

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Quezon City

MEMORANDUM CIRCULAR NO. 2015-003

PRESCRIBING ADDITIONAL FUNCTIONS AND DUTIES OF LOCAL CHIEF EXECUTIVES (LCEs) AS NAPOLCOM DEPUTIES AS AUTHORIZED UNDER SECTION 64 OF REPUBLIC ACT NO. 8551

WHEREAS, Article XVI, Section 6 of the 1987 Constitution mandates the establishment in the country of one police force that is national in scope and civilian in character, to be administered and controlled by a national police commission;

WHEREAS, Section 14 of Republic Act No. 6975 as amended by Section 5 of R.A. 8551, provides that the National Police Commission (NAPOLCOM) shall exercise administrative control and operational supervision over the Philippine National Police (PNP);

WHEREAS, R.A. 6975 provides that the NAPOLCOM shall be an agency attached to the Department of the Interior and Local Government (DILG) for program and policy coordination, and the Philippine National Police (PNP) shall be a bureau within the DILG;

WHEREAS, Section 64 of R.A. 8551 provides that: **“Governors and mayors, upon having been elected and having qualified as such, are automatically deputized as representatives of the National Police Commission in their respective jurisdiction. As deputized agents of the Commission, local government executives can inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission”**; (Emphasis and underscoring supplied)

WHEREAS, pursuant to the abovementioned authority, the NAPOLCOM issued on 21 July 2015 Resolution No. 2015-342 empowering the PNP to perform its role as a community and service-oriented agency through the adoption of the Community and Service-Oriented Policing (CSOP) System involving the local executives, the PNP and the community;

WHEREAS, as defined in NAPOLCOM Resolution No. 2015-342, the CSOP System refers to the promotion of peace and order and public safety and the strengthening of local government capability aimed towards the effective delivery of basic services to the citizenry and which shall serve as the foundation of community-oriented policing and crime prevention strategy in the country;

WHEREAS, NAPOLCOM Resolution No. 2015-342 also provides that the CSOP System shall be undertaken through coordination and cooperation of the local executives, the citizenry, and the integrated law enforcement agencies by way of program or project complementation and sharing of funds, personnel and logistics;

WHEREAS, aside from the aforementioned additional functions and duties imposed by the NAPOLCOM on LCEs as its deputies, Section 51 of R.A. 6975 also provides that Governors and Mayors, as deputies of the Commission (NAPOLCOM) in their respective territorial jurisdiction, shall discharge the following functions:

“(a) Provincial Governor –

(1) Power to Choose the Provincial Director. – The provincial governor shall choose the provincial director from a list of three (3) eligibles recommended by the PNP regional director.

(2) Overseeing the Provincial Public Safety Plan Implementation. – The governor, **as chairman of the provincial peace and order council, shall oversee the implementation of the provincial public safety plan**, which is prepared taking into consideration the integrated community safety plans, as provided under paragraph (b) (2) of this section.

(b) City and Municipal Mayors –

(1) Operational Supervision and Control. The city and municipal mayors shall exercise operational supervision and control over PNP units in their respective jurisdiction except during the thirty (30) day period immediately preceding and the thirty (30) days following any national, local and barangay elections. During the said period, the local police forces shall be under the supervision and control of the Commission on Elections.

The term ‘operational supervision and control’ shall mean the power to direct, superintend, oversee and inspect the police units and forces.

It shall include the power to employ and deploy units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the term ‘employ’ and ‘deploy’ shall mean as follows:

‘Employ’ refers to utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawless violence, rebellious seditious conspiracy, insurgency, subversion or other related activities.

‘Deploy’ shall mean the orderly organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.

(2) Integrated Community Safety Plans. – **The municipal/city mayor shall, in coordination with the local peace and order council of which**

he is the chairman pursuant to Executive Order No. 309, as amended, develop and establish an integrated area/community public safety plan embracing priorities of action and program thrusts for implementation by the local PNP stations."

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WHEREAS, in addition to the abovementioned functions, Section 63 of R.A. 8551 vested upon Mayors, as deputized representatives of the NAPOLCOM, the following additional powers and authority over the police within their respective jurisdictions:

"(4) Other Powers. In addition to the aforementioned powers, city and municipal mayors shall have the following authority over the PNP units in their respective jurisdictions:

(i) Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: Provided, however, That in no case shall an officer-in-charge be designated for more than thirty (30) days: Provided, further, That the local peace and order council may, through the city or municipal mayor, recommend the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality: Provided, finally, That such relief shall be based on guidelines established by the NAPOLCOM;

(ii) Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences; and

(iii) Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointments shall be attested: Provided, That whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence.

The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives."

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WHEREAS, as used in the afore-cited provision, the term **Integrated Area/Community Public Safety Plan (IA/CPSP)** refers to the programs and activities, within the **POPS Plan**, which are being implemented by the local PNP stations; the term **Peace and Order and Public Safety Plan (POPS Plan)** refers to a plan formulated by the local Peace and Order Council (POC) which consists of programs and activities on peace and order, and public safety; and the term **Provincial Public Safety Plan** refers to the consolidated IA/CP SP of the cities and municipalities within the province;

WHEREAS, in furtherance of the above mandates, the DILG issued Memorandum Circular No. 2011-24 providing for the duties and functions of the Provincial, City and Municipal Peace and Order Councils, and the formulation of Peace and Order and Public Safety (POPS) Plan, and such guidelines and other directives the DILG shall/may issue consistent with its peace and order and public safety plans and programs;

WHEREAS, the performance by the LCEs of all the aforementioned functions and duties are inherent and indispensable in the effectiveness of the peace and order campaign within their respective localities and ultimately within the country;

WHEREAS, pursuant to Section 52 of R.A. 6975, as amended by Section 65 of R.A. 8551, the deputation of LCEs by the NAPOLCOM may be suspended or withdrawn by the Commission based on the following grounds:

"SEC. 52. Suspension or Withdrawal of Deputation. – Unless reversed by the President, the Commission may, after consultation with the provincial governor and congressman concerned, suspend or withdraw the deputation of any local executive for any of the following grounds:

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

Upon good cause shown, the President may, directly or through the Commission, *motu proprio* restore such deputation withdrawn from any local executive."

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NOW THEREFORE, the Commission, pursuant to its constitutional and statutory mandates, **HEREBY RESOLVES TO AUTHORIZE, AS IT HEREBY AUTHORIZES**, Governors and Mayors as deputies of the Commission, to exercise the following additional functions and duties:

1. Formulate and adopt effective mechanisms for the coordination, cooperation, and consultation involving the local executives, citizenry and law enforcement agencies created under R.A. 6975, as amended, consistent with and in pursuance of the Community and Service-Oriented Policing (CSOP) System under NAPOLCOM Resolution No. 2015-342 and such other NAPOLCOM issuance/s as may hereafter be promulgated in relation thereto;
2. Formulate and pursue a three (3) year, term-based, Peace and Order and Public Safety Plan (POPS Plan), following the guidelines and policies of the DILG, and within the period prescribed by the latter, which shall be incorporated in the Comprehensive Development Plan of the local government unit;


3. Convene the Peace and Order Council (POC) quarterly, or as often as the need arises, and submit semestral POC Accomplishment Report, following the guidelines and policies of the DILG; and
4. Perform or exercise such other additional functions and duties as may be duly authorized by the Commission, as provided under Section 64 or R.A. 8551.

RESOLVED FURTHER that the failure of a Local Chief Executive, as deputy of the Commission, to perform the additional functions and duties herein authorized, shall be deemed engaging in acts which negate the effectiveness of the peace and order campaign in the country and which, once validated or established pursuant to the procedure outlined under NAPOLCOM Memorandum Circular No. 99-010 as amended by NAPOLCOM Memorandum Circular No. 2001-003, shall be a ground for the suspension or withdrawal of his/her deputation by the Commission, pursuant to Section 52 (d) of R.A. 6975 as amended.


All Memorandum Circulars or issuances, or any part thereof, which are inconsistent with this Memorandum Circular are hereby repealed or amended accordingly.

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center pursuant to Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.


APPROVED this 12th day of NOVEMBER, 2015 in Quezon City, Metro Manila, Philippines.


MEL SENEN S. SARMIENTO
 Secretary, DILG/
 Chairman, NAPOLCOM




EDUARDO U. ESCUETA
 Commissioner

Vice Chairman and Executive Officer


LUISITO T. PALMERA, D.P.A., CSEE
 Commissioner


ALEJANDRO S. URRO
 Commissioner

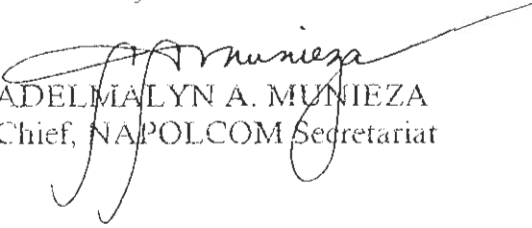


CONSTANCIA P. DE GUZMAN, Ph.D., CESO III
Commissioner



RICARDO C. MARQUEZ
Commissioner

Attested by:



ADELMALYN A. MUNIEZA
Chief, NAPOLCOM Secretariat