



TANGGAPAN NG KOMANDANTE
(OFFICE OF THE COMMANDANT)
PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
139 25th Street, Port Area
1018 Manila

HPCG/CG2

30 April 2012

MEMORANDUM CIRCULAR)
NUMBER 04-12

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

I AUTHORITY:

Republic Act Number 9993 and its Implementing Rules and Regulations

II 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.

III GENERAL PROVISIONS:

- a. The Philippine Coast Guard Derogatory Report Adjudication Board is created to determine the validity of a derogatory report/information against PCG uniformed and non-uniformed personnel assigned at any unit of the Philippine Coast Guard;
- b. The Board shall be composed of Vice Commandant for Administration, as Chairman; Chief of Coast Guard Staff as Vice Chairman and DCS for Human Resource Management (CG1); DCS for Intelligence, Security and Law Enforcement (CG2); DCS for Operations (CG3), a Coast Guard Lawyer and Chief, Counter Intelligence Branch, O/CG2 as Members. The Chief, CI shall also act as the Secretariat and Recorder of the Board;
- 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.

IV 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;
- c. To recommend to Commandant, PCG the referral of a report to Coast Guard Internal Affairs Service (CGIAS) 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 regular report to the Commandant, PCG on the status of derogatory reports subject of 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 reports referred to it.

V PROCEDURES:

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

a. Quorum:

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

b. Evaluation/Deliberation:

1. After the Chairman/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:
 - a. seriousness of the derogatory information;
 - b. duties and responsibilities of the personnel involved;

- c. possible access of the individual concerned to classified information and/or material;
 - d. effect of the report on the individual's performance or lack of performance while in the service of the PCG;
 - e. source of the report;
 - f. other relevant circumstances.
3. A particular report shall be deliberated continuously until the adjudication is completed;
 4. The Board may invite the Subject of derogatory report for interview to enlighten the members on issue/s included therein;
 5. Previous derogatory report against the Subject, be it similar or not to the report under consideration, may be used as reference;
 6. 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;
 7. In case the report is found to be unreliable, the Board , on its own initiative, shall dismiss or disregard the same and require Chief, CIB to expunge it from its database;
 8. In the event that the derogatory report is substantiated, the Board shall recommend to Commandant, PCG the referral of the report to Coast Guard Internal Affairs Service (CGIAS) for investigation.
 9. Adverse findings shall be a ground for the denial of the appropriate Security or Command Clearance.

c. Reporting:

The Board shall provide the CPCG a written report of the proceedings to include justification on 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.

- d.** The Decision of the Board shall be final and executory.

VI RESCISSION:

All previously issued Memorandum Circulars and instructions inconsistent with the provisions of this Memorandum Circular is rescinded or modified accordingly.

VII

EFFECTIVITY:

This Memorandum Circular shall take effect upon approval.

EDMUND C TAN
VADM PCG
Commandant, PCG

