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Philippine Standard Time:source: PAGASA MALACAÑANG MANILA BY THE PRESIDENT OF THE PHILIPPINES ADMINISTRATIVE ORDER NO. 82 IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF P/SSUPT MICHAEL RAY B. AQUINO OF THE PHILIPPINE NATIONAL POLICE FOR ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) Before this Office is the administrative case against Police Senior Superintendent Michael Ray B. Aquino of the Administrative Holding Office, Headquarters Support Service, Philippine National Police (PNP), for alleged Absence Without Official Leave (AWOL) for more than thirty (30) days effective August 1, 2001 up to the present. On 10 July 2001, this Office issued a presidential clearance for the PNP to conduct administrative investigation against the subject PNP officer for the aforesaid offense. In his letter-report dated 12 April 2002, PNP Chief Director General Leandro R. Mendoza found P/SSupt Aquino guilty of the offense charged and recommended his dismissal from the police service. A copy of the letter-report is attached hereto as Annex "A" and made an integral part hereof. The Presidential Adviser for Police Affairs, in his Memorandum of 10 May 2002, concurred with the above recommendation of the PNP Chief with prejudice to future re-entry to the police service. Section 42 of Republic Act (RA) No. 6975, as amended by Section 53 of RA 8551, provides the following: "SEC. 42. Summary Dismissal Powers of the National Police Commission, PNP Chief, and the PNP Regional Directors. - The National Police Commission, the Chief of the PNP and the Chief of the PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following case. xxx xxx Any member or officer of the PNP who shall go on absence without Official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly." (italics ours) There is no doubt that subject PNP officer has not been seen or heard shortly after former President Joseph Estrada left his post in January 2001. To date, he has not reported to his new assignment at the Administrative Holding Office, Headquarters Support Service nor appeared during investigation of the instant case. Accordingly, his dismissal from the police service is in order. WHEREFORE, as recommended by the PNP Chief and NAPOLCOM, Police Senior Superintendent Michael Ray B. Aquino is hereby DISMISSED from the police service with prejudice to future re-entry into the police service. SO ORDERED. Manila, Philippines, 10 SEP 2003 By authority of the President: (Sgd.) ALBERTO G. ROMULO Executive Secretary Source: Malacañang Records Office Office of the President of the Philippines. (2003). [Administrative Order Nos. : 1- 110-A]. Manila : Malacañang Records Office. CLICK HERE FOR THE LATEST PHILIPPINE LAWS, STATUTES & CODES The Court of Appeals (CA) has affirmed the Philippine National Police's (PNP) resolution dropping a policeman from the rolls for going absent without leave (AWOL) for more than four months in 2011. In a recent 12-page decision, the CA Special 10th Division denied the petition of Police Officer 3 Michael Elumbaring questioning the Civil Service Commission's (CSC) January 24, 2018 decision against him. The CSC decision upheld the National Police Commission's (Napolcom) February 15, 2017 resolution, which in turn affirmed the PNP's May 10, 2016 resolution against Elumbaring. Elumbaring went AWOL from May 3, 2011 to September 14, 2011. Police Senior Superintendent Antonio Gumiran on October 28, 2011 issued an order dropping Elumbaring from the rolls effective September 14, 2011. The policeman claimed he was hospitalized in Dipolog City, Zamboanga del Norte, from May 9 to June 21, 2011 due to gouty arthritis. He said he was prevented from going back to work because of his outpatient treatment. He claimed he was again confined on July 22, 2011, released sometime in August, but rushed back to the hospital in September. Aside from presenting three medical certificates issued between August 2011 and January 2012, Elumbaring claimed he sent his wife Joy to Camp Bagong Diwa to inform his superiors of his confinement. Joy was told Elumbaring was assigned to a district office, although none of the staff knew the exact place. The CA, however, said Elumbaring was validly dropped under Section 4 of Napolcom Memorandum Circular Number 95-017, because he was continuously absent without filing any leave or personally informing his superiors. It said Elumbaring could have simply sent a mail, email or even a text message to any of his coworkers as long as he did it personally. The court rejected his claim of violation of his right to due process, saying the act of dropping an absent employee from the rolls did not require prior notice or a return-to-work order. This was because the act of dropping a government employee from the rolls is "nondisciplinary in nature and does not result in the forfeiture of their benefits nor their disqualification from re-employment in the government." The CA added that Elumbaring was afforded the opportunity to address the charge against him, but he only filed a motion for reconsideration 11 months after receiving a copy of Gumiran's order on January 2, 2012. The decision was penned by Associate Justice Ramon Garcia. You're Reading a Free Preview Pages 7 to 19 are not shown in this preview. You're Reading a Free Preview Pages 24 to 26 are not shown in this preview. More from us: PressReader By Aaron Recuenco On the night of September 2 this year, Patrolman Leo Valdez was arrested for selling a sachet of shabu to police poseur-buyer in Muntinlupa City. Days before his arrest, there were at least two surveillance videos showing him engaged in a pot session with his friends. Philippine National Police (MANILA BULLETIN) A policeman using and selling illegal drugs is already disturbing, but what was even more shocking was when a background check was made, it showed that Valdez had already been kicked out of the service for drug case in 2014, and was reinstated as a police officer in 2017. In an ideal organization structure, Valdez should not have been allowed to return to police service given the fact that the Philippine National Police (PNP) has been at the forefront of an aggressive campaign against illegal drugs. How Valdez ended up being reinstated, ironically at what was supposed to be the height of an aggressive anti-illegal drugs campaign spearheaded by the President himself, exposed a failed disciplinary mechanism in the PNP that has only worked to the advantage of scalawag cops, particularly the so-called "narco-cops". The 190,000-strong PNP is replete with stories about anomalies in the reinstatement of policemen. There were even stories of policemen going on AWOL (Absent Without Official Leave) for several years to work abroad, only to gain easy reinstatement in the police service upon their return to the country. Going on AWOL is just among the grounds for dismissal from the police service. Dismissal orders are usually being issued by the PNP via the Regional Directors and the Chief PNP, the People's Law Enforcement Board (PLEB) and the Office of the Ombudsman. But while the Chief PNP and regional directors have the power to dismiss erring policemen, they also have the power to reinstate those who have already been kicked out of the police service. This is where the problem of the "padrino" system rears its ugly head. Reliable police sources said that influential people and groups would usually lobby for the reinstatement of dismissed cops, mostly at the level of the regional directors. In December last year for instance, a woman identified as Diane Mae Navarez was arrested in Paranaque City for collecting at least P80,000 from a policeman who wanted to be reinstated. She was namedropping a ranking police official who, in turn, denied Navarez' claim and was furious that his name was being used for illegal money-making activities. In a Senate investigation on the issue of ninja cops, retired police general Rudy Lacadin lamented that narco-cops are emboldened in engaging in their illegal activities because of what appears to be a system failure in the reinstatement process, which explained why Pampanga's so-called "ninja cops" easily got away with the punishment meted on them. "I conducted a background review of dismissed police personnel and I found that dismissed police personnel, because of drug cases, were reinstated back in the police service through the National Police Commission," Lacadin was quoted saying in the Senate probe. Anomalies in the reinstatement of erring cops are common knowledge in the PNP. For a price, or depending on who the padrinos are, dismissed cops could easily go back to the organization. Poor data banking Early this month, then Metro Manila police chief Maj. Gen. Guillermo Eleazar tried to address the problem of anomalous reinstatement of scalawag cops, particularly those dismissed on drug charges. The problem, however, was that the National Capital Region Police Office (NCRPO), like the rest of police regional offices and even the National Headquarters at Camp Crame, have poor data banking system on the records of erring cops. In most cases, police officials would only know of the bad records of the supposed scalawags if they are arrested again for another case of illegal activities, like in the case of Valdez. In an interview with The Manila Bulletin, Eleazar said that what he had in mind then was to establish a quick computer system reference so that the NCRPO director could be alerted on whether or not dismissed scalawag policemen deserve a second chance. But he said he was particularly against the reinstatement of policemen who were dismissed from the service due to drug-related cases. "Those who were dismissed before due to illegal drugs involvement should not be given a second chance. They are a disgrace to our organization. That is why we want to initiate move to bar them from being reinstated," said Eleazar. His first action is for the NCRPO to coordinate with the National Police Commission (NAPOLCOM) to check on the names of all the dismissed policemen applying for reinstatement for them to come up with counter-legal attack. But it is not only the Napolcom which has the power to reinstate outside the PNP organization. The Department of the Interior and Local Government (DILG), which has direct supervision and control of the PNP, the Civil Service Commission, the Court of Appeals and the Supreme Court can also order the reinstatement of dismissed cops. Eleazar then tried to initiate move for strong coordination with all the agencies that have the power to reinstate policemen. The goal was for the NCRPO to be alerted and launch legal offensive to prevent the reinstatement of dismissed cops, especially those kicked out due to illegal drugs involvement. The effort, however, was cut short after he was promoted to the fourth highest position in the PNP, the Chief Directorial Staff. IAS expose The Internal Affairs Service (IAS) serves as the watchdog of the PNP against policemen who committed abuses or neglect in the performance of their duties. On April 4 last year, IAS Inspector General Alfegar Triambulo wrote Sen. Panfilo Lacson and told the former PNP chief about the anomalies in the implementation of their punishment orders. In the letter, Triambulo said that they conducted monitoring of all the recommendations they made against erring policemen from 2015 to 2017 involving a total of 2,341 cases. Each case has either one or more than one policemen involved. But out of the 2,341 cases, only 30 percent of them, or 721 resolved cases, were implemented while the bulk of the cases, or 1,710 which represents 70 percent of the cases, remain unimplemented. "This seem to confirm the worst fears of connivance between these 'rogue cops' and some corrupt PNP officials/rank and file personnel who coddle the former for personal reasons or allow them to escape justice for a fee," the document read. The document also stated that out of the 2,341 cases, a total of 567 of them had a recommendation for dismissal of involved policemen but only 159 of them were implemented. It is not immediate revealed how many policemen were recommended for dismissal out of those 567 cases. "Small wonder then that the culture of impunity appears to have set in among the ranks of the PNP," the letter read. "Most of its erring personnel are not being disciplined promptly as required. Indeed, justice delayed is justice denied," it added. IAS has been pushing for separation from the PNP in order for it have more teeth in dealing with scalawag cops. Presently, IAS is under the PNP wherein its disciplinary powers could be overturned by top police officials. SIGN UP TO DAILY NEWSLETTER CLICK HERE TO SIGN-UP ["feature-story","national","sticky","news"] [787190,2987216,2987170,2987151,2987158,2987146,2987109]



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