



Department of Transportation and Communications
PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
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Manila

HPCG

CIRCULAR)
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PCG CODE OF CONDUCT AND DISCIPLINE FOR UNIFORMED PERSONNEL

I. TITLE

This Circular shall be known as the "PCG Code of Conduct and Discipline for Uniformed Personnel".

II. AUTHORITY

Republic Act No. 9993, otherwise known as the Philippine Coast Guard (PCG) Law of 2009 and its Implementing Rules and Regulations.

III. REFERENCE

Commonwealth Act No. 408 otherwise known as the Articles of War, as amended by Republic Act No. 242 and 516 and further amended by PD 1166 and PD 1968.

IV. PURPOSE

This Circular prescribes the rules and regulations which shall govern the conduct, discipline and administrative disciplinary proceeding involving the PCG uniformed personnel.

V. DEFINITION OF TERMS

For the purpose of this Code, the following words and phrases shall be defined as:

1. Administrative Disciplinary Proceeding- methods and processes before the PCG Disciplinary Board that are non-litigious in nature and subject to the minimum requirements of administrative due process. The technicalities of law, procedure and evidence shall be liberally applied thereto. Administrative due process is recognized to include: a) the right to notice, be it actual or constructive, of the institution of the proceedings that may affect a person's legal right; b) a real opportunity to be heard personally or with assistance of counsel, to present witnesses and evidence in one's favour and to defend one's rights; c) a tribunal or board so constituted as to give him reasonable assurance of honesty and impartiality, and one of competent jurisdiction; and d) a finding by the board or tribunal supported by substantial evidence submitted for consideration during the hearing, or at least contained in the records or disclosed to the parties affected.

2. Administrative Penalty- disciplinary sanctions imposed by the Disciplinary Authority upon erring PCG uniformed personnel not resulting to imprisonment.

3. Board- pertains to the PCG Disciplinary Board.

4. Chain of Command- is the line of authority and responsibility along which orders are passed.

5. Code-refers to the PCG Code of Conduct and Discipline for the uniformed personnel of the PCG.

6. Commanding Officer- the Commander of Coast Guard (CG) Districts, major service commands, commissioned vessel, CG station, installation or Head of Office of the HPCG Central Staff vested with authority, significant responsibilities, duties, and powers under the Philippine Coast Guard law of 2009.

7. Complaint- a sworn written statement of disciplinary infractions allegedly committed by respondent PCG uniformed personnel, subscribed by the offended party.

8. Complaint sheet - is the formal written instrument in which the allegations against the respondent PCG uniformed personnel is set forth.

9. Convening/Appointing Authority- refers to the Commandant, PCG who has the authority to direct the constitution and convening of PCG Disciplinary Board; likewise referred as the approving authority as to the resolution and recommendation of the PCG Disciplinary Board.

10. Disciplinary Authority- persons vested with authority under this Code to impose sanctions for violating the same and provide corrective measures to offenders.

11. Grave Misconduct- is the transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence. As distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of grave misconduct.

12. Grave Offense- those offenses to which this Code attaches the minimum penalty of suspension without pay of six (6) months and one (1) day up to the maximum penalty of dismissal from the PCG service. In cases of PCG Non-Officers, in lieu of suspension, reduction/demotion to the intermediate or lowest rank/pay grade maybe imposed for the first offense provided a PCG Non-Officer in a pay grade above NO-4 (PO3) may not be reduced more than two (2) ranks/pay grades.

13. Investigation- an inquiry for the discovery or collection of facts concerning the matter or matters involved. Black's Law Dictionary defines the word "investigate" as "to examine and inquire into with care and accuracy; to find out by careful inquisition.

14. Judgment on the Pleadings- Judgment or resolution of the Board based on the respondent's answer or affidavit which fails to tender an issue or otherwise admits the material allegations in the complaint or report.

15. Less grave offense- those offenses to which this Code attaches the penalty of suspension without pay of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.

16. Minor/Light Offense- those offenses to which this Code attaches the penalty prescribed in the Table of Punishment.

17. Moral turpitude- everything which is done contrary to justice, modesty, or good morals; an act of depravity in the private and social duties which a man owes his fellowmen, or to society in general.

18. PCG Code of Conduct and Discipline- codified rules and regulations which shall govern the conduct, discipline and administrative disciplinary proceeding involving the uniformed and non-uniformed personnel of the PCG.

19. PCG Disciplinary Board - a body composed of PCG Uniformed Personnel or Non-Uniformed Personnel, as maybe applicable, designated to hear and decide administrative disciplinary actions filed against PCG uniformed personnel involving any offence enumerated in this Code.

20. PCG Uniformed Personnel- refers to all PCG Officers and PCG Non-Officers.

21. Salary- covers the basic pay, longevity pay and collateral pay appearing in the Personnel Official Statement of Earnings and Deductions of PCG personnel.

22. Simple Misconduct- is the transgression of established rules that does not involve any of the additional elements of corruption, willful intent to violate the law or disregard of established rules.

23. Substantial Evidence- that amount of evidence which a reasonable mind might accept as adequate to justify a conclusion.

24. Summary Judgment- Judgment or resolution of the Board based on affidavits, depositions or admissions of the respondent, private offended party or witnesses.

25. Summary Proceeding- a proceeding whereby judgment or decisions of the Board are derived based on affidavits and position papers submitted to the Board without the conduct of a trial-type proceeding to achieve an expeditious and inexpensive determination of administrative disciplinary cases. The procedure under the 1991 Revised Rules on Summary Procedure may be applied suppletorily.

26. 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 statement of witnesses and relevant documentary evidence.

VI. DISCIPLINARY AUTHORITY

A) The Commandant, PCG being the head of the organization, exercises administrative and disciplinary control and supervision over all Coast Guard personnel, Uniformed and Non-Uniformed, alike. The Commandant, PCG may direct the conduct of administrative investigation for disciplinary infractions at his own instance or based on verified reports (those originating from CG-2) or verified complaints of private offended party.

B) The Coast Guard Internal Affairs Service may conduct investigation on alleged disciplinary infractions of CG uniformed personnel at its own instance or as may be directed by the Commandant, PCG or based on verified complaints by private offended party.

C) The following persons exercise disciplinary authority over uniformed CG personnel assigned within their area of responsibility and may direct the conduct of administrative investigation for disciplinary infractions, at their own instance or based on verified reports or verified complaints of private offended party and accordingly impose disciplinary sanctions based on the applicable provisions of this Code.

1) CG District Commanders exercise disciplinary authority over uniformed personnel within their AQR;

2) Commanders of major service commands, commissioned vessel, CG Station, installation or Head of office of the HPCG Central staff exercise disciplinary authority over uniformed personnel assigned in their respective units;

D) The Commandant, PCG exercises original and concurrent disciplinary authority with the abovementioned PCG personnel in paragraphs C.1) and 2) and at any instance, may take cognizance and direct the CGIAS to assume and take over any ongoing administrative investigation by PCG units concerned.

VII. CLASSIFICATION OF OFFENSES and PENALTIES

Administrative offenses with corresponding penalties are classified into grave, less grave and minor or light, depending on their gravity or depravity and effects on the PCG organization and the government service.

A) The commission of the following GRAVE OFFENSES shall be punishable by Dismissal from the PCG service as maybe determined by the PCG Disciplinary Board.

1) Enlistment, fraudulent: Enlistment procured by means of willful misrepresentation or concealment of a fact in regard to a prior enlistment or discharge, or in regard to a conviction of a civil or criminal offense, or in regard to imprisonment under sentence of a court;

2) Desertion: Any PCG uniformed personnel who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently there from shall be deemed a deserter; or

Any PCG Non-Officer who, without having first received a regular discharge and absents himself from the PCG service and enlisted in other uniformed service shall be deemed to have deserted the PCG service.; or

Any PCG uniformed personnel who quits the organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter;

3) Advising or aiding another to Desert: Any PCG uniformed personnel who advises or persuades or knowingly assists another to desert the PCG service;

4) **Absence Without Leave.** Any PCG uniformed personnel who fails to report at the fixed time to the properly appointed place of duty, or goes away from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave for more than 60 days.

5) **Disrespect toward the President, Vice-President, Congress of the Philippines or Secretary of the Department of Transportation and Communications.** Any PCG uniformed personnel who shall use contemptuous or disrespectful words against the President, Vice-President, Congress of the Philippines or Secretary of the Department of Transportation and Communications.

6) **Assaulting or Willfully disobeying Superior PCG Officer.** Any PCG uniformed personnel who, on any pretense whatsoever, strikes his superior Officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or wilfully disobeys any lawful command of his superior Officer.

7) **Insubordinate conduct toward PCG non-Officer.** Any PCG Non-Officer who strikes or assaults, or who attempts or threatens to strike or assault, or wilfully disobeys the lawful order of a PCG Non-Officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a PCG Non-Officer while in the execution of his office.

8) **Quarrels; Frays; Disorders.** Any PCG uniformed personnel who shall refuse to obey an order or draws a weapon upon or otherwise threatens or does violence to another PCG uniformed personnel who ordered him to part and quell from a quarrel, fray and disorder.

9) **Escaping or conspiring to escape from confinement or arrest.** Any PCG uniformed personnel found to have been administratively liable under this Code maybe held in confinement or arrest. Any PCG uniformed personnel placed in arrest under the provisions of this Code shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by the disciplining authority.

10) **Releasing without proper authority or allowing escape through negligence or design any PCG uniformed personnel committed to his charge.**

11) **Willfully or through negligence causing damage or lost of any coastguard property of a value of more than P 6,000.**

12) **Willfully or through negligence selling, injuring or losing any arms, ammunition, accoutrement, equipment, clothing, or other property issued for use in the coastguard service of a value of more than P 6,000.**

13) **Found drunk on duty.** Any PCG uniformed personnel found drunk on duty.

14) **Misbehaviour of Sentinel.** Any PCG uniformed personnel who is found drunk or sleeping upon his post or who leaves it before properly relieved.

15) Concealing, destroying, mutilating, obliterating, or removing willfully and unlawfully a public property or public record.

16) False swearing or giving of false statements under oath.

17) Introducing or using or being in the influence of a narcotic drug into command, quarters, station, or camp

18) Gross Neglect of Duty

19) Grave Misconduct

20) Grossly immoral conduct. A grossly immoral act is one that is so corrupt and false as to constitute a criminal act or an act so unprincipled or disgraceful as to be reprehensible to a high degree.

21) Gross insubordination

22) Conviction of a crime involving moral turpitude

23) Falsification of Official Document

24) Physical or mental incapacity or disability due to immoral or vicious habits

25) Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;

26) Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;

27) Willful defamatory imputation of any and all circumstances which tend to damage or discredit the image and reputation of the PCG organization.

28) Any analogous circumstances or cases not mentioned above.

B) The following grave offenses shall be punishable by suspension without pay of six (6) months and one (1) day to one (1) year for the first offense. In cases of PCG Non-Officers, in lieu of suspension, reduction/demotion to the intermediate or lowest rank/pay grade maybe imposed for the first offense provided a PCG Non-Officer in a pay grade above NO-4 (PO3) may not be reduced more than two (2) ranks/pay grades. The penalty of dismissal shall be imposed for the second offense committed by both PCG Officers and Non-Officers.

1) Absence Without Leave of not less than 10 days but not more than 60 days

2) Inefficiency and incompetence in the performance of official duties;

3) Frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours;

4) Drunk and disorderly in command, quarters, station or camp

5) Knowingly making a false official report or statement

6) Gambling in a command, quarters, station, or camp

7) Indecent exposure

8) Introducing, using or being under the influence of any intoxicating liquor in the command, quarters, station, or camp

9) Conduct prejudicial to the best interest of the service or of a nature that brings discredit to the PCG organization;

10) Directly or indirectly having financial and material interest in any transaction requiring the approval of his/her office. Financial and material interest is defined as pecuniary or proprietary interest by which a person will gain or lose something;

11) Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by his/her office, unless expressly allowed by law;

12) Disclosing or misusing confidential or classified information officially known to him/her by reason of his/her office and not made available to the public, to further his/her private interests or give undue advantage to anyone, or to prejudice the PCG organization or the public interest;

13) Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and

14) Recommending any person to any position in a private enterprise which has a regular or pending official transaction with his/her office, unless such recommendation or referral is mandated by (1) law, or (2) international agreements, commitment and obligation, or as part of the function of his/her office.

15) Conduct unbecoming of a PCG uniformed personnel

16) Failure to observe the Chain of Command in relation to the exhaustion of the remedies provided in this Circular such as but not limited to seeking redress or intervention from political figures, government or non-government agencies for personal gain or interest.

17) Any analogous circumstances or cases not mentioned above

C) The following LESS GRAVE OFFENSES are punishable by Suspension without pay of one month and one day to six months for the first offense and dismissal from the service for the second offense:

- 1) Other cases of Fraudulent Enlistment
- 2) Attempting to Desert
- 3) Entertaining a Deserter by any PCG uniformed personnel
- 4) Absence without Leave of not more than 10 days
- 5) Attempting to escape arrest or confinement
- 6) Willfully or through negligence causing damage or lost of any Coastguard property of a value of more than P 200 but less than P 6,000.
- 7) Willfully or through negligence selling, injuring or losing any arms, ammunition, accoutrement, equipment, clothing, or other property issued for use in the coastguard service of a value of more than P 200 but less than P 6,000.
- 8) Using a provoking or reproachful speech or gesture to another
- 9) Abusing a public animal (CG-K9)
- 10) Allowing a prisoner to receive or obtain intoxicating liquor and/or drinking liquor with a prisoner
- 11) Possessing an unauthorized weapon
- 12) Discharging a firearm due to negligence
- 13) Drunk and disorderly under such circumstances as to bring discredit upon coastguard service
- 14) Immoral Conduct. Immoral conduct is conduct that is willful, flagrant or shameless, and that shows a moral indifference to the opinion of the good and respectable members of the community.
- 15) Willful failure to pay just debts or willful failure to pay taxes due to the government. The term "just debts" shall apply only to:
 - a) Claims adjudicated by a court of law, or
 - b) Claims the existence and justness of which are admitted by the debtor.
- 16) Any analogous circumstances or cases not mentioned above

D) Mitigating and Aggravating Circumstances. In the determination of the penalties to be imposed, mitigating and/or aggravating circumstances attendant to the commission of the offense shall be considered.

VIII. CONSTITUTION OF THE PCG DISCIPLINARY BOARD

A) Appointing Authority/Convening Authority. The Commandant, PCG shall have the power to appoint the members of the PCG Disciplinary Board and direct the convening thereof.

The PCG Disciplinary Board shall be under the functional supervision of the Vice Commandant for Administration.

B) The PCG Disciplinary Board shall consist of not less than five (5) but not more than seven (7) members. The Chairman of which shall be a Flag Rank Officer.

C) Composition. All PCG uniformed personnel shall be competent to serve in the PCG Disciplinary Board to hear and decide administrative cases of any person or persons who may lawfully be brought before such Board.

D) When appointing the membership of the Board, the Commandant, PCG shall detail as members those uniformed personnel of the Command who, in his opinion, are best qualified for the duty by reasons of seniority, training, work/job experience, judicial temperament and geographical assignment (preferably Manila/Cavite area). No person shall sit as member of the Board when he is the offended party or witness for or against the respondent.

E) All PCG General Line Officers shall be competent to serve in the PCG Disciplinary Board for the hearing of an administrative case against any person or persons who may lawfully be brought before such Board.

F) The Commandant, PCG shall detail as one of the members thereto a law member, who shall be an Officer of the Coast Guard Legal Service or an Officer of other CG units/service who is a member of the Philippine bar and certified by the Commander, Coast Guard Legal Service to be qualified for such detail.

G) PCG Non-Officers shall be competent to serve in the PCG Disciplinary Board for the hearing of an administrative case against non-Officers or trainees when requested in writing by the respondent at any time prior to the convening of the Board.

H) Secretariat. The members of the Secretariat shall be selected from the uniformed personnel of the organization as may be recommended by the Deputy Chief of Staff for HRM/CG1 and approved by the Commandant, PCG. The Head Secretariat shall have the power to issue subpoena and subpoena duces tecum as directed by the Chairman of the PCG Disciplinary Board.

In addition to its other duties, the Head Secretariat shall also prepare and submit to the Chairman a monthly status report of the cases and activities of the Board.

I) Tenure. The duly designated and appointed members of the Board shall serve for a term of two (2) years unless sooner relieved by the Commandant, PCG. During their term of office, the Board shall conduct a regular meeting to be held once every month.

The outgoing members of the Board shall have the duty to ensure the appropriate disposition of all administrative cases forwarded to it upon the expiration of their term of office.

J) Jurisdiction of the PCG Disciplinary Board. The Board shall have the power to hear and try the disciplinary administrative cases against uniformed personnel for any violations of this Code.

K) Jurisdiction not Exclusive. The provisions of this Code conferring jurisdiction upon the PCG Disciplinary Board shall not be construed as depriving other tribunals or civil courts of concurrent jurisdiction in respect of Offenders or offenses that by statute or by law may be tried by such tribunals or courts

IX. SUMMARY PROCEDURE IN ADMINISTRATIVE DISCIPLINARY CASES FORWARDED TO THE PCG DISCIPLINARY BOARD

A) A disciplinary action maybe commenced upon endorsement by the Commandant, PCG, a verified report from PCG Units or complaint by private offended party. However, the PCG Disciplinary Board shall only act upon Investigation Reports which are duly approved by the Commandant, PCG.

B) Within five (5) days from receipt of the CPCG directive, the Board shall meet and convene to evaluate the Investigation Report and discuss the possibility of simplification of issues, admissions of facts, limitations on witnesses, propriety of rendering judgment on the pleadings, summary judgment or of dismissing the action on valid grounds, or necessity of suspending the proceedings or such other matters intended to expedite the disposition of the case.

C) Upon convening, the Board shall immediately issue a directive requiring the erring PCG uniformed personnel to submit to the Board his Answer which shall state therein his defenses or justifications, if there be any, on the finding of violation of rules and regulations or commission of any offenses under this Code based on the Investigation Report. The respondent's answer shall be submitted to the Board within ten (10) days from receipt thereof.

D) Within five (5) days from receipt of the Answer or the lapse of the prescribed period to submit the Answer, the Board motu proprio shall then meet to proceed with the disposition of the administrative case and render their resolution and recommendation based on the Investigation Report, Answer of the respondent and/or available evidence.

E) The Board, in the exercise of its discretion, may conduct a summary hearing within five (5) days from the receipt of the Answer to call on the respondent or any witnesses for clarificatory questioning. On the other hand, the Board, also in its discretion, may approve the request of the respondent to conduct a summary hearing to allow the latter to examine or refute the evidence against him.

At any time during the proceeding, the respondent may be assisted by a private counsel of his own choice such that during clarificatory questioning by the Board, the respondent may confer with his private counsel before answering. However, during confrontation or examination of witnesses, the respondent shall direct all his questions to the Board. The Board upon determination of the relevance and materiality of the respondent's questions shall then propound the same to the witnesses.

The Legal Officers of the PCG are prohibited from representing the erring PCG uniformed personnel before the Board.

F) All the questions and answers by the parties summoned before the Board during the summary hearing shall be directed to the Board for determination of its materiality and relevance.

G) In the event of a summary hearing, the Board shall require the respondent to submit his position paper within five (5) days from the termination thereof. The respondent shall specify in his position paper all his available defences and grounds for exoneration. The refusal or failure of the respondent to submit his position paper when directed to shall constitute a waiver on his part to present any additional evidence and shall be cause for the Board to render its resolution and recommendation based on the pleadings or evidence gathered.

H) The failure or refusal of the respondent to appear before the Board when duly summoned thereto for clarificatory questions shall constitute a waiver on his part to present additional evidence and shall be cause for the Board to render its resolution and recommendation based on the pleadings or evidence gathered.

I) Within seven (7) days from receipt of the position paper or the lapse of the given period to submit the same, the Board shall render its resolution and recommendation based on the pleadings or evidence gathered for submission to the Commandant, PCG.

J) Effect of Death – Death of the respondent during the pendency of the investigation terminates the administrative case and has the effect of exoneration.

X. GUIDELINES FOR THE PCG DISCIPLINARY BOARD

A) Upon receipt of the directive to hear an administrative case, the PCG Disciplinary Board shall immediately convene to discuss the internal rules to be observed by the Board during the proceedings and other matters which may be taken up thereon. The Secretariat shall ensure that minutes of the meetings or hearing of the Board are reduced into writing and signed by all the members of the Board.

B) The Board shall then fix the schedule of meetings and hearings avoiding unnecessary delays in order to facilitate the expeditious disposition of the administrative case. The Chairman of the PCG Disciplinary Board, through the Secretariat, shall immediately cause the issuance of summons for the parties involved.

C) The Chairman of the PCG Disciplinary Board shall preside over the scheduled meetings and hearings of the Board. In the absence of the Chairman of the Board, the Vice-Chairman or the most Senior Officer present at the meeting shall preside.

D) A majority of the members shall constitute a quorum for the Board to convene in a meeting or hearing and the decision of the majority of the members present at a meeting or hearing at which there is a quorum shall prevail.

E) Any person called to attend the Board meeting or hearing shall be directed to take an Oath or Affirmation before the Board may propound any clarificatory questions based on the affidavits, depositions and any other available evidence.

A duly authenticated deposition may be read in evidence before the Disciplinary Board in any case, if the witness, by reason of age, sickness, body infirmity, imprisonment, or other reasonable cause is unable to appear and testify in person at the place of trial or hearing

F) Members of the PCG Disciplinary Board may be challenged by the respondent for valid or just cause stated to the Board. The Board shall determine and rule on the relevancy and the validity of the challenges. The ruling of the Board on the validity of challenges shall be deemed final and not subject to appeal.

G) After careful evaluation of the Investigation Report, Answer, Position paper and any other evidence, the Chairman shall immediately call for a Board meeting to vote on the determination and disposition of the administrative case. The Chairman shall call upon each member of the Board to state his/her vote and the reasons thereto starting from the most junior member present. The Chairman shall be the last member to state his/her vote and the reasons thereto.

H) The members of the Board shall confer and discuss among themselves the determination and disposition of the administrative case based on substantial evidence gathered in the course of the proceeding in order to come up with the appropriate resolution and recommendation as a collegial body.

I) The votes of the majority of the members present in the hearing or meeting with a quorum shall prevail. The Chairman shall endeavour to take just and possible means to come up with a final resolution of the Board in cases where the votes result to a tie.

J) The Chairman may designate any member of the Board to reduce into writing the Resolution and Recommendation of the Board. Each member of the Board shall thereafter affix his/her signature on the Resolution before submitting the same to the Commandant, PCG for approval.

K) The Secretariat of the PCG Disciplinary Board shall keep a record of the entire proceeding and a copy of the pertinent documents thereto. The original records of the proceedings shall then be forwarded to the Commandant, PCG. All records of such proceedings shall be transferred to the Office of the PCG Disciplinary Board.

L) The Secretariat shall provide the Office of the DCS for HRM, CG-1 a copy of the penalty imposed upon erring PCG personnel which shall form part of the 201 file and/or unit punishment book.

XI. RESOLUTION AND RECOMMENDATION OF THE PCG DISCIPLINARY BOARD

A) Within seven (7) days from receipt of the answer and/or position paper or the expiration of the period for submitting the same, the Board shall issue its resolution and recommendation which contain a brief statement of the facts, rule or regulation violated or offense committed, a discussion on the findings of the Board, evidence and basis for the recommendation.

B) The resolution and recommendations of the PCG Disciplinary Board shall be subject to the approval of the Commandant, PCG.

C) The Commandant, PCG, in the exercise of his discretion, may approve, disapprove, vacate or modify the resolution and/or the recommendation of the PCG Disciplinary Board.

D) The Commandant, PCG may vacate the resolution and/or the recommendation of the Board and/or impose lesser or greater administrative disciplinary sanctions which he may deem appropriate.

E) The Commandant, PCG may at his discretion forward the Resolution of the PCG Disciplinary Board to the Coast Guard Legal Service for Comment before rendering decision on said Resolution. The Coast Guard Legal Service shall submit its Comment to the Commandant, PCG within seven (7) days from receipt thereof.

XII. APPROVING/CONFIRMING AUTHORITY

A) The Commandant, PCG shall have the authority to approve and confirm the resolution and recommendations of the PCG Disciplinary Board to impose administrative sanctions on any erring PCG Non-Officer including the penalty of Suspension without pay, demotion, suspension without pay or dismissal from the PCG service.

The Commandant , PCG shall have the authority to approve and confirm the resolution and recommendations of the PCG Disciplinary Board to impose administrative sanctions on any erring Probationary Ensign, Cadet or Cadettes and Candidate Coast Guard Officers which includes the penalty of dismissal from the PCG service.

The Commandant, PCG shall have the authority to approve and confirm all administrative sanctions imposed on erring PCG Officers, except that in cases where the recommended sanction is dismissal from the PCG service of PCG Officers with the rank of ENSIGN to CAPTAIN. The CPCG approved resolution dismissing from the service PCG Officers with the rank of ENSIGN to CAPTAIN shall be forwarded to the Secretary of the Department of Transportation and Communications for confirmation.

The CPCG approved resolution recommending dismissal from the PCG service of Flag Rank Officers shall be immediately forwarded by the Commandant, PCG for endorsement of the Secretary of the Department of Transportation and Communications to the Office of the President for confirmation.

B) The CPCG approved Resolution of the PCG Disciplinary Board except those involving dismissal from the service of PCG Officers shall be immediately executory pending appeal. An appeal shall not interrupt or stay the execution of the administrative sanctions imposed.

C) The erring PCG Non-Officer shall immediately serve the administrative sanction pending appeal until the CPCG approved Resolution appealed from is amended, mitigated or vacated by the Commandant, PCG. On the other hand, the erring PCG Officer shall immediately serve the administrative sanction pending appeal except when the penalty imposed is dismissal in which case, the service of sanctions shall commence upon confirmation by the Secretary of the Department of Transportation and Communications or the President as maybe applicable.

XIII. MOTION FOR RECONSIDERATION

A) Within fifteen (15) days from receipt of the Resolution of the disciplining authority, the PCG uniformed personnel who deemed himself aggrieved thereof may file a Motion for Reconsideration with the same disciplining authority on the ground of insufficiency of evidence or that the Resolution and/or recommendation of the disciplining authority is contrary to law.

B) The Motion for Reconsideration shall be resolved by the disciplining authority within fifteen (15) days from receipt thereof.

C) No second motion for reconsideration shall be allowed.

XIV. APPEAL

A) The resolution of the disciplining authority may be appealed to the next higher authority within fifteen (15) days from receipt thereof by the respondent. Any appeal made beyond the prescriptive period stated herein shall not be entertained.

B) The notice of appeal shall be filed with the next higher authority which shall specifically state the date of the Resolution appealed from and the date of receipt thereof. Failure to do so may cause the dismissal of the appeal.

C) The Coast Guard Legal Service as directed by the Commandant, PCG shall review all cases forwarded to it on appeal. The review of the case by the Coast Guard Legal

Service shall be submitted to the Commandant, PCG within fifteen (15) days from receipt thereof.

D) In the absence of an appeal, the CPCG approved Resolution dismissing a PCG Non-Officer shall be considered final and executory.

E) In the case of PCG Officers with the rank of ENSIGN to CAPTAIN, upon lapse of the prescriptive period to appeal, the CPCG approved Resolution shall be immediately forwarded to the Office of the Secretary of the Department of Transportation and Communications for confirmation.

F) In the case of Flag Rank Officers, upon lapse of the prescriptive period to appeal, the CPCG approved Resolution shall be immediately forwarded to the Office of the President for confirmation upon endorsement of the Secretary of the Department of Transportation and Communications.

XV. ACTION BY DISCIPLINARY AUTHORITIES

The disciplining authority, at his option, may seek the relief and re-assignment of the respondent during the conduct of the administrative proceeding which shall not be considered a penalty.

XVI. DISCIPLINARY POWERS OF COMMANDING OFFICERS

A) The Commanding Officer of any CG District, major service command, commissioned vessel, CG Station, installation or the Heads of office of the HPCG Central staff, may, for minor/light offenses, impose disciplinary punishments upon PCG uniformed personnel of his unit/office without the intervention of the PCG Disciplinary Board.

B) The following LIGHT OR MINOR OFFENSES are punishable as prescribed in the Table of Punishment attached herein.

1) Failing to report or leaving without permission at the fixed time to the properly appointed place of Reveille, Retreat, Roll Call, Scheduled Duty or Troop Formation;

2) Appearing in civilian clothing without authority;

3) Committing a nuisance. A nuisance is any act, omission, establishment, condition of property or anything else which injures or endangers the health or safety of others; annoys or offends the senses; shocks, defies or disregards decency or morality; obstructs or interferes with the free passage of any public highway or street, or any body of water; or hinders or impairs the use of property.

4) Appearing in unclean uniform, or not in prescribed uniform, or in uniform otherwise in manner prescribed;

5) Disorderly in command, quarters station or camp;

6) Loitering or sitting down on duty;

7) Unclean accoutrement, arm, clothing, equipment, or other coastguard property in his charge;

8) Violation of any office rules and regulations;

9) Any analogous circumstances or cases not mentioned above.

C) The disciplinary authority under this Title may refer to the PCG Disciplinary Board the dismissal from the PCG service of any erring personnel found to have committed three or more minor offenses.

D) A cause of action in administrative disciplinary proceeding is an act or omission which violates the Command policy on the conduct and discipline of PCG uniformed personnel prescribed herein. At the instance of a private offended party, a disciplinary action maybe commenced against a PCG uniformed personnel through a complaint which is the sworn written statement of disciplinary infractions allegedly committed by a PCG uniformed personnel. The complaint shall be duly subscribed to by the private offended party and shall contain the following:

1. Full name and address of the complainant;
2. Full name and address of the PCG uniformed personnel complained of and present CG assignment;
3. A brief narration of the acts or omissions of PCG uniformed personnel which constitutes disciplinary infractions;
4. Documentary evidence and affidavits of witnesses, if any; and
5. Certification of Non-Forum Shopping. Forum shopping is defined as an act of a party, against whom an adverse judgment or order has been rendered in one forum, of seeking and possibly getting a favorable opinion in another forum, other than by appeal or special civil action for *certiorari*.

The complainant or offended party shall be deemed a witness against the erring PCG uniformed personnel upon commencement of the administrative case.

The withdrawal of the complaint by the offended party does not automatically result in its outright dismissal or exoneration of the PCG uniformed personnel complained of from any administrative disciplinary liability.

No anonymous complaint shall be entertained unless supported by relevant documentary or direct evidence, in which case the person complained of maybe required to comment.

E) Upon receipt of verified reports and/or complaints, the Commanding Officer shall require the PCG uniformed personnel complained of to submit a Counter-Affidavit/Comment under oath within ten (10) days from receipt thereof. The disciplining authority may designate an Investigating Officer to obtain the sworn statement of the respondent and submit a report based on available evidence.

F) The disciplining authority, at its own instance, shall proceed with the disposition of the administrative case on the basis of the report/complaint and available evidence upon failure or refusal to answer by the respondent within the given time.

G) The disciplinary authority and the corresponding disciplinary punishments allowed under this Title are provided in ANNEX "A" attached herein.

H) Under this Title, no Commanding Officer of a commissioned vessel shall impose on any PCG Petty Officer (E-4) or PCG uniformed personnel of lesser rating for a single offense, or at any one time, any other than one of the following punishments:

1. Confinement not exceeding ten days;
2. Solitary confinement, on diminished rations, not exceeding five days;
3. Solitary confinement not exceeding seven days;
4. Deprivation of liberty on shore.

I) The Commanding Officer who imposed the punishment or his successor in command may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or forfeiture, whether or not executed. He may also, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or not executed, and restore all rights, privileges and property affected. He may also mitigate a reduction in grade to forfeiture or withholding or detention of pay.

J) A person punished under this Title who deems his punishments unjust or disproportionate to the offense may through the proper channel, appeal to the next superior authority, but shall in the meantime be required to undergo the punishment imposed.

K) The imposition and enforcement of disciplinary punishment under this Title for any act or omission shall not be a bar to referral to the PCG Disciplinary Board for an offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the respondent and when so shown shall be considered in determining the measures of punishments to be imposed in the event of a finding of administrative liability.

L) The imposition and enforcement of disciplinary punishment under authority of this Title for any act or omission shall be final and executory. The punishment imposed under this Title shall form part of the erring PCG personnel's 201 File and unit punishment book.

M) A PCG Officer meted punishment under this Title by a Flag rank Officer shall automatically be considered on non-promotable status for a period of one year from the date of the imposition of the punishment. The imposition by a Flag rank Officer of three or more disciplinary punishments during the three years next preceding the consideration for promotion of an erring PCG Officer shall constitute a ground for deferment from promotion of the said erring PCG Officer.

N) A PCG Non-Officer meted punishment under this Title by a PCG Officer with a rank of Commander or higher shall automatically be considered on non-promotable status for a period of one year from the date of the imposition of the punishment.

O) Any Commanding Officer who refuses to act or delays action on a valid complaint against a uniformed personnel under his command, or refuses or delays to impose a disciplinary punishment under this Title when warranted by the evidence, or otherwise aids or abet the wrongdoing of his subordinate shall be subject to disciplinary action under this Title by his immediate superior PCG Officer.

XVII. LIMITATIONS UPON PROSECUTIONS

No person subject to this Code shall be tried or punished by the PCG Disciplinary Board for any offense committed more than two years from the date of the discovery of the offense provided that the absence of the respondent from the jurisdiction of the philippines shall interrupt the running of the period prescribed herein.

The filing of injunction (temporary restraining order) cases with the regular courts or tribunal or any other delay in bringing an administrative action to the PCG Disciplinary Board caused by the respondent shall be excluded in computing the period of limitations.

The filing of Injunction (restraining order) cases with the regular courts or other tribunal

XVIII. OTHER LEGAL ACTIONS

The Command may further employ or pursue such other civil and criminal actions as provided for under existing laws.

XIX. BUDGET ALLOCATION

The Command through the DCS of HRM, CG-1 shall allocate funds to defray the necessary expenses of the PCG Disciplinary Board.

XX. REPEALING CLAUSE

All rules and/or regulations or portion thereof inconsistent with the provisions of this circular, are hereby repealed or modified accordingly.

XXI. SEPARABILITY CLAUSE

If, for any reason a provision, or part hereof shall be declared illegal; the validity of the other provisions shall not be affected by such declaration.

XXII. EFFECTIVITY

This Circular shall take effect fifteen (15) days after its publication by the Coast Guard Adjutant.

BY COMMAND OF VICE ADMIRAL TAN:

OFFICIAL:


ALGIER D. RICAFRENTE
LCDR PCG
Coast Guard Adjutant

AARON T RECONQUISTA
COMMO PCG
Chief of Coast Guard Staff

ANNEX "A"

TABLE OF AUTHORIZED MAXIMUM PUNISHMENT UNDER TITLE XVI

| AUTHORIZED PUNISHMENT | BY A CO WITH FLAG RANK | | BY A CO WHOSE RANK IS CDR OR ABOVE | | BY A CO WHOSE RANK IS LCDR OR BELOW | |
|---------------------------------|------------------------|--|------------------------------------|--|-------------------------------------|------------------------------|
| | Officer | non-Officer | Officer | non-Officer | Officer | non-Officer |
| Withholding of Privileges | 60 days | 60 days | 30 days | 30 days | 30 days | 30 days |
| Restriction | 60 days | 60 days | 30 days | 60 days | 30 days | 30 days |
| Arrest in Quarters | 30 days | 30 days | 15 days | 30 days | 15 days | 15 days |
| Forfeiture of pay | 1/2 of 1 mo for 3mos | 1/2 of 1 mo for 2mos | 1/2 of 1 mo for 1mo | 1/2 of 1 mo for 2 mos | 1/2 of 1 mo for 1 mo | 1/2 of 1 mo for 1 mo |
| Detention or withholding of pay | 1/2 of 1 mo for 6mos | 1/2 of 1 mo for 4 mos | 1/2 of 1mo for 3mos | 1/2 of 1 mo for 4mos | 1/2 of 1 mo for 3 mos | 1/2 of 1mo for 3mos |
| Deprivation of Liberty | 60 days | 60 days | 30 days | 60 days | 30 days | 30 days |
| Reprimand | Yes | yes | yes | yes | yes | yes |
| Admonition | Yes | yes | yes | yes | yes | yes |
| Confinement | No | 30 days | no | 30 days | no | 15days |
| Correctional Custody | No | 30 days | no | 30 days | no | 15 days |
| Extra Duties | No | 45 days | no | 45 days | no | 15 days |
| Reduction in Rank | No | above E-4 (2 grade only) Others-lowest or any grade | no | above E-4 (2 grades only) Others- lowest or any grade | no | not lower than 1 or 2 grades |



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

16 October 2012

MEMORANDUM:

To: All PCG Units

Subj: PCG Code of Conduct and Discipline

1. In reference to the CPCG approved Report from the Chairman of the PCG Code of Conduct and Discipline Committee, published here with are the following Memorandum Circulars prescribing the rules and regulations which shall govern the conduct, discipline and administrative disciplinary proceeding involving the PCG personnel:

- a. HPCG Memorandum Circular Nr 09-12 dated 22 September 2012 "PCG Code of Conduct and Discipline for Uniformed Personnel".
- b. HPCG Memorandum Circular Nr 10-12 dated 22 September 2012 "PCG Code of Conduct and Discipline for Non-Uniformed Personnel".

2. For information and widest dissemination.


AD RICALFRENTE
By direction