penal Code, crime punishable under Special Laws or Special Penal Laws, or an offense punishable under Rule 21 of NMC No. 2016-002;
 - b) Lack of Aptitude in the Service demonstrated by any of the following circumstances:

- i. Academic deficiency arising from failure to obtain a passing grade in the required basic training course in accordance with the established training rules and regulations;
 - ii. Serious violation of existing training rules and regulations involving non-academic matters; and
 - iii. Possession of such habits, traits and unsatisfactory conduct or behavior or want of capacity, which when taken in the overall context, tend to manifest and display an undesirable disposition or attitude towards the law enforcement profession.
- c) Physical, Medical, and Mental Incapacity due to but not limited to the following circumstances:
- i. Temporary, permanent, or continued incapacity arising from ill-health or injury to include the necessary recovery period of an illness, surgery or injury;
 - ii. Any medical/surgical condition that significantly limit performance of the required physical training and activities as certified and validated by authorized medical officers, to include medical conditions that even if controlled would require various conditions such as but not limited to avoidance of sun exposure, avoidance of prolonged standing, regular intake of medications, etc., which cannot be allowed in the context of mandatory PNP trainings;
 - iii. Any aggravated health condition due to pre-existing medical condition/s that the police officer in temporary status failed to willfully disclose during the Physical, Medical, and Dental Examination prior to entry or appointment that otherwise would have disqualified him for law enforcement functions;
 - iv. Any communicable disease that would likely endanger the health of other police officers in temporary status and personnel to include its non-infectious stage that would likely worsen in the event of unfavorable training and environmental conditions and/or poor compliance to prescribed medications, as in the case of Pulmonary Tuberculosis;
 - v. Any pre-existing, recurring, or newly diagnosed mental illness or disorder; and
 - vi. Failure to pass the PPE.

- 8) Termination proceedings grounded on paragraph (a), Item No. 7, Rule 2, shall be disciplinary in character, such that a finding of culpability therein shall result in a Police Officer's termination from the police service, akin to dismissal from the service. In this regard, the accessory penalties appurtenant to dismissal from the service shall likewise attach to said termination from the police service.

- 9) Prior to appointment and commencement of training, female NAPCO/NAPNCO shall be required to execute an **Irrevocable Undertaking of Non-Pregnancy**, stating that they commit to not getting pregnant during the course of the training as their continuation with the training, while being pregnant, will pose grave risks not only on the trainee but also to her unborn child. Male applicants shall likewise be required to execute a counterpart **Undertaking**, to the effect that they shall not impregnate a fellow trainee while undergoing the PSFTP. Violation of the aforementioned undertakings shall be ground for non-disciplinary termination of the male and/or female NAPCO/NAPNCO.

- 10) For those suffering from physical, medical, or mental incapacity, where the recovery period does not exceed one year, they shall be allowed to go on sick leave, if applicable, otherwise, they shall be granted leave without pay. However, leave of absence without pay, when applicable, shall only be granted once to the police officer in temporary status.

The Chief, Physical Examination Section/Chief, Medical Division, Regional Health Service shall, after the lapse of the leave, evaluate the NAPCO/NAPNCO to determine his/her fitness to undergo training or perform police duties/functions. An unfavorable recommendation shall subject the NAPCO/NAPNCO to termination proceedings or proceedings for total permanent physical disability (TPPD) retirement, if applicable.

- 11) For NAPCO/NAPNCO from civilian status, their termination shall result in separation from the PNP service. Provided that those who had been terminated for failure to complete the required FTP within the prescribed period of twelve months may re-apply for reemployment to the PNP provided he/she possesses all the minimum qualifications required for reemployment. Provided further, that he/she should pass the required FTP. Provided furthermore, that the ground of his/her termination is not disciplinary in character. Provided finally, that only those who have not yet availed of such reemployment shall be eligible.

RULE III. PROCEDURE

- a. Any police officer in temporary status who is waiting to undergo, undergoing, or has undergone the PSBRC or the PSOBC and waiting for the issuance of permanent appointment may be subjected to termination proceedings under any of the grounds provided under paragraph 7, Rule 2 of this MC.
- b. A TDB shall be created for the purpose of evaluating the merit and fitness of a subject police officer in temporary status for any reason/s under any of the grounds stated above.

The TDB shall be composed of the following:

1) Composition and Function of TDB for NAPCOs:

| Position | Composition | Function |
|-----------------|-----------------------------------|--|
| Chairman | TDPRM | Evaluate the merit and fitness of the police officer in temporary status and recommend disposition to the Appointing Authority |
| Vice Chairman | DD, DHRDD | |
| Member | D, Unit | |
| Member | DD, Legal Service | |
| Member | DD, PNP TS | |
| Member | C, ITPD, DHRDD | |
| Resource Person | C, PE/C, Medical of RHS | |
| Secretariat | C, RSD/or its equivalent division | |

1) Composition and Function of TDB for NAPCOs (NSUs and PROs):

| Position | Composition | Function |
|-----------------|--------------------------------------|--|
| Chairman | DRDA/DDA | Evaluate the merit and fitness of the police officer in temporary status and recommend disposition to the Appointing Authority |
| Vice Chairman | C, RLDDD/ or its equivalent position | |
| Member | C, ARMD/RPRMD | |
| Member | C, RLO/SLO/LO | |
| Member | TM, RSTU/RTD, Training Centers | |
| Resource Person | C, PE/C, Medical of RHS | |
| Secretariat | C, RSD/or its equivalent division | |

c. A termination proceeding may be initiated *motu proprio*, or based on any complaint, act or omission, or due to valid grounds as enumerated in paragraph 7, Rule 2 of this MC, in accordance with the following Pre-Termination Procedures:

1) NAPCOs (PLT/PCPT) in Temporary Status

- a) Those undergoing the one-year PSOBC shall be investigated by the training provider. In case the training provider issues an RTU Order as a result of its investigation/evaluation, it shall inform DHRDD of its order. The DHRDD shall then initially request DPRM for the activation of the TDB and conduct of termination proceeding. The RTU Order shall include the investigation report conducted by the Regional Investigation and Detective Management Division (RIDMD)/IDMD of PROs/NSUs. The TDB shall only acquire jurisdiction over the police officer after the issuance of RTU order by the training provider.
- b) Those awaiting FTP or have undergone training and waiting for the issuance of permanent appointment shall be investigated by their respective units. Should the investigation warrant the termination of the police officer in temporary status, the unit shall refer the entire records to the TDB Secretariat with the request for the issuance of Order placing the subject trainee to Personnel Holding and Accounting Unit (PHAU) and/or its counterpart;
- c) Those being investigated by IAS/RIAS shall be referred to either the training provider or concerned unit pursuant to the preceding rules.

2) NAPCOs (Patrolman/woman) in Temporary Status

- a) Those undergoing the one-year PSBRC shall be investigated by the training provider. In case the training provider issues an RTU Order as a result of its investigation/evaluation, it shall immediately activate their TDB and conduct termination proceeding. The RTU Order shall include the investigation report conducted by the training provider, which shall be reduced in the form of a formal charge in cases of disciplinary actions. The TDB shall only acquire jurisdiction over the police officer in temporary status who is undergoing FTP after the issuance of the RTU Order by the training provider;
- b) For those awaiting FTP or have undergone training and waiting for the issuance of permanent appointment, the RIDMD/IDMD of PROs/NSUs must conduct investigation, then recommend the activation of TDB,

should the findings of the investigation warrants the termination of the police officer.

- c) Those being investigated by IAS/RIAS shall be referred to either the training provider or concerned unit pursuant to the preceding rules.
- d. Upon issuance of the order activating the TDB, the Secretariat shall immediately furnish the subject police officer with the Training Provider's Investigation Report/Formal Charge and the latter shall, within 3 days from receipt thereof, submit his/her Position Paper thereon;
- e. Within 3 days after the lapse of the period to file Position Paper, the TDB shall convene to evaluate the merit and fitness of the subject police officer based on the documents the police officer, the training provider or the concerned unit had submitted;
- f. The TDB may require the attendance of the subject police officer during the termination proceedings as the TDB may deem necessary. They may also require the submission of additional documents from the police officer as the case maybe. The TDB may also invite witnesses who may further shed light on the matter.
- g. Within 3 days from the completion of the termination of the proceedings the Board, through its Secretariat, shall prepare a resolution stating therein their findings and recommendations for submission to the Appointing Authority for approval;
- h. In case a decision is favorable to the subject police officer, *i.e.*, that 1) He/she was found not liable for an offence; 2) He/she has proven aptitude in the service; 3) He/she was found to be physically and mentally fit, the Appointing Authority shall direct the issuance of an Order allowing the said police officer to continue his/her training or join the next class of trainees.
- i. Should the Appointing Authority grant leave without pay for a maximum of one year on the reason of physical incapacity, the DPRM or its equivalent units from PROs/NSUs shall issue an Order to stop the payment of his/her salary on the condition that he/she should be fit to join the next training after the completion of said period. Provided, that the medical condition of the subject police officer allows him/her to continue with the training after the period of recovery with a maximum of one year upon recommendation of Health Service;
- j. In case the Decision issued by the Appointing Authority is not favorable, a Notice of Termination shall be sent to subject police officer specifying the ground/s for his/her termination and other supporting documents; and

- k. In case the acts/omissions of a police officer give rise to both disciplinary and non-disciplinary termination proceedings, the same shall be heard separately but shall be resolved jointly by the Appointing Authority;
- l. The secretariat shall furnish the Civil Service Commission of the decision of the Appointing Authority to terminate the police officer in temporary status.
- m. In all cases, the Order of termination from the police service shall be immediately executory.

RULE IV. APPEAL

1. Decisions of the termination authorities on disciplinary cases are appealable to the National Police Commission *En Banc* (NAPOLCOM) which shall be taken by filing a notice of appeal before the termination authority concerned, furnishing the NAPOLCOM, through the Legal Affairs Service, with a copy thereof within five (5) days from receipt of the copy of the decision.

2. A Notice of Appeal shall contain the following: 1) the material dates showing that it was filed on time; 2) the assignment of the specific errors or fact or law, or both, allegedly committed by the termination authority; and 3) the specific appellate body to which the appeal is being taken.

3. A Memorandum on Appeal shall be submitted by the appellant to the NAPOLCOM, copy furnished the termination authority, within five (5) days from the filing of the Notice of Appeal. An appeal fee of Three Hundred Pesos (P300.00) shall be paid not later than five (5) days upon filing of the Memorandum on Appeal.

4. Failure of the appellant to comply with the foregoing requirements shall be sufficient ground for the dismissal of the appeal.

5. Within five (5) days from receipt of the Notice of Appeal, the concerned termination authority shall transmit the complete original records of the case to the NAPOLCOM, through the Legal Affairs Service, 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 in accordance with the aforementioned requirements without sufficient justification shall be a ground for administrative action against the concerned official or personnel for Grave Neglect of Duty.

6. Upon receiving the complete original records, the NAPOLCOM, through the Legal Affairs Service, shall immediately record it in a docket book which shall be purposely maintained for appealed cases under this Circular.

7. In case of reversal of the assailed decision of the termination authority, the imposition of the accessory penalties attached to the offense charged shall be considered vacated. Thus, upon its discretion, the termination authority in its capacity as appointing authority may reinstate to the police service or renew the appellant's temporary appointment for another year.

In case of renewal, the concerned NAPCO/NAPNCO shall not be issued with permanent appointment unless he/she has completed the required police training.

8. Termination of temporary appointment due to other causes shall be FINAL and EXECUTORY upon the issuance of the corresponding Order of Termination by the appointing authority concerned.

RULE V. SEPARABILITY

In case any part or provision of this Circular is declared invalid by a competent authority, the parts or provisions not affected thereby shall remain valid and in full force and effect.

RULE VI. PROSPECTIVITY

The application of this Circular shall be limited to termination proceedings initiated at the time of its effectivity in accordance with the preceding Rule. Termination proceedings pending or initiated prior to the issuance of this Memorandum Circular shall be resolved in accordance with the Rules of Procedure existing at the time of the initiation of said proceedings.

RULE VII. REPEALING CLAUSE

The Termination Proceedings and Appeal Procedures under NAPOLCOM Memorandum Circular Nos. 2007-009 and 2018-002, are hereby superseded or modified accordingly.

RULE VIII. PENAL CLAUSE

Any public official or employee who shall fail to strictly observe and comply, or who willfully violates the provisions of this M.C., shall be subjected to disciplinary action under NAPOLCOM Memorandum Circular 2016-002 and/or the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), and shall likewise be immediately relieved and shall not be designated to any position of major responsibility.

Solicitation in any form of assistance or intercession by officers from outside sources or otherwise for purpose of influencing their termination, appeal or retention to the police service while under temporary status is strictly prohibited under pain of strict disciplinary/ administrative action against the PNP officer concerned.


RULE IX. EFFECTIVITY

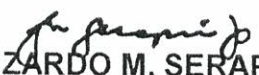
This Memorandum Circular shall take effect fifteen (15) days from the date of submission thereof with the Office of the National Administrative Register – University of the Philippines Law Center in accordance with E.O. 292 or the *Administrative Code of 1987*.

ADOPTED this 07th day of May 2021 in Quezon City, Metro Manila Philippines.


EDUARDO M. AÑO
Chairman





VITALIANO N. AGUIRE II
Commissioner
Vice Chairman and Executive Officer


FELIZARDO M. SERAPIO, JR.
Commissioner

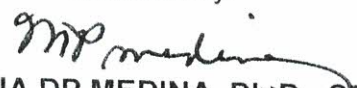

ATTY. JOB M. MANGENTE
Commissioner

ON OFFICIAL LEAVE
ZENONIDA F. BROSAS
Commissioner


DEBOLD M. SINAS
Commissioner

I hereby attest and certify that this Memorandum Circular was approved upon due deliberation by the members of the Commission *En Banc*.

Attested by:


Dir. **MYRNA DP MEDINA, Ph.D., CESO IV**
Acting Deputy Executive Officer