



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

PNP MEMORANDUM CIRCULAR
Number 2012- LS - 001

**PROCEDURES GOVERNING DIRECT LEGAL REPRESENTATION
UNDER THE LEGAL ASSISTANCE PROGRAM OF THE PNP**

1. REFERENCES:

- a. Section 49, RA 6975 as amended by Section 56, RA 8551;
- b. COA Circular Nos. 86 - 255 and 95 - 011;
- c. Section 35 (1), Chapter 12, Title III, Book IV of Executive Order No. 292 otherwise known as the Revised Administrative Code;
- d. DOJ, NAPOLCOM and PNP Joint Memorandum Circular dated February 2, 2000;
- e. 2000 Rules and Regulations Governing the Functions of the National Headquarters Legal Assistance Board (NHQ LAB);
- f. 2001 LAB Resolution No. 2001-01 creating the RLAB and NSU LAB;
- g. PMO Study on the Existing Legal Assistance Program in the PNP dated December 11, 2006;
- h. NAPOLCOM Memorandum Circular No. 2008-014 dated September 26, 2008;
- i. Section 50 (General Provisions), 2010 General Appropriations Act (GAA);
- j. DOJ Department Circular No. 78 dated October 26, 2009 and PAO Memorandum Circular No. 003, Series of 2010 dated January 27, 2010;
- k. PAO MC No. 18, series of 2002, dated May 9, 2002; and
- l. Executive Order No. 298 dated March 23, 2004.

2. POLICY:

It is the policy of the Philippine National Police (PNP) to provide legal assistance to all PNP uniformed personnel with service connected cases. For this reason, and to ensure compliance with the Legal Assistance Program of the PNP, all heads of offices and Legal Service Legal Officers are required to implement this circular strictly within the prescribed periods.

3. **PURPOSE:**

This Circular prescribes the procedures governing direct legal representation by authorized PNP lawyers for qualified PNP uniformed personnel under the Legal Assistance Program of the PNP.

4. **OBJECTIVES:**

This Circular aims to :

- a. Provide legal assistance to qualified PNP uniformed personnel by ensuring direct legal representation;
- b. Decentralize and expedite the processing of applications for direct legal representation at the Police Regional Office (PRO) and National Support Unit (NSU) level; and
- c. Revise the functions of the National Headquarters Legal Assistance Board (NHQ LAB) created under DPRM LO No. 115 dated March 14, 2000 as modified by DPRM LO Nr. 1270 dated December 19, 2005, and the composition and functions of the Regional Legal Assistance Boards (RLABs) and National Support Units Legal Assistance Boards (NSU LABs) created by NHQ LAB Resolution No. 2001-01 dated May 3, 2001.

5. **COVERAGE AND EXTENT OF ASSISTANCE:**

This Circular shall apply to all qualified applicants with service connected cases before the prosecutor's office, the court, or any competent body. The extent of direct legal representation for qualified applicants shall continue until the decision in the case becomes final and executory; *Provided That*, direct legal representation shall be referred to partner legal service providers as soon as conflict of interest arises.

6. **DEFINITION OF TERMS:**

- a. **Administrative Case** – refers to an administrative case filed against PNP uniformed personnel before the prosecutor's office, the court, or any competent body, except cases classified as breach of internal discipline (BID) or conduct unbecoming of a police officer (CUPO) as defined in paragraphs (c) and (h), Section 1, Rule 2, Part I, NAPOLCOM MC 2007-001 and cases of absence without official leave (AWOL) as defined in NAPOLCOM MC No. 95-017 as amended by NAPOLCOM MC No. 2010-001 in relation to paragraphs (v) (1) A, (o) (1) B, and (j) (1) C, Section 2, Rule 21, Part III, NAPOLCOM MC 2007-001.
- b. **Applicant** – refers to any PNP uniformed personnel charged with a case arising from an incident related to the performance of his/her official duty who is requesting direct legal representation under this Circular.
- c. **Authorized Lawyer** – refers to a PNP lawyer authorized to provide direct legal representation in accordance with this Circular.

d. **Civil Case** – refers to a civil case impliedly instituted with a criminal case referred to in Articles 29, 30, 31, 32, 33, 34, 35, 2176 of the New Civil Code or special civil actions for the issuance of Writ of Habeas Corpus, Writ of Habeas Data, Writ of Amparo, Writ of Kalikasan or any other writ which may hereafter be promulgated by the Supreme Court including petitions for Certiorari, Prohibition, Injunction, Mandamus and cases for Damages in which the PNP or any of its members are impleaded as party litigant; *Provided That*, such special civil actions shall be immediately referred to the Office of the Solicitor General (OSG) for appropriate legal action in accordance with Section 35 (1), Chapter 12, Title III, Book IV, Executive Order No. 292 otherwise known as "the Revised Administrative Code of 1987."

e. **Competent Body** – refers to an investigative body such as the Office of the Ombudsman, NAPOLCOM, PLEB, CHR, and any other quasi-judicial body including the Senate and the House of Representatives.

f. **Concerned Boards** – refer to the Regional Legal Assistance Board (RLAB), National Support Unit Legal Assistance Board (NSU LAB), Legal Service Legal Assistance Board (LS LAB), the composition and functions of which are hereby revised.

g. **Courts** – refer to trial and appellate courts including the Sandiganbayan.

h. **Criminal Case** – refers to a case involving crimes and offenses defined under the Revised Penal Code of the Philippines and under special penal laws.

i. **Direct Legal Representation** – refers to the appearance of an authorized PNP lawyer before the prosecutor's office, the court, or any competent body on behalf of a qualified applicant in a service connected case, including the preparation of pleadings, the rendition of legal advice, and the performance of other legal services.

j. **Immediate Supervisor** – refers to the Police Commissioned Officer (PCO) who exercises direct administrative control and/or operational supervision over the applicant.

k. **Legal Allowance** – refers to the totality of funds allowed by law and pertinent rules and regulations to be disbursed to authorized PNP lawyers to cover expenses for travel as prescribed in Executive Order No. 298 dated March 23, 2004, special counsel allowance (SCA) as provided in Section 50, General Provisions, 2010 General Appropriations Act, and other direct, actual, and necessary expenses, subject to the usual accounting and auditing rules.

l. **Legal Assistance Fund** – refers to the totality of funds from the GAA allocated to support the PNP Legal Assistance Program pursuant to Section 49 or RA No. 6975 as amended by Section 56 of RA No. 8551, local and foreign donations and other legitimate sources which may later be determined as intended to support the Legal Assistance Program.

m. **Legal Assistance Program** – refers to all existing and future projects carried out by the PNP, through the PNP Legal Service and its various Legal Assistance Boards, to ensure effective and efficient implementation of Section 49 of RA 6975 as amended by Section 56 of RA No. 8551 such as Project: "Katarungan", Project: "Gabay", Project: "Tambuli"; the operationalization of the: "A.L.E.R.T. 24/7" Operations Center, conduct of legal aid clinics and the implementation of LOI: "Alalay".

n. **Next Higher Supervisor** – refers to the Police Commissioned Officer (PCO), in the hierarchy, who exercises direct administrative control and/or operational supervision over the applicant and his immediate supervisor.

o. **Partner Legal Service Providers** – refer to the entities that provide legal service to PNP uniformed personnel including, but not limited to, the Public Attorney's Office (PAO), in accordance with the guidelines provided under DOJ Department Circular No. 78 dated October 26, 2009 and PAO Memorandum Circular No. 002, series of 2010, dated January 27, 2010, the NAPOLCOM, in accordance with the guidelines provided under NAPOLCOM MC No. 2008-014 dated September 26, 2008, and the Integrated Bar of the Philippines (IBP), in accordance with the provisions of its existing Memorandum of Agreement (MOA) with the PNP dated February 20, 2006.

p. **Performance of Official Duty** – refers to the performance of duties in good faith by PNP uniformed personnel in accordance with the law, PNP Police Operational Procedures, and other pertinent rules and regulations.

q. **Qualified Applicant** – refers to any PNP uniformed personnel whose application for direct legal representation has been approved in accordance with this Circular.

r. **Service Connected Case** – refers to a criminal, civil, or administrative case filed against the applicant arising from an incident related to the performance of his/her official duty, wherein the PNP or its duly authorized agent is not the complainant.

7. PROCEDURE:

a) **Who can File.** Any applicant may apply for direct legal representation; *Provided That*, if the applicant is incapacitated, the application may be filed by his duly authorized representative or, if there is none, his immediate supervisor, his next higher supervisors, or any LS legal officer with the consent of his nearest relative;

b) **Where to File.** Applicants assigned at the PROs shall file their applications directly with the C, RLO. Those assigned with the NSUs shall file their applications directly with the NSU LO. An applicant assigned with an office without an LS legal officer shall file his application directly with the C, LAD, LS;

c) **When to File.** The application may be filed anytime during office hours;

d) **How to File.** The applicant shall accomplish, under oath, three legible copies each of an Application for Direct Legal Representation (LS Form 1a). The applications must be accompanied by supporting documentary requirements. The forms can be secured at the RLO, from the NSU LO, or at the office of the C, LAD, LS;

The applicant shall request a certification from his immediate supervisor. The certification shall attest to his unit of assignment and shall certify that his case is service connected. In case of absence or incapacity of the immediate supervisor, the next higher supervisors in the hierarchy are authorized to issue such certification. The immediate supervisor or the next higher supervisors, as the case may be, shall act on the request within twenty-four (24) hours from receipt thereof. Failure to act within the specified period, reckoned from the date and time of receipt as indicated in LS Form 1a, shall render the request deemed certified. In which case, the application may already be filed with the C, RLO; NSU LO; or C, LAD, LS.

e) **Documentary Requirements.** The application for direct legal representation shall be supported by the following documents:

1) Endorsement/Certification signed by the immediate supervisor or the next higher supervisors, declaring that the applicant is assigned under their jurisdiction and certifying that his case arose from an incident which is related to the performance of his official duty, or an affidavit executed by the applicant stating that the request for certification was not acted upon within the prescribed period;

2) Authenticated copy of Spot Report, Incident Report, or Investigation Report;

3) Authenticated copy of the information, complaint, charge sheet and other legal processes; and

4) Authenticated copies of other relevant documents.

f) **Actions of C, RLO/NSU LO/C, LAD, LS.** Within twenty-four (24) hours from receipt of the application, the C, RLO/NSU LO/C, LAD, LS shall evaluate the same; determine if it is sufficient in form and substance and, thereafter, endorse it to the concerned Board for adjudication, indicating the name of the recommended representing PNP lawyer. The PNP Lawyer at this stage can initially handle the case.

g) **Actions of the Concerned Boards.** Within twenty-four (24) hours from receipt of the application for direct legal representation from the legal officer, the concerned board shall:

1) Adjudicate whether or not the incident that gave rise to the case of the applicant is service connected;

2) Designate a representing PNP lawyer to handle the case or, if there is none, request for one from the NHQ LAB; and

3) Issue a corresponding resolution and endorse the same to the RD, PRO, the D, NSU or the Head of Office for approval; *Provided That*, inaction within the specified period shall render the application for direct legal representation deemed endorsed.

h) **Actions of RD, PRO; D, NSU or Head of Office.** Within twenty-four (24) hours from receipt of the resolution or the application, as the case may be, the RD, PRO, the D, NSU or the Head of Office shall approve the same and endorse it to the NHQ LAB, through the D, LS/Secretariat, NHQ LAB, for appropriate action; *Provided That*, direct legal representation shall immediately commence even pending such action; *Provided Further That*, inaction within the specified period shall render the resolution or the application deemed approved and endorsed.

i) **Actions by Legal Officer when the case is disapproved.** The Legal Officer who initially handled a case which was subsequently found to be not service-connected is mandated to withdraw from the case. Otherwise, he will be held liable for unauthorized practice of law.

j) **Actions by the NHQ LAB.** Upon receipt of the approved resolution or application, as the case may be, the NHQ LAB shall, within five days, review the same and forward it to the CPNP for confirmation and issuance of order by the DPRM.

8. REGIONAL LEGAL ASSISTANCE BOARD (RLAB), NATIONAL SUPPORT UNIT LEGAL ASSISTANCE BOARD (NSU LAB), LEGAL SERVICE LEGAL ASSISTANCE BOARD (LS LAB)

a. The composition of the RLAB, NSU LAB, and the LS LAB is hereby revised with the following *ex-officio* members:

RLAB	NSU LAB	LS LAB	DESIGNATION
DRDA	Deputy Director for Administration or Deputy Director	DD, LS	Chairman
C, RPHRDD	C, Personnel or C, RPHRDD or equivalent	C, LAD	Vice Chairman
C, RIDMD	ADIN or C, RIDMD or equivalent	C, Inspectorate	Member
C, RID	ADI or equivalent		Member
RESPO	ESPO/Chief Clerk	ESPO/Chief Clerk	Member
C, RLO	NSU LO	Assistant Chief, LAD	Member/Secretariat

b. The functions of the concerned boards are hereby revised as follows:

- 1) Within 24 hours upon receipt, act on applications for direct legal assistance filed within their respective jurisdictions;
- 2) Within 24 hours upon receipt, act on applications for reimbursement of legal expenses;
- 3) Submit a quarterly report to the NHQ LAB, through the D, LS/ Secretariat, NHQ LAB (Attn: C, LAD, LS) on its activities and operations which shall be reported to the CPNP;
- 4) Convene, as the need arises, on a date, time and venue to be determined by the Chairman; and
- 5) Perform other tasks related to the conduct of its functions or as may be directed by the concerned RD, PRO; D, NSU; Head of Office; or the CPNP through the NHQ LAB.

9. THE NATIONAL HEADQUARTERS LEGAL ASSISTANCE BOARD (NHQ LAB):

a. The composition of the NHQ LAB is hereby retained as follows:

MEMBERS	DESIGNATION
TCDS	Chairman
TDPRM	Vice Chairman
TDIDM	Member
TDC	Member
D, LS	Member/Secretariat
CESPO	Member

b. The functions of the NHQ LAB are hereby revised as follows:

- 1) Review the resolution endorsed by the concerned boards or application for direct legal representation and forward the same to the CPNP for confirmation prior to issuance of orders by DPRM;
- 2) Review the resolution endorsed by the concerned boards on applications for reimbursement of legal expenses and confirm a favorable recommendation;
- 3) Convene quarterly or as the need arises;
- 4) Subject to the approval of the CPNP, adopt a uniform policy on Legal Assistance Program for the full implementation of Section 49 of RA No. 6975 as amended by Section 56 of RA No. 8551 and other pertinent laws, rules and regulations; and
- 5) Perform other functions as directed by the CPNP.

10. AVAILMENT OF DIRECT LEGAL REPRESENTATION FROM PARTNER LEGAL SERVICE PROVIDERS:

An applicant with the rank of Police Officer 1 (PO1) up to Senior Police Officer 4 (SPO4) may opt to avail of direct legal representation from PAO in accordance with the guidelines provided under DOJ Department Circular No. 78 dated October 26, 2009 and PAO Memorandum Circular No. 002, series of 2010, dated January 27, 2010. Applicants with any other rank may still avail of legal assistance from PAO in accordance with the guidelines provided under PAO MC No. 18, series of 2002, dated May 9, 2002.

Any applicant may also apply for direct legal representation from the Legal Assistance Office (LAO) of NAPOLCOM or its various Regional Legal Assistance Units (RLAU) in accordance with the guidelines provided under NAPOLCOM MC No. 2008-014 dated September 26, 2008.

An applicant may also apply for direct legal representation with the Integrated Bar of the Philippines (IBP) in accordance with the provisions of its existing Memorandum of Agreement (MOA) with the PNP dated February 20, 2006.

11. DUTIES AND RESPONSIBILITIES OF THE AUTHORIZED PNP LAWYER:

The authorized PNP lawyer providing direct legal representation shall submit to D, LS (Attn: C, LAD, LS) a quarterly report on the status of cases being handled, with an updated summary of all legal actions taken, attaching copies of vital documents, for consolidation, evaluation, and information of the CPNP and for issuance of appropriate commendations, medals, awards, or citations.

In accordance with law, pertinent rules and regulations, authorized PNP lawyers are entitled to receive legal allowances, subject to the submission of required liquidating instruments.

12. TASKING OF THE DIRECTORATE FOR COMPTROLLERSHIP (DC), THE DIRECTORATE FOR PLANS (DPL), AND THE DIRECTORATE FOR PERSONNEL AND RECORDS MANAGEMENT (DPRM)

The DC, in coordination with D, LS/Secretariat, NHQ LAB, shall periodically conduct a study to determine the amount of annual funds needed to support the provision of the PNP Legal Assistance Program and, in coordination with the DPRM and

the DPL, shall ensure inclusion of the determined annual funds in the PNP budget proposal every budget hearing in Congress.

13. REPEAL:

The undated PNP Rules and Regulations Governing the existing National Headquarters Legal Assistance Board (NHQ LAB) and undated NHQ LAB Resolution No. 2001-01 creating the RLAB and NSU LAB are hereby expressly repealed. All other PNP memoranda, circulars, directives, or issuances in conflict or inconsistent with this Circular are hereby repealed, amended, or modified accordingly.

14. EFFECTIVITY:

This Circular takes effect after fifteen (15) days from the filing of a copy thereof to the UP Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII, EO No. 292 otherwise known as "The Revised Administrative Code of 1987", as amended.



me
NICANOR A BARTOLOME, CSEE
Police Director General
Chief, PNP

CPNP Ltr '12 S048417



S048417

06 JUN 2018

AUTHENTICATED BY:

[Signature]
BETHZAIDA R ABALOS
Police Chief Inspector
Administrative Officer, OCPNP