2017 COMPREHENSIVE
BJMP ADMINISTRATIVE
DISCIPLINARY MACHINERY,
AS AMENDED
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"Changing Lives, Building a Safer Nation"
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"Changing Lives, Building a Safer Nation"
RULE I
PRELIMINARY PROVISIONS

Section 1. Title. – These Rules shall be known and cited as the “2017 COMPREHENSIVE BJMP ADMINISTRATIVE DISCIPLINARY MACHINERY, AS AMENDED”.

Section 2. Scope and Application. – These Rules shall apply to all administrative investigation, initial, and formal, against uniformed and non-uniformed personnel and shall define the powers, duties, and procedures to be observed by the personnel officers, investigators, prosecutors, hearing officers, and the disciplining authorities in the formulation and implementation of decisions, resolutions, and orders duly issued. In addition, it shall provide an avenue for the private parties with broken interpersonal relations to exhaust the possibility to settle their case/s amicably pursuant to existing policies.

These Rules shall not apply to sexual harassment cases governed by the separate rules adopted by the Committee on Decorum and Investigation.

Section 3. Purpose. – These Rules shall govern the dispensation of administrative justice in the BJMP in the most economical and expeditious means, most responsive to the needs of all stakeholders and sufficient to protect public service. It shall also ensure uniformity in adjudication of administrative complaints against erring personnel.
Section 4. Construction. – These Rules shall be liberally construed to attain just and expeditious disposition of administrative cases against erring personnel so as to ensure public accountability and utmost discipline in the jail service.

Section 5. Nature of Proceedings. – The initial and formal investigation shall be summary and inquisitorial in nature and shall not necessarily adhere to the technical rules of procedure observed in judicial proceedings. The pertinent provisions of the Civil Service Law, Rules and Regulations as well as the Rules of Court shall be applied suppletorily.

RULE II
GENERAL PROVISIONS

Section 6. Definition of Terms. – As used in these Rules, the following terms shall be understood to mean as follows:

a. Answer – is a pleading in which a respondent or other adverse party sets forth the negative and affirmative defenses upon which he relies.

b. Clarificatory Hearing – is a stage in speedy administrative proceeding conducted consistent with due process to determine the culpability or innocence of the respondent through searching clarificatory questions propounded by the hearing officer to the complainant, respondent or witnesses in order to aid him in the judicious resolution of the administrative case.
c. **Complainant** – one who commences a complaint against personnel either as a complaining witness or as a concerned government agency or office.

d. **Complaint** – a written sworn statement stating a particular act/s, wrong or injury sustained by a person. A communication in good faith that discloses or demonstrates an intention to disclose information that malfeasance, misfeasance and/or nonfeasance has occurred.

e. **Concurrent and Original Jurisdiction** – power conferred and enjoyed by different administrative authorities or instrumentalities to take cognizance of the same case in the first instance. Cognizance by one administrative authority of said case excludes others from taking cognizance thereof.

f. **Confirmation of Dismissal** – is a process by which a decision rendered by the Chief, BJMP or Regional Director of the Jail Bureau imposing the penalty of removal/dismissal from the service shall be executory only after confirmation by the SILG.

g. **Decision** – a written disposition by the disciplining authority or an appellate body, stating clearly the facts and the law upon which it is based.

h. **Disciplining Authority** – refers to the person duly authorized by law to impose the penalty provided by the rules.

i. **Finality of Decision** – there is finality of decision when after the lapse of fifteen (15) days from receipt or notice
thereof, no motion for reconsideration or appeal has been filed in accordance with these Rules except those which are immediately executory.

**j. Formal Charge** – an accusation in writing against a BJMP personnel signed by the Disciplining Authority and filed before the National or Regional Hearing Office.

**k. Formal Investigation** – a formal investigation is a proceeding conducted by the hearing office and decided on the basis of the evidence presented by the parties with the substantial evidence as a quantum of proof required for its conviction.

**l. Forum Shopping** – the filing of several complaints arising from one and the same cause of action involving the same parties asking for the same relief with the different administrative disciplining authorities.

**m. Habitual Respondent** – personnel who was formally charged administratively for at least three (3) times and was found culpable in any one of them and meted a penalty not lower than one (1) month suspension.

**n. Initial Investigation** – a mandatory proceeding undertaken to determine whether a prima facie case exists to warrant the issuance of a formal charge. It involves a fact-finding investigation or an ex-parte examination of records and documents submitted by the complainant and the person/s complained of, as well as other relevant documents readily available.

**o. Jail Officer Rank** – refers to an officer of the Jail
Bureau holding a rank of Jail Inspector and above.

p. **Jail Non-Officer Rank** – refers to non-officer personnel of the BJMP holding a rank of Jail Officer 1 to Senior Jail Officer 4.

q. **National Bureau Prosecutor** – a JOR duly designated by the Chief, BJMP, as recommended by the DIP, who is responsible in the filing of formal charge and prosecuting cases against erring personnel before the National or Regional Hearing Office of the BJMP.

r. **Nominal Party** – a complainant who is not a real party in interest in the subject matter but his presence is required by the technical rules.

s. **Party Adversely Affected** – refers to the respondent against whom a decision in an administrative case has been rendered or to the disciplining authority or prosecuting agency in an appeal from a decision reversing or modifying the original decision.

t. **Pending Case** – refers to a case when the respondent had been formally charged by the disciplining authority until such time that an implementing order finally disposing the case is issued or during the pendency of an appeal with any of the appellate bodies.

u. **Prima Facie Evidence** – refers to the evidence which if unexplained or uncontradicted, is sufficient to sustain judgment in favor of the issue it supports, but which may be contradicted by other evidence.
v. **Regional Bureau Prosecutor** – a JOR duly designated by the Chief, BJMP as recommended by the Director, DIP who is responsible for the filing of formal charge and prosecuting cases against erring personnel before the Regional Hearing Office.

w. **Regional Director of the Jail Bureau** – refers to the officer duly designated to head the BJMP Regional Office to oversee the implementation of jail services within its jurisdiction covering provincial jail administrator’s offices and district, city and municipal jails. He is responsible for the enforcement of laws and regulations governing his mandated functions. He is the disciplining authority for JNOR assigned within his area of responsibility.

x. **Reglementary Period** – a period required by law or these Rules to perform a specific act. In the computation of a period of time, the first day shall be excluded and the last day shall be included unless it falls on a Saturday, Sunday or a legal holiday, in which case, the last day shall fall on the next working day.

y. **Resolution** – a written disposition by the hearing officer, stating his findings of facts and law upon which it is based. It may also be called as such in disposing a motion for reconsideration.

z. **Respondent** – refers to the person who has been formally charged by the disciplining authority.

aa. **Subpoena Ad Testificandum** – a process directed to a person requiring him to appear and testify in a hearing.
bb. Subpoena Duces Tecum – a process directing a person to appear and bring with him books, documents or things under his care and control during hearing.

RULE III

DISCIPLINING AUTHORITIES

Section 7. Disciplining Authorities. – The following are the administrative disciplining authorities over BJMP personnel:

a. President of the Republic of the Philippines;

b. Secretary of the Department of the Interior and Local Government;

c. Chief, Bureau of Jail Management and Penology; and

d. Regional Directors of the Jail Bureau.

Section 8. Jurisdiction. – the following are the jurisdictions conferred to disciplining authorities:

a. The President shall have jurisdiction over cases filed against personnel holding the ranks of Jail Chief Superintendent and above.

b. The Secretary of the Department of the Interior and Local Government shall have jurisdiction over administrative cases filed against Jail Senior Superintendent. Result of the initial and formal investigation conducted by the Jail Bureau for the aforesaid ranks shall be submitted to the proper disciplining authority for approval.

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The filing of formal charge against personnel holding the ranks of Jail Senior Superintendent and above may be delegated to the Chief, BJMP.

c. The Chief, BJMP shall have exclusive original jurisdiction over administrative cases filed against uniformed personnel holding the ranks of Jail Officer 1 to Senior Jail Officer 4 assigned in the NHQ, those undergoing schooling, training, and on detail service, all JORs with the ranks of Jail Inspector to Jail Superintendent, and non-uniformed personnel.

d. The RD shall have concurrent original jurisdiction with the Chief, BJMP for administrative cases filed against uniformed personnel holding the ranks of Jail Officer 1 to Senior Jail Officer 4 assigned in their respective regions.

Section 9. Other Provisions Relating to the Power and Jurisdiction of the Disciplining Authorities. – In the exercise of their authority, disciplining authorities may require the surrender and take temporary custody or cause the deposit of government issued firearm/s and other government equipment in possession of personnel under initial investigation to the SAO until the case is decided or where the exigency of the service so requires.

Section 10. Relief. - Incidents defined in the BJMP-LSO-MC-102 or the Doctrine of Command Responsibility of Regional Directors, Provincial Jail Administrators and Jail Wardens, dated 13 October 2020, providing grounds for relief from post shall apply.
RULE IV
INVESTIGATION, PROSECUTION, AND HEARING

Section 11. Investigation. - The initial investigation of all complaints consisting of fact-finding and gathering of evidence for case build-up shall be under the supervision of the DIP. In the regional level, the RIPD shall conduct the initial investigation provided that when the DIP assumes or takes over the conduct thereof, the former must yield to the latter. In which case, the RIPD shall assist in the conduct of initial investigation especially in instances where its assistance is requested upon by the DIP.

Section 12. Investigation Report. - Investigator-on-Case shall submit IR on matters subject of initial investigation.

For personnel who have been found positive for use of illegal drugs, after confirmatory test, the disciplining authority shall formally charge the person immediately after the initial investigation. In cases involving JNORs assigned at the NHQ, JORs and NUPs, the formal charge shall be signed by the Chief, BJMP.

Section 13. Prosecution. - The authority to prosecute shall be vested in the National or Regional Bureau Prosecutors together with their Assistants within their respective assignments.

Section 14. Hearing Office. - Hearing offices shall have original and concurrent jurisdiction over all personnel charged with administrative offenses.

A National Hearing Office shall be established in the NHQ headed by a National Hearing Officer, assisted by Associate Hearing Officers, together with the office staff. It shall have the authority to hear, resolve, and review on reconsideration or on appeal.
administrative cases under the jurisdiction of the Chief, BJMP to decide as the disciplining authority.

Likewise, there shall be a Regional Hearing Office in every region, headed by a Regional Hearing Officer assisted by Associate Hearing Officers, together with the office staff. It shall have the authority to hear, resolve, and review on reconsideration administrative cases under the jurisdiction of the Regional Director of the Jail Bureau to decide as disciplining authority.

The NHQ and the Regional Offices shall provide an office for the conduct of hearing and shall allocate priority funding for this purpose subject to existing rules and regulations.

**Section 15. National Hearing Officer.** - A National Hearing Officer shall be designated in the NHQ who shall concurrently serve as Chief, Hearing Section, Legal Service Office. The National Hearing Officer shall exercise supervisory powers over all Regional Hearing Officers together with all Associate Hearing Officers.

The National Hearing Officer shall hear and resolve cases of all non-uniformed personnel, uniformed personnel assigned at the NHQ, those on schooling, training or on detail service as well as JORs found positive for use of illegal drugs. He shall, likewise, be responsible in evaluating resolutions of Regional Hearing Officers or of their Associates, or Special Hearing Officers on cases against personnel holding the rank of Jail Inspector and above. He shall also review on reconsideration cases decided by the Chief, BJMP or on appeal on all cases decided by the RD.

The Chief, LSO shall recommend the designation of National Hearing Officer, who is a member of the Philippine Bar, and who shall carry the rank of at least Jail Senior Inspector.
Section 16. Regional Hearing Officers. - Each Regional Office shall have a Regional Hearing Officer designated by the Chief, BJMP upon the recommendation of the National Hearing Office with the concurrence of the Chief, LSO. Regional Hearing Officer shall be a member of the Philippine Bar with the rank of at least Jail Senior Inspector. He shall exercise supervisory powers over Associate Hearing Officer/s in his jurisdiction.

The Regional Hearing Officer shall have the authority to hear and resolve administrative cases within the jurisdiction of the RD.

Section 17. Associate Hearing Officers. - There shall be Associate Hearing Officers designated in the National Hearing Office as well as Regional Hearing Offices under the immediate supervision of the National or Regional Hearing Officers, as the case may be. Associate Hearing Officers shall assist the National or Regional Hearing Officers in the prompt hearing and disposition of cases pending before the National and Regional Hearing Offices. They are likewise vested with the authority to hear and resolve administrative cases assigned or raffled to them in their respective hearing offices.

Associate Hearing Officer must be (a) a member of the bar, or (b) a graduate of Bachelor of Laws or Juris Doctor with the rank of at least Jail Inspector.

Section 18. Common Provisions to All Hearing Officers.

a. Authority to hear and resolve administrative cases filed in the National or Regional Hearing Offices shall be vested in the designated National or Regional Hearing Officers together with their Associates.
b. BJMP shall have such number of Hearing Officers as may be necessary for the hearing and disposition of administrative cases. In no case shall Hearing Officers represent any personnel charged administratively before the National or Regional Hearing Offices.

c. The National Hearing Officer, with the concurrence of the Chief, LSO, shall recommend to the Chief, BJMP the designation of Regional Hearing Officers, Associate Hearing Officers and Special Hearing Officers in the National Hearing Office or Regional Hearing Offices, as the need arises. No designated Hearing Officer shall be transferred to another region unless recommended by the National Hearing Officer with the concurrence of the Chief, LSO, and duly approved by the Chief, BJMP.

d. Hearing Officers shall have original and concurrent jurisdiction over all personnel charged with administrative cases within their respective areas of responsibility.

e. Hearing Officers may perform other tasks given by the Chief, BJMP or RD in the exigency of the service, provided that their primary duties shall not be adversely affected by the imposition of additional tasks.

f. Only competent and credible personnel who are members of the Philippine Bar or holding the rank of Jail Inspector to Jail Superintendent possessing a high degree of integrity or probity shall be designated as Hearing Officers.

Section 19. Special Hearing Officers. - The Chief, BJMP may, upon the recommendation of the National Hearing Officer with the concurrence of the Chief, LSO designate Special Hearing Officers for
a particular case who shall have the same qualifications with that of
National or Regional Hearing Officers or their Associates in those
regions which do not have regular Regional Hearing Officers or
Associates or where the hearing officer has inhibited himself from
hearing a case for some valid reasons.

Section 20. Clerk of Hearing Office. – Each administrative
region shall designate its own Clerk of Hearing Office who, preferably,
has finished at least second year Bachelor of Laws or Juris Doctor.
The Clerk of Hearing Office shall be responsible in receiving formal
charge, docketing the same and sending notices to all parties. He
may, likewise, sign for and on behalf of the National or Regional
Hearing Officer or his Associates subpoenas, upon instruction of the
latter, in order not to delay the adjudication of the cases. He shall,
likewise, be responsible in maintaining the calendar of hearings and
receiving all subsequent pleadings.

Further, he shall be responsible for recording all matters taken
up during the administrative proceedings. Certified copy/ies of the
minutes of the hearing shall be furnished upon request and at the
expense of the requesting party. The taking of stenographic notes
during the hearing shall not be required. It is sufficient that minutes
of the hearing be made duly certified by the Clerk of Hearing Office.
The BJMP shall exert efforts to provide each hearing office with audio-
video recording devices to record the proceedings for purposes of
reference and review.

Section 21. Legal Researcher. – Each Hearing Office shall
have its own Legal Researcher, under the supervision of the National
or Regional Hearing Officer, whose primary function is to research on
jurisprudence, applicable laws, rules, and regulations as the
concerned hearing officer may direct.
Section 22. **Process Server.** - Each hearing office shall have its own Process Server, under the supervision of the National or Regional Hearing Officer, who shall be responsible in serving summons, subpoena *ad testificandum* and subpoena *duces tecum* to all persons as the concerned Hearing Officer may direct. *Provided,* that warden, or his duly designated representative, may be authorized/deputized to serve summons and other legal processes in his AOR.

**RULE V**

**ADMINISTRATIVE OFFENSES**

Section 23. **Offenses.** - The following are the offenses with the corresponding penalties/range of penalties.

**A. GRAVE OFFENSES**

*a. Gross Neglect of Duty*
First Offense - dismissal from the service

*b. Grave Misconduct*
First Offense - dismissal from the service

*c. Serious Dishonesty*
First Offense - dismissal from the service

*d. Being Notoriously Undesirable*
First Offense - dismissal from the service

*e. Conviction of a Crime Involving Moral Turpitude*
First Offense - dismissal from the service

*f. Nepotism*
First Offense - dismissal from the service

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g. Physical or Mental Incapacity or Disability Due to Vicious Habits
First Offense - dismissal from the service

h. Conduct Unbecoming a Jail Officer
First Offense - dismissal from the service

B. OTHER GRAVE OFFENSES

a. Less Serious Dishonesty
First Offense - suspension for six (6) months & one (1) day to one (1) year
Second Offense - dismissal from the service

b. Oppression
First Offense - suspension for six (6) months & one (1) day to one (1) year
Second Offense - dismissal from the service

c. Gross Insubordination
First Offense - suspension for six (6) months & one (1) day to one (1) year
Second Offense - dismissal from the service

d. Disgraceful and Immoral Conduct
First Offense - suspension for six (6) months & one (1) day to one (1) year
Second Offense - dismissal from the service

e. Inefficiency and Incompetence in the Performance of Official Duties
First Offense - suspension for six (6) months & one (1) day to one (1) year

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Second Offense - dismissal from the service

f. **Conduct Grossly Prejudicial to the Best Interest of the Service**
First Offense - suspension for six (6) months & one (1)
  day to one (1) year
Second Offense - dismissal from the service

g. **Frequent Unauthorized Absences**
First Offense - suspension for six (6) months & one (1)
  day to one (1) year
Second Offense - dismissal from the service

C. LESS GRAVE OFFENSES

a. **Failure to File Sworn Statements of Assets, Liabilities and Net Worth and Disclosure of Business Interest and Financial Connections including those of their Spouses and Unmarried Children under eighteen (18) years of age living in their households**
First Offense - suspension for one (1) month & one (1)
  day to six (6) months
Second Offense - dismissal from the service

b. **Simple Neglect of Duty**
First Offense - suspension for one (1) month & one (1)
  day to six (6) months
Second Offense - dismissal from the service

c. **Simple Insubordination**
First Offense - suspension for one (1) month & one (1)
  day to six (6) months

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Second Offense - dismissal from the service

d. Gross Discourtesy in the Conduct of Official Duties
First Offense - suspension for one (1) month & one (1)
day to six (6) months
Second Offense - dismissal from the service

e. Gross Violation of Existing Civil Service Laws and
Rules
First Offense - suspension for one (1) month & one (1)
day to six (6) months
Second Offense - dismissal from the service

f. Habitual Drunkenness While on Duty
First Offense - suspension for one (1) month & one (1)
day to six (6) months
Second Offense - dismissal from the service

g. Simple Misconduct
First Offense - suspension for one (1) month & one (1)
day to six (6) months
Second Offense - dismissal from the service

h. Engaging Directly or Indirectly in Partisan
Political Activities by One Holding Non-Political
Office
First Offense - suspension for one (1) month & one (1)
day to six (6) months
Second Offense - dismissal from the service

i. Simple Dishonesty
First Offense – suspension for one (1) month & one (1)
day to six (6) months

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Second Offense - suspension for six (6) months & one (1) day to one (1) year

Third Offense - dismissal from the service

D. LIGHT OFFENSES

a. Simple Discourtesy in the Course of Official Duties
   First Offense - reprimand
   Second Offense - suspension for one (1) day to thirty (30) days
   Third Offense - dismissal from the service

b. Violation of Reasonable Office Rules and Regulations
   First Offense - reprimand
   Second Offense - suspension for one (1) day to thirty (30) days
   Third Offense - dismissal from the service

c. Borrowing of Money by Superior Officers from Subordinate
   First Offense - reprimand
   Second Offense - suspension for one (1) day to thirty (30) days
   Third Offense - dismissal from the service

d. Willful Failure to Pay Just Debts
   First Offense - reprimand
   Second Offense - suspension for one (1) day to thirty (30) days
   Third Offense - dismissal from the service
Section 24. Neglect of Duty. - It is the omission or refusal, without sufficient excuse, to perform an act or duty, which is the personnel's legal obligation to perform and which the law requires him to perform by reason of his office; it implies a duty as well as its breach and the act can never be focused in the absence of a duty.

A. Gross Neglect of Duty is incurred by personnel who shall:

a. fail or refuse to perform official duty resulting to escape of PDL or non-accomplishment of an important duty or task;

b. fail or refuse to take command in an emergency in order to carry out a duty, being the officer present with the highest rank or position;

c. fail to prevent or suppress any unlawful act of a subordinate being committed in his presence or fail to report the same to authorities within twenty-four (24) hours upon discovery;

d. fail to apprehend and/or arrest PDL, visitors and/or personnel committing a criminal act in his presence and/or fail to report the same to authorities within twenty-four (24) hours upon discovery;

e. fail to perform assigned mission without valid justification or fail to participate in an operation authorized by his superiors without valid reason;

f. fail to administer first-aid when able or convey to the nearest hospital, victims of jail riots and other disturbances when able to do so;
g. fail to submit himself to random drug test without justifiable cause;

h. fail to undergo mandatory training without justifiable cause; or

i. fail to perform other acts analogous to the foregoing.

B. Simple Neglect of Duty is incurred by personnel who shall:

a. fail to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transactions;

b. fail to comply, without justifiable reason with the order of the court as custodian of PDL such as but not limited to order, subpoena, produce order, or notice of hearing;

c. fail to comply, without justifiable cause, with the order of the court to appear and testify on matters connected with his duty after having been duly notified and/or subpoenaed;

d. fail to take immediate correction or take appropriate action when a dereliction, irregularity or violation of law or duty is about to be committed, being committed or has been committed by a subordinate under his command;

e. fail to report immediately to his superior officer injury, illness, death or escape of PDL under his custody;

f. fail to inform superior officer/s any information that will be beneficial or will lead to the recovery of an...
escapee;

g. fail to report, as duty officer, any incident, condition or occurrence witnessed by or reported to him for immediate action;

h. fail to properly guard his post or leave or abandon the same without being properly relieved, provided that when improper guarding, leaving, and abandonment has resulted in escape, the charge shall be gross neglect of duty;

i. sleep while on duty, provided that when an escape occurred while the officer was asleep, the appropriate charge shall be gross neglect of duty;

j. make unjustified deviation during the escorting of PDL, provided that when an escape or untoward incident occurred during or due to deviation, the proper charge shall be gross neglect of duty;

k. fail to take custody of government-issued property from a personnel under his supervision who is under investigation or has been suspended, separated, retired or who died;

l. fail to monitor and provide correction, counseling, advice or admonition to immediate subordinates who violate rules and regulations or who engage in any wrongdoings, vices, immoral or illegal activities;

m. absent oneself from office without having filed the necessary application for leave for more than three (3)
days but less than fifteen (15) days, either prior to or immediately thereafter; or

n. fail to perform other acts analogous with and related to the characterization of neglect of duty as defined above.

For purposes of determining what constitute attempted, frustrated and consummated escape with respect to escape incidents, the following circumstances shall govern:

**Stages of escape of PDL from the jail premises.**

a. It is attempted stage when the PDL who is in the initial act of escape is caught in the act of climbing the perimeter fence or getting out of the window grills, control gate or any opening that could be used for egress but prevented from leaving the jail premises.

b. It is frustrated stage when the PDL is discovered or accosted after successfully climbing a perimeter fence or getting out of the window grills, control gate or any opening for egress and is about to slip away but prevented from leaving the jail premises.

c. It is consummated when the PDL successfully slipped away from the jail premises.

**Stages of escape of PDL during escorting duties.**

a. It is frustrated stage when the PDL, during escorting or in transit, is able to get away from the control of his escort personnel but immediately recovered by the latter in such a way that said PDL was prevented from evading custody.
b. All other escapes in transit, movement or while attending hearings or medical, mental or dental check-ups that enable the PDL to slip away from the control of his escort/s through whatever means and successfully escape from custody are considered as consummated stage.

**Stages of escape of PDL while in hospital confinement.**

a. It is attempted stage when a PDL, while confined in the hospital, is in the act of getting away from the control of the escort personnel, and is immediately recovered by the duty personnel himself.

b. It is frustrated stage when the PDL is able to get out from a window, door, or any opening in the hospital used as egress by the PDL but is discovered and immediately recovered.

c. In instances where PDL is able to successfully leave the hospital premises through whatever means without being discovered by the hospital duty personnel and even though later recovered irrespective of the lapse of time shall be considered as consummated stage.

In all instances, only frustrated and consummated stages of escape shall be punishable. As such, the personnel on duty at the time of the incident may be charged with neglect of duty and/or other administrative offense/s deemed appropriate after investigation.

**Section 25. Misconduct.** – It is the doing, either through ignorance, inattention or malice, of that which the officer has no legal
right to do at all, as where he acts without any authority whatsoever, or exceeds, ignores or abuses his powers.

Misconduct generally means wrongful, improper or unlawful conduct, motivated by premeditated, obstinate or intentional purpose. It usually refers to transgression of some established and definite rule of action, where no discretion is left except what necessity may demand; it does not necessarily imply corruption or criminal intention but implies wrongful intention and not mere error of judgment.

A. The following, among others, shall constitute Grave Misconduct:

a. receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons or committing acts punishable under the anti-graft laws;

b. soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment, loan or anything of monetary value while in the course of his official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
c. being disloyal to the Republic of the Philippines and to the Filipino people;

d. maltreatment or abuse of a PDL especially those acts punishable and falling within the definition of torture pursuant to RA 9745 or the Anti-torture Act of 2009;

e. soliciting sexual favor or making immoral/indecent advances or performing any sexual act upon the PDL, his/her visitor, spouse, ex-spouse, common-law partner, daughter, sister or any relative within the same degree by affinity of the PDL;

f. agreeing to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such personnel, personally or through the mediation of another;

g. accepting gifts offered to him by reason of his office;

h. failing or refusing to surrender or deposit his service firearm, badge and/or service vehicle if any, upon demand by his superior officer for purposes of investigation or by reason of suspension;

i. conniving with or consenting to the commission of violation of laws, rules and regulations especially those that tend to undermine the security of the jail and the rehabilitation and development programs of the BJMP, e.g. engaging directly or indirectly in illegal gambling activities in jail/office premises, engaging or abetting drinking spree or partaking of liquor or intoxicating substance inside jails/office premises;

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j. conniving with or consenting to the escape of a PDL;

k. tolerating the commission of an offense/crime inside the jail;

l. facilitating, consenting to or in connivance with any person, in the entry of or sneaking-in of contrabands inside jail such as but not limited to: cellular phone, electronic and other recording devices, bladed/improvised weapon, firearms, explosives, excessive amount of money, illegal drugs, cigars/cigarettes, tobacco, liquors, wines and other intoxicating substances intended for use/trade-sale/profits of PDL or his or her visitor inside the jail;

m. found to be engaged in selling, trading, administering, dispensing, delivering, giving away to another, distributing, dispatching in transit, transporting or trafficking of dangerous drugs as defined and penalized under R.A. 9165 or positive for use of dangerous drugs after confirmatory test;

n. consenting to or tolerating the maltreatment, abuse or torture of PDL by personnel or other PDL upon the instigation of or with the consent of or acquiescence of personnel;

o. assigning to jail aides of tasks and functions of jail officers, such as but not limited to: handling of jail keys or firearms and other restraining devices, manning of main or control gates and doors, conduct of security checks, searching of contrabands, reception and
orientation including booking of newly committed PDL, counting of PDL including custody and management of jail records;

p. escorting PDL in any place other than those specified in the court order;

q. directly or indirectly having financial and material interest in any transaction requiring the approval of his office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something; and

r. committing other acts analogous with and related to the characterization of misconduct as defined above, provided that the elements of corruption, clear intent to violate the law or flagrant disregard of established rule is/are evident.

B. The following, among others, shall constitute **Simple Misconduct:**

a. recommending any person to any position in private enterprise which has a regular or pending official transaction with his office, unless such recommendation or referral is mandated by law, or international agreements, commitment and obligation, or as a part of the function of his office;

b. rendering discriminative public service due to party affiliations or religious preference;

c. being under the influence of liquor while on duty;
d. maliciously intriguing against the honor of a co-
personnel, or indulge in idle gossip or spread rumors
that tend to discredit another personnel; provided that
if the damage caused is grave that it affects or ruins the
personal reputation of a fellow personnel, which would
lead to or has resulted in separation or relational
disharmony, in which case, the same shall be Grave
Misconduct;

e. serving as escort or security officer to any person other
than a PDL, unless officially authorized by his superior
officer;

f. taking a trip abroad without prior approved leave of
absence or authority to travel;

g. engaging in the private practice of his profession
without prior authority from the Chief, BJMP or any
authorized official duly designated to approve the same;

h. engaging in improper or unauthorized solicitation of
contributions from PDL;

i. fighting, threatening or quarreling with any personnel
of the BJMP; provided, that when the personnel being
challenged or threatened is a high-ranking officer, the
offense shall be grave misconduct;

j. misleading his superiors with regard to absence on
account of sickness;

k. utilizing PDL to render personal service to personnel
such as but not limited to: laundry, shining of shoes
and uniform paraphernalia, body massage, manicure/
pedicure, haircut, cleaning of personnel barracks and comfort room/s, personnel food and drinks preparation, cleaning/washing of personnel vehicles; provided however, that laundry, body massage, manicure/pedicure, haircut, washing/cleaning and repair of personnel vehicles and the like shall not constitute misconduct if it is part of the official livelihood projects/programs of the Directorate for Welfare and Development (DWD) as certified by the warden and provided that personnel will avail those services during their off-duty hours/days and that they have paid for those services rendered; and

1. committing other acts analogous with and related to the characterization of misconduct as defined above but of lesser gravity than those referred to in letter "r" of Grave Misconduct, provided that the elements of corruption, clear intent to violate the law or flagrant disregard of established rule is/are evident.

Section 26. Dishonesty. – It is incurred by any personnel who shall conceal, alter or distort the truth on a matter of fact relevant to his office, or connected with the performance of his duties. It is classified into serious, less serious, and simple dishonesty.

A. Serious Dishonesty shall be incurred by personnel if such offense is attended with the following:

a. the dishonest act caused serious damage and grave prejudice to the government;

b. where the respondent is an accountable officer, the dishonest act directly involves property, accountable
forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption;

c. the dishonest act exhibits moral depravity on the part of the respondent;

d. falsification of official documents;

e. the respondent employed fraud or falsification of official documents in the commission of the dishonest act related to his employment;

f. the dishonest act was committed several times or in various occasions;

g. the dishonest act involves a Civil Service Examination or Professional Regulation Commission Licensure Examination or Bar Examination irregularity or fake Bar, Board or Civil Service Eligibility such as impersonation, cheating, and use of crib sheets; and

h. any other act analogous with the foregoing.

**B. Less Serious Dishonesty** is incurred when attended with circumstances wherein the dishonest act caused damage and prejudice to the government that does not qualify under serious dishonesty, and the respondent did not take advantage of his position in committing the dishonest act.

**C. Simple Dishonesty** is committed if the dishonest act did not cause damage or prejudice to the government as well as those with no direct relation to or do not involve the duties and responsibilities of the respondent.
Section 27. Being Notoriously Undesirable. - These are personnel who are engaged directly or indirectly in illegal activities and those involved in irregularities, thus giving a negative mark on the credibility and image of the organization necessitating for their weeding out from the Bureau.

Section 28. Conviction of a Crime Involving Moral Turpitude. - It is an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men, and to society in general, contrary to the customary rule of right and duty between man and woman or conduct contrary to justice, honesty, modesty or good morals. It implies something immoral in itself, regardless of the fact that it is punishable by law or not. The doing of the act itself and not its prohibition by statute fixes the moral turpitude.

Section 29. Nepotism. – It is the bestowal of patronage or the appointment made in favor of a relative of the appointing or recommending authority, or of the Chief, BJMP or Regional Director of the Jail Bureau, or of the persons exercising immediate supervision over the appointee. The term relative is limited to those who are related within the third civil degree either of consanguinity or of affinity.

Section 30. Physical or Mental Incapacity or Disability due to Vicious Habit. – It is committed by any personnel who:

a. is actually absent for more than one (1) year by reason of illness and was declared physically unfit to perform duties or is intermittently absent by reason of illness for at least two hundred sixty (260) working days during twenty-four (24) month period. It must

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be shown that such physical incapacity or disability must be due to vicious habits;
b. is behaving abnormally for an extended period and after being provided with psychological intervention, still continued to manifest mental disorder based on the report of his/her co-workers or immediate supervisor and after confirmation of a licensed psychiatrist. It must be shown that the mental incapacity or disability must due to vicious habits.

Vicious habits refer to bad or harmful habits, or being unruly, cruel, harsh or violent, especially when the unkindness is done intentionally.

Section 31. Conduct Unbecoming a Jail Officer. – An act or behavior exhibited by personnel, regardless of rank or position, done in his official or private capacity causing dishonor or disgrace to himself as a jail officer, seriously compromises his character and standing in the BJMP in such a manner as to indicate corrupt state of moral character which shows his unworthiness to remain in the jail service.

Section 32. Oppression. – It imports an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of the unlawful powers or other means in depriving an individual of his liberty or property against his will is generally an act of oppression.

Section 33. Insubordination. – It is the deliberate refusal of a subordinate to obey lawful orders from a superior. It imports a willful disregard of expressed or implied direction or a defiant attitude which is equivalent thereto, terms rebellious, mutinous and disobedient are

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often used as definitions or synonyms of insubordinate. It becomes gross when it is intentional or willful.

The following, but not limited to, may constitute **Insubordination**:

a. refusal or failure, without justifiable reason, to submit himself for medical examination during the conduct of Annual Physical/Medical Examination;

b. refusal or failure, without justifiable reason, to submit medical examination result within the given period during the annual medical examination;

c. refusal or failure, without justifiable reason, to attend the conduct of Physical Fitness Test (PFT);

d. refusal or failure, without justifiable reason, to comply with the directive from the Hearing Officer to serve as witness;

e. refusal or failure, without justifiable reason, to report during Annual General Inspection;

f. refusal or failure, without justifiable reason, to report for duty during red or full alert status in view of emergencies or other contingencies which require presence of all personnel; and

g. any other acts analogous to the foregoing.

Notwithstanding the foregoing definition, there is no insubordination in cases where the personnel did not submit explanation, counter-affidavit or answer in an administrative or
criminal investigation as a complained party, but the same shall be
deemed to have waived his right to be heard.

Section 34. Disgraceful and Immoral Conduct. – It depicts
moral depravity. It includes immoral and lewd advances projecting
the abnormality of one’s behavior consisting of libidinous desire for
the opposite sex or of the same sex and the propensity to sexually
harass members of the opposite or of the same sex.

If the offense was committed in work, education or training
environment by a person who exercises authority, influence or moral
ascendancy, he shall be prosecuted under the rules on sexual
harassment.

Section 35. Inefficiency and Incompetence in the
Performance of Official Duties. – An offense committed by any
person who:

a. obtained unsatisfactory rating for one rating period
or exhibited poor performance within the first three
(3) months of the rating period and after being
provided with the appropriate developmental
intervention by the head of office or unit, still obtains
poor rating for the remaining months of the rating
period in the immediately succeeding rating period;
b. given two consecutive unsatisfactory rating after due
notice; and
c. for one evaluation period was rated unsatisfactory or
poor in performance after being informed in writing
of the status of his/her performance within fifteen
(15) days after the end of the third month.

Section 36. Conduct Grossly Prejudicial to the Best Interest
of the Service. – It is the willful, deliberate and malicious
commission or omission by any personnel which is repugnant, or any act that disgraces his uniform, and placing the Bureau in bad light, whether or not he benefited from such commission or omission.

Any personnel who fails or refuses without justifiable cause to implement the decision of the disciplining authority shall be held liable under this Section.

Section 37. Frequent Unauthorized Absences. - BJMP personnel shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit for at least three (3) months in a semester or for at least three (3) consecutive months during the year.

Section 38. Failure to File Sworn Statements of Assets, Liabilities and Net Worth and Disclosure of Business Interest and Financial Connections including those of their Spouses and Unmarried Children under eighteen (18) years of age living in their households. - This covers the failure to file sworn statement of assets, liabilities and net worth and disclosure of business interest and financial connections including those of their spouses and unmarried children under eighteen (18) years of age living in their households within the designated filing period pursuant to Republic Act no. 6713, otherwise known as the Code of Conduct of Public Officials and employees.

Section 39. Discourtesy in the Conduct of Official Duties. - Discourtesy implies failure to observe the protocol and social usage and likewise the customs and traditions mandated by the service. It becomes gross when it is intentional, blatant or willful.
Section 40. Violation of Existing Civil Service Laws and Rules. – It includes the failure to observe the mandatory provisions of the civil service laws, its implementing rules and regulations, memorandum circulars and other issuances. It becomes gross when it is intentional, willful or blatant disregard.

Section 41. Habitual Drunkenness While on Duty. – It includes habitually reporting for work while under the influence of alcohol or intoxicating liquor during office hours. A habitual drunkard is one given to intoxication by excessive use of intoxicating drinks. The habit should be actual and confirmed, but it is not necessary that it be continuous or on a daily basis or occurrence. Reporting for duty under the influence of alcohol or intoxicating liquor the third time or more constitute habitual drunkenness.

Section 42. Engaging Directly or Indirectly in Partisan Political Activities. – No personnel shall engage directly or indirectly in any partisan political activity, or take part in any election except to vote, or preserve public order, nor shall he use his official authority to influence or coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any personnel from expressing his views on current political problems or issues, or from mentioning the names of candidates for public office.

Partisan political activity means active support for or affiliation with a political party or candidate. This would include, among others, being delegate to any political convention, organization, delivering speeches, canvassing or soliciting votes or political support or contributions for any political party or candidate or, in general, becoming actively identified with the success or failure of any candidate or candidates for election to public office.
Section 43. Discourtesy in the Course of Official Duties. – Discourtesy implies failure to observe the protocol and social usage and likewise the customs and traditions mandated by the jail service. It becomes gross when it is intentional, blatant or willful.

Section 44. Violation of Reasonable Office Rules and Regulations. – The following offenses shall constitute violation of reasonable office rules and regulations:

a. failure to salute officials, dignitaries, superior, commissioned officers and other officials entitled thereto or the national colors during the playing of the national anthem;

b. being untidy or shabby in his personal appearance and behaving in an ungentlemanly and uncivilized manner;

c. violation of or non-compliance with any directive, policy, guidelines or order issued by competent authority;

d. driving a marked BJMP vehicle while not in prescribed uniform except those who are not required to do so by reason of exigency of service;

e. malingering, loafing or consorting with others while on duty making/prompting other personnel to take his place during his tour of duty without prior approval of his superior;

f. allowing unauthorized personnel of the BJMP to drive marked or unmarked BJMP vehicles;
g. interfacing or obstructing the work of other personnel or changing the assignment or tour of duty of a subordinate not belonging to his command; and

h. any other act analogous to the foregoing.

Section 45. Borrowing Money by Superior Officers from Subordinate. It the act of borrowing money or anything of monetary value by a JOR from a JNOR.

Section 46. Willful Failure to Pay Just Debts. - Refusal or failure to pay just debts must be intentional, willful or blatant. The term "just debts" shall apply only to:

a. claims adjudicated by a court of law; or

b. claims when the existence and justness of which are admitted by the debtor.

RULE VI

ADMINISTRATIVE PENALTIES

Section 47. Sanctions Which May Be Imposed. - The following penalties may be imposed against erring personnel by the disciplining authorities according to their severity:

a. dismissal from the service;

b. demotion in rank;

c. suspension;

d. transfer;

e. fine; and

f. reprimand.

Section 48. Dismissal from the Service. - The penalty of dismissal from the service shall carry with it cancellation of eligibility,
forfeiture of retirement benefits except terminal leave benefits, and the disqualification for reinstatement or reemployment in the government service. It may be imposed without prejudice to the respondent’s criminal or civil liability. Accessory penalty need not be expressly stated in the decision to make it effective or executory.

The Chief, BJMP, may impose the penalty of dismissal from the service to any erring personnel except those holding the rank of at least Jail Senior Superintendent. On the other hand, the Regional Directors of the Jail Bureau may impose the penalty of dismissal to personnel holding the rank of Jail Officer 1 to Senior Jail Officer 4 assigned in their respective regions. However, dismissal from the service shall not become effective until confirmed by the SILG or his duly authorized official acting on his behalf.

**Section 49. Demotion in Rank.** – In exceptional cases and at the discretion of the Chief, BJMP, may, in lieu of dismissal, impose the penalty of demotion in rank to any uniformed personnel.

The Regional Director of the Jail Bureau, under exceptional cases, may also impose demotion in rank for those holding the rank of Jail Officer 2 to Senior Jail Officer 4 in lieu of dismissal.

The penalty of demotion in rank shall carry with it disqualification for promotion for a period of one (1) year. In any case, the penalty of demotion shall not exceed more than one (1) rank.

**Section 50. Suspension.** – The penalty of suspension, which consists of the temporary separation or cessation of work of the respondent for the duration of the sanction, shall carry with it disqualification for promotion corresponding to the period of suspension. It shall not exceed one (1) year.

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The penalty of suspension shall likewise carry with it forfeiture of pay and allowances corresponding to the period of suspension.

The personnel suspended shall not be entitled to salary and allowances during the period of suspension unless subsequently exonerated.

**Section 51. Transfer.** – The disciplining authorities may, in lieu of suspension, impose the penalty of transfer to any erring personnel. However, only the Chief, BJMP may impose the penalty of transfer to non-uniformed personnel.

The penalty of transfer shall carry with it disqualification for promotion for a period of six (6) months from the date respondent reports to the new position or unit.

But when the transfer is made in the interest or exigency of public service, the same shall not be considered a penalty but merely an exercise of management prerogative.

**Section 52. Fine.** – The following are the guidelines for the penalty of fine:

a. The disciplining authority may allow payment of fine in lieu of suspension when the respondent committed the offense without taking undue advantage of the powers of his position or office; or when the respondent has already retired or otherwise separated from government service and the penalty of suspension could not be served anymore. The fine may be sourced from the accumulated leave credits or whatever benefits due for the respondent who has retired and/or separated from the service.
b. The payment of penalty of fine in lieu of suspension shall be available in Other Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of suspension from the service to one (1) day salary fine: Provided, that in Other Grave Offenses where the penalty imposed is six (6) months and one (1) day suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.

c. The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine shall render the decision final and executory and, therefore, cannot be subject of appeal or any other similar relief.

d. The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount already paid.

e. Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:

i. Fine equivalent to one (1) month salary shall be paid within two (2) months;

ii. Fine equivalent to two (2) months salary shall be paid within four (4) months;

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iii. Fine equivalent to three (3) months salary shall be paid within six (6) months;

iv. Fine equivalent to four (4) months salary shall be paid within eight (8) months;

v. Fine equivalent to five (5) months salary shall be paid within ten (10) months; and

vi. Fine equivalent to six (6) months salary shall be paid within twelve (12) months.

f. The fine shall be computed on the basis of respondent's salary at the time the decision becomes final and executory.

Section 53. Reprimand. – A reprimand is a penalty, hence, it may not be imposed except for cause and after due process. However, a warning or an admonition shall not be considered a penalty.

Section 54. Qualifying Circumstances. – In the determination of the penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered. Nevertheless, in the appreciation thereof, the same must be invoked or pleaded by the proper party in the Formal Charge or Answer, otherwise, said circumstances shall not be considered in the determination of the proper penalty to be imposed against the respondent concerned.

In the case of a habitual respondent, or one who has been repeatedly charged as defined under Rule II, the same must be alleged in the Formal Charge, otherwise, the same cannot be appreciated for the imposition of the appropriate penalty. However, the Hearing Officer in the interest of justice may consider mitigating
circumstances which shall be binding upon the disciplining authority:

A. Mitigating Circumstances:
   a. physical illness;
   b. good faith;
   c. poor facilities and equipment;
   d. insufficient manpower;
   e. recovery of escapees by respondent;
   f. compliance with the intervention program determined by the Integrity Management Committee (IMC); and
   g. other analogous circumstances.

B. Aggravating Circumstances:
   a. taking advantage of official position;
   b. taking undue advantage of a subordinate;
   c. undue disclosure of confidential information;
   d. use of government property in the commission of the offense;
   e. employment of fraudulent means to commit or conceal an offense;
   f. utilization of PDL in the commission of the offense;
   g. habitual respondent;
   h. repeatedly charged; and
   i. other analogous circumstances.

C. Alternative Circumstances:
   a. length of service in the government;
   b. rank or position;
   c. degree of education; and
   d. mandatory attendance in trainings, refresher courses, seminars, workshops and the like intended to update

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skills and/or improve character or address dysfunctionalities or vice (e.g. anger management, etc.).

Section 55. **Guidelines in the Application of Penalties.** –
The imposition of the penalties shall be made in accordance with the manner herein below provided:

a. if the respondent is found guilty of two or more offenses, the penalty imposed shall be that corresponding to the most serious charge and the rest may be considered as aggravating circumstance; and

b. if the penalty attached to the offense is not divisible into minimum, medium, and maximum periods, the same shall be applied. However, if the penalty attached to the offense is divisible into minimum, medium, and maximum periods, the following rules shall be observed:

i. the minimum of the penalty shall be imposed where only mitigating and no aggravating circumstance is present or when the mitigating outnumber the aggravating circumstance/s;

ii. the medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present;

iii. the maximum of the penalty shall be imposed where only aggravating and no mitigating circumstance/s present or when the aggravating outnumber the mitigating circumstances; and

iv. where there is an equal number of aggravating and mitigating circumstances, the same shall offset
each other so that the medium of the penalty shall be applied.

RULE VII
ADMINISTRATIVE PROCEDURES

I. INITIAL INVESTIGATION

Section 56. Administrative Action, How Initiated. – Administrative proceedings may be initiated by the disciplining authority motu proprio or upon complaint by any other person.

Section 57. Complaint, Requirement. – No complaint against a personnel shall be given due course unless the same is in writing, subscribed and sworn to by the complainant. In cases initiated by the proper disciplining authority, show cause order is sufficient.

The complaint must be written in a clear, simple and concise language and in a systematic manner to apprise the personnel of the nature and cause of the complaint against him and to enable him to intelligently prepare his defense.

Section 58. Complaint, Contents. – The complaint shall contain the following:

a. full name and present address of the complainant;
b. full name, rank, assignment, and address of the personnel who is being complained of;
c. detailed narration of ultimate and evidentiary facts which shows the acts or omissions allegedly committed by the personnel;
d. certified true copies of the documentary evidence, if any, and sworn statements covering the testimony of his witnesses; and

e. Certification on non-forum shopping.

Absence of any of the aforesaid requirements shall cause the outright dismissal of the complaint without prejudice to the re-filing of the same. In the interest of equity and justice, the complainant may be given reasonable time to comply with the requirements.

Section 59. Anonymous Complaint. – No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations set forth therein or if complaint is supported by documentary or direct evidence.

Section 60. Where to File a Complaint. – A written initial complaint under oath, accompanied by sworn statements or affidavits of witnesses and other supporting documents stating the misdemeanor committed by any personnel shall be filed before the office of the disciplining authority having jurisdiction over the personnel concerned.

Section 61. Withdrawal of Complaint, Effect. – The withdrawal of the complaint or execution of affidavit of desistance by the complainant shall neither cause the dismissal or dropping of the complaint nor discharge the personnel from any administrative liability.

Where there is obvious truth or merit to the allegations in the complaint or where there is evidence that would tend to prove the guilt of the person complained of, the same should be given due course.

Section 62. Action on the Complaint. – Upon receipt of the complaint, the disciplining authority shall immediately refer the same to the DIP or RIPD, as the case may be, for the conduct of an initial investigation.
Section 63. Procedures in the Conduct of Initial Investigation. - The BJMP adopts a speedy, economical and responsive investigation which shall commence upon (a) complaint by a private party; or (b) motu proprio by the disciplining authority.

Upon direction of the disciplining authority, the DIP or RIPD, as the case may be, through their assigned investigator/s, shall conduct initial investigation in their respective areas of responsibility with due regard to the principles of jurisdiction and hierarchy of offices. If the complained party is assigned at the NHQ, or an investigator, a bureau prosecutor, or a hearing officer, such authority shall be exercised by the DIP.

Immediately upon receipt of the order to investigate, the investigator shall gather, with utmost confidentiality, all facts relevant to the case. The investigator shall conduct and terminate the investigation within twenty (20) days from receipt of the complaint.

The DIP or Chief, RIPD, as the case may be, shall recommend approval of the IR and the Formal Charge to the Chief, BJMP or RD.

Section 64. Conduct of Initial Investigation. - Initial investigation may be conducted in any of the following manner: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; c) clarificatory meeting with the parties to discuss the merits of the case; or d) other legal method necessary for case build-up.

When the complaint is initiated by the disciplining authority, the RIPD or the DIP, as the case may be, shall issue a show-cause order directing the person being complained of to explain within the same period why no administrative case shall be filed against the said
person. Failure to submit a comment/counter affidavit/explanation shall be considered a waiver thereof and the initial investigation may be completed even without the counter affidavit comment/explanation.

Section 65. Investigation Report. - Within five (5) days from the termination of the initial investigation, the Chief, RIPD or the Director, DIP, as the case may be, shall review and render his concurrence to the IR. Thereafter, he shall submit directly the IR together with the complete records to the RD or the Chief, BJMP for his approval.

In cases, however, that the personnel subject of investigation by the RIPD is a JOR, the RD shall endorse to the Chief, BJMP the IR emanating from his AOR. The RD shall therefore transmit the IR, together with the complete records of the case to the DIP for review prior to endorsement to the Chief, BJMP for approval.

If the investigation involves both JOR and JNOR, the RD shall approve the IR involving the JNOR and thereafter, issue the formal charge for filing before the Hearing Office. As regards the IR involving the JOR, the same shall be endorsed to the National Headquarters following the abovementioned rules.

Section 66. Proceedings after Initial Investigation. - If a prima facie case is established after initial investigation, the disciplining authority may issue a formal charge. In the absence of a prima facie case, the complaint shall be dismissed.

The Bureau Prosecutor shall have the authority to draft the formal charge for approval of the RD or the Chief, BJMP, as the case may be and thereafter, file the same before the Hearing Office.
Notwithstanding the above rules, the Chief, BJMP may direct the DIP to conduct an investigation over controversies involving all personnel of the BJMP. The IR as well as the corresponding formal charge shall be signed by the Chief, BJMP and filed before the National Hearing Office.

B. ISSUANCE OF FORMAL CHARGE

Section 67. **Issuance of a Formal Charge.** – After finding that there exists *prima facie* evidence to warrant the filing of an administrative case, the disciplining authority shall formally charge the person complained of, who shall now be called as respondent. The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a full blown hearing is elected, and a notice that respondent may opt to be assisted by a counsel.

Section 68. **Where to File the Formal Charge.** – The formal charge shall be filed at the National Hearing Office for uniformed personnel and non-uniformed personnel assigned at the NHQ, including those on schooling or training or on detail service. For uniformed personnel assigned in the Regional Offices, formal charge shall be filed at the respective Regional Hearing Offices, provided that for JORs charged with grave misconduct after having been found positive for use of prohibited drugs after confirmatory test, the formal charge shall be filed at the National Hearing Office.

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In instances where the person complained of is transferred to other region prior to the issuance of formal charge, the same shall be filed at the National Hearing Office.

Section 69. Manner of Filing of Formal Charge. – The filing of formal charge shall be made by:

a. Submitting personally the original thereof to the National or Regional Hearing Office;

b. Sending them by registered mail; and

c. Sending them by accredited courier of the National or Regional Hearing Office, wherever is the addressee.

No formal charge shall be transmitted by electronic mail or other electronic means.

In case the formal charge be submitted in person, the clerk of the National or Regional Hearing Office, as the case may be, shall note the date and time of submission as actual date and time of filing.

If the filing of formal charge is to be made via registered mail or accredited courier, the date of mailing as shown by the registry receipt or mailing receipt shall be considered as the actual date of their filing.

Section 70. Proof of Filing of Formal Charge. – The filing of formal charge shall be proven by:

a. In personal submission, the filing shall be proven by the written or stamped acknowledgment of its filing by the Clerk of the National or Regional Hearing Office;
b. In submission by registered mail, the filing shall be proven by (i) registry receipt and (ii) affidavit of the person who mailed it containing (1) full statement of the date and place of deposit of the mail in the post office in a sealed envelope addressed to the National or Regional Hearing Office and (2) with instruction to the postmaster to return the mail to the sender after ten (10) days if not delivered.

c. In submission by accredited courier, the filing shall be proven by (i) an affidavit of service of the person who brought the formal charge to the courier together with (ii) courier’s official receipt and document tracking number.

Section 71. Accreditation of Courier Service. – The National Hearing Office shall issue a memorandum accrediting a list of courier services to the Regional Offices to take effect after fifteen (15) days from issuance.

The Regional Hearing Office shall also issue a memorandum accrediting list of courier services not included in the list issued by the National Hearing Office to jails within the AOR of the Regional Office to take effect after fifteen (15) days from issuance. Said courier services shall be used for pleadings by parties under the jurisdiction of the Regional Hearing Officer.

Section 72. Venue. – The case shall be heard at the Hearing Office where the formal charge has been filed. However, in the interest of justice, the place of hearing may be transferred to other venue at the instance of either of the party subject to the sound discretion of the National or Regional Hearing Officer or their Associates, as the case may be.
Section 73. Transfer of Venue. No respondent shall be transferred to another administrative jurisdiction pending the disposition of the case, unless ordered by the Chief, BJMP in the exigency of the service. In case respondent has been transferred to another administrative jurisdiction pending the disposition of his administrative case, the Hearing Officer who first acquired original jurisdiction over the case shall continue conducting administrative proceedings until termination of the same. He shall, therefore, submit his resolution containing his findings and recommendations to the disciplining authority of the assignment of origin for rendition of decision. After finality of the decision, the RD shall forward his decision to the Chief, BJMP for issuance of implementing order except when the respondent was transferred back to his area of jurisdiction, in which case, the RD shall immediately issue an implementing order.

In instances where a case against transferred personnel was dismissed without prejudice, the same shall be refiled at the Regional Hearing Office where the administrative offense was committed.

Section 74. Singularity of Offense Charged. – A formal charge shall contain only one charge.

C. FORMAL INVESTIGATION

Section 75. Clarificatory Hearing. – In respondent’s answer, he may indicate whether or not he elects a full blown hearing, otherwise, the concerned Hearing Officer may proceed to set clarificatory hearing, if he so desires. In view of the need to clarify issues, he may propound clarificatory questions to the respondent and/or to the witnesses as well as examine materials and relevant matters which may be necessary in the determination of facts.
Submission of position papers may also be required by the Hearing Officer in order to aid him in the judicious resolution of the case. However, at any stage of the proceedings before the resolution of the case, the Hearing Officer may conduct clarificatory hearing.

Section 76. Formal Investigation. – Not earlier than five (5) days but not later than ten (10) days from the receipt of respondent’s answer, the Hearing Officer shall conduct a formal investigation, which shall be terminated within sixty (60) days from its commencement.

In meritorious cases, the Hearing Officer may extend the period within which to conclude the formal investigation. A certification to that effect shall be submitted to the disciplining authority stating therein why a formal investigation has not been terminated within the required period.

Despite the expiration of the required period, the Hearing Officer, without prejudice to any responsibility that may have been incurred as a consequence thereof, shall resolve the same without further delay.

Section 77. Submission of Position Paper/Memorandum. At any stage of the proceedings, the parties may, based on their mutual consent, submit position paper/memorandum and consider the case submitted for decision without any need for further hearings.

Section 78. Teleconferencing. – In times of emergencies, justifiable reasons, and/or as may be authorized by the National or Regional Hearing Officer, clarificatory hearing, pre-hearing conference and hearing may be conducted through teleconferencing or any other means similar thereto.
Section 79. Pre-Hearing Conference. – At the commencement of the full blown hearing, the hearing officer shall conduct a pre-hearing conference for the parties to appear, consider and agree on any of the following:

1. Stipulation of facts;
2. Simplification of issues;
3. Identification and marking of evidence of the parties;
4. Waiver of objections to admissibility of evidence;
5. Limiting the number of witnesses, and their names;
6. Dates of subsequent hearings; and
7. Such other matters as may aid in the prompt and just resolution of the case.

The agreement entered into during the pre-hearing conference shall be embodied in a pre-hearing order and be binding to both parties unless, in the interest of justice, the Hearing Officer may allow deviation from the same. The parties may file their respective pre-hearing briefs, copy furnished the adverse party, before the date of the pre-hearing conference.

The conduct of pre-hearing conference is mandatory. The failure of any party to attend the pre-hearing conference may cause the submission of the case for decision based on available records upon appropriate motion of the present party.

Section 80. Continuous Hearing Until Terminated; Postponement. – Hearings shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference.

Section 81. Preliminary Matters. – At the start of the hearing, the Hearing Officer shall note the appearances of the parties.
If, after having been apprised of his right to counsel, respondent appears without the aid of a counsel he shall be deemed to have waived his right to be represented by a counsel.

Before taking the testimony, the Hearing Officer shall place the witness under oath with his name, address, civil status, age, complete name and address of employment be entered into the record.

A sworn statement of the witness properly identified and affirmed shall constitute direct testimony, copy furnished the other party.

**Section 82. Failure of Respondent to Appear on the Scheduled Hearing, Effect of.** – When respondent failed or refused to appear during hearing without justifiable cause despite due notice, the hearing shall proceed as scheduled.

**Section 83. Appearance of Counsel.** – Any counsel who is a member of the Integrated Bar of the Philippines (IBP) appearing before any hearing or investigation shall manifest orally or in writing, his/her appearance, stating his/her full name and complete address, which should not be a P.O. box address, where he/she can be served with notices and other pleadings, Professional Tax Receipt (PTR) number, attorney’s roll number, Mandatory Continuing Legal Education (MCLE) compliance certificate and IBP dues receipt number. A lawyer/counsel who works for the government is required to present an Authority to Practice Profession from his/her agency head or the agency head’s authorized representative.

A private prosecutor may be allowed to appear provided that the Bureau prosecutor shall have direct control and supervision over the private prosecutor at all times.
Section 84. Order of Hearing. – Unless the hearing officer directs otherwise, the order of hearing may be as follows:

a. The prosecution shall present its evidence;

b. The respondent shall present evidence in support of his/her defense; and

c. There may be rebuttal or sur-rebuttal.

When the presentation of the witnesses has been concluded, the parties shall formally offer their evidence either orally or in writing, and thereafter objections thereto may also be made either orally or in writing. After which, both parties may be given time to submit their respective memoranda which in no case shall be beyond five (5) days after the termination of the investigation. Failure to submit the same within the given period shall be considered a waiver thereof.

Section 85. Objections. – All objections raised during the hearing shall be resolved by the Hearing Officer. However, objections that cannot be ruled upon by the Hearing Officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

The Hearing Officer shall admit all evidence formally offered subject to the objection/s imposed against its admission.

Section 86. Issuance of Subpoena. – The Hearing Officer may issue subpoena ad testificandum to compel the attendance of witnesses and subpoena duces tecum for the production of documents or things.

Section 87. Records of the Hearing. – The proceedings of the hearing shall be taken into the record through the minutes of hearing to be prepared by the designated Clerk of Hearing Office and certified correct by the concerned Hearing Officer. Subject to availability of

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equipment, an audio-video recording of the proceedings must be made to record the entire proceedings. The BJMP shall exert best efforts to procure audio-video recorders for the use of hearing offices nationwide.

Section 88. Filing of Pleadings. – All pleadings filed by the parties shall be copy furnished to the other party with proof of service. Failure in this regard shall justify non-receipt or non-action on the pleading. Any pleadings sent by registered mail or private courier service shall be deemed on the date stamped on the envelope or courier pack which shall be attached to the records of the case, and in case of personal delivery, the date stamped thereon.

Section 89. Manner of Filing of Pleadings. – The filing of pleadings shall be made by:

a. Submitting personally the original thereof to the National or Regional Hearing Office;

b. Sending them by registered mail;

c. Sending them by accredited courier of the National or Regional Hearing Office, wherever is the addressee; and

d. Transmitting them by electronic mail or electronic means as may be authorized by the National or Regional Hearing Office.

In personal submission of pleadings, the Clerk of the National or Regional Hearing Office shall indicate the date and time of submission as actual date and time of filing.

If the pleading is filed through registered mail or accredited courier, the date of the mailing as shown by the registry receipt or mailing receipt shall be the actual date of filing.

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In electronic transmission of pleadings, the date of electronic transmission shall be considered as the date of filing.

Section 90. Proof of Filing of Pleadings. – The filing of pleadings shall be proven by:

a. In personal submission, the written stamped of acknowledgment of its filing by the clerk of the National or Regional Hearing Office;

b. In submission by registered mail, (i) registry receipt and (ii) affidavit of the person who mailed it containing (1) full statement of the date and place of deposit of the mail in the post office in a sealed envelope addressed to the National or Regional Hearing Office and (2) with instruction to the postmaster to return the mail to the sender after ten (10) days if not delivered;

c. In submission by accredited courier, (i) an affidavit of service of the person who brought the pleadings to the courier together with (ii) courier’s official receipt and document tracking number; and

d. In submission by electronic mail, (i) an affidavit of service of the person who sent the electronic mail with (ii) printed copy of the screenshot of the electronic mail sent to electronic mail address of the addressee showing the pleading as an attachment and (iii) paper copy of the pleading with written or stamped acknowledgment of its filing by the clerk of the National or Regional Hearing Office.

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Section 91. Effects of the Pendency of an Administrative or Criminal Case. – Except otherwise provided by law, pendency of an administrative or criminal case shall not disqualify the respondent from promotion and other human resource actions or from claiming maternity/paternity benefits.

For this purpose, a pending administrative case shall be construed as such when the disciplining authority has issued a formal charge against the respondent.

Similarly, it shall not bar any personnel from taking a leave of absence from the service or undergo training or schooling, unless otherwise, extraordinary and compelling circumstances so dictate. Personnel shall not be required to secure a certificate of no pending case for purposes of in-service career course training or schooling. Moreover, if the respondent was adjudged guilty while undergoing service-connected training or schooling, the implementation of the decision shall be held in abeyance until after the termination of his training or schooling.

Section 92. Report on Pending Administrative Case. – The Regional Hearing Officers shall submit to their respective RD a monthly report on the status of all administrative cases pending before their Offices and, likewise, monthly report on acted administrative cases. All Regional Directors of the Jail Bureau in turn shall submit a monthly updated report to the Chief, BJMP (Attention: Chief, Legal Service Office).

Section 93. Docket Books. – A docket book shall be kept, in which all complaints shall be properly entered and assigned with corresponding docket number according to the order of receipt. It shall contain the number and title of the administrative case, name and rank of the respondent, his place of assignment, date of the

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resolution and/or decision including the disposition thereof and the date when a motion for reconsideration or appeal was filed, if there is any.

Section 94. Prohibited Pleadings and Motions. – The following pleadings, motions or petitions shall not be allowed in cases covered by these Rules:

a. motion to dismiss or to quash except on the grounds of lack of jurisdiction, or forum shopping;
b. motion for bill of particulars;
e. reply, third party complaints or intervention;
f. motion for new investigation or reopening of investigation; and
g. dilatory motion for postponement.

Section 95. To Whom and By Whom Served. – All notices, subpoena and summons and other office processes to the respondent/s shall be served by handing the same to him in person or counsel if any, or, if he refuses to receive and sign for it, by tendering it to him. The process server of the National or Regional Hearing Office or any authorized personnel shall effect said service.

Section 96. How Served. – All notices, subpoena, summons and other office processes to the respondent shall be personally served or sent by registered mail, accredited courier of the National or Regional Hearing Office to him or counsel, if any, at his official jail unit/office, residence or law office. For any reason, the respondent cannot be located thereat, the notice and summons shall be served at his last known address appearing in his PDS with the DPRM or PRMD at the Regional Offices.

Electronic mail, facsimile transmission, and other electronic means may be authorized by the National or Regional Hearing Office.
provided that the electronic mail address or facsimile contact detail has been provided by the party or his/her counsel. Service by electronic means and facsimile shall be made if the party concerned consented to such modes of service by indicating electronic mail address or facsimile contact detail.

In case where the electronic mail or facsimile contact detail has been changed by the party or his/her counsel, he shall inform the National or Regional Hearing Office and the DIP or RIPD of such changes.

**Section 97. Completeness of Service of Office Processes.** – Personal service of notices, subpoena, summons and other office processes is complete upon actual delivery. Service by registered mail or accredited courier is complete upon actual receipt by the addressee or after the expiration of ten (10) calendar days after the date of mailing.

Electronic service or through facsimile is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service is sent or facsimile notification of receipt by addressee is made. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.

**Section 98. Presumptive Service of Office Processes.** – There shall be presumptive notice to a party if such notice, subpoena, summons or other office processes appear on record to have been mailed at least twenty (20) calendar days prior to the scheduled hearing in the Regional Hearing Office, or at least thirty (30) calendar days prior to the scheduled hearing at the National Hearing Office *(Pursuant to Section 10, Rule 13 of the 2019 Amendment of the 1997 Rules of Civil Procedure).* (a)
Section 99. **Failure to File an Answer, Effect of.** – Failure or refusal on the part of the respondent to file or submit an answer shall constitute a waiver on his part to file or submit the same. If the concerned Hearing Officer finds no necessity to have a clarificatory hearing, he may require the parties to submit position paper within a given period.

Section 100. **Proceedings in the National or Regional Hearing Office.** – Proceedings before the National or Regional Hearing Office shall be summary in nature, without strictly adhering to the technical rules on evidence observed in ordinary court proceedings.

Section 101. **Postponement.** – Postponement of hearing shall be discouraged and shall be allowed only in meritorious cases, such as illness of a party or witness/es or other similar unavoidable causes. A request for postponement due to illness should be supported by a medical certificate.

Section 102. **Request for Subpoena.** – In case a party desires the attendance of a witness or the production of documents, he shall make a request for the issuance of the necessary subpoena at least five (5) days before the scheduled hearing.

Section 103. **Issuance of Subpoena.** – The concerned Hearing Officer may issue *subpoena ad testificandum* to compel the attendance of witnesses and *subpoena ducem tecum* for the production of documents or things under the custody of the BJMP.

Section 104. **Rules on Evidence.** – Evidence is deemed admissible when it is relevant to the issue and is not excluded by law or existing rules and regulations. Technical rules of procedure observed in regular courts however apply suppletorily.

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Section 105. Markings. – All documentary evidence or exhibits shall be properly marked by letters (A, B, C, etc.,) if presented by the prosecution and by number (1, 2, 3, etc.,) if presented by the respondent. These shall form part of the complete records of the case.

Section 106. Death of Respondent, Effect of. – Death of the respondent during the pendency of the administrative case shall not automatically cause the dismissal of the case. (Note: see MC No. 8, s. 2010 and CSC resolution No. 10-0341 dated February 24, 2010)

Section 107. Compulsory or Optional Retirement, Effect of. The compulsory or optional retirement of the respondent shall not affect the pendency of administrative case and the award of retirement benefits due him shall be subject to its final disposition.

In case the respondent who has retired is found guilty and the penalty imposed is suspension from the service, the corresponding amount covering the period of suspension shall be deducted from that portion of his retirement benefits provided for by law.

In the event, however, that the respondent has already resigned and/or been dropped from the rolls and he is found guilty and a penalty of suspension or fine is imposed, the corresponding amount relative to the period of suspension shall be deducted from whatever benefits to which respondent may be entitled.

Section 108. Failure to Prosecute, Effect of. – The failure to prosecute the case despite due notice shall be a sufficient ground to dismiss the case where the culpability of the respondent could not be established or proven without the testimony of the complaining witness. However, before dismissing the case, the disciplining authority or hearing officer shall exert diligent efforts to locate the

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complainant and his witnesses and to inquire into the reasons for their failure to prosecute the case.

Section 109. Forum Shopping, Effect of. – Violation of the prohibition against forum shopping shall be a ground for the dismissal of the case motu proprio or upon the motion of the respondent.

RULE VIII
SETTLEMENT IN ADMINISTRATIVE CASES

Section 110. Who May Avail. - In case of light offenses, where the act complained of is interpersonal relationship between the complainant and the respondent and there is no apparent injury committed against the government, settlement thereof may be agreed upon by the parties. However, settlement shall not apply in the second offense for similar act committed by the same person within a period of five (5) years, reckoned from the commission of the first offense.

Section 111. During Initial Investigation. – In case where the personnel is under investigation for an administrative offense involving private complainant/s on conflict arising from interpersonal relationship, the IOC may with the concurrence of the Chief, RIPD or the Director, DIP as he deems it appropriate under the attending circumstances, refer the case for mediation to the mediation team pursuant to LSO-MC-012 dated September 14, 2015 re: Conduct of ADR in the BJMP. If the mediation process failed, the case shall be referred back to the IOC for appropriate action.

Section 112. Upon Filing of a Case. – In the event where an administrative case has already been filed against a personnel, the concerned Hearing Officer may, upon agreement of the parties during
the clarificatory hearing, refer the case for mediation provided that
the act complained of has no connection with the performance of
official duty. If the mediation process failed, the case shall be referred
back to the concerned Hearing Officer for the continuation of the
hearing of the case.

Section 113. Compromise Agreement. – If mediation
succeeds, a compromise agreement shall be executed between the
parties and attested to by the mediator. Such agreement shall be
binding on the parties and shall be considered a decision on the
merits which cannot be impugned unless it is shown that there is
duress on its execution on any of the parties. As a result, a decision
shall be rendered by the disciplining authority based on the
agreement.

Section 114. Nature of Decision based on Compromise
Agreement. – A decision rendered by the disciplining authority based
on compromise agreement is immediately executory.

RULE IX
PREVENTIVE SUSPENSION

Section 115. Non-Compliance with the Compromise
Agreement. – In case of non-compliance with the compromise
agreement, the aggrieved party may file a complaint to the DIP or
RIPD, as the case may be, stating therein the manner by which their
compromise agreement has been violated. The party complained of
shall be given the opportunity to answer the complaint of the
aggrieved party. After which, the Bureau Prosecutors shall determine
whether there exists sufficient ground to reopen or revive the case.
For this purpose, a decision rendered by the disciplining authority
based on the compromise agreement may be revived or reopened
within six (6) months reckoned from the date of non-compliance.
However, if no complaint has been filed after the lapse of six (6) months, the decision automatically becomes permanent and can no longer be reopened, except when the obligation is continuing in nature for more than six (6) months in which case it can be revived anytime, but without prejudice for the aggrieved party to resort to other remedies available under the law.

Section 116. Nature of Preventive Suspension. – Preventive suspension is not a penalty. It is designed merely as a measure of precaution so that the personnel charged administratively may be removed from the scene of his alleged misfeasance, malfeasance or nonfeasance while the same is being investigated.

Section 117. When Issued; Grounds. – Upon motion of the Bureau Prosecutor or motu proprio, the concerned Hearing Officer may recommend to the RD or Chief, BJMP, as the case may be, for the issuance of an order of preventive suspension upon service of the formal charge to any respondent/s within his jurisdiction pending a formal investigation, if:

A. The charge involves:
   a. dishonesty;
   b. oppression;
   c. grave misconduct;
   d. neglect of duty;
   e. other administrative offenses punishable by dismissal from the service; or
   f. An administrative offense committed on its second or third instance and the penalty is dismissal from the service; and

B. The respondent is in a position to exert undue influence or pressure on the witnesses and/or

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tamper with evidence.

However, the disciplining authority with or without the recommendation of the concerned Hearing Officer may issue an order of preventive suspension, provided that, a Formal Charge has been issued and served upon the respondent. For that purpose, the disciplining authority may require the Hearing Officer to issue a certification that a Formal Charge has already been served upon respondent.

In lieu of preventive suspension, the RD or Chief, BJMP, may reassign or transfer the respondent to other unit within the agency during formal investigation.

**Section 118. Two Kinds of Preventive Suspension.** – The preventive suspension of personnel who was charged with offenses punishable with removal and suspension may be classified as follows:

a. preventive suspension pending formal investigation;

and

b. preventive suspension pending appeal.

**Section 119. Preventive Suspension Pending Formal Investigation; Who may Issue.** – In administrative cases involving uniformed personnel from the rank of Jail Officer 1 to Senior Jail Officer 4 assigned in the regions, the RD, upon the recommendation of the Hearing Officer, may issue an order of preventive suspension during formal investigation.

In administrative cases involving personnel holding the rank of Jail Inspector to Jail Superintendent, Jail Officer 1 to Senior Jail Officer 4 assigned at the NHQ, including those on schooling or
training or on detail service and those filed against non-uniformed personnel, the Chief, BJMP, upon recommendation of the concerned Hearing Officer, may issue an order of preventive suspension in accordance with this Rule.

Section 120. Duration of Preventive Suspension. — Preventive suspension shall not exceed a maximum period of ninety (90) days. If the administrative case against a personnel under preventive suspension is not finally decided within the period of ninety (90) days, the personnel concerned shall be automatically reinstated, unless the delay in the disposition of the case is due to the fault, negligence or motion of the respondent, in which case, the period of delay shall not be included in the counting of the period of the preventive suspension. Should the respondent be on authorized leave, such preventive suspension shall be deferred or interrupted until such time that the said leave had been fully exhausted.

Section 121. Preventive Suspension Pending Formal Investigation; Requisites. — No preventive suspension shall be issued unless the following requisites exist:

a. the grounds under Section 111 of this Rule exist;

b. formal charge has been filed and served to the respondent;

c. when the evidence of guilt is strong or when there is reasonable ground to believe that the respondent has committed the act or acts complained of; and

d. when the continued stay in office of the respondent could unduly influence the witnesses or pose a threat to the safety and integrity of the records and other evidence.

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Section 122. Right to Salary of Personnel under Preventive Suspension; Exception. – A personnel has no right to compensation during the period of preventive suspension pending formal investigation even if he is exonerated. Provided that, when the order of preventive suspension is unjustified, he shall be entitled to payment of back salaries corresponding to the period of preventive suspension.

It is understood that the order of preventive suspension is considered unjustified if any or all the requisites enumerated in the preceding section are not satisfied.

Preventive suspension pending appeal shall give right to payment of back salaries if exonerated on appeal.

Section 123. Preventive Suspension Interrupts the Length of Service; Exception. – The period of preventive suspension is excluded in the computation of the length of service except where the preventive suspension of the personnel is unjustified and he is found entitled to payment of his back salaries under the preceding section.

Section 124. Procedure on the Issuance of Preventive Suspension. – After the filing of the formal charge and notice to the respondent, the concerned hearing officer may, upon motion of the Bureau Prosecutor or motu proprio, recommend to the Chief, BJMP or RD, as the case may be, for the issuance of an order of preventive suspension if based on the evidence on record, the grounds for issuance thereof exist. Upon receipt of the recommendation, the Chief, BJMP or RD, as the case maybe may issue an order of preventive suspension or in lieu thereof, reassign the respondent to other units during the pendency of the case.
Section 125. Remedies from the Order of Preventive Suspension. – For the order of preventive suspension issued by the Regional Director of the Jail Bureau, the same may be initially appealed to the Chief, BJMP within fifteen (15) days from receipt thereof before elevating the same to the SILG within the same period. The decision rendered by the SILG on the assailed order of preventive suspension may be appealed further to the Civil Service Commission proper within the same period and the latter's decision may be elevated to the Court of Appeals via Rule 43 of the Rules of Court. Pending appeal, the order of preventive suspension shall be executory unless otherwise restrained by the proper authority.

The filing of an appeal shall not in any way suspend the proceedings of the case.

RULE X

RESOLUTION AND DECISION

Section 126. Grounds for Lifting of Preventive Suspension. – Preventive suspension may be lifted on any of the following grounds:

a. when the reassignment of the respondent to other units during the formal investigation has already been resorted to in the exigency of the service;

2. when any of the grounds under Section 111 of this Rule do not exist;

3. when the order of preventive suspension was issued without a formal charge or notice to the respondent; and/or

d. while lawful in the sense that it is based on the

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enumerated grounds, when the duration of the imposed preventive suspension has exceeded the prescribed period.

Section 127. Resolution defined. – Resolution, as used in these Rules, is the written findings by the Hearing Officer that the respondent is liable or not liable of the charge, and the recommendation of the appropriate sanction in case of conviction.

Section 128. Form and Contents of Resolution. – The resolution must be written in the official language, personally and directly prepared by the Hearing Officer and signed by him and shall contain clearly and distinctly a statement of facts proved or admitted by respondent and the law upon which the resolution is based. It shall, likewise, contain the charge, name of the respondent, his rank, office, place of assignment and designation.

If found liable, the resolution shall state:

a. the legal qualification of the offense constituted by the acts committed or omitted by the respondent, and aggravating or mitigating circumstances attendant to the commission or omission thereof, if there be any; and

b. the appropriate penalty recommended upon the respondent.

In case of exoneration, the resolution shall state the reasons thereof, which may be insufficiency of evidence, lack of merit and/or others as may deemed fit by the Hearing Officer.

Section 129. Resolution of Two or More Offenses. – When two or more offenses are filed in the formal charge, but the respondent fails to object to it before hearing, the Hearing Officer may

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find him liable of as many offenses as charged and proven, and recommend a sanction for each offense setting out separately the findings of fact and law in each offense.

Section 130. Transmission of Resolution to the Appropriate Disciplining Authority. – In administrative cases involving uniformed personnel holding the rank of Jail Officer 1 to Senior Jail Officer 4, the Regional Hearing Officer shall forward the copy of the resolution or that of his Associate/s containing his findings and recommendation/s together with the record of the case to the Regional Director of the Jail Bureau having jurisdiction over the personnel concerned for decision. However, for those involving uniformed personnel with the rank of Jail Inspectors to Jail Superintendents the Regional Hearing Officer shall forward the copy of the resolution or that of his Associate/s containing his findings and recommendation/s together with the record of the case to the National Hearing Officer for evaluation and transmission to the Chief, BJMP for decision.

In administrative cases filed against non-uniformed personnel, those personnel holding the rank of Jail Inspector to Jail Superintendent charged with grave misconduct for having found positive for the use of illegal drugs and those filed against personnel assigned in the NHQ including those on schooling, training or on detail, the National Hearing Officer shall forward the copy of the resolution or that of his Associate/s containing his findings and recommendation/s to the Chief, BJMP for decision. For personnel holding the rank of Jail Senior Superintendent, the Chief, BJMP shall forward the resolution to the SILG for decision. For personnel holding the rank of Jail Chief Superintendent and above, the Chief, BJMP shall forward the copy of the resolution to the President for decision through the DILG.

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Section 131. **Decision defined.** - Decision, as used in these Rules, is the written conclusion by the disciplining authority whether or not he concurs with the findings and recommendation/s of the Hearing Officer, the adjudication that the respondent is liable or not liable of the offense charged including the reasons thereof and the imposition of penalty or exonation as the case may be.

Section 132. **Form and Contents of Decision.** - The decision must be written in the official language and signed by the disciplining authority, and shall contain a brief statement of the facts and the law resolved by the Hearing Officer. It shall likewise contain a declaration whether or not the disciplining authority concurs with the findings and recommendation of the Hearing Officer including the reasons thereof and the imposition of appropriate penalty in case of conviction.

Section 133. **Reglementary Period for Rendition of Decision.** - The disciplining authority shall render the decision with deliberate dispatch from the submission of the resolution by the Hearing Officer.

Section 134. **Service of Resolution and Decision.** - Decisions and resolutions must be served:

a. Personally to the party or his/her counsel; or

b. By registered mail.

No decision or resolution shall be transmitted by electronic mail or other electronic means.

Section 135. **Completeness of Service of Resolution and Decision.** - Personal service is complete upon actual delivery. Service by registered mail is complete upon actual receipt by the addressee.
Section 136. Finality of Decision. – The decision of the RD/Chief, BJMP/SILG, or President as the case may be, shall become final after fifteen (15) days from receipt thereof and no motion for reconsideration or appeal was filed.

Section 137. Certificate of Finality. – The disciplining authority of origin through the hearing office shall issue a Certificate of Finality of the Decision finally disposing of the case after the same has become final and executory. In case an appeal has been filed, a certificate of appeal shall be issued for purpose of confirmation.

Section 138. Execution of Decision. – All decisions imposing a penalty against erring personnel, except dismissal, shall be immediately executory after it becomes final. When the penalty imposed is removal or dismissal from the service, the same shall become effective and implemented only after confirmation by the SILG. In such instance, the decisions and records of the case shall be forwarded to the SILG for confirmation of the decision. Cases decided by the SILG or the Civil Service Commission or the Office of the Ombudsman shall be immediately implemented after attaining finality without need of confirmation.

The decision of the RD or Chief, BJMP as the case maybe, imposing a penalty of suspension for not more than thirty (30) days, or a fine in an amount equivalent to or less than thirty (30) days salary shall be immediately final and executory. The right, however, of the respondent to avail of other remedies under existing laws, rules and regulations shall not be proscribed.

Section 139. Implementing Orders; Who may Issue. – In cases decided by the RD, the Chief, PRMD of the Regional Office concerned shall issue the appropriate implementing order within five (5) days upon the receipt of the decision together with a certificate of
finality of the decision issued by the Regional Hearing Office, provided that in cases involving JORs, the implementing order shall be issued by the DPRM. A copy of which shall be furnished the FSO, LSO, other concerned offices and the respondent/s. When the penalty imposed by the RD is removal/dismissal from the service, the same shall be issued only after confirmation by the SILG. Within five (5) days from the issuance of the implementing order, the RD shall furnish the Chief, BJMP a copy of the implementing order, certificate of finality and decision.

In cases decided by the Chief, BJMP/SILG, or the President, the DPRM-NHQ shall issue the appropriate implementing orders within five (5) days upon receipt of the decision together with certificate of finality of the decision issued by the National Hearing Office. A copy of which shall be furnished to the FSO, LSO, other concerned Offices and the respondent/s. When the penalty imposed by the Chief, BJMP is dismissal from the service, the same shall be issued only after confirmation by the SILG.

**Section 140. Effect of Failure/Refusal to Implement the Decision of the Disciplining Authority.** – Any personnel who fails or refuses without justifiable cause to implement the decision of the disciplining authority shall be held liable for Conduct Grossly Prejudicial to the Best Interest of the Service.

**Section 141. Compilation of Decision.** – The National Hearing Office as well as Regional Hearing Offices shall make a compilation of decisions by respective disciplining authorities. Said compilation shall be in hard bound copy with volume number and year of coverage. The copy of the decision shall be made available to other persons upon request stating the reasons thereof subject to existing relevant laws and rules and the approval of the RD or the Chief,

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BJMP, as the case may be, after execution and submission of a sworn undertaking relative to the use thereof.

**RULE XI**

**ADMINISTRATIVE REMEDIES**

**Section 142. Administrative Relief from Administrative Determination.** – Relief from administrative determination may be obtained by asking a review or reconsideration of the same by the disciplining authority. The aggrieved party should seek such remedy with the same or higher disciplining authority or appellate authority within the prescribed period as provided herein.

**Section 143. Motion for Reconsideration.** – A party adversely affected by the decision of the disciplining authority may file a motion for reconsideration with the same disciplining authority, within fifteen (15) days upon receipt of a copy of the decision. In which case, the disciplining authority concerned shall remand the motion to the hearing officer for appropriate action. The hearing officer shall either recommend the grant or denial of the motion. No motion for extension of time to file motion for reconsideration shall be entertained.

**Section 144. Where to file Motion for Reconsideration.** – A motion to seek reconsideration of the decision of the RD, Chief, BJMP, or SILG shall be filed directly with the offices of the: RD, Chief, BJMP, SILG, or President as the case may be. Upon receipt of the motion, the procedure outlined in the preceding section shall be followed.

**Section 145. Effect of filing.** - The filing of motion for reconsideration within the reglementary period of fifteen (15) days shall stay the execution of the decision sought to be reconsidered unless otherwise provided by law or jurisprudence.
A motion for reconsideration suspends the running of the period to appeal.

Only one (1) motion for reconsideration shall be filed by the party adversely affected by the decision of the disciplining authority.

Section 146. **Effect of Filing of Motion by One or More Adverse Parties.** - The resolution denying or granting the motion by one or more of the adverse parties shall not affect the other party who did not file the same, unless it is applicable or beneficial to such party at the discretion of the disciplining authority.

Section 147. **Grounds for a Motion for Reconsideration.** – The motion for reconsideration shall be based only on any of the following grounds:

a. newly discovered evidence which may materially affect the decision rendered;

b. the decision is not supported by the evidence on record; and/or

c. errors of law, rules, or irregularities have been committed which are prejudicial to the interest of the movant.

Section 148. **Form of Motion and Notice to the Prosecution and Adverse Party.** – The motion for reconsideration shall be in writing and filed with the disciplining authority. It shall state the grounds on which it is based. If the motion is based on newly discovered evidence, it must be supported by the affidavits of the witnesses by whom such evidence is expected to be given, or by duly authenticated copies of documents which it proposes to introduce in
evidence. Copy of the motion for reconsideration shall be served by
the movant to the adverse party and the prosecutor before it is filed
with the disciplining authority.

Failure to comply with the above requirements within the
reglementary period shall cause the denial of the motion for
reconsideration.

Section 149. Effects of Granting a Motion for
Reconsideration. – The effects of granting a motion for
reconsideration are the following:

a. when a motion is granted on the ground of errors of
law, rules or irregularities committed during the
hearing, all the proceedings and evidence not affected
by the commission of such errors and irregularities
shall stand, but those affected thereby shall be set
aside and taken anew; Hearing Officer may, in the
interest of justice, allow the introduction of
additional evidence;

b. when a motion is granted on newly discovered
evidence, the evidence already taken shall stand, and
the newly discovered evidence as the Hearing Officer
may, in the interest of justice, allow to be introduced,
shall be taken and considered together with the
evidence already on record; and

c. in all cases, when the disciplining authority grants a
motion for reconsideration, the original decision shall
be set aside and a new decision be rendered accordingly.

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Section 150. When the Motion was Filed before the Wrong Forum. – When the motion for reconsideration has been filed before the wrong forum, the same shall be deemed not filed.

Section 151. Appeal, Concept. – An appeal may be taken by the party adversely affected by the decision of the disciplining authority to seek review of such decision to be filed within the period as herein provided.

Section 152. Where to Appeal. – An appeal may be taken, as prescribed in these Rules, against any decisions of disciplining authorities as follows:

a. Decisions by the Regional Directors of the Jail Bureau to the Chief, BJMP;

b. Decisions by the Chief, BJMP to the SILG; and

c. Decisions by the SILG to the Civil Service Commission proper.

In case an appeal is denied by the Chief, BJMP, it shall be initially appealed to the SILG and finally appealed to the Civil Service Commission proper.

Section 153. Perfection of an Appeal or Petition for Review. – An appeal or petition for review shall be perfected within fifteen (15) days from receipt of a copy of the decision, or denial of motion for reconsideration.

To perfect an appeal or petition for review, the appellant/petitioner shall submit the following documents:

a. An Appeal Memorandum containing the following:

1. grounds relied upon the appeal/petition for review;
2. certified true copies of the assailed decision, resolution or order; and
3. certified true copies of documents or evidence relevant to the case.

The Appeal Memorandum shall be filed with the appellate authority, copy furnished the disciplining authority and the prosecutor. The disciplining authority shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment, within fifteen (15) days from receipt of the Appeal Memorandum, to the appellate or higher authority.

b. Proof of service of a copy of memorandum to the disciplining office; and

c. A statement or certificate of non-forum shopping.

If the appellant/petitioner fails to comply with any of the above requirements within the reglementary period, the appellate authority shall direct compliance within a period of not more than ten (10) days from receipt thereof, with a warning that failure to comply shall be construed as failure to perfect an appeal/petition for review and shall cause its dismissal with prejudice to its refiling.

The prosecutor, on the other hand, shall submit to the appellate or disciplining authority, his comments or objections to the appeal or motion of the appellant/movant within ten (10) days from receipt thereof without any further order from the appellate or disciplining authority.
The period for perfecting an appeal shall be interrupted from the time a motion for reconsideration is timely filed until a notice of the order denying the motion shall have been served upon the movant or his counsel. If a motion for reconsideration is denied, the movant shall have the right to perfect his appeal within a fresh period of fifteen (15) days from the receipt of the order of denial.

**Section 154. Execution Pending Appeal.** – An appeal shall not prevent a decision from becoming immediately executory, except when the penalty imposed is dismissal from the service which requires confirmation by the SILG. The respondent shall be considered as having been placed under preventive suspension during the pendency of an appeal. In the event the appeal results to exoneration, he shall be paid his salary and allowances during the pendency of the appeal.

**Section 155. Withdrawal of Appeal.** – At any time before the appellate authority renders its decision in an appealed case, the appellant may withdraw the same as a matter of right which shall consequently render the assailed decision final and executory. No motion to reinstate appeal shall be allowed.

**Section 156. Computation of the Prescriptive Period.** – In the computation of the period of time, the first day shall be excluded and the last day included, unless it be a Saturday, a Sunday or a legal holiday, in which case, the period shall run until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday.

**Section 157. Appellate Powers of the Appellate Authority.** – Based on the pleadings submitted by both appellant and appellee, the appellate authority may affirm, modify or reverse the decision of the disciplining authority who rendered the same. In case of reversal, the appellate authority may decide the case based on the merits or
otherwise remand the same to the Hearing Office concerned for further proceedings.

Section 158. Effect of Appeal by Any of Several Respondents. – An appeal taken by one or more of several respondents shall not affect those who did not appeal, except insofar as the judgment of the appellate authority is favorable and applicable to the latter.

Section 159. Finality of the Decision of Appellate Authority. – In any case, the decision of the appellate authority shall become final and executory fifteen (15) days after the receipt by the parties of a copy thereof.

Section 160. Highest Administrative Appellate Authority. – The highest administrative appellate authority shall be the Civil Service Commission proper whose decision shall be reviewed by the Court of Appeals.

Section 161. Proof of Service of Copies of the Appeal or Motion for Reconsideration and other Pleadings to the Other Party. – The appellant or the movant shall serve to the other party copies of his notice of appeal and appeal memorandum, as well as other motions or pleadings, and shall submit to the appellate authority proof of service thereof. The other party, on the other hand, shall submit to the appellate or disciplining authority, his comments or objections to the appeal or motion of the appellant/movant within ten (10) days from receipt thereof without any further order from the appellate or disciplining authority.

Section 162. Manner of Filing Motion for Reconsideration or Appeal. – An appeal or motion for reconsideration shall be filed as much as possible by personal delivery. In the event that such motion or appeal is filed in any manner other than personal service,
the manner of filing should be specified with appropriate explanation why personal service was not resorted to. In no case shall the motion for reconsideration or appeal be considered filed unless accompanied by proof of service to the other party and the manner of filing required under the subsequent section.

RULE XII
JUDICIAL REMEDIES

Section 163. When Motion or Appeal Deemed Filed. – In any case, a motion for reconsideration or appeal is deemed filed when sent by registered mail on the date shown by the postmark stamped to the envelope, and in case of personal delivery, the date of receipt by the disciplining authority or by the Hearing Officer concerned.

Section 164. Judicial Review. – Any party aggrieved or adversely affected by the decision of the appellate authority may elevate the decision of the appellate authority to the courts as provided for under the existing rules and laws. The action for judicial review may be brought against the appellate authority, its officers, and all indispensable and necessary parties.

Judicial remedy however shall be taken when all the necessary administrative remedies have been exhausted.

Section 165. Perfection of the Petition for Review. – The petition for review shall be perfected within fifteen (15) days from receipt of the decision subject of review.

Section 166. Where to File Petition for Review. – The petition for review shall be filed in the Court of Appeals pursuant to Rule 43, Rules of Court.
RULE XIII
MISCELLANEOUS PROVISIONS

Section 167. Transmittal of Records. – Within fifteen (15) days from the service of the petition for review, the appellate authority or disciplining authority, as the case may be, shall transmit to the Court of Appeals, the original or certified copies of the entire records of the proceeding under review. The record to be transmitted may be abridged by agreement of all parties to the proceedings. The court may require or permit subsequent correction or additions to the record.

Section 168. Non-Disciplinary Cases. – Personnel who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically and mentally unfit to perform their duties may be dropped from the rolls subject to the procedures laid down under 2017 Rules on Administrative Cases in the Civil Service.

Section 169. Authority to Administer Oath. - In addition to the officials who, under existing laws, are authorized to administer oaths, the DIP, Legal Officers, Hearing Officers, Chief, RIPD, Bureau Prosecutors, and Investigators duly designated to conduct investigation with the rank of at least Jail Inspector shall have the authority to administer oaths on matters connected with the performance of their official duties.

Section 170. Prohibition on BJMP Lawyers. - All BJMP lawyers are prohibited from representing any respondent charged before the National or Regional Hearing Offices.
RULE XIV
FINAL PROVISIONS

Section 171. Monthly Report. – Not later than every fifth day of the month, the Regional Hearing Officers are required to submit report to the NHQ Legal Service Office indicating therein the following data or information, among others:

a. newly filed cases;
b. pending cases;
c. resolved cases;
d. decided cases;
e. appealed cases; and
f. certificate of finality of decision issued, if applicable.

With respect however, to newly filed cases, the Regional Hearing Office shall submit a written report within twenty-four (24) hours from its filing stating therein the designation of an offense, the time and date of filing, name of the respondent and other information deemed necessary.

The report shall be submitted through electronic mail and sent to the official electronic mail address of the National Hearing Office.

Section 172. Application to Pending Cases. - These Rules shall apply to pending cases with the different disciplining and appellate authorities, provided however, that offenses and penalties reclassified under these Rules shall have retroactive effect insofar as they are favorable to the respondent.

Section 173. Repealing Clause. – The provisions of the 2017 Comprehensive BJMP Administrative Disciplinary Machinery are hereby repealed. All rules and regulations and other issuances based
thereof and inconsistent with these Rules are deemed superseded or modified accordingly.

**Section 174. Separability Clause.** – In the event that any of the provisions of these Rules is declared illegal, other provisions not affected by such declaration shall remain valid and effective.

**Section 175. Effectivity Clause.** – These Rules shall be effective after fifteen (15) days following the completion of its registration and publication in the Office of the National Administrative Register, University of the Philippines Law Center, Diliman, Quezon City.

Done this 3rd day of JUNE, 2021 at BJMP National Headquarters, 144 BJMP Building, Mindanao Avenue, Project 8, Bahay Toro, Quezon City, Metro Manila, Philippines.

**RECOMMEND APPROVAL:**

\[Signature\]

**ALLAN S IRAL, CESE**  
Jail Director  
Chief, BJMP

**APPROVED:**

\[Signature\]

**EDUARDO M. ANO**  
Secretary  
Department of the Interior and Local Government

*(Pursuant to Paragraph 3, Section 62, Republic Act No. 6975)*

“Changing Lives, Building a Safer Nation”
FORMAL CHARGE

The undersigned Disciplining Authority hereby charges JCINSP JUAN B DELA CRUZ, presently assigned at Matapang District Jail, and is within the jurisdiction of BJMPRO-V, with an administrative offense of Simple Dishonesty committed as follows:

"That while respondent was the Warden of Matapang District Jail (from April 1, 2017 to January 31, 2019), he allowed/tolerated the deceitful reporting of subject jail to the Operations Division of BJMPRO-V with regard to the number of Insular Prisoners in his said Area of Responsibility as the number of Insular Prisoners as indicated in their monthly reports to such Office/Division is not true and correct through his instance.

The above-mentioned act of the respondent falls within the ambit of Simple Dishonesty and is defined and penalized accordingly under the 2019 Comprehensive BJMP Administrative Disciplinary Machinery.

Contrary to BJMP Rules and Regulations.

In line with this, you are directed to answer the charge(s) in writing and under oath, accompanied by evidence, and to indicate in your answer whether or not you elect a formal investigation.

In view thereof, you are hereby required to file an answer together with the affidavits of witnesses if any, and such other controverting evidence, in writing and under oath, in three (3) copies within five (5) days from receipt of this order, attaching therewith documentary and other pieces of evidence you wish to present in your defense.

Further, you are hereby notified of the option to seek assistance of a counsel of your choice.
In support of the herein Complaint, the following are herewith attached, to wit:

1. Documentary Evidence:

   EXHIBIT "A-1 to A-2" - Sworn Statement, dated 28 February 2020, of JO1 John Z Masipag;
   EXHIBIT "B-1 to B-2" - Sworn Statement, dated 28 February 2020, of JO3 Jose Q Matapat;
   EXHIBIT "C-1 to C-3" - Sworn Statement, dated 28 February 2020, of SJO3 Maria D Magulat;
   EXHIBIT "D-1 to D-2" - Sworn Statement, dated 27 February 2020, of JO2 Luke N Sy;
   EXHIBIT "E-1 to E-2" - Explanation of SJO1 Lani T Din, dated 03 March 2020;
   EXHIBIT "F-1 to F-5" - Explanation of JCINSPIAN B DELA CRUZ, dated 02 March 2020;
   EXHIBIT "G" - Copy of BJMPDPRM-SO No. 2020-123, dated 31 January 2020;

   Other material pieces of evidence that may be obtained during the course of the trial.

2. Witnesses:

   A. JO1 John Z Masipag - c/o BJMPRO-V;
   B. JO3 Jose Q Matapat - c/o BJMPRO-V;
   C. SJO3 Maria D Magulat - c/o BJMPRO-V;
   D. JO1 Sandi Bonn T Barbosa - c/o BJMPRO-V;
   E. JO2 Luke N Sy - c/o BJMPRO-V;
   F. JCINSPIAN B DELA CRUZ - c/o BJMPRO-V; and
   G. Other material witnesses that may be had during the course of the trial.

   Done this 7th day of March 2020 at Quezon City, Philippines.

(Chief, BJMP/Regional Director)
Disciplining Authority

SUBSCRIBED AND SWORN to before me this ________ day of _________
2020 in Quezon City, affiant exhibiting to me his competent evidence of identity (BJMP-
ISSUED I.D. No. BN7-20-M200646).

Administering Officer
VERIFICATION AND CERTIFICATE OF NON-FORUM SHOPPING

1. Disciplining Authority, of legal age, Filipino, Disciplining Authority of the BJMP, after having been duly sworn to in accordance with law, hereby depose and say:

1. That I am the disciplining authority in the above entitled case and have caused the preparation of the Formal Charge, that I read and understood its contents which are true and correct of my own personal knowledge and/or based on authentic records.

2. That I have not commenced any action and proceeding involving the same parties, issues and cause of action before any other administrative body, forum or tribunal; that to the best of my knowledge, no such action or proceeding is pending in any other administrative body, forum or tribunal; and if I should thereafter learn that a similar action or proceeding has been filed or is pending therein, I undertake to report the fact within five (5) days therefrom to this office where the original formal charge have been filed.

(Chief, BJMP/Regional Director)
Disciplining Authority

SUBSCRIBED AND SWORN to before me this ________ day of _________
2020 in Quezon City, affiant exhibiting to me his competent evidence of identity (BJMP-ISSUED I.D. No. BN7-20-M200646).

Administering Officer
REGIONAL HEARING OFFICE

Bureau of Jail Management and Penology
Regional Office-NCR, represented by
Regional Bureau Prosecutor
Complainant,

BJMP-NHQ-ORC No. _____
FOR: Grave Misconduct
(Admin Case No. BJMPRO-NCR
2018-04)

--versus--

JSINSP JUAN DELA CRUZ
Respondent.

SUMMONS

To: JSINSP JUAN DELA CRUZ
BJMPRO-NCR

Pursuant to Section ____ of the 2020 Comprehensive BJMP Administrative Disciplinary Machinery, you are hereby notified that an administrative case has been filed against you for the aforesaid offense. Attached is a copy of the Formal Charge together with its attachments in compliance with the procedural due process prescribed by law.

In view thereof, you are directed to submit your answer together with the affidavits of witnesses if any, and such other controverting evidence, in writing and under oath, in three (3) copies within the non-extendible period five (5) days from receipt of this order attaching therewith documentary and other pieces of evidence you wish to present in your defense, with proof of service of copies thereof upon the proscription.

In view thereof, you are directed to submit your answer together the affidavits of your witnesses, if any and such other controverting evidence with proof of service of copies thereof upon the complainant/s with a non-extendible period of FIVE (5) days from receipt of this summons.

Failure to file an answer shall be considered as a waiver, and the instant case shall be submitted for resolution on the basis of the evidence on record, without further notice.

Issued this 22nd day of July, 2020 at the Legal Service Office, BJMPRO-NCR
Seneca Building, E Rodriguez Avenue, Quezon City.

ATTY. JANE A DOE
Jail Senior Inspector
Regional Hearing Officer

"Changing Lives, Building a Safer Nation"
Proof of Service

Served a copy of the foregoing summon and attachment thereof to the above-named respondent on the 25th day of July, 2020 at the Legal Service Office, BJMPRO-NCR Seneca Building, E Rodriguez Avenue, Quezon City.

JO2 Love D Arcayos
Clerk, Hearing Section
Legal Service Office, BJMPRO-NCR

"Changing Lives, Building a Safer Nation"
Bureau of Jail Management and Penology
Represented by: BUREAU PROSECUTOR
Complainant,

-vs-

Respondent,

------------------------------x

SUBPOENA

To: ________________

Respondent

You are hereby directed to appear as Respondent in the above entitled case for a hearing on ___________ at exactly ______ at the Legal Service Office, BJMP National Headquarters.

Issued this ____ day of ______ 2020 at BJMP Legal Service Office, BJMP Building, 144 Mindanao Avenue, Project 8, Quezon City.

ATTY. MA RAMELISA D QUIGAO
Jail Senior Inspector
Chief, Hearing

Proof of Service

Served a copy of the foregoing subpoena to the above-named respondent through mail on ____ day of ________ 2020, at the BJMP National Headquarters, 144 Mindanao Ave., Project 8, Quezon City.

JO2 Loveleen Anne A Delmo
Clerk, Legal Service Office
BJMP-NHQ

"Changing Lives, Building a Safer Nation"
NATIONAL HEARING OFFICE

BUREAU OF JAIL MANAGEMENT AND PENOLOGY

Complainant,

- versus -

Admin Case No. NHQ-2020-01
For: __________________________

___________________________________________
Respondent.

X-_________________________________________X

SUBPOENA
(Ad Testificandum)

To: ________________________________

________________________________

Greetings:

You are hereby required to appear as witness to testify and shed light on
the scheduled Clarificatory Hearing of the above-captioned case on
__________________________ at the______________________.

Witness JSINSP VILMA SANTOS-CONCIO, National Hearing Officer on
________________, 2020 at the BJMP National Headquarters, 144 Mindanao Avenue,
Project 8, Quezon City.

Love D Arcayos
Jail Officer II
Clerk of the Hearing Office

PROOF OF SERVICE

I have this day served a copy of the foregoing SUBPOENA (Ad
Testificandum) to __________________________ through personal
service/registered mail/courier service/jail warden.

Stephen B Almeda
Jail Officer 1
Process Server

"Changing Lives, Building a Safer Nation"
BUREAU OF JAIL MANAGEMENT AND PENOLOGY

Complainant,

- versus -

Admin Case No. NHQ-2020-01
For: ____________________________

Respondent.

x--------------------------------------------------------------------------------x

SUBPOENA
(Duces Tecum)

To: ____________________________

___________________________________________

Greetings:

You are hereby required to appear as (witness) and bring with you the following documents for Clarificatory Hearing of the above-captioned case on _________ at the______________.

Issued this ___th day of __________ at the

___________________________________________

Witness JSINSP VILMA SANTOS-CONCIO, National Hearing Officer on _________, 2020.

Love D Arcayos
Jail Officer II
Clerk of the Hearing Office

________________________

PROOF OF SERVICE

I have this day served a copy of the foregoing SUBPOENA (Duces Tecum) to __________, ______________ through personal service/registered mail/courier service/jail warden.

Stephen B Almeda
Jail Officer 1
Process Server

"Changing Lives, Building a Safer Nation"
Bureau of Jail Management and Penology
Represented by:

**BUREAU PROSECUTOR**
Complainant,

-vs-

Respondent,

Admin Case No. ___________________ For: ___________________

**NOTICE FOR CLARIFICATORY CONFERENCE**

To: (Counsel for the Respondent/ Prosecutor)

Greetings:

Please take notice that a scheduled Clarificatory conference of the above captioned case is set on _________ at _____________________.

Witnessed JSINSP MA RAMELISA D QUIGAO, National Hearing Officer on ___________ 2020 at the BJMP National Headquarters, 144 Mindanao Ave., Project 8, Quezon City.

**JO2 Loveleen Anne A Delmo**
Clerk, Hearing Section

---

**Proof of Service**

Served a copy of the foregoing subpoena to the above-named respondent through mail on ______ day of __________ 2020, at the BJMP National Headquarters, 144 Mindanao Ave., Project 8, Quezon City.

**JO2 Loveleen Anne A Delmo**
Clerk, Legal Service Office
BJMP-NHQ

"Changing Lives, Building a Safer Nation"
Bureau of Jail Management and Penology
Represented by: BUREAU PROSECUTOR
Complainant,

-vs-

Respondent,

------------------------------------------------x

CLARIFICATORY HEARING

APPEARANCES:

Respondent:


Prosecutors:

Assisted by:

Witnesses Presented:

For the Respondent:

For the Prosecution:

Questions and Answers Propounded:

1. Q:
   A:

2. Q:
   A:

Prepared: Certified True and Correct:

JO2 Loveleen Anne A Delmo
Clerk, Hearing Office

ATTY. MA RAMELISA D QUIGAO
Jail Senior Inspector
Chief, Hearing Officer

"Changing Lives, Building a Safer Nation"
## REGIONAL HEARING OFFICE

### CALENDAR OF CLARIFICATORY HEARING

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>CASE TITLE/ CASE NUMBER</th>
<th>APPEARANCES FOR THE PROSECUTION</th>
<th>APPEARANCES FOR THE RESPONDENT</th>
</tr>
</thead>
</table>
| 15 September 2020 | 1000H | BJMP Vs. JCINSP  
BJMP NHQ ORC-2020-34 for Simple Neglect of Duty | JSINSP DEXTER NGIPOL             | ATTY. MAYUMI MAGITING           |
| 22 September 2020 | 1300H | BJMP VS. JO3  
BJMP NHQ ORC 2020-14 for Violation of Reasonable Office Rules and Regulations | SJO4 JOSEPH M MANALO             | ATTY. MILARGO HIMALA           |
| 18 October 2020   | 1000H | BJMP VS. JINSP  
BJMP NHQ-APC 2020-17                                        | JSINSP DEXTER NGIPOL             | ATTY. BALASUBAS PALAHINGE       |

Prepared by: JO2 Love D Arcayos  
Clerk, Hearing Section

Certified Correct: ATTY. VILMA SANTOS-CONCIO  
Jail Senior Inspector  
Regional Hearing Officer

"Changing Lives, Building a Safer Nation"
NATIONAL HEARING OFFICE

BUREAU OF JAIL MANAGEMENT AND PENOLOGY – REGIONAL OFFICE VII,

Complainant,

BJMP-NHQ-ORC No. 2020-01
FOR: Simple Misconduct
(Admin Case No: NCR 2019-1234)¹

-versus-

JINSP JUAN C DELA CRUZ,
Respondent.

x--------------------------------------------------------------x

RESOLUTION

For resolution is the above-entitled case filed against JINSP JUAN C DELA CRUZ, defined and penalized under the 2017 Revised BJMP Administrative Disciplinary Machinery. The inculpatory portions of which are hereunder quoted:

“That sometime on July 22, 2020 around 8:00 PM, in Cubao, Quezon City, respondent committed wrongful, improper and unlawful conduct when he uttered indecent lines and exhibited unwelcome touches to one Vilma S Honor, to the prejudice of the latter who felt morally degraded.

The act of the respondent is a violation of and punishable under Rule V, Section 3, 2017 Comprehensive BJMP Administrative Disciplinary Machinery.

Contrary to the rules and regulations.”

¹ Docketed by Regional Hearing Office, BJMPRO-NCR

“Changing Lives, Building a Safer Nation.”
FACTS

The complainant alleged that on


XXX

ISSUE

Whether the respondent is administratively liable for simple misconduct

FINDINGS

Respondent's intent is immaterial


XXX

What is controlling is not the title of the complaint

"Changing Lives, Building a Safer Nation."
In the case of *Canceran vs People*, Supreme Court ruled that "the real nature of the criminal charge is determined, not from the caption or preamble of the information nor from the specification of the law alleged to have been violated - these being conclusions of law - but by the actual recital of facts in the complaint or information. What is controlling is not the title of the complaint, nor the designation of the offense charged or the particular law or part thereof allegedly violated, these being mere conclusions of law made by the prosecutor, but the description of the crime charged and the particular facts therein recited.

While respondent claimed that the alleged act does not constitute simple misconduct in the contemplation of the law, the same is, however, misplaced since what is controlling is not the title of the complaint, nor the designation of the offense charged but the description of the crime charged and the particular facts therein recited. The designation of the Bureau Prosecutor of the offense Simple Misconduct is just his conclusion. Yet, the fact remains that in the subject formal charge it was clearly alleged that respondent uttered indecent lines and exhibited unwelcome touches to the complainant.

XXX

What then should have been the proper offense to be charged against respondent?

---

2 GR No 206442, July 1, 2015.

"Changing Lives, Building a Safer Nation."
Under the 2017 BJMP Comprehensive Disciplinary Machinery, acts that include immoral and lewd advances projecting the abnormality of one's behavior consisting of libidinous desire for the opposite sex constitutes the administrative offense of Disgraceful and Immoral Conduct.\(^3\)

Furthermore, the Civil Service Rules provided that the offense Disgraceful and Immoral Conduct is not only limited to acts of public officer engaging in illicit and adulterous relationships, since the same has already been classified into:

XXX

**CLASSIFICATION**

a) *Disgraceful and Immoral Conduct in the Workplace*

*Conduct committed by parties, regardless of marital status, under any of the following circumstances:*

1. *The disgraceful and immoral conduct was committed in the workplace in a scandalous manner*

2. *The disgraceful and immoral conduct was committed by taking advantage of one's position and/or with the use of government property and resources*

3. *The disgraceful and immoral conduct affected the work performance of the respondents*

\(^3\) Rule V, Section 11.
b) Disgraceful and Immoral Conduct Committed through a Forbidden Relationship

The disgraceful and immoral conduct is classified under this section if the parties are engaged in a relationship forbidden by law.

c) Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts

Conduct which consists of immoral and deviant acts inherently forbidden by the basic norms of decency, morality and decorum such as, but not limited to incest, pedophilia, exhibitionism and the like, whether committed in a discreet or scandalous manner within or out of the workplace.⁴

xxx

In addition, Supreme Court explained in the case of Balasbas v Manayao⁵ that Disgraceful and Immoral Conduct is one of the two administrative offenses that give rise to administrative culpability because they indubitably reflect on the moral fitness and integrity of the respondent public official or employee. It means that the commission of the said act betrays the moral fitness of the respondent public officer, which would make them amenable to disciplinary sanctions.

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⁴ Overview of Civil Service Law and Rules, Reiterating Memorandum Circular No. 15, s. 2010 dated August 5, 2010.
⁵ GR No 190524, February 17, 2014.

"Changing Lives, Building a Safer Nation."
WHEREFORE, premises considered, this Hearing Office finds respondent LIABLE of Disgraceful and Immoral Conduct and hereby recommends that he be meted the penalty of **ONE MONTH AND ONE DAY SUSPENSION FROM THE JAIL SERVICE**, cognizant of the fact that respondent performs functions involving the maintenance of peace and order and did not commit said offense with abuse of authority.

SO RESOLVED.

Signed on _________ at BJMP National Headquarters, 144 BJMP Building, Mindanao Avenue, Project 8, Quezon City.

**ATTY. VILMA SANTOS-CONCIO**  
Jail Senior Inspector  
National Hearing Office

"Changing Lives, Building a Safer Nation"
NATIONAL HEARING OFFICE

BUREAU OF JAIL MANAGEMENT AND PENOLOGY –
REGIONAL OFFICE NCR Represented by
Regional Bureau Prosecutor,

Complainant,

BJMP-NHQ-ORC No. 2020-01
FOR: Simple Misconduct
(Admin Case No: NCR 2019-123)

-versus-

JINSP JUAN C DELA CRUZ,
Respondent.

x--------------------------------------------------x

DECISION

For decision is the above-entitled case filed against JINSP JUAN C DELA CRUZ, defined and penalized under the 2017 Revised BJMP Administrative Disciplinary Machinery. The inculpatory portions of which are hereunder quoted:

“That sometime on July 22, 2020 around 8:00 PM, in Cubao, Quezon City, respondent committed wrongful, improper and unlawful conduct when he uttered indecent lines and exhibited unwelcome touches to one Vilma S Honor, to the prejudice of the latter who felt morally degraded.

The act of the respondent is a violation of and punishable under Rule V, Section 3, 2017 Comprehensive BJMP Administrative Disciplinary Machinery.

“Changing Lives, Building a Safer Nation.”
Contrary to the rules and regulations.”

FACTS

The complainant alleged that on

ISSUE

Whether the respondent is administratively liable for simple misconduct

FINDINGS

The Regional Hearing Officer\(^1\) of BJMPRO-NCR found the respondent liable, not with simple misconduct but with disgraceful and immoral conduct. He enunciated the following legal and factual justifications for his findings.

\textit{Respondent's intent is immaterial}

---

\(^1\) JSINSP Crys C Yap

"Changing Lives, Building a Safer Nation"
What is controlling is not the title of the complaint

In the case of Canceran vs People, the Supreme Court ruled that "the real nature of the criminal charge is determined, not from the caption or preamble of the information nor from the specification of the law alleged to have been violated - these being conclusions of law - but by the actual recital of facts in the complaint or information. What is controlling is not the title of the complaint, nor the designation of the offense charged or the particular law or part thereof allegedly violated, these being mere conclusions of law made by the prosecutor, but the description of the crime charged and the particular facts therein recited.

While respondent claimed that the alleged act does not constitute simple misconduct in the contemplation of the law, the same is, however, misplaced since what is controlling is not the title of the complaint, nor the designation of the offense charged but the description of the crime charged and the particular facts therein recited. The designation of the Bureau Prosecutor of the offense Simple Misconduct is just his conclusion. Yet, the fact remains that in the subject formal charge it was clearly alleged that respondent uttered indecent lines and exhibited unwelcome touches to the complainant.

2 GR No 206442, July 1, 2015.

"Changing Lives, Building a Safer Nation"
What then should have been the proper offense to be charged against respondent?

Under the 2017 BJMP Comprehensive Disciplinary Machinery, acts that include immoral and lewd advances projecting the abnormality of one's behavior consisting of libidinous desire for the opposite sex constitutes the administrative offense of Disgraceful and Immoral Conduct.³

Furthermore, the Civil Service Rules provided that the offense Disgraceful and Immoral Conduct is not only limited to acts of public officer engaging in illicit and adulterous relationships, since the same has already been classified into:

CLASSIFICATION

a) Disgraceful and Immoral Conduct in the Workplace

Conduct committed by parties, regardless of marital status, under any of the following circumstances:

1. The disgraceful and immoral conduct was committed in the workplace in a scandalous manner

³ Rule V, Section 11.

"Changing Lives, Building a Safer Nation"
2. The disgraceful and immoral conduct was committed by taking advantage of one's position and/or with the use of government property and resources

3. The disgraceful and immoral conduct affected the work performance of the respondents

b) Disgraceful and Immoral Conduct Committed through a Forbidden Relationship

The disgraceful and immoral conduct is classified under this section if the parties are engaged in a relationship forbidden by law.

c) Disgraceful and Immoral Conduct Committed through Inherently Immoral Acts

Conduct which consists of immoral and deviant acts inherently forbidden by the basic norms of decency, morality and decorum such as, but not limited to incest, pedophilia, exhibitionism and the like, whether committed in a discreet or scandalous manner within or out of the workplace.\(^4\)

XXX

In addition, Supreme Court explained in the case of Balasbas v Manayao\(^5\) that Disgraceful and Immoral Conduct is one of the two

---

\(^4\) Overview of Civil Service Law and Rules, Reiterating Memorandum Circular No. 15, s. 2010 dated August 5, 2010.

\(^5\) GR No 190524, February 17, 2014.

"Changing Lives, Building a Safer Nation"
administrative offenses that give rise to administrative culpability because they indubitably reflect on the moral fitness and integrity of the respondent public official or employee. It means that the commission of the said act betrays the moral fitness of the respondent public officer, which would make them amenable to disciplinary sanctions.

RULING

The Regional Hearing Office has correctly determined the administrative liability of the respondent. The wrongful, improper and unlawful acts he committed when he exhibited unwelcome touches and uttered indecent lines to the complainant constitute Disgraceful and Immoral Conduct. Such acts are highly frowned upon. Public officers are expected moral righteousness and uprightness in their professional and private conduct to preserve the integrity and dignity of the office.

However, the penalty recommended to be imposed in this instant case shall be modified to concur with the rules. Here, he penalty of one-month suspension is not commensurate with the liability imputed to the respondent.

"Changing Lives, Building a Safer Nation"
The 2017 Comprehensive BJMP ADM\textsuperscript{6} provides for the proper penalty for Disgraceful and Immoral Conduct:

**First Offense** – suspension for six (6) months and one (1) one (1) day to one (1) year

Second Offense – one (1) year suspension

Third Offense – dismissal

Having been indicted for the first time, and giving due course to mitigating circumstances enumerated above, the respondent shall be meted to suffer the minimum penalty.

WHEREFORE, JINSP JUAN C DELA CRUZ is found LIABLE for DISGRACEFUL AND IMMORAL CONDUCT, and is hereby SUSPENDED for a period of SIX MONTHS AND ONE DAY without pay, with firm warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Signed on \underline{__________} at BJMP National Headquarters, 144 BJMP Building, Mindanao Avenue, Project 8, Quezon City.

\textbf{ALLAN S IRAL, CESE}

Jail Director
Chief, BJMP

\textsuperscript{6} Rule V, Section 1. B (d).

"Changing Lives, Building a Safer Nation"
Copy furnished:

**JINSP JUAN C DELA CRUZ**
Respondent
BJMPRO-NCR
5th Floor, Seneca Bldg, E Rodriguez Ave, Quezon City

**REGIONAL DIRECTOR**
BJMPRO-NCR
5th Floor, Seneca Bldg, E Rodriguez Ave, Quezon City

**REGIONAL HEARING OFFICER**
BJMPRO-NCR
5th Floor, Seneca Bldg, E Rodriguez Ave, Quezon City

**REGIONAL BUREAU PROSECUTOR**
BJMPRO-NCR
5th Floor, Seneca Bldg, E Rodriguez Ave, Quezon City

**DIRECTOR FOR DIP**
DIRECTORATE FOR INVESTIGATION AND PROSECUTION
BJMP-NHQ

"Changing Lives, Building a Safer Nation"
Bureau of Jail Management & Penology
Represented by:
BUREAU PROSECUTOR

Complainant,

-vs-

JSINSP JUAN A MANILA
Respondent.

X-________________________________--X

NOTICE OF DECISION

To: JSINSP JUAN A MANILA
Thru: BJMPRO-_____
Legal Service Section

Greetings:

You are hereby notified that the Decision (hereto attached) on the above-cited case was rendered by the Disciplining Authority on _____, 2021. In this regard, you are given fifteen (15) days from receipt of this decision to file the appropriate remedies under the 2017 Comprehensive BJMP Disciplinary Administrative Machinery, as Amended, or other applicable rules, should you wish to assail the same. Your inaction will render the decision final and executory.

Issued this _____th day of _____ 2021, BJMP National Headquarters, Legal Service Office, 144 Mindanao Ave. Project 8, Quezon City.

ATTY MA RAMELISA D QUIGAO
Jail Senior Inspector
National Hearing Officer

Proof of Service

Served a copy of the foregoing Notice, with the attached Decision, to the above-named respondent personally/thru mail on _____ day of _________
2021, in ____________________.

Clerk, Legal Service Section
BJMPRO-____

"Changing Lives, Building a Safer Nation"
AFFIDAVIT OF SERVICE

I, ____________________________, process server of the Legal Service Section, Bureau of Jail Management and Penology Regional Office National Capital Region with Office address at 5th Floor Seneca Bldg., E. Rodriguez Sr. Ave., Quezon City after being duly sworn, depose and say:

That on _________________, I served a copy of the following pleading/paper by registered mail or through personal service in accordance with Section 10 of Rule 13 of the Rules of Court.

NATURE PLEADING/PAPER

__________________________________________________________________________________

__________________________________________________________________________________

In Case No. ________________________ entitled ________________________ by depositing a copy in the post office in a sealed envelope, plainly addressed to the party (or his counsel) at his residence (or office) with postage fully paid, as evidenced by Registry Receipt No. ________________________ attached and with instructions to the post master to return the mail to sender after ten (10) days if undelivered.

In witness whereof, I have hereunto set my hand this ______ day of ________________________, 2021 at ________________________.

Signature of Affiant

“Chanaina Lives. Building a Safer Nation”
National Hearing Office

Bureau of Jail Management and Penology
Represented by Regional Prosecutor
Complainant,

BJMP-NHQ-ORC No. ____________________
FOR: ______________________________

-versus-

___________________________ Respondent.

x____________________________________x

Certificate of Finality

This is to CERTIFY that the Decision dated _______, 2020 penned by __________________ in the above-entitled case has already become final and executory since the respondent has not submitted motion for reconsideration/appeal within the reglementary period.

Hence, issuance of implementing order of this case by the Director for Personnel and Records Management is now proper.

This Certification is issued this ___ day of _______ 2020 at BJMP Building, 144 Mindanao Avenue, Project 8, Quezon City, Philippines.

Atty Ma Ramelisa D Quigao
Jail Senior Inspector
Chief, Legal Service Office

"Changing Lives, Building a Safer Nation"
MEMORANDUM

FOR : ____________________________________________
       Jail Chief Superintendent
       Director for Personnel and Records Management

SUBJECT : Issuance of Appropriate Implementing Order

DATE : ____________________________________________

1. References:
   a. Decision dated ____________; and
   b. Certificate of Finality dated ________________.

2. Pursuant to above references, the undersigned respectfully requests
   for issuance of appropriate Implementing Order to effect the Decision dated
   ________________, finding respondent JINSP ____________ for Simple
   Neglect of Duty and meted with the penalty of ________________.

3. Attached are copies of the Decision, Affidavit of Service and
   Certificate of Finality for your perusal and reference.

4. Further, kindly furnish the Finance Service Office, the Regional
   Office where the respondent is assigned, and this office, with a copy of such
   Implementing Order to ensure its implementation and to form part of the records
   of this case.

5. For information and approval.

ATTY. MICHAEL ANGELO M CACERES
   Jail Superintendent
   Chief, Legal Service Office

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1.0 REFERENCES

a. Republic Act No. 6975;
b. Implementing Rules and Regulations of RA 6975;
c. Executive Order No. 226, dated February 17, 1995;
e. Memorandum Re: BJMP’s One Strike Policy for Wardens/Wardresses and Three Strike, for Regional Directors; and

2.0 RATIONALE

Executive Order No. 226 series of 1995 provides among others that any government official or supervisor, or officer of the Philippine National Police or that of any other law enforcement agency shall be held accountable for “Neglect of Duty” under the doctrine of command responsibility if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and, despite such knowledge, he did not take preventive or corrective actions either before, during, or immediately after its commission.

The Jail Bureau has an existing policy on the level of accountabilities of Regional Directors under the Doctrine of Command Responsibility as embodied in BJMP-DIP MC 2014-002 and Memorandum on Three Strikes for Regional Directors which provides that Regional Directors shall be relieved from post based on three (3) escape incidents within a three (3) month period within the Region.

On 10 May 2012, a memorandum entitled “BJMP’s One Strike Policy for Wardens/Wardresses and Three Strikes for Regional Directors” was issued to drive peak performance among jail officers in their role in preventing jail incidents, particularly escapes.

Prepared by:

MICHAEL ANGELO N. CACERES
Jail Superintendent
Chief, Legal Servion Office

Reviewed by:

DENNIS U. ROCAMORA, CESE
Jail Chief Superintendent
Deputy Chief for Operations of the Jail Bureau/QMR

Approved by:

ALLAN S. IRAL, CESE
Jail Director
Chief, BJMP

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Likewise, Memorandum on Amendment on the Policy on Level of Accountabilities of Regional Directors on Escape Incidents dated August 2, 2017 was issued to provide One Strike Policy for Regional Directors only on extreme cases which include any of the following:

a. One (1) incident of Mass Escape involving three (3) or more Persons Deprived of Liberty (PDL);
b. One (1) incident of Escape of high profile or high risk PDL; or
c. One (1) incident of Escape attended by the loss of lives of at least two (2) Bureau personnel.

The current BJMP leadership finds the necessity to integrate and synthesize these several issuances to effect the full implementation and allegiance in compliance to the intent of the doctrine of command responsibility. In this regard, there is a need to amend certain provisions of this Memorandum Circular that may adopt to the needs of time.

3.0 PURPOSE

This Memorandum Circular prescribes the guidelines on the level of accountabilities of Regional Directors (RD), Jail Provincial Administrators (JPA) and Jail Wardens on jail incidents such as escape incidents, noise barrage, hostage taking and other incidents covered under the doctrine of command responsibility.

4.0 OVERVIEW

Emphasized in Section 2 of E.O. 226 Series of 1995, is the presumption of knowledge which provides that a government official or supervisor, or PNP Commander, is presumed to have knowledge of the commission of irregularities or criminal offenses in any of the following circumstances: a) when the irregularities or illegal acts are widespread within his/her area of jurisdiction; b) when the irregularities or illegal acts have been repeatedly or regularly committed within his/her area of responsibility; and c) when members of his/her immediate staff or office personnel are involved.

Under our BJMP Manual Revised 2007, Regional Directors are tasked to supervise, monitor and control all district, city and municipal jails within their area of responsibility (AOR) while Jail Provincial Administrators are mandated to supervise jails within their province and to see to it that all directives, policies, rules and guidelines are strictly followed.

Based on the foregoing, RDs and JPAs assume region wide and provincial wide responsibilities, respectively and not on a limited or specific jail only. It follows that Wardens of Male and Female Dormitories (Wardens for brevity) are the direct subordinates, the officers in control and supervision over personnel in jails. Thus, in cases of any jail disturbances, the Doctrine of Command Responsibility will not automatically apply to the RD or JPA but to the Jail Wardens who are directly responsible for the offense committed by their erring personnel. However, this does not automatically follow that RDs and JPAs are shielded from liabilities under the doctrine, since to do otherwise would serve as a waiver by the government to hold

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them liable for future negligence while being in command and would defeat the rationale behind imposing liability under the Doctrine of Command Responsibility.

Likewise, this does not also mean that RDs and JPAs are to be held automatically liable for any untoward incident in his/her AOR if the surrounding circumstances and evidence would prove that a) subject officer/s took immediate correction of the irregularities which transpired in his/her AOR so as to curtail or eradicate the spread of such irregularities, and b) when there is no direct superior-subordinate relationship between the superior and the perpetrator of the infraction. However, if despite preventive measures and sound policy implementation, the incident becomes repeated/widespread, the RDs/JPAs in their capacity as the person in command become accountable for the neglectful Jail Wardens.

5.0 DEFINITION OF TERMS

Doctrine of Command Responsibility – states that a superior is liable if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and, despite such knowledge, he did not take preventive or corrective action either before, during, or immediately after its commission.

Contraband – any article, item, or thing prohibited by law and/or forbidden by jail rules that would pose as security hazards or endanger the lives of the PDL.

Hostage Taking – is defined as the seizing or detaining of an individual coupled with a threat to kill, injure or continue to detain such individual in order to compel a third person or governmental organization to take some action.

Mass Escape - escape involving three or more PDL.

Neglect of Duty – It is the omission or refusal, without sufficient excuse, to perform an act or duty, which is the personnel’s legal obligation to perform and which the law requires him to perform by reason of his office; it implies a duty as well as its breach and the act can never be focused in the absence of a duty.

Noise Barrage – A loud outcry of protest or complaint.

Operation Greyhound – search and seizure operations to rid jail facilities of contraband.

Persons Deprived of Liberty – is a generic label use for individuals who are detained in jails or prisons as ordered by the court.

Semester - a half-year term.

6.0 GUIDELINES

1. By virtue of Command Responsibility, the RD, JPA and Jail Wardens shall bear the following managerial actions depending on the circumstances hereinafter specified:

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MEMORANDUM CIRCULAR

DOCTRINE OF COMMAND RESPONSIBILITY
OF REGIONAL DIRECTORS, JAIL PROVINCIAL
ADMINISTRATORS AND JAIL WARDENS

GUIDELINES ON THE LEVEL OF
ACCOUNTABILITIES OF REGIONAL
DIRECTORS, JAIL PROVINCIAL
ADMINISTRATORS AND JAIL WARDENS ON
JAIL INCIDENTS

a. Immediate leave of absence;
b. Relief; and

c. Administrative charge for Neglect of Duty inclusive of the above.

2. ESCAPE INCIDENTS

a. First Escape Incident:

Within twenty-four (24) hours, the Warden shall lead the recapture of the PDL-escapee, and in the event of its successful recovery, the Warden shall retain supervision and control over the jail. After the lapse of twenty-four (24) hours, the Warden shall be administratively relieved, with the Assistant Warden taking over the command of the facility, pending the result of an investigation on the possible liabilities of the personnel of the facility. Should the investigation show that the Warden involved is not remiss in his/her duties, he/she shall be reinstated. Should the result of the investigation show that the Warden is remiss in his/her duties, unless absolutely necessary due to severe lack of personnel, he/she shall be permanently relieved from post and shall not hold wardenship position until such time the case has been terminated and the appropriate penalty for the offense has been served.

b. Mass escape:

1) The Warden shall be relieved from post irrespective of the result of the investigation.
2) The JPA shall be relieved from post should the investigation show that he/she is remiss of his/her duties.
3) The RD shall be relieved from post only if the mass escape of PDL happened twice within a 12-month period.

c. Three (3) escape incidents within a 3-month period within the Province:

The JPA shall be relieved from post irrespective of the result of any investigation inclusive, of the administrative charge for Neglect of Duty should a prima facie case exist.

3. NOISE BARRAGE

a. First and Second Noise Barrage Incident

The Warden shall be directed to take a mandatory leave of absence, with the Assistant Warden taking over the command of the facility, pending the result of the investigation on the possible liabilities of the personnel of the facility. Should the investigation show that the Warden involved is not remiss in his/her duties, he/she shall be allowed to assume duties and responsibilities as such. Should the result of the investigation show that the Warden is remiss in his/her duties, he/she shall be permanently relieved from post and shall not hold wardenship position until such time the case has been terminated and the appropriate penalty for the offense has been served.

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b. Third Noise Barrage Incident or when the noise barrage resulted in the massive destruction of government properties and/or resulted in the loss of life of any person.

The Warden shall be relieved from post irrespective of the result of the investigation inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

c. Five (5) Noise Barrage Incidents within a 6-month period within the province.

The JPA shall be relieved from post irrespective of the results of any investigation, inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

d. Five (5) Noise Barrage Incidents within a 6-month period within the region.

The Regional Director shall be relieved from post irrespective of the result of any investigation inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

4. HOSTAGE-TAKING INCIDENT

a. First hostage-taking incident

The Warden shall be administratively relieved or shall be directed to take a mandatory leave of absence, with the Assistant Warden taking over the command of the facility, pending the result of an investigation on the possible liabilities of the personnel of the facility. Should the investigation show that the Warden involved is not remiss on his/her duties, he/she shall be reinstated or allowed to return from leave. Should the result of the investigation show that the Warden is remiss in his/her duties, he/she shall be permanently relieved from post and shall not hold wardenship position until such time the case has been terminated and the appropriate penalty for the offense has been served.

b. Second hostage-taking incident or where the hostage-taking resulted in the loss of life of any person and/or massive destruction of government properties.

The Warden shall be relieved from post irrespective of the result of the investigation, inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

c. Three (3) hostage-taking incidents in a semester within the province.

The JPA shall be relieved from post irrespective of the result of any investigation inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

"Changing Lives, Building a Safer Nation"
d. Three (3) hostage-taking incidents in a semester within the Region.

The RD shall be relieved from post irrespective of the result of any investigation inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

5. Other jail incidents involving loss of life and/or massive destruction (destruction of property on a large scale) of government properties and/or those incidents which put the image of the Bureau to shame.

a. First incident that resulted in the massive destruction of government properties and/or resulted in the loss of life of any person and/or incidents which put the image of the Bureau to shame.

The Warden shall be relieved from post irrespective of the result of the investigation, inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

b. Three (3) incidents within a 3-month period within a province.

The JPA shall be relieved from post irrespective of the result of any investigation, inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

c. Three (3) incidents in a semester within the Region.

The RD shall be relieved from post irrespective of the result of any investigation, inclusive of the administrative charge for Neglect of Duty should a prima facie case exist.

6. Confiscation of any of the following contrabands during Greyhound Operations by the NHQ or the Regional Office concerned:

a. Illegal drugs such as but not limited to shabu, marijuana, alcoholic beverages, and cigarettes;

b. Communication device such as cellphone, two-way radio, computer, laptop, netbook and internet accessories like wifi device, USB broadband and any other similar devices;

c. Deadly weapons, such as but not limited to improvised deadly weapon like firearm, knife, paddle, “sumpak”, samurai sword, “Indian pana”, or any potential weapons such as cord, metal clothers hanger, metal spoon or fork or tools like hammer, pair of scissors, screw driver, saw, hacksaw blade, ice pick, chain, pickaxe, etc; and

d. Money amounting to more than two thousand pesos (Php 2,000.00) in the actual possession of one (1) PDL or stashed in one of his belongings whether in cash or check or in local or foreign denomination.

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1. First Incident

Admonition, except in cases where the money recovered is of large amount; or seizure of illegal drugs equivalent to ten (10) grams or more; or recovery of communication device/s from suspected drug lords; or recovery of firearms, improvised firearms or explosive devices; or recovery of cigarettes and tobaccos sold by the commissary of the jail, shall be a sufficient ground for the immediate relief of the Warden.

2. Second Incident

The Warden shall be administratively relieved or shall be directed to take mandatory leave of absence, with the Assistant Warden taking over the command of the facility, pending the result of the investigation on the possible liabilities of the personnel of the facility. Should the investigation show that the Warden involved is not remiss on his/her duties he/she shall be reinstated. Should the result of the investigation show that the Warden is remiss on his/her duties, unless absolutely required due to extreme lack of officer personnel, he/she shall be permanently relieved from post and shall not hold wardenship position until such time the case has been terminated and the appropriate penalty for the offense has been served.

3. Third Incident

The Warden shall be relieved from post irrespective of the result of the investigation, inclusive of the administrative charge for Neglect of Duty should there a prima facie case exist.

Notwithstanding the above provisions of Para (6), should the confiscated contrabands be of significant quantity or the extent of effect in the jail security is of greater degree, the filing of administrative charge for Neglect of Duty is appropriate.

7. Any act to cover up the Warden's liability under the doctrine of command responsibility shall be prosecuted under the provisions of the BJMP Administrative Disciplinary Machinery.

8. Relief of a Regional Director due to an administrative case under this doctrine shall bar him from occupying Regional Director position until such time his/her case has been finally disposed in accordance with the BJMP Administrative Disciplinary Machinery.

7.0 MONITORING CLAUSE

The Directorate for Investigation and Prosecution (DIP) or the Regional Investigation and Prosecution Division (RIPD), shall be the Office Primarily Responsible (OPR), in monitoring compliance with this policy. As such, it shall recommend to the Chief, BJMP or the Regional Director, as it may deem appropriate, for the relief and filing of appropriate case against the BJMP personnel exercising command responsibility.

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8.0 SEPARABILITY CLAUSE

If any provision or part hereof is held invalid or unconstitutional, the remainder or the provision not otherwise affected shall remain valid and subsisting.

9.0 REPEALING CLAUSE

All existing BJMP issuances which are inconsistent herewith are hereby repealed or modified accordingly.

10.0 EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days from filing thereof with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center (UPLC) in accordance with Sections 3 and 4, Chapter II, Book VII of Executive Order No. 292 otherwise known as the "Administrative Code of 1987".

Prepared by:

MICHAEL ANGELO M. CACERES
Jail Superintendent
Chief, Legal Service Office

Reviewed by:

DENNIS U. ROCAMORA, CESE
Jail Chief Superintendent
Deputy Chief for Operations of the Jail Bureau/OJK

Approved by:

ALLAN S. IRAL, CESE
Jail Director
Chief, BJMP

"Changing Lives, Building a Safer Nation"
TECHNICAL WORKING GROUP ON THE AMENDMENT OF THE 2017
COMPREHENSIVE BJMP ADMINISTRATIVE DISCIPLINARY MACHINERY
RESOLUTION NUMBER 01
Series of 2020

RESOLUTION ADOPTING THE FINAL DRAFT OF THE 2020 COMPREHENSIVE
BJMP ADMINISTRATIVE DISCIPLINARY MACHINERY AND TRANSMITTING THE
SAME TO THE BJMP COMMAND GROUP FOR APPROVAL

WHEREAS, pursuant to BJMPDPRM Letter Orders Number 2019-1695 dated
November 11, 2019, the Technical Working Group for the Amendment of the 2017
Comprehensive BJMP Administrative Disciplinary Machinery was constituted;

WHEREAS, the Technical Working Group for the Amendment of the 2017
Comprehensive BJMP Administrative Disciplinary Machinery was tasked to identify the
provisions of the 2017 Comprehensive BJMP Administrative Disciplinary Machinery that
need to be revisited and/or amended and to align the disciplinary machinery to the
pertinent rules, laws and issuances;

WHEREAS, the Technical Working Group conducted several meetings and
deliberations to identify the provisions of the 2017 Comprehensive BJMP Administrative
Disciplinary Machinery subject for amendment as well as new provisions that need to be
inserted to the draft manual and agreed to name the working draft as 2020
Comprehensive BJMP Administrative Disciplinary Machinery; and

WHEREAS, during the BJMP Lawyers’ Convention last October 2019, the initial
working draft of the 2020 Comprehensive BJMP Administrative Disciplinary Machinery
was presented and deliberated during the plenary conference and all recommendations
of the members of the plenary were duly noted and incorporated to the working draft.

NOW THEREFORE, the Technical Working Group for the Amendment of the 2017
Comprehensive BJMP Administrative Disciplinary Machinery RESOLVES AS IT IS
HEREBY RESOLVED to ADOPT the final draft of the 2020 Comprehensive BJMP
Administrative Disciplinary Machinery to be transmitted to the BJMP Command Group
and ultimately to the Secretary of Interior and Local Government for approval.

UNANIMOUSLY APPROVED.

Done in Quezon City, Philippines, this 30th day of June 2020.

SINSP PATRICIA A VIDAMO
Chairperson

CINSP ZONNIE T CABARON
Member

SINSP MA RAMELISA D QUIGAO
Member

"Changing Lives, Building a Safer Nation"
SINSP RANDY A DUPILAS
Member

SJO4 Joseph M Manalo
Member

JO2 MARK DAVID A MONTES
Member

Secretariat:

SJO2 Lai Lanie F Fesalbon

JO3 Mary Joan B Ebanio

JO2 Laveleen Anne A Delmo

Noted by:

ATTY JONATHAN Z BALTAR
Jail Chief Inspector
Legal Officer, Office of the Chief, BJMP

ATTY MICHAEL ANGELO M CACERES
Jail Chief Inspector
Chief, Legal Service Office

ATTY PAULINO H MORENO JR, CES
Jail Chief Superintendent
Officer-in-Charge, Directorial Staff of the Jail Bureau

"Changing Lives, Building a Safer Nation"
BJMP ADMINISTRATIVE DISCIPLINARY MACHINERY REVISION LAWYERS
PLENARY RESOLUTION NO. 01
SERIES OF 2019

A RESOLUTION ADOPTING THE 2020 COMPREHENSIVE DISCIPLINARY MACHINERY IN LIEU OF 2007 REVISED ADMINISTRATIVE DISCIPLINARY MANUAL

WHEREAS, pursuant to Section 62, Republic Act 6975 known as the Department of the Interior and Local Government Act of 1990, the Chief of the Jail Bureau shall recommend to the Secretary of the Department of the Interior and Local Government the disciplinary machinery for personnel of the Jail Bureau;

WHEREAS, the present Administrative Disciplinary Machinery of the Bureau of Jail Management and Penology was revised and became effective on April 2017;

WHEREAS, the amendment to the Administrative Disciplinary Machinery is in consonance with Republic Act NO. 9263, known as the Bureau of Fire Protection and Bureau of Jail Management and Penology, which focuses on the strengthening of the delivery of basic services through the institutionalization of highly efficient and competent jail services;

WHEREAS, BJMPDPRM Letter Orders Number 2018-1611 dated December 20, 2018 creates the BJMP Administrative Disciplinary Machinery Technical Working Group tasked to review and revise the 2007 BJMP Administrative Disciplinary Machinery;

WHEREAS, at the convention of BJMP Lawyers, the TWG presented and deliberated the initial working draft during the plenary conference and to have it finalized prior to the transmission to the Command Group, BJMP and finally to the Secretary, DILG for approval;

WHEREAS, the BJMP Lawyer’s Conference Annual Consultative Workshop Conference took place on November 19-21, 2019 where the BJMP Lawyers constituted as Plenary on Administrative Disciplinary Machinery Revision which deliberated the amendments and adopted the 2020 Comprehensive Administrative Disciplinary Machinery;

WHEREAS, the Rules issued by the BJMP Administrative Disciplinary Machinery TWG provided for the quorum and voting requirement on amendment and adoption of the 2020 Comprehensive BJMP Administrative Disciplinary Machinery by the Plenary of Lawyers.

UNANIMously APPROVED.

Done at Carles, Iloilo, Philippines this 21st day of November 2019.

"Changing Lives, Building a Safer Nation"
(SIGNED) JCSUPT PAULINO H MORENO JR
(MEMBER)

(SIGNED) JSSUPT ROY P VALENZUELA
(MEMBER)

(SIGNED) JSUPT MICHAEL ANGELO M CACERES
(MEMBER)

(SIGNED) JCINSP REYNALDO A PAGUIRIGAN JR
(MEMBER)

(SIGNED) JCINSP PAUL W BALAG-EY
(MEMBER)

(SIGNED) JCINSP LEN JOHN R BERNAL
(MEMBER)

(SIGNED) JCINSP BONIFACIO N GUITERRING
(MEMBER)

(SIGNED) JCINSP JAIRUS ANTHONY D DOGELIO
(MEMBER)

(SIGNED) JCINSP RODOLFO L VERZOSA JR
(MEMBER)

(SIGNED) JCINSP CRISYREL P AWE
(MEMBER)

(SIGNED) JCINSP PATRICIA A VIDAMO
(MEMBER)

(SIGNED) JSINSP RALPH ALDRIN M LUMANLAN
(MEMBER)

(SIGNED) JSINSP JEZA MAE SARAH C SANCHEZ
(MEMBER)

(SIGNED) JSINSP JONAR M SURUZ
(MEMBER)

(SIGNED) JSINSP ALEX VEGA
(MEMBER)

(SIGNED) JSSUPT KENNETH A BID-ING
(MEMBER)

(SIGNED) JSUPT ROMEO L VILLANTE JR
(MEMBER)

(SIGNED) JCINSP DOUGLAS V GERALDINO
(MEMBER)

(SIGNED) JCINSP DENNIS C ALIÑO
(MEMBER)

(SIGNED) JCINSP JONATHAN C BALTAR
(MEMBER)

(SIGNED) JCINSP RAMMEL D BONAVENTE
(MEMBER)

(SIGNED) JCINSP RICKY HEART L PEGALAN
(MEMBER)

(SIGNED) JCINSP CORNELIO ERWIN GRIÑO III
(MEMBER)

(SIGNED) JCINSP WENA FE P DALAGAN
(MEMBER)

(SIGNED) JSINSP ANALIZA G FOSTER
(MEMBER)

(SIGNED) JSINSP MA RAMELISA D QUIGAO
(MEMBER)

(SIGNED) JSINSP RONEIL L INOT
(MEMBER)

(SIGNED) JSINSP EMERALD HOMBREBUENO
(MEMBER)

(SIGNED) JSINSP JESSELA L TARIMAN
(MEMBER)

(SIGNED) JSINSP GLORIA MANZANO
(MEMBER)

"Changing Lives, Building a Safer Nation"
1. The Technical Working Group (TWG) for the amendment of BJMP Administrative Disciplinary Machinery is reconstituted with the following composition:

- Chairperson: JSINSP PATRICIA A VIDAMO
- Members:
  - JSINSP ANALIZA G FOSTER
  - JSINSP MA RAMELISA D QUIGAO
  - JSINSP RANDY A DUPILAS
  - SJO4 Joseph M Manaio
  - SJO2 Lailanie F Fesalbon
  - JO3 Loveleen Anne A Delmo
  - JO3 Mary Joan B Ebano
  - JO2 Mark David A Montes
- Advisers:
  - JCSUPT PAULINO H MORENO JR
  - JSUPT MICHAEL ANGELO M CACERES
  - JCINSJ NATHAN Z BALTAR

2. This order supersedes Letter Orders No. 2018-1612 dated 20 December 2018 (Corrected Copy) and shall take effect immediately.

BY AUTHORITY OF THE CHIEF, BJMP:

PAULINO H MORENO JR
Jail Chief Superintendent
Officer-in-Charge, Office of the Chief of Directonial Staff of the Jail Bureau

CERTIFIED COPY

REBECCA B PAWID
Jail Chief, Superintendent
Director for Personnel and Records Management

DISTRIBUTION
"C"

"Changing Lives, Building a Safer Nation"
20 December 2018

BJMPDPRM-
LETTER ORDERS
NUMBER 2018-1612

1. The Technical Working Group for the Amendment of the 2017 Comprehensive BJMP Disciplinary Machinery is hereby reconstituted with the following composition, to wit:

   Chairperson - JSINSP PATRICIA A VIDAMO
   Members - JSINSP ANALIZA G FOSTER
                       - JSINSP MA RAMELISA D QUIGAO
                       - JSINSP ZONNIE T CABARON
                       - JSINSP RANDY A DUPILAS
                       - SJ01 Lailanie F Fesalbon
                       - JO2 Mary Joan B Ebacio
                       - JO2 Loveleen Anne A Delmo

2. This order supersedes Letter Orders No. 2018-1076 dated 11 September 2018 and shall take effect immediately.

BY AUTHORITY OF THE CHIEF, BJMP:

DENNIS U ROCAMORA, CESE
Jail Chief Superintendent
Officer-in-Charge, Office of the Chief of Directorial Staff of the Jail Bureau

OFFICIAL:

ARNOLD F BUENACOSA
Jail Chief Superintendent
Director for Personnel and Records Management

DISTRIBUTION:
"C"

"Changing Lives, Building a Safer Nation"
# LIST OF PERSONNEL WITH PENDING ADMINISTRATIVE CASES

For the Month of ________________

<table>
<thead>
<tr>
<th>NO.</th>
<th>RANK</th>
<th>NAME OF PERSONNEL</th>
<th>PLACE OF ASSIGNMENT</th>
<th>ADMIN CASE CHARGE</th>
<th>ADMIN CASE NO.</th>
<th>NATURE OF OFFENSE</th>
<th>DATE FILED</th>
<th>STATUS</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SJO3</td>
<td>Jose Magalang</td>
<td>Gattaran Municipal Jail</td>
<td>Grave Misconduct</td>
<td>BJMP-R2-2020-002</td>
<td>Entry of Contraband</td>
<td>July 16, 2020</td>
<td>For Resolution</td>
<td>On Duty</td>
</tr>
<tr>
<td>2</td>
<td>JO2</td>
<td>Pedro Mabagal</td>
<td>San Jacinto District Jail</td>
<td>Conduct Unbecoming of a Jail Officer</td>
<td>BJMP-R5-2020-002</td>
<td>Alleged Misconduct</td>
<td>September 15, 2020</td>
<td>For Submission of Position Paper</td>
<td>On Duty</td>
</tr>
<tr>
<td>3</td>
<td>JO1</td>
<td>Maria Dakila</td>
<td>Dagupan City Jail</td>
<td>Violation of Reasonable Office Rules and Regulations</td>
<td>BJMP-R1-2020-034</td>
<td>Alleged Irregularities</td>
<td>November 19, 2020</td>
<td>For Resolution</td>
<td>On Duty</td>
</tr>
<tr>
<td></td>
<td>JO3</td>
<td>Roque Sandigan</td>
<td>Dagupan City Jail</td>
<td></td>
<td>BJMP-R1-2020-035</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PREPARED BY: ___________________________  NOTED BY: ___________________________  APPROVED BY: ___________________________
Republic of the Philippines  
Department of the Interior and Local Government  
BUREAU OF JAIL MANAGEMENT AND PENOLOGY  
Regional Office ______

LIST OF BJMP PERSONNEL WITH ACTED ADMINISTRATIVE CASES

For the Month of ________________________________

<table>
<thead>
<tr>
<th>NO.</th>
<th>RANK</th>
<th>NAME OF PERSONNEL</th>
<th>PLACE OF ASSIGNMENT</th>
<th>ADMIN CASE CHARGE</th>
<th>ADMIN CASE NO.</th>
<th>NATURE OF OFFENSE</th>
<th>DATE FILED</th>
<th>STATUS</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SJO3</td>
<td>Isagani Penduko</td>
<td>Quezon City Jail</td>
<td>Grave Misconduct</td>
<td>BJMP-R9-2019-02</td>
<td>Entry of contraband</td>
<td>May 8, 2019</td>
<td>Reprimand</td>
<td>S.O. Number 2020-003 dated 08 May 2020</td>
</tr>
</tbody>
</table>

PREPARED BY:  
NOTE BY:  
APPROVED BY:
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Department of the Interior and Local Government  
BUREAU OF JAIL MANAGEMENT AND PENOLOGY  
Regional Office  

LIST OF BJMP PERSONNEL WITH PENDING CRIMINAL CASES  
For the Month of ____________________

<table>
<thead>
<tr>
<th>NO.</th>
<th>RANK</th>
<th>NAME OF PERSONNEL</th>
<th>CRIMINAL CASE</th>
<th>CRIMINAL CASE NO.</th>
<th>NATURE OF OFFENSE</th>
<th>DATE COMMITTED IN JAIL</th>
<th>DATE FILED</th>
<th>COURT/BRANCH</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>JO2</td>
<td>Winnie Natalo</td>
<td>Parricide</td>
<td>5-20003</td>
<td>Parricide</td>
<td>October 9, 2019</td>
<td>November 14, 2019</td>
<td>RTC 26, Laguna</td>
<td>On Bail (On Duty at San Pablo City District Jail-MD)</td>
</tr>
</tbody>
</table>

PREPARED BY: [Signature]

CERTIFIED COPY

NOTED BY: [Signature]

APPROVED BY: [Signature]