



Republic of the Philippines  
NATIONAL POLICE COMMISSION  
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE  
OFFICE OF THE CHIEF, PNP  
Camp BGen Rafael T Crame, Quezon City

DPRM(D)240809-139

SEP 09 2024

MEMORANDUM CIRCULAR  
NO.: 2024-076

**REVISED GUIDELINES AND PROCEDURES ON THE AVAILMENT OF LEGAL  
DEFENSE FUND, AMENDING FOR THE PURPOSE PNP MEMORANDUM  
CIRCULAR NO. 2018-041**

**1. REFERENCES:**

- a. Republic Act (RA) No. 11975 or the General Appropriations Act (GAA) FY 2024;
- b. Section 49 of RA No. 6975, as amended by Section 56 of RA No. 8551;
- c. Department of Budget and Management (DBM) National Budget Circular (NBC) No. 582 dated December 29, 2020;
- d. DBM NBC No. 566 dated December 15, 2016;
- e. PNP Memorandum Circular (MC) No. 2024-013 entitled, "Revised Procedures on Direct Legal Representation Under the Legal Assistance Program of the PNP Legal Service";
- f. PNP MC No. 2018-041 entitled, "Guidelines and Procedures on the Availment of Legal Defense Fund";
- g. PNP MC No. 2017-062 entitled, "Simplified and Streamlined Procedures Governing Direct Legal Representation Under the Legal Assistance Program of The PNP";
- h. PNP Standard Operating Procedure (SOP) No. 2016-LS-004, which amended PNP SOP No 2012-LS-001;
- i. PNP SOP No. 2012-LS-001 entitled, "Procedures Governing Direct Legal Representation under the Legal Assistance Program of the PNP"; and
- j. Memorandum from D, LS dated June 27, 2018 with subject: National Budget Circular No 566 dated December 15, 2016, Guidelines in the Utilization of the Legal Defense Fund for FY 2016 and Succeeding Years.

**2. RATIONALE:**

This MC shall prescribe the guidelines and procedures on the availment of the PNP Legal Defense Fund (LDF) with the end goal of promoting the welfare of PNP personnel by extending assistance to personnel with service-connected administrative, civil, or criminal cases filed before the judicial and quasi-judicial bodies.



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### 3. SITUATION:

Every year, an amount of Two Hundred Million Pesos (PhP200,000,000.00) is allocated to LDF in the General Appropriations Act (GAA). The said fund is authorized to be used for the actual expenses for legal defense of administrative, civil, or criminal cases filed against PNP personnel in court or other quasi-judicial bodies for acts committed in the performance of their functions. It includes payment of premiums for posting of bail bonds and cash advances for the expense of officials and employees of the Department of the Interior and Local Government and all bureaus, agencies, and other offices under its umbrella.

To ensure proper utilization of said fund and to guide the PNP personnel on the procedures in the availment of LDF, the PNP, in 2018, has issued PNP MC No. 2018-041 (Guidelines and Procedures on the Availment of Legal Defense Fund). Despite the fact that this policy is already in effect and that the funds have already been made available through the GAA, the policy remained untested until recently when ten applicants/claimants submitted their applications for availment of LDF. When the Board deliberated on their applications, it was found that there are relevant provisions in the existing PNP policy that are not in keeping with the provisions of NBC No. 566 dated December 15, 2016, as amended by NBC No. 582 dated December 29, 2020. Said deviations need to be addressed in order to comply with the provisions of the GAA, specifically stating that the implementation of its special provision pertaining to LDF shall be subject to the provisions of the aforementioned NBC. Hence, a revision of the existing PNP MC is necessary.

### 4. OBJECTIVES:

This MC aims to come up with revised guidelines for the availment of the LDF by active, separated, or retired uniformed and non-uniformed personnel of the PNP, including the establishment of the appropriate organizational and procedural rules in the releasing and utilization of funds, consistent with the provisions of the GAA, NBC No. 566, as amended by NBC No. 582, and other issuances.

Specifically, the following are the objectives of this policy:

- a. To set the policy in the availment of the LDF by PNP personnel, including its requirements and procedures;
- b. To set the limitations on the availment of funds; and
- c. To create Screening Committees and PNP LDF Claims Boards (LDFCB) and to define their respective functions.

### 5. DEFINITION OF TERMS:

For purposes of this MC, the following terms or phrases shall mean or be understood as follows:

- a. Administrative Case – refers to cases filed against PNP personnel before the PNP Disciplinary Authorities or other quasi-judicial bodies.



- b. Applicant/Claimant – refers to any active, separated, or retired PNP personnel charged with a case arising from or related to the performance of his/her official duty and is applying for the availment of the LDF.
- c. Civil Case – refers to cases usually instituted to claim for damages or other civil reliefs filed against personnel arising from or related to the performance of his/her official duty.
- d. Criminal Case – refers to a case or complaint involving crimes and offenses defined under the Revised Penal Code of the Philippines and under special laws that are filed before the court or Prosecutor's Office against PNP personnel charged with a case arising from or related to the performance of his/her official duty.
- e. Grantee – refers to the applicant/claimant of LDF whose application was approved by the CPNP, Regional Director of Police Regional Office (RD, PRO), or Director of National Support Unit (D, NSU) and has already granted the LDF.
- f. Legal Defense Fund – refers to the appropriated amount under the Miscellaneous Personnel Benefits Fund of the GAA.
- g. Legal Defense Fund Claims Board – refers to the group of officers whose function is to determine the eligibility of an applicant/claimant and the coverage of his/her claims for LDF.
- h. Legal Expenses – refers to bail bond, transportation expenses for every hearing, appearance, meeting, or conference, expenses for photocopying of documents, required certifications, and transcript of stenographic notes fees to be paid to private counsel for the preparation or filing of pleadings and/or motions, excluding Motions to Reset Hearing and for Extension of Time, acceptance and/or attorney's fees to be paid to private counsel, and appearance fee to be paid to private counsel for every hearing or appearance before the court.
- i. PNP Personnel – refers to both uniformed and non-uniformed personnel of the Philippine National Police.
- j. Qualified Applicant/Claimant – refers to any PNP personnel or an applicant/claimant whose application for LDF has been recommended for approval by the Board in accordance with this circular and approved by the CPNP; RD, PRO; or D, NSUs.
- k. Quasi-Judicial Bodies – refer to the agencies of the government other than a court and other than a legislature, which affects the rights of private parties through either adjudication or rulemaking, such as but not limited to Ombudsman, Peoples Law and Enforcement Agency, National Police Commission, and Civil Service Commission.



- l. Screening Committee (SC) – refers to the group of officers whose function is to check the completeness of the requirements submitted by the applicant/claimant of LDF, the correctness of the amount being claimed, and the entitlement to LDF.
- m. Service-Connected Cases – refer to a criminal, civil, or administrative case filed against the applicant/claimant arising from an incident related to the performance of his/her official duty as determined by the PNP Legal Service.

## 6. GUIDELINES:

### a. General Guidelines:

- 1) A PNP personnel who is criminally, civilly, or administratively charged for an offense related to the performance of his/her duty or official functions may request for cash advance or reimbursement of his/her actual legal expenses in relation to the defense of his/her cases filed in courts or quasi-judicial body. The claim shall be chargeable against the LDF, as appropriated under the Special Provisions of the GAA;
- 2) The actual legal expenses of the qualified applicant/claimant shall include but not limited to the payment of premiums for the posting of bail bonds and cash advance for the expenses of active, separated, or retired officials or personnel of the PNP. The qualified applicant/claimant may engage a private or government legal counsel, subject to pertinent laws, rules, and regulations;
- 3) The claims that may be charged against LDF shall cover only the claims duly filed starting FY 2016 which have not been released without the fault of the qualified applicant/claimant and shall be limited to the amounts provided under this circular and/or in the guidelines issued for this purpose;
- 4) The amount of legal expenses charged against the LDF shall be refunded to the government when the qualified applicant/claimant is found guilty by final judgment by the Court, in relation to the criminal offense charged;
- 5) To ensure proper utilization of LDF, the SC and LDFCB shall be established.

The SC shall be created to check the completeness of the requirements, the correctness of the amount being claimed, and the entitlement to LDF of the applicants/claimants prior to its referral to the Board.

The LDFCB, on the other hand, shall act on all pre-screened applications forwarded by the SC. It shall review the eligibility of the



applicants/claimants and the authenticity of their actual legal expenses submitted as the basis of its recommendation to the CPNP.

Both the SC and the LDFCB shall be assisted by the Secretariat, which shall serve as the primary support for the conduct of their functions.

The creation of the SC and the LDFCB shall be replicated in the different PROs and NSUs to accommodate the applicants/claimants from the regional, provincial, city, and municipal levels.

- 6) The procedure for screening of the LDF application of applicants/claimants shall be based on **Annex "A"** while the procedure for final deliberation of the Board and fund requests shall be based on **Annex "B"**; and
- 7) To institutionalize accountability of all personnel concerned, administrative, civil, and/or criminal liabilities shall be filed and/or imposed against erring personnel in relation to the implementation of this policy.

**b. Specific Guidelines:**

- 1) Creation of SC and LDFCB:
  - a) A PNP LDFCB shall be created, which shall be composed of the following:
    - (1) For Command Group, APCs, D-Staff, and P-Staff:

Designation	Principal Composition	Alternate Members
Chairperson	TDPRM	
Vice Chairperson	DDC	
Members	D, FS	CS, FS
	D, LS	CS, LS
	EX-O, DIDM	C, PCEID, DIDM
Head Secretariat	C, DL0D	

- (2) For PRO:

Designation	Composition
Chairperson	DRDA
Vice Chairperson	Chief, RCD
Members	Chief, RIDMD
	Chief, RFU, FS
	Regional Legal Officer, LS
Head Secretariat	Chief, RPRMD



(3) For NSU:

Designation	Composition
Chairperson	DDA or DDO or DD
Vice Chairperson	C, ARMD
Members	Division Chief
	Division Chief
	Legal Officer, LS
Head Secretariat	C, Budget and Finance Office (BFO)

b) The following shall be the composition of the SC in the different offices/units:

(1) Screening Committee for Directorates:

Designation	Composition
Chairperson	Executive Officer
Vice Chairperson	Chief, Super Division
Members	Division Chief
	Division Chief
	Legal Officer, LS
Secretariat	Chief, Admin

(2) The screening of the application for LDF of personnel from the Command Group and P-Staff shall be handled by DPRM SC. Thus, their application shall be forwarded to the Secretariat of DPRM SC.

(3) Screening Committee for Area Police Commands (APCs):

Designation	Composition
Chairperson	Executive Officer
Vice Chairperson	Chief, Admin
Members	Chief, BFO
	Chief, Operations
	Chief, Intel
Secretariat	Deputy Chief, ARMD

(4) Screening Committee for PROs:

Designation	Composition
Chairperson	Chief Regional Staff
Vice Chairperson	Assistant Chief, RCD
Members	Assistant Chief, RIDMD
	Assistant Chief, ROMD
	Regional Legal Officer
Secretariat	Assistant Chief, RPRMD



## (5) Screening Committee for NSUs:

Designation	Composition
Chairperson	Chief of Staff
Vice Chairperson	Assistant C, ARMD
Members	Assistant Division Chief
	Assistant Division Chief
	Legal Officer, LS
Secretariat	C, BFO

## 2) Common Guidelines applicable to SC and LDFCB:

- a) The SC and LDFCB shall carry out their business by a majority vote of the members present. However, all decisions shall be arrived at by a majority decision of all the members. For purposes of this policy, alternate members shall be included in the determination of quorum and shall have voting rights.
- b) PROs and NSUs may also opt to designate alternate members for LDFCB if they deem it necessary. The alternate members shall also be included in the determination of quorum and shall have voting rights.
- c) The decision of the LDFCB shall be recommendatory only to the CPNP; RDs, PROs; or Ds, NSUs, as the case may be. The approval of the CPNP; RDs, PROs; or Ds, NSUs is immediately implementable. In case of denial of claim, the same shall be appealable to the Office of the President.

## 3) Requirements for Claims:

The following are the requirements for claims of LDF:

- a) The applicant/claimant is an active, separated, or retired PNP personnel with plantilla position;
- b) The administrative, civil, or criminal case arose from the performance of the applicant/claimant's responsibilities and functions as certified by the present Head of Office/Unit, where the incident/act/operation took place, based on the available documents;
- c) The case is filed before any court, PNP disciplinary authority, or quasi-judicial body, and
- d) The claim is filed in the PNP.

## 4) Limitations on Eligible Legal Expenses:

- a) The claim for LDF shall be in the form of a cash advance or reimbursement for legal expenses incurred by the qualified



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applicant/claimant in relation to his/her defenses. The types and amount of eligible legal expenses are subject to the following limitations:

Payee	Type of Expense	Maximum Amount Inclusive of Taxes
Qualified Applicant/Claimant	Bail bond	Payment of bond premiums. No reimbursement of cash bonds shall be allowed.
Qualified Applicant/Claimant	Transportation expenses for every hearing, appearance, meeting, or conference with the lawyer of the applicant/claimant.	Amount supported by receipts and subject to the following: (i) travel authority by the head of the agency or his/her duly authorized representative; (ii) for meetings and conferences, limited to four a month; and (iii) compliance with accounting and auditing rules and regulations.
Qualified Applicant/Claimant	Expenses for photocopying documents, required certifications, and transcript of stenographic notes.	Photocopying expenses shall be based on the actual amount incurred, while the other expenses shall be based on the prescribed legal fees under Rule 141 of the Rules of Court, as amended, but not to exceed a total amount of Ten Thousand Pesos (PhP10,000.00) for every case.
Qualified Applicant/Claimant	Fees to be paid to private counsel for the preparation or filing of pleadings and/or motions, excluding Motions to Reset Hearing and for Extension of Time.	Total amount not to exceed Twenty Thousand Pesos (PhP20,000.00) per case.
Qualified Applicant/Claimant	Acceptance and/or attorney's fee to be paid to private counsel.	Total amount not to exceed Fifty Thousand Pesos (PhP50,000.00) per case.
Qualified Applicant/Claimant	Appearance fee to be paid to private counsel for every hearing or appearance before a court.	Amount based on the prescribed minimum rates of the local Integrated Bar of the Philippines (IBP) chapter, or if not available, the rates of the nearest IBP chapter where the case is being heard or tried. If the IBP rates are not available, the appearance fee shall not be more than Five Thousand



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		Pesos (PhP5,000.00) per hearing.
Government Legal Counsel	Transportation and other travel expenses for every hearing or appearance before any court and for interviews with clients or preparation of documents.	For transportation expenses, the amount supported by receipts and subject to the following: (i) travel authority by the head of the agency or his/her duly authorized representative; (ii) for meetings and conferences, limited to four a month; and (iii) compliance with accounting and auditing rules and regulations.  For other travel expenses, those provided under EO No. 248, s. 1995 (Prescribing Rules and Regulations and New Rates of Allowances for Official Local and Foreign Travels of Government Personnel), and any amendments and guidelines thereto.
Government Legal Counsel	Appearance Fee	Amount authorized for Special Counsel Allowance under the General Provisions of the annual GAA.

- b) All legal expenses in excess of the limitations provided above and/or not included therein shall not be allowed;
- c) As reflected in the preceding paragraph, the maximum allowable amounts per item shall be applied per case. Consolidated cases shall be considered as one case;
- d) The LDF may likewise be used in the case of legal assistance of the Bids and Awards Committee members and their support staff as authorized under RA No. 9184, as amended by RA No. 12009, and its Implementing Rules and Regulations, subject to the pertinent guidelines issued by the Government Procurement Policy Board. It shall likewise be authorized on other related claims, provided that they are sanctioned by laws, statutes, or rules and regulations not mentioned herein, or other legal measures that may, later on, be promulgated; and
- e) The claims may be adjusted subject to other limitations specifically provided in the GAA, NBC, and other related existing or future issuances not mentioned in this MC.



**7. PROCEDURES:**

a. The following procedures shall be adopted during the Screening Process:

1) The applicant/claimant shall submit to the SC Secretariat a letter addressed to the Chairperson, LDFCB, signifying his/her intention to avail LDF, the amount he/she is claiming for cash advance or reimbursement, and the proof of the actual expenses that he/she had incurred in relation to the defense of his/her cases. He/She shall attach in his/her letter the following original or authenticated documentary requirements:

a) PCE Report and Formal Charge for Administrative Cases filed in different PNP Disciplinary Authorities;

b) Information and other related pleadings and orders of the court for criminal cases filed in court or the Ombudsman;

c) Copy of the Complaint Civil Cases or Petition for Special Civil Cases;

d) Certification signed by the present Head of Office/Unit, where the incident/act/operation took place, declaring/certifying that:

(1) The applicant/claimant is assigned under its jurisdiction when the incident/act/operation was conducted/committed; and

(2) The case arose from legitimate operations or in the actual performance of the function of the applicant/claimant.

e) Affidavit of Undertaking stating that the applicant/claimant will return the amount of LDF granted to him if he/she is found guilty by final judgment by the court in relation to the offense charge and that he/she will submit a semi-annual update of his/her case, or as necessary under the circumstance (**Annex "C"**).

2) Within the period of three working days from receipt of the letter and the complete documents, the SC shall refer the same to the PNP LS, RLOs, or SLOs, for the determination of whether the pending administrative, criminal, and/or civil case filed against the applicant/claimant is service-related or not.

Under this provision, the PNP LS, RLOs, or SLOs may come up with its own policy and/or create a Committee that will determine whether the case of the applicant/claimant is service-related or not, if deemed necessary;

3) The PNP LS, RLOs, or SLOs shall, upon receipt of the referral of the SC and within the period of five working days, return the complete documents to the SC Secretariat with attached Resolution and/or



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Certification, specifically declaring whether the case of the applicant/claimant is service-related or not;

- 4) Upon receipt of the documents and the Resolution/Certification of the PNP LS, RLOs, or SLOs, the SC shall immediately convene within the period of three working days to initially determine the completeness of the requirements, the correctness of the amount being claimed, and the entitlement to LDF of the applicant/claimant; and
  - 5) The SC shall, within the period of ten working days, submit its recommendation to the LDFCB concerned through its Secretariat for final deliberation. For this purpose, the recommendation of the SC of the APCs and the different Directorates shall be submitted to the Secretariat of the LDFCB for the Command Group, P-Staff, APCs, and Directorates.
- b. The following procedures shall be adopted during the final deliberation of the Board and for Fund Request:
- 1) The LDFCB Secretariat shall within the period of ten working days from receipt of the recommendation of the SC, schedule a conference for the Board to conduct final deliberation.

For purposes of this paragraph, the Secretariat shall only accept referral from the SC if it is accompanied by Resolution/Certification and complete documentary requirements;

- 2) The LDFCB, during the deliberation, shall specifically determine the following:
  - a) Whether the applicant/claimant is qualified to avail the LDF; and
  - b) If qualified, what is the amount covered?
- 3) Immediately after the deliberation, the Secretariat shall prepare the Resolution within five working days from the time the Board convened for approval and signature of LDFCB members;
- 4) The Board shall act on the prepared Resolution within five working days from the submission of the Secretariat for transmittal to CPNP; RD, PROs; or D, NSUs for final approval;
- 5) The CPNP; RD, PRO; or D, NSU shall approve or disapprove the recommendations of the LDFCB within five working days upon receipt. Disapproval of the application for LDF can only be made on the basis of failure to comply with the provisions of paragraphs 6 (b) numbers 2, 3, and 4 of this MC;



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- 6) The Secretariat, within five working days from the approval or disapproval of the CPNP; RD, PRO; or D, NSU on the recommendation of the LDFCB, shall perform the following actions:
  - a) Inform the applicant/claimant, through a letter of the said decision; and
  - b) If approved, endorse the approved Resolution with all documentary requirements to the Directorate for Comptrollership (DC) for subsequent request for funds to the DBM.
- 7) DC shall, within 15 days from receipt of the formal endorsement, initiate necessary actions to request funds for the approved LDF.
- c. The following procedures shall be undertaken in demanding from the applicant/claimant the return of the fund in case he/she is found guilty of final judgment by the court:
  - 1) Upon receipt of the copy of the Decision by the DIDM or other office/unit concerned, the said office/unit shall formally endorse the same to the Finance Service within three working days;
  - 2) The Finance Service shall, within five working days from receipt of the Decision, send a demand letter to the applicant/claimant, informing him/her of the decision of the Court and directing him/her to return the LDF that he/she received, within 30 days from the receipt of the demand letter; and
  - 3) In case of failure to return, the same shall be referred to the PNP LS for possible filing of appropriate case.
- d. The following procedures shall be followed in the monitoring of cases of personnel with approved LDF:
  - 1) Consistent with his/her Undertaking, the grantee shall be responsible for submitting semi-annual update of his/her case/s to the LDFCB Secretariat every 5<sup>th</sup> of June and December, or as necessary; and
  - 2) The Secretariat shall record the updates rendered by the grantee and submit an annual consolidated report to the Head of Office/Unit concerned (CPNP; Cmdr, APC; D-Staff; P-Staff; RD, PRO; or D, NSU).

#### 8. PENAL CLAUSE:

Any PNP personnel found to have violated the provisions of this MC shall be held administratively liable in accordance with NAPOLCOM MC No. 2016-002 and other applicable administrative issuances without prejudice to the filing of criminal and/or civil cases if evidence warrants.



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**9. REPEALING CLAUSE:**

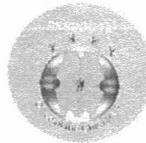
This PNP MC amends all inconsistent provisions of PNP MC No. 2018-041 and all other existing PNP directives and issuances that are contrary to or inconsistent with its provisions.

**10. SEPARABILITY CLAUSE:**

If any provision of this MC or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected.

**11. EFFECTIVITY:**

This MC shall take effect after confirmation of NAPOLCOM and after 15 days from filing a copy hereof at the UP Law Center in accordance with Section 3, Chapter 2, Book VII of Executive Order 292, otherwise known as the "Revised Administrative Code of 1987," as amended.



**ROMMEL FRANCISCO D MARBIL**  
Police General  
Chief, PNP

Distribution:

- Command Group
- IG, IAS
- D-Staff
- P-Staff
- Ds, NSUs
- RDs, PROs
- DDs, NCRPO
- SPA to the SILG

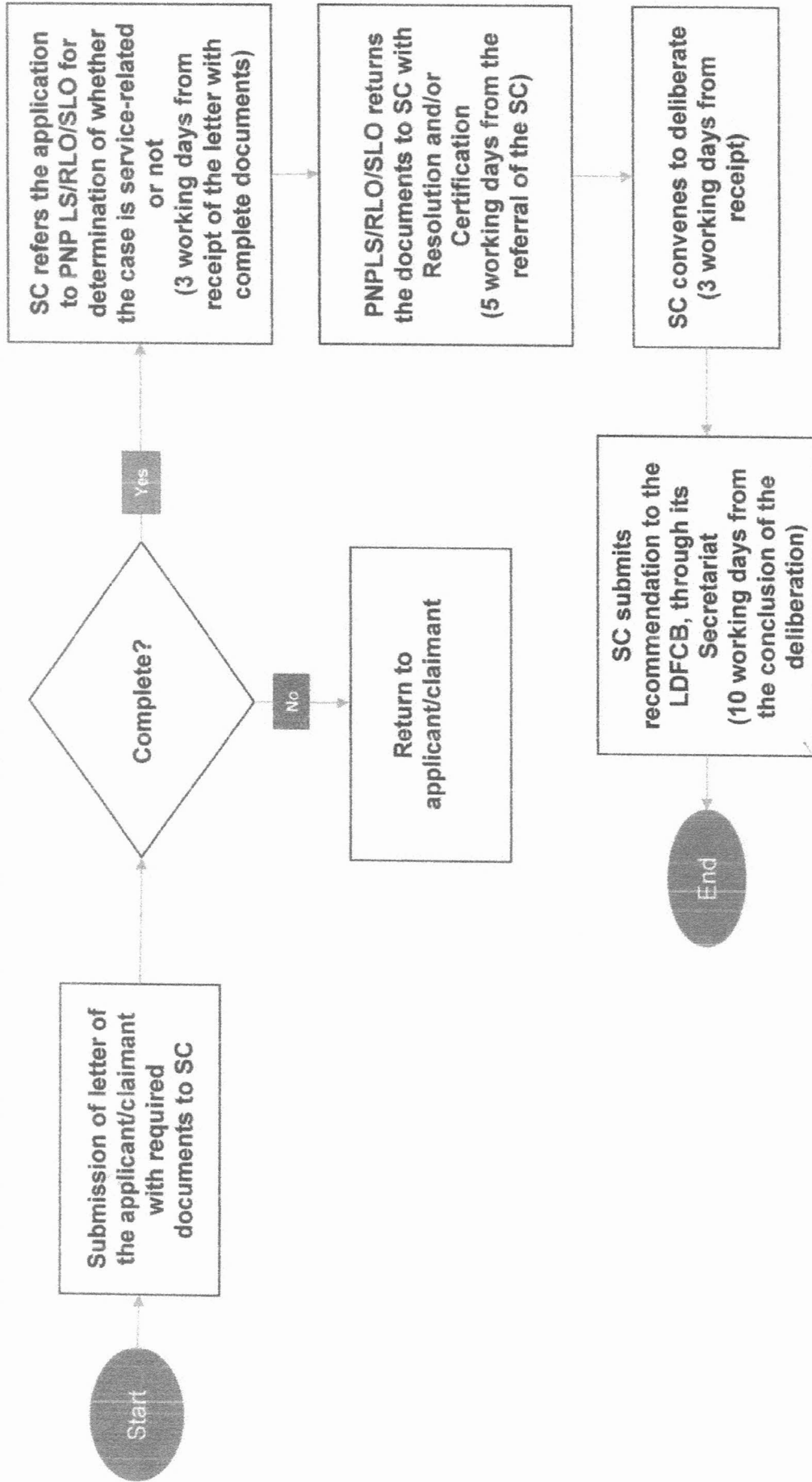


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### ANNEX "A"

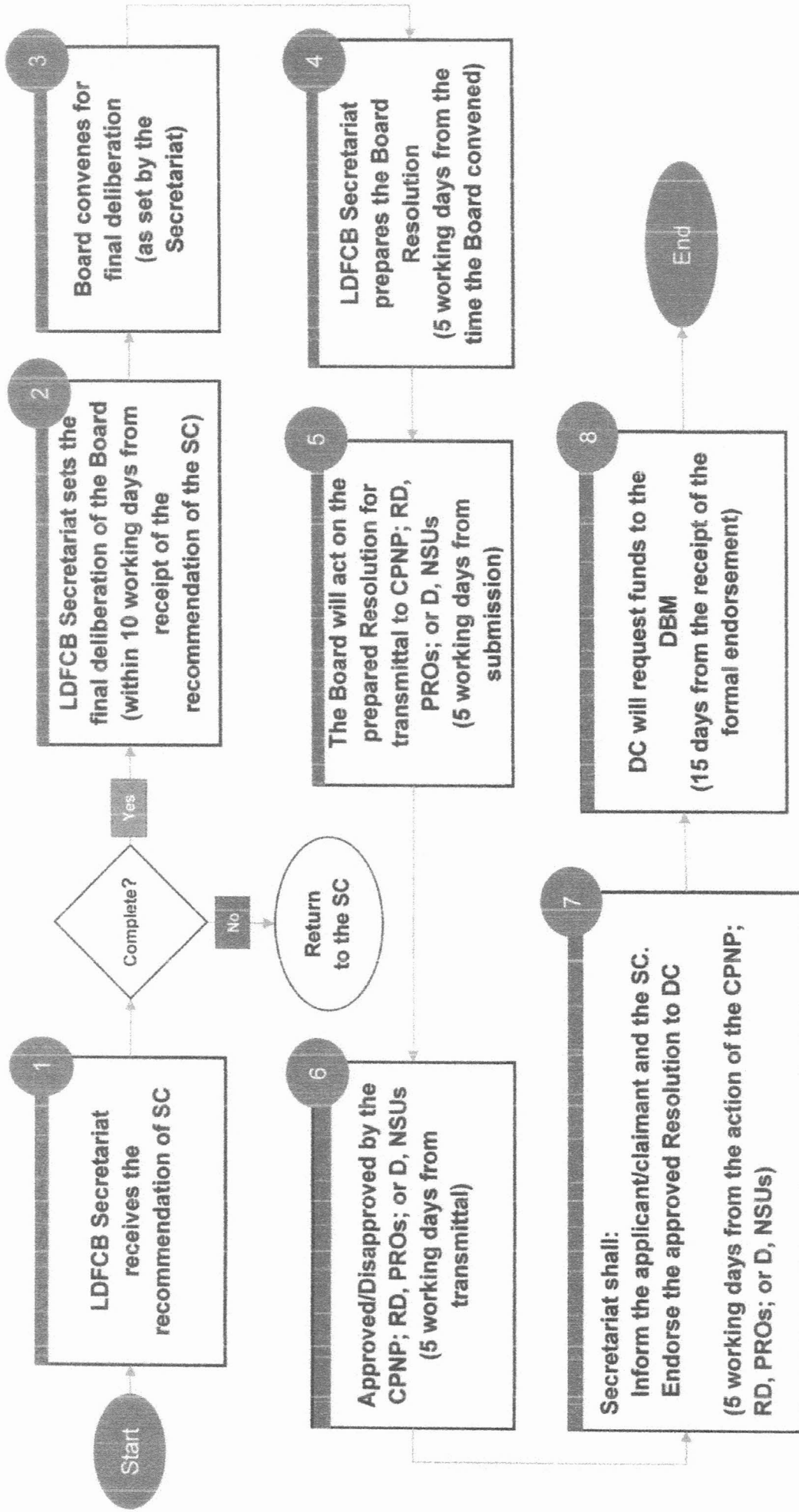
## PROCEDURE FOR SCREENING OF LDF APPLICATION OF THE APPLICANTS/CLAIMANTS



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**ANNEX "B"**

**PROCEDURE FOR FINAL DELIBERATION OF THE BOARD AND FOR REQUESTING OF FUNDS**



**ANNEX "C"**

OFFICE/UNIT LETTERHEAD



**AFFIDAVIT OF UNDERTAKING**

I, \_\_\_\_\_ (Rank and Name) \_\_\_\_\_, of legal age, Filipino, and presently assigned to \_\_\_\_\_ after having been sworn to in accordance with law, do hereby depose and state that:

1. I am an applicant/claimant of the Legal Defense Fund;
2. I was charged with the following case/s:

Case Docket No.	Nature	Where Filed

3. I further undertake to submit the update/status of my case/s semi-annually or every 5<sup>th</sup> of June and December, or as necessary under the circumstances;
4. I undertake to return whatever amount that I will be receiving from the Legal Defense Fund should I be found guilty by final judgment by a court in relation to the above-enumerated case/s;
5. I am aware that I may be held administratively and criminally liable for non-compliance with this undertaking; and
6. I am executing this Affidavit to attest to the truthfulness, veracity, and due execution of the foregoing statements.

FURTHER AFFIANT SAYETH NAUGHT.

\_\_\_\_\_  
Affiant  
PNP ID No. \_\_\_\_\_  
Issued on: \_\_\_\_\_  
Issued at: \_\_\_\_\_

\_\_\_\_\_  
Administering Officer



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