

# MEMORANDUM OF AGREEMENT

## KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement, made and executed on the 25<sup>th</sup> of September 2012 at Quezon City, Metro Manila, by and among:

The **OFFICE OF THE OMBUDSMAN**, with office address at the Ombudsman Building, Agham Road, Quezon City, herein represented by **OMBUDSMAN CONCHITA CARPIO MORALES**;

The **NATIONAL POLICE COMMISSION**, with office address at No. 371 Gil Puyat Ave., Makati City, herein represented by its Vice-Chairman and Executive Officer, **EDUARDO U. ESCUETA**;

-and-

The **PHILIPPINE NATIONAL POLICE**, with office address at the National Headquarters, Philippine National Police, Camp Crame, Quezon City, herein represented by the Chief PNP, **POLICE DIRECTOR GENERAL NICANOR A. BARTOLOME**;

collectively referred herein as "Parties",

## WITNESSETH:

**WHEREAS**, the Office of the Ombudsman (OMB) as protector of the people is mandated under Republic Act No. 6770 (Ombudsman Act of 1989) to act promptly on complaints filed in any form or manner against officers or employees of the Government or of any subdivision, agency or instrumentality thereof, including government owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants;

**WHEREAS**, OMB has disciplinary authority over officers and members of the Philippine National Police (PNP) regardless of rank or unit of assignment;

**WHEREAS**, the National Police Commission (NAPOLCOM) and PNP also have disciplinary authority over officials and members of the PNP concurrently with the OMB;

*Conchita*  
*Escueta*

**WHEREAS**, OMB is mandated under R.A. 6770 to give priority to complaints filed against high-ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties;

**WHEREAS**, under Section 23(2) of R.A. 6770, OMB may refer certain complaints to proper disciplinary authority for the institution of administrative proceedings against erring public officers/employees;

**WHEREAS**, in order to give priority to complaints filed against high-ranking government officials and those involving large sums of money and/or properties, OMB needs to refer certain administrative cases against officers and members of the PNP not falling under the cases that should be prioritized under the law;

**WHEREAS**, the NAPOLCOM and PNP are proper disciplinary authorities where administrative cases against PNP officers and members may be referred to for final disposition;

**WHEREAS**, such referral mechanism shall promote speedy disposition of administrative cases, uphold public accountability and boost public trust and confidence in the bureaucracy.

**NOW, THEREFORE**, in consideration of the foregoing, the Parties hereby agree that:

1. Administrative cases involving PNP officers and members shall be adjudicated by the appropriate disciplinary authority which first acquired jurisdiction over the case except as otherwise provided herein;

2. OMB shall have primary jurisdiction over administrative cases filed either before the NAPOLCOM or PNP against officers and members of the PNP for acts or omissions arising from the following criminal offenses filed or pending before OMB:

- a) Violations of the provisions of Republic Act No. 1379 (*An Act Declaring Forfeiture in Favor of the State Any Property Found To Have Been Unlawfully Acquired By any Public Officer or Employee and Providing the Proceedings Thereof*);
- b) Violations of R.A. 3019 (*Anti-Graft and Corrupt Practices Act*);

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- c) Violation of Sections 7, 8 & 9 of R.A. 6713 (*Code of Conduct and Ethical Standards for Public Officials and Employees*);
- d) Plunder under R.A. 7080 (*An Act Defining and Penalizing the Crime Of Plunder*);
- e) Violation of R.A. 9184 (*Government Procurement Reform Act*);
- f) Violation of R.A. 9485 (*Anti-Red Tape Act of 2007*);
- g) Bribery under Section 2, Chapter Two And Malversation under Chapter Four of Title VII, Book II of the Revised Penal Code as amended; and
- h) Violation of other graft laws.

3. The NAPOLCOM shall have primary jurisdiction over grave administrative cases defined and penalized under Memorandum Circular 2007-001 (*Uniform Rules of Procedure Before the Administrative Disciplinary Authorities and Internal Affairs Service of the Philippine National Police*);

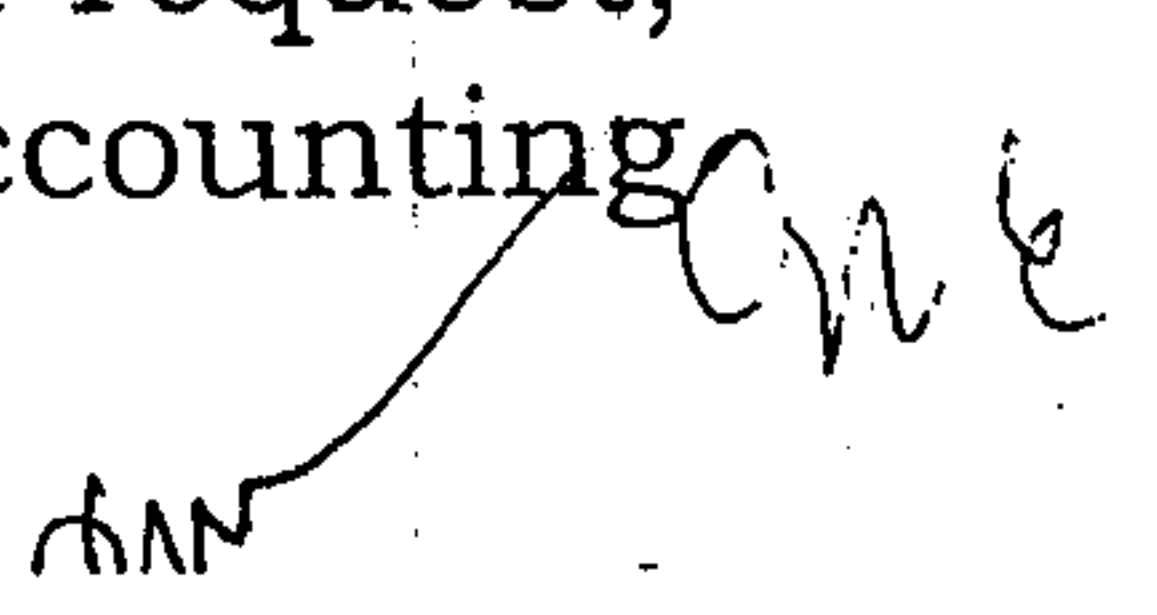
4. PNP shall have primary jurisdiction over administrative cases against officers and members of the PNP for acts or omissions constituting breach of internal discipline or minor offenses defined under R.A. 6975 as amended by R.A. 8551, violation of the Civil Service Law and its implementing rules and regulations, or violation of NAPOLCOM rules and regulations or PNP policies such as but not limited to those relating to efficiency in the performance of official duties and responsibilities;

5. OMB may, at its discretion, refer to NAPOLCOM or Chief PNP other administrative cases filed or pending before it for acts or omissions not arising from criminal offenses enumerated in paragraph 2 hereof;

6. The NAPOLCOM or Chief PNP may, at their discretion refer to OMB the adjudication of highly sensationalized administrative cases committed by PNP officers and members;

7. The proscription against forum shopping shall be strictly enforced by the Parties;

8. The PNP, through the Directorate for Personnel and Records Management (DPRM), shall provide OMB, upon request, with necessary data generated from the Personnel Accounting

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and Information System for the expeditious service of orders, summonses and other processes upon PNP officers and employees, which data shall be limited to subject PNP personnel's address and assignment, and in accordance with the PNP rules on security of documents and information;

9. The Parties to this Agreement shall designate their respective offices of primary responsibility (OPR) which shall be in charge of the continuous monitoring of referred administrative cases. For this purpose, dialogues among the representatives of the Parties shall be conducted on a regular basis. The Parties shall also mutually render semi-annual reports on the final outcome of referred administrative cases;

10. This Memorandum of Agreement shall take effect upon signing by the Parties and shall be applied only to cases filed thereafter.

**IN WITNESS WHEREOF**, the Parties have hereunto set their hand on the date and place first written above.



**EDUARDO U. ESCUETA**

Vice-Chairman and Executive Officer  
National Police Commission



**NICANOR A. BARTOLOME**


Police Director General  
Chief PNP



**CONCHITA CARPIO MORALES**

Ombudsman *11/20/12*

Signed In The Presence Of:




**ARNOLD Q. MIÑA**

NAPOLCOM, Legal Affairs



**ELPIDIO Z. DE ASIS**

Police Director  
Director, DPRM



**ORLANDO C. CASIMIRO**

Overall Deputy Ombudsman

## ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES )  
QUEZON CITY )S.S.

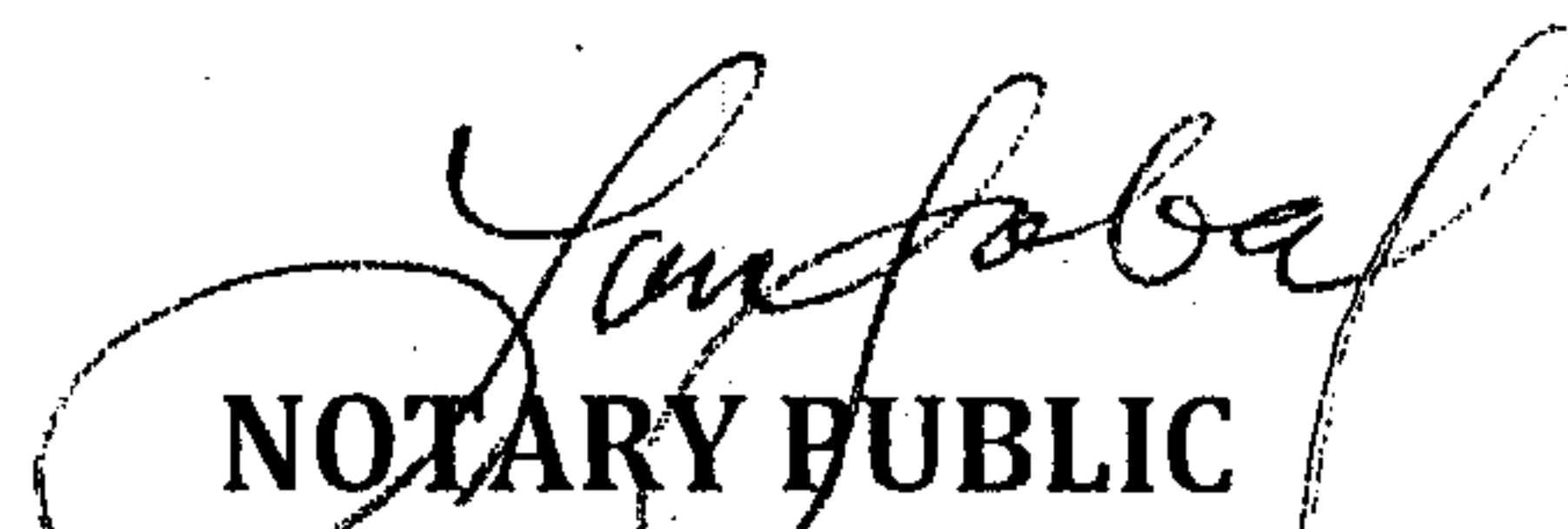
**BEFORE ME**, this 25th day of September, 2012, personally appeared:

	ID No.	Place / Date Of Issue
<b>CONCHITA CARPIO MORALES</b>	10110	Q.C. July 26, 2011
<b>EDUARDO U. ESCUETA</b>	D0977007024	Q.C. Exp. 7/11/13
<b>NICANOR A. BARTOLOME</b>	M0180004487	Q.C. Exp. 3/16/13

all known to me to be the same persons who executed the foregoing Memorandum of Agreement and acknowledged to me that the same is an act of their free and voluntary will and deed.

This instrument refers to a Memorandum of Agreement and consists of five (5) pages including the page where this acknowledgement is written, signed by the parties and their witnesses at the end of the instrument and on every page thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my seal this 25th day of September, 2012.



**NOTARY PUBLIC**  
ATTY. LAURRIE LAYNE P. CRISTOBAL  
Notary Public for Quezon City (NP-338)  
Commission expires on December 31, 2012  
Roll No. 55446/IBP Lifetime Member No. 8728  
PTRP No. 6116733/01-12-12/Quezon City

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