

Date: 02 AT 2002

HPCG/CGIAS

CIRCULAR)
NUMBER 04)

HANDLING AND DISPOSITION
OF ADMINISTRATIVE CASES AGAINST
PHILIPPINE COAST GUARD PERSONNEL

1. SCOPE: This Circular shall apply to all Coast Guard Districts/Major Units of the Philippine Coast Guard.

2. PURPOSE: To establish a set of guidelines and procedure in handling and disposition of cases filed against erring PCG personnel and to prescribe measures for immediate and effective resolution of cases.

3. DEFINITION OF TERMS:

For the purpose of this Circular, the following definitions shall apply:

a. Minor Offense –Dereliction not involving moral turpitude or any greater degree of criminality or offenses not being any of those defined under Articles of War.

b. Grave Offense – all wrongdoing punishable under Article of War, Revised Penal Code and other Special Penal Laws.

c. Syndicated offense - any unlawful or illegal transaction, enterprise or scheme committed by three or more persons organized to carry out said act.

d. Complaint – written statement charging a person of an offense indicating the time and place of its commission

e. Report – any adverse information to a person or Unit gathered by Intelligence personnel of the Unit or of CG2.

4. GENERAL PROVISION:

a. CGD/Major Unit Commander is responsible for the maintenance of discipline of PCG uniformed personnel and civilian employees within his areas of

7. APPEAL

a. Appeal may be made within thirty (30) days upon receipt of the copy of punishment.

b. No appeal shall be entertained unless it includes a brief signed statement of reason/s for regarding the punishment as unjust.

c. It shall be forwarded to the Commandant, Philippine Coast Guard (Attn: CG Judge Advocate).

d. Appealed cases shall be decided by CG Judge Advocate in accordance with the existing provisions on Appeal.

8. EFFECTIVITY:

This Memorandum Circular shall take effect upon approval.

BY COMMAND OF VICE ADMIRAL LISTA:

DANILO A ABINOJA
Commodore PCG
Chief of Staff, PCG

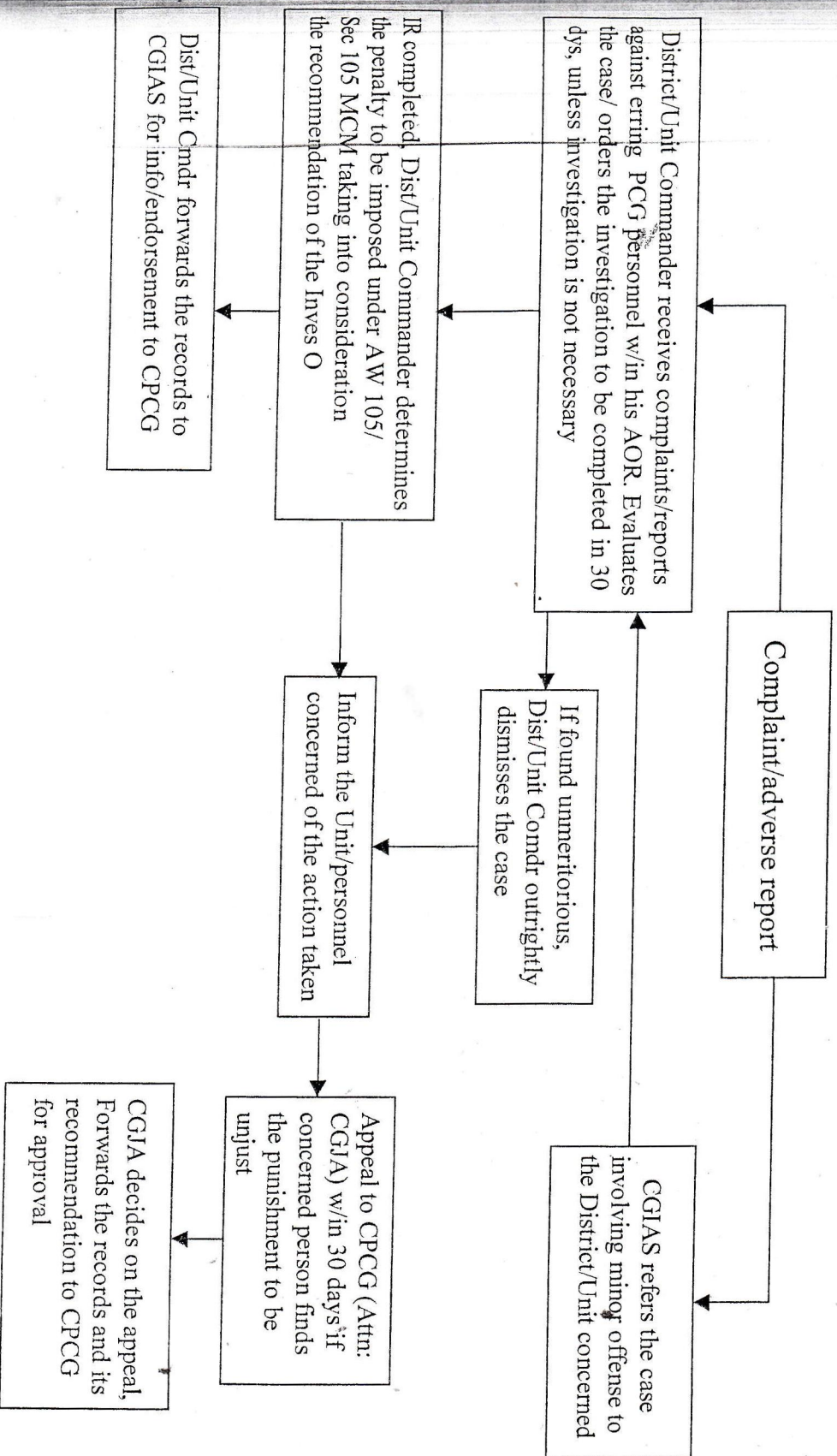
OFFICIAL:

LUISITO S SIBAYAN
LTSG PCG
Coast Guard Adjutant Officer

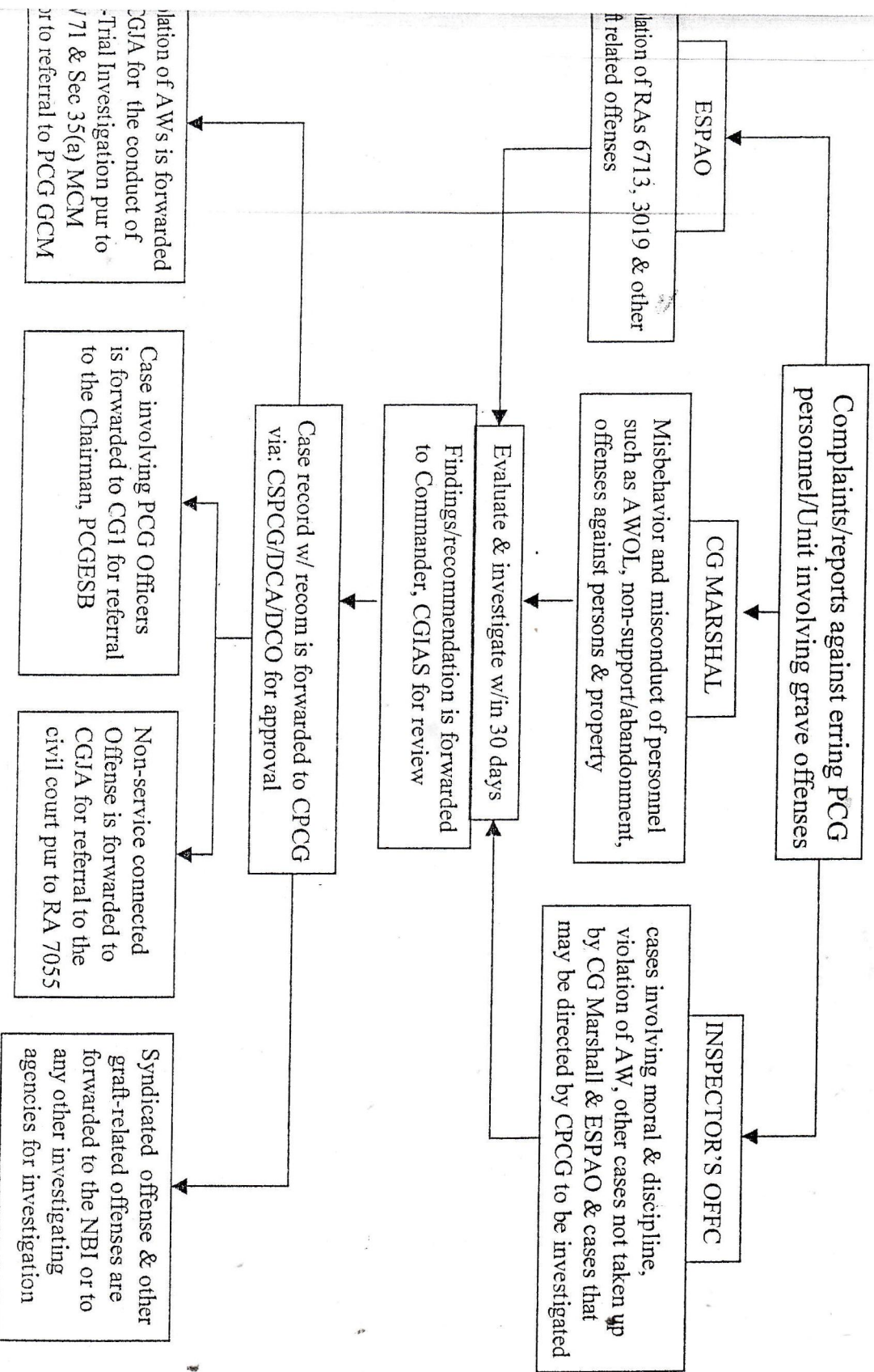
ANNEX A

FLOW CHART I

(Administrative Cases, Minor Offenses)



**ANNEX B
FLOW CHART II
(CASES REFERRED TO CGIAS)**



(HEADQUARTERS PHILIPPINE COAST GUARD)
COAST GUARD INTERNAL AFFAIRS SERVICE
136 25th Street, Port Area
Manila

11 April 2002

From: Commander, Coast Guard Internal Affairs Service

To : Commandant, Philippine Coast Guard

Via : a. Chief of Staff, PCG

b. Deputy Commandant for Administration

c. Deputy Commandant for Operations

Subj: Proposed Circular on Handling and Disposition of Administrative Cases (Encl 1).

1. Complaints or reports against erring PCG Units/ personnel should be resolved in most expeditious manner to preserve discipline and promote justice.

2. This Office has prepared a Circular prescribing guidelines and procedure for immediate and effective resolution of cases involving minor offences. Said Circular will decentralize the investigation of administrative complaints and adverse reports that would ensure the speedy disposition of cases.

3. Under the proposed circular, complaints or reports of offenses shall be acted upon by the concerned District/Unit. Final report/disposition of the case/s and recommendations will be forwarded to CGIAS for affirmation, review and file purposes. Only complaints or reports involving grave offenses or serious violation of Articles of War; cases involving Malfeasance and Misfeasance in Office; violation of RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees), shall be referred to CG Internal Affairs Service or to any of its sub Offices (IG, CG Marshall or ESPAO) for evaluation and investigation. The following offenses will fall under the jurisdiction of CGIAS sub Units:

a. all offenses under RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees) and other graft related offenses shall be referred to ESPAO;

b. all cases of misbehavior and misconduct of PCG personnel falls under the jurisdiction of CG Marshall;

c. all cases involving morale and discipline, malfeasance and misfeasance in Office, violation of Articles of War and those not taken up by other CGIAS sub Units including those cases that may be directed by CPCG to be investigated, is forwarded to IG for determination of probable cause.

4. Also provided in the circular are the following provisions:

a. Cases approved by CPCG to be referred to PCG General Court Martial shall be forwarded to CG Judge Advocate (CGJA) for evaluation and subsequent preparation of corresponding Charge and Specification prior to the conduct of Pre Trial Investigation (PTI) pursuant to AW 71 and Sec 35 MCM.

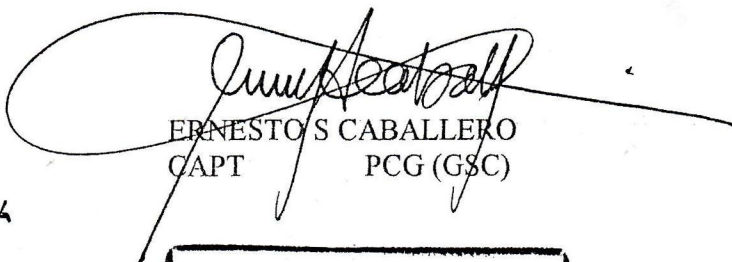
b. Cases against PCG Officers approved by CPCG to be referred to PCG Efficiency and Separation Board (ESB) proceedings shall be forwarded to CG1 for referral to the Chairman, PCG ESB pursuant to DOTC Dep Order No 2000-61 dated 06 Nov 00, to determine the Officer's fitness and suitability to remain in the service.

c. Non-service connected offenses such as those enumerated under the Revised Penal Code shall be forwarded to CGJA, after investigation by IG or CG Marshall and upon approval of CPCG, for referral to the civil court pursuant to RA 7055 (Civilian Supremacy Over the Military),

d. CGIAS may refer the investigation of the cases involving violation of RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees), any syndicated offenses and those mentioned in the preceding paragraph, to the National Bureau of Investigation (NBI) and other investigating agency, also upon the approval of CPCG.

e. CGIAS may assist in gathering of other evidence to support the case referred to either PCG GCM or ESB. It may also provide additional information to other investigating agency in connection with cases referred to them.

5. Attached are the proposed Circular and its annexes for your approval.


ERNESTO S CABALLERO
CAPT PCG (GSC)

23 APR 2002
DATE
APPROVED / DISAPPROVED


Pls pass it on to legal before implementation.

responsibility (A.C.P.)
of his subordinates;

b. Unit Commanders shall have jurisdiction over cases/reports involving minor offenses filed against PCG personnel under their supervision. He shall have the authority to appoint/designate investigator to determine the veracity of the allegations;

c. No complaints or reports shall be given due course by the Unit unless the same is in writing and subscribed and sworn to by the complainants or duly signed by the one making the report;

d. Anonymous complaints shall not be entertained unless supported by evidence substantial to warrant an investigation;

5. PROCEDURE:

a. The Unit Commander, upon receipt of the complaint or report filed against erring PCG personnel under his jurisdiction, shall evaluate the same and determine whether or not it involves minor offense. If the complaint involves minor offense, he shall order investigation to be completed in not more than thirty days.

b. If the complaint/report is not minor in nature, it should be forwarded to CGIAS for evaluation/investigation. However, CGD/Unit Commander may conduct an initial investigation on the said case, which result shall be forwarded together with his recommendation to CGIAS.

c. Upon investigation and findings that there exists no evidence to support the accusations, the Commander, based on the recommendation of the investigating officer, shall outrightly dismiss the case. In the event that there is evidence to support the allegations, he shall exercise his authority and discretion under Sec 105 MCM or Article of War 105 in imposing punishment to the erring personnel.

d. Final report shall be forwarded by the CGD/Unit Commander to CG Internal Affairs Service for the purpose of informing CPCG of the action taken by the District/Unit concerned.

e. Complaints and reports minor in nature filed at the Higher Headquarters shall be forwarded to the Unit concerned, upon approval of CPCG, for them to make proper disposition of the case.

f. CGIAS shall monitor/follow up all cases forwarded to CGD or Units.

6. CASES REFERRED TO IAS:

a. Only complaints or reports involving grave offenses or serious violation of Articles of War; cases involving Malfeasance and Mifeasance in Office; violation of RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees), shall be referred to CG Internal

b. The CGIAS subordinate Units shall acquire jurisdiction over the following cases:

1. Ethical Standard & Public Accountability Office (ESPAO) - all offenses under RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees);

2. CG Marshal - all cases of misbehavior and misconduct of PCG personnel;

3. Inspector's Office - all cases involving morale and discipline, malfeasance and misfeasance in Office, violation of Articles of War and those not taken up by other CGIAS sub Offices including those cases that may be directed by CPCG to be investigated.

c. After investigation, CGIAS shall forward the case, together with the recommendation, to the Commandant, Philippine Coast Guard via CSPCG, DCA and DCO, for approval.

d. Cases approved by CPCG to be referred to PCG General Court Martial shall be forwarded to CG Judge Advocate (CGJA) for evaluation and subsequent preparation of corresponding Charge and Specification prior to the conduct of Pre Trial Investigation (PTI) pursuant to AW 71 and Sec 35 MCM.

e. Cases against PCG Officers approved by CPCG to be referred to PCG Efficiency and Separation Board (ESB) proceedings shall be forwarded to CG1 for referral to the Chairman, PCG ESB pursuant to DOTC Dep Order No 2000-61 dated 06 Nov 00, to determine the Officer's fitness and suitability to remain in the service.

f. Non-service connected offenses such as those enumerated under the Revised Penal Code shall be forwarded to CGJA for referral to the civil court pursuant to RA 7055 (Civilian Supremacy Over the Military), after investigation by IG or CG Marshall and upon approval of CPCG.

g. CGIAS may refer the investigation of the cases involving violation of RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees), any syndicated offenses and those mentioned in the preceding paragraph, to the National Bureau of Investigation (NBI) and other investigating agency, also upon the approval of CPCG.

h. CGIAS may assist in gathering of other evidence to support the case referred to either PCG GCM or ESB. It may also provide additional information to the NBI or to the other investigating agency in connection with cases referred to them.