

HPCG/CGIAS

11 March 10

CIRCULAR)
NUMBER 03-10

HANDLING AND DISPOSITION
OF ADMINISTRATIVE CASES AGAINST
PHILIPPINE COAST GUARD PERSONNEL

1. **SCOPE:** This Circular shall apply to all uniformed personnel 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 uniformed 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 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** – a written statement charging a person of an offense indicating the time and place of its commission.
- e. **Report** – any information gathered by intelligence units/agencies of the government and adverse reports gathered from broadcast and print media.

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 responsibility (AOR). He shall guarantee the high standard of conduct and discipline of his subordinates.

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

c. The Commanding Officer of an erring Coast Guard Personnel shall be similarly held accountable either for conduct unbecoming of an officer or as accessory after the fact in cases where he refuses to act, fails to render a timely report, delays action, or otherwise aids and abets the wrongdoing of his subordinate who is the subject of a valid complaint.

d. Complaints and reports shall not be given action unless the same is in writing and subscribed and sworn to by the complainant/s or duly signed by the one making the report.

e. Anonymous complaints shall not be entertained unless supported by substantial evidence to warrant investigation.

5. PROCEDURES:

a. Complaints and reports which are minor in nature filed at the Higher Headquarters upon approval of CPCG shall be referred to the Unit concerned for investigation. The Unit Commander shall take action on the offense(s) committed by his personnel.

b. If the complaint/report is not minor in nature, the Unit Commander shall conduct an initial investigation on the said case and shall submit to CGIAS within fifteen (15) days an Investigation Report (IR) with the recommended disciplinary action, if any, to be imposed. C, CGIAS shall review the IR and shall recommend to CPCG the appropriate disposition of the case."

c. However, upon findings that there exists no evidence to support the accusations, the Commander, based on the recommendation of the investigating officer, shall out rightly dismiss the case.

d. Upon completion of the IR, the Unit Commander shall submit same to the Commander, CG Internal Affairs Service who shall upon review/evaluation immediately inform the CPCG of the action taken by the District/Unit concerned.

e. CGIAS shall monitor/follow up all cases referred to District/Major Units.

f. Complaints or reports involving grave offenses or serious violation of Articles of War; 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 CGIAS for investigation through the Complaint and Investigation Division (CID), CGIAS.

g. After investigation, CGIAS shall submit the case records with the corresponding recommendations to the Commandant, Philippine Coast Guard via the Chief of Coast Guard Staff (CCGS) and Vice Commandant for Administration (VCA) for approval.

h. Cases approved by CPCG to be referred to the PCG General Court Martial (PCG-GCM) shall be submitted to the Coast Guard Legal Service (CGLS) for the conduct of Pre-Trial Investigation (PTI) in accordance with AW-71. If there is a showing of a "prima facie" case, the Pre-Trial Investigating Officer (PTIO) shall prepare the corresponding Charge and Specifications and submit report recommending Court-Martial action.

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

j. Non-service connected offenses such as those enumerated under the Revised Penal Code (RPC) shall, after investigation and approval of CPCG, be forwarded to CGLS for the preparation of charges and referral to the civil court pursuant to RA 7055 (Civilian Supremacy Over the Military).

k. CGIAS may seek assistance on the investigation of the cases involving violations of RA 3019 (Anti Graft & Corrupt Practices Act) and RA 6713 (Code of Conduct & Ethical Standards for Public Officials & Employees) and any syndicated offenses and those mentioned in the preceding paragraph from any appropriate agency with the approval of CPCG.

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

6. PROCEDURES ON APPEAL:

a. Appeal may be made within thirty (30) days from the date of issuance of orders by the Coast Guard Adjutant and/or receipt of the document imposing disciplinary action.

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

c. Appealed cases shall be reviewed by the Coast Guard Legal Service (CGLS) in accordance with the existing provisions on appeal and the CGLS shall recommend to CPCG the appropriate disposition of the appealed case.

d. Decisions on appeal shall be final upon approval of CPCG.

7. EFFECTIVITY

This Circular shall take effect upon approval.


8. RESCISSION:

Publications that are in conflict with this Circular are hereby rescinded.

BY COMMAND OF ADMIRAL TAMAYO:

OFFICIAL:

ENRICO EFREN A EVANGELISTA
COMMO PCG
Chief of Coast Guard Staff


ALBERTO T FERRE
LTJG PCG
Acting Coast Guard Adjutant

DISTRIBUTION:

"A"