



PAMBANSANG PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(National Headquarters Philippine Coast Guard)
139 25th Street Port Area
1018 Manila

NHQ-PCG/CG2

19 January 2023

MEMORANDUM CIRCULAR
NUMBER.....01-23

**REVISED DEROGATORY REPORT ADJUDICATION BOARD OF THE
PHILIPPINE COAST GUARD**

I. AUTHORITY:

Republic Act 9993 (The Philippine Coast Guard Law of 2009) and its Implementing Rules and Regulations.

II. REFERENCES:

- a. Memorandum Circular Number 04-12 dtd 30 April 2012
- b. PNP Directorate for Intelligence (DI) Administrative and Operations Manual (2017)

III. PURPOSE:

This Memorandum Circular creates the Philippine Coast Guard Derogatory Report Adjudication Board, prescribes its functions and establishes the procedures in adjudicating derogatory reports/information against all Philippine Coast Guard personnel.

IV. DEFINITION OF TERMS:

For the purposes of this Circular, the following terms and phrases shall mean and be understood to be as hereunder indicated:

- a. **Coast Guard Adjudication Board for Senior Officers** – herein referred to as **CGABSO**, shall be organized to attend to the adjudication of all derogatory reports against PCG personnel with the rank of Coast Guard Captain (O-6) and above.
- b. **Coast Guard Adjudication Board for Officers** - herein referred to as **CGABO**, shall be organized to attend to the adjudication of all derogatory reports against PCG personnel with the rank of Probationary Ensign/CCGO to Coast Guard Commander (O-5).

c. **Coast Guard Adjudication Board for Non-Officers** - herein referred to as **CGABNO**, shall be organized to attend to the adjudication of all derogatory reports against PCG personnel with the rank of Draftee/CCGNO to MCPO.

d. **Derogatory Information** – information which reflects unfavorably on the character, integrity or reliability of a PCG Personnel. It is classified into four (4) categories (*see annex A*)

e. **Investigation** – an inquiry for the discovery or collection of facts concerning the matters(s) involved or a careful and accurate examination and inquisition of the information to establish facts.

f. **PCG Personnel** – are Commissioned Officers and Non-Officers in the active service of PCG, Probationary Ensigns/Draftees and CCGOs/CCGNOs undergoing both academic instruction and PCG training within a prescribed period, both locally and abroad.

g. **Respondent** – refers to a PCG personnel under investigation or with pending case before the court.

h. **Verified Report** – a report verified by a signatory who has read the report and that the allegations therein are true and correct of his personal knowledge or based on affidavits or sworn statements and relevant documentary evidences.

V. GENERAL POLICIES:

a. The Philippine Coast Guard Derogatory Report Adjudication Board is created to determine the validity of a derogatory report/information against PCG uniformed personnel assigned at any unit of the Philippine Coast Guard;

b. Composition of the Board (*See Annex B*)

c. The members of the Board shall be cleared for Secret or higher category of access to information;

d. All deliberations shall be governed with utmost confidentiality considering the nature of the information contained in the report.

VI. FUNCTIONS:

a. To deliberate on the legal, security and moral merits of derogatory reports referred before it against all PCG uniformed and non-uniformed personnel;

b. To dismiss or disregard, on its own initiative, unreliable, incomplete or inaccurate report/s pending before it after the conduct of an initial investigation;

- c. To recommend to Commandant, PCG the referral of a report to Coast Guard Inspector General - Internal Affairs Service (CGIG-IAS) whenever the circumstances merit the investigation thereof;
- d. To recommend for the denial or granting of the appropriate security or command clearance based on the findings on the derogatory report;
- e. To render monthly report to the Commandant, PCG on the status of derogatory reports subject for deliberation and the result thereof;
- f. Provide schedule of meeting for speedy resolution of the reports brought to its attention;
- g. May adopt additional rules/procedures for the effective adjudication of derogatory reports referred to it.

VII. RESPONSIBILITIES:

The CID, CG-2 as the Secretariat of the Board, upon the instruction of their respective Chairperson, shall inform the members of the Board in writing the convening for adjudication. The Secretariat shall keep the records of the proceedings and activities of their respective Boards.

Moreover, the Secretariat shall file and arrange the derogative reports of PCG personnel as hereunder indicated:

- a. **Active Report (RED)** – are the record of PCG personnel whose reports are under investigation. These reports shall reflect when applying CG-2 Clearance.
- b. **Permanent Report (BLUE)** - are the permanent record of PCG personnel whose reports have been resolved as guilty. These reports shall reflect when applying CG-2 Clearance.
- c. **Dropped Report (BLACK)** – are the derogative reports of PCG personnel whose reports were found or confirmed to be erroneous or untrue or are proven innocent which was decided by the courts or has been approved by CPCG declaring the case closed or terminated. These reports shall be dropped permanently.

VIII. PROCEDURES:

For purposes of systematic deliberation of derogatory reports referred to the Board, the following procedures shall apply:

- a. The conduct of adjudication for CGABSO, CGABO and CGABNO shall be done quarterly as scheduled by respective Boards. Further, the Chairperson of the respective Boards shall arrange and conduct adjudication earlier or any time to address those derogatory reports whose nature requires immediate action.

b. Quorum - All deliberations shall be presided by the Chairperson. In case of his absence, the Vice Chairperson shall act as the presiding officer. The presence of at least four members shall constitute a quorum.

c. Evaluation/Deliberation:

1. After the Chairperson/Presiding Officer declared a quorum and called the deliberation into order, the Secretariat shall brief the Board on the business of the day stating the report/s to be deliberated and the nature thereof, personalities involved therein and the source of the information;

2. In evaluating whether the report necessitates further investigation or dismissal, the Board shall assess the same with the following considerations:

- i. seriousness of the derogatory information;
- ii. duties and responsibilities of the personnel involved;
- iii. possible access of the individual concerned to classified information and/or material;
- iv. effect of the report on the individual's performance or lack of performance while in the service of the PCG;
- v. source of the report;
- vi. other relevant circumstances.

3. The PCG personnel whose derogatory information is under review of the Board shall, at the discretion of the Board, be invited for interview or questioning. He may also present witnesses and other pieces of evidence to challenge the alleged facts or derogatory information contained in the report. The Board may also invite persons in authority (such as teacher, Brgy Chairman, member of religious group, member of judiciary) who can testify for or against the subject personnel which may be used to gauge the veracity of the information or report;

4. Derogatory reports resolved as guilty or those verified but was dismissed for lack of evidence to substantiate the said report can be used as references to subject personnel;

5. The Board, as much as possible, shall decide on a matter or subject through a consensus. However, if such a consensus may not be reached, a majority vote shall decide. The opinions of all members, whether favorable or dissenting, shall be placed on record;

6. In case the report is found to be unreliable, the Board, on its own initiative, shall dismiss or disregard the same and require Chief, CID to expunge it from its database; and

7. In the event that the derogatory report is substantiated, the Board shall recommend to Commandant, PCG the referral of the report to Coast Guard Inspector General - Internal Affairs Service (CGIG-IAS) for

investigation. When applying CG-2 Clearance, it will be issued with corresponding note that a derogatory report exists.

d. Reporting - The Board shall provide the CPCG with a written report of the proceedings to include justification of the decision within five working days after the last day of deliberation. The Secretariat shall maintain/keep the records of the proceedings and relevant documents.

e. Unvalidated derogatory information against any PCG personnel in various form with an age prescribed by this Circular shall be adjudicated. If the report was not adjudicated it will be automatically deleted or extinguished from the record based on the ***Period for Extinguishment (see annex B)***.

f. The recommendation of the Board and subsequent approval of the Commandant, PCG shall be final and executory.

IX. RECISSION:

The provisions of any existing rules and regulations, circulars, policies, directives and other publications which are inconsistent with the provisions of this Memorandum Circular are hereby rescinded, repealed or modified accordingly.

X. SEPARABILITY CLAUSE:

If any provision or portion of this Memorandum Circular is declared unconstitutional, contrary to law or invalid, the remainder of this Memorandum Circular shall not be affected by such declaration and shall remain valid and subsisting.

XI. EFFECTIVITY:

This Memorandum Circular shall take effect upon approval.

BY COMMAND OF COAST GUARD ADMIRAL ABU:

OFFICIAL:

TITO ALVIN G ANDAL
CG COMMO
Chief of Coast Guard Staff


JAYSIEBELL B FERRER
CG CDR
Coast Guard Adjutant

Annex A: *Composition of Adjudication Board*
Annex B: *Periods for Extinguishment*

**ANNEX A
COMPOSITION OF ADJUDICATION BOARD**

1. Coast Guard Adjudication Board for Senior Officers (CGABSO):

Chairperson – Deputy Commandant for Administration

Vice Chairperson - Chief of Coast Guard Staff

Members:

DCCGS for Human Resource Management CG1;

DCCGS for Intelligence, CG2;

DCCGS for Operations, CG3;

Coast Guard Legal Service; and

Chief, Counter-Intelligence Division, CG-2

*Chief, CID shall also act as the Secretariat and Recorder of the Board

2. Coast Guard Adjudication Board for Officers (CGABO)

Chairperson - DCCGS for Intelligence CG-2

Vice Chairperson - Asst. DCCGS for Intelligence, CG-2

Members:

Asst. DCCGS for Human Resource Management, CG-1

Asst. DCCGS for Operations, CG3

Coast Guard Legal Service

Chief, Counter Intelligence CID, O/CG-2

*Chief, CID shall also act as the Secretariat and Recorder of the Board;

3. Coast Guard Adjudication Board for Non-Officers (CGABNO)

Chairperson - Asst. DCCGS for INTEL, CG-2

Vice Chairperson – Asst. DCCGS for HRM, CG-1

Members:

Asst. DCCGS for Operations, CG3

Coast Guard Legal Service

Chief, Counter Intelligence CID, O/CG-2

First Master Chief Petty Officer

*Chief, CID shall also act as the Secretariat and Recorder of the Board



**ANNEX B
(PERIOD FOR EXTINGUISHMENT)**

DEROGATORY INFORMATION	PERIOD FOR EXTINGUISHMENT
A. National Security Related Information	
1. Treason	5 years
2. Espionage	5 years
3. Subversion	5 years
4. Sedition	5 years
5. Sabotage	5 years
6. Mutiny	5 years
7. Rebellion	5 years
B. Security Risk Related Derogatory	
1. Compromised of classified matters	4 years
2. Unauthorized Access on PCG Classified Information	4 years
3. Unauthorized Disclosure of PCG Classified Information	4 years
4. Pilferage of Firearms/Ammunition	4 years
C. Criminal Activities	
1. Kidnapping	3 years
2. Drugs (RA 9165)	3 years
3. Robbery/Hold-up	3 years
4. Rape	3 years
5. Murder	3 years
6. Smuggling	3 years
7. Carnapping	3 years
8. Gunrunning	3 years
9. Hijacking/seajacking	3 years
10. Illegal possession of FA/Ammo	3 years
11. Illegal logging	3 years
12. Illegal Gambling	3 years
13. White Slavery	3 years
14. Other Serious Criminal Acts as Specified by RPC and other Penal Laws	3 years
D. Administrative Cases	
1. Pilferage/Theft	2 years
2. Indiscriminate Firing	2 years
3. Extortion	2 years
4. Conduct Unbecoming	2 years
5. Illegal Encashment of Checks	2 years
6. Cases Involving Moral Turpitude	2 years
7. Graft and Corruption	2 years
8. others	