

# Analysis of Philippine National Police Administrative Cases in Police Regional Office V

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## ABSTRACT

The safety of the community and the degree of law and order in the state were based mainly on the efficiency of the duties and functions performed by the agent of the state. Being a public officer with state-given powers, a police officer must strictly adhere to organizational discipline. The study aims to determine the prevalent Administrative Cases in Police Regional Office 5 for CY 2019 to 2021 and identify the factors leading to the commission of administrative offenses based on the available data on the nature of cases, specific offenses, and

disposition of administrative cases. It will also analyze the effects of decided administrative cases on police officers' work performance, social relationships, and family relations. Content analysis on reliable data on the nature of cases and specific offenses and qualitative method with a phenomenological approach based on the responses of the participants were utilized to analyze the factors and effects of decided administrative cases on police officers. The study revealed that negligence, incompetency, anger management, and sexual misconduct are among the factors leading to the commission of the administrative offense. The study concludes that neglect of duty (nonfeasance) and misconduct (malfeasance) are the two (2) prevalent administrative offenses committed by a police officer. There is a need for cohesive preventive measures that enhance police discipline based on morale and spiritual upliftment, psycho-social intervention program and skill-focused activities to address the increasing number of administrative cases in PRO5.

**Keywords** — Philippine National Police, PNP personnel, Administrative Cases, police misconduct, negligence and irregularities, performance of duty, descriptive, Bicol Region

## INTRODUCTION

The level of law and order in the state and society largely depends on the effectiveness of the tasks assigned to the law enforcer. Being a public officer with state-given powers, a police officer must strictly adhere to organizational discipline. Without complaint, they must obediently and strictly comply with the requirements of law enforcement rules and regulations. To attain the primary objective and goal of the law enforcement organization, the responsible attitude of police officers must be observed toward the effective performance of their sworn duties (Kalenichenko & Slynko et al., 2021).

By preserving public safety and order and fostering a free society, police play a crucial role in the community. The law gives police the power to prevent, stop, and investigate crimes to accomplish these objectives. Maintaining the safety of the community, gaining the confidence of their people, and preventing and solving crimes are all made possible by police who faithfully carry out their tasks. But, when police overstep their bounds, they injure people, society, and liberties significantly (Pirius, 2022). A police officer who loses control, temper, and self-restraint, becomes undisciplined, impulsive, and neglects their duty can be

subjected to the internal disciplinary mechanism so that an appropriate sanction will be imposed.

As they are expected to perform their duty with utmost diligence and efficiency, police officers, just like any civilian can be punished for breaking the law or can be brought up for disciplinary action for failure to perform their duty or an abuse of authority. The United States, through the Department of Justice, most often investigates police misdemeanor that involves alleged uses of excessive force (Physical assault), sexual misconduct, theft, false arrest, and attempting to prevent a victim or witnesses from reporting the misconduct (Liederbach et al., 2020).

Roberson (2017) has identified some police departments with notable police misconduct. For instance, the Pakistani police agencies are the most corrupt institutions. The agencies have reputations for police brutality, extortion, bribery, and arresting innocent citizens for crimes that police officers knowingly committed. Included also were: Sudan police, Russian police, Iraqi police, Mexican police, Haiti police, and Afghanistan police, which were the same as Pakistani police but added the use of violence and retaliation against citizens who complained about police abuses, kidnapping, and drug trafficking as their common police misconducts.

In the Philippines, Administrative Disciplinary Mechanism is an instrument to uphold organizational order and discipline among its members, particularly in the Philippine National Police. All infractions, offenses, or misdemeanors committed by the erring police officer, regardless of their nature and scope, must be administratively charged under pertinent provisions of the NAPOLCOM Memorandum Circular No. 2016-002 otherwise known as “The Revised Rules of Procedures before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Office.”

In the article released by Sunstar (2022), it was stated that 5,599 policemen were dismissed from July 2016 to March 2022 after facing administrative charges due to grave offenses, and 714 were involved in illegal drug cases. The 5,599 dismissals signify that around 600 policemen were dismissed in the last 12-month period alone, as the PNP reported in 2021 that 4, 974 policemen had been dismissed from July 2016 to March 24, 2021. Apart from the dismissals, the PNP said the efforts of its Internal Affairs Service and its Integrity Monitoring and Enforcement Group had resulted in the imposition of other penalties on police personnel charged for less serious offenses. From July 2016 to March 2022, the PNP said, 10,490 policemen had been suspended, 1, 129 had been

demoted, and 848 faced forfeitures of their salaries. In addition, 2,475 policemen were reprimanded, 208 were restricted, and 286 had their privileges withheld.

Relatedly, the unexpected increase in the number of PNP personnel in Police Regional Office 5 (PRO5) with filed and decided Administrative Cases for the last three (3) years from 2019 to 2021 has been quite alarming since it can be a breakdown of discipline among police officers, and failure of existing personnel intervention in preventing police officers from committing administrative offenses. Statistically, 580 administrative cases were filed and decided against erring police officers, and 1,066 police officers were charged administratively and penalized for different offenses.

Due to the increasing number of administrative cases in Police Regional Office 5, it is necessary to conduct a study through an in-depth analysis of administrative cases filed against police officers based on reliable data. The study merely aims to analyze the trend of the administrative offense committed by police officers of Police Regional Office 5 and will provide a proper and in-depth interpretation of the data based on its nature, the specific offense charged, and the appropriate disposition undertaken by the Disciplinary Authority (Regional Director) on the filed cases. This is to develop and propose preventive plan or program that could lessen the possibility of the PRO5 personnel from further committing administrative offenses.

### **OBJECTIVES OF THE STUDY**

This research has primary objectives in dealing with the profile on the data on Administrative Cases in PRO5 for CY 2019 to 2022, particularly with the nature of administrative cases, specific offenses, and disposition of disciplinary authority. Along with this primary objective, the study also identifies the factors leading to the commission of administrative cases in terms of Negligence of Duty (Nonfeasance), Misconduct (Malfeasance), and Irregularities in the performance of duty (Misfeasance). It further aims to analyze the effects of decided administrative cases against PNP personnel of PRO5 in terms of their work performance, social relationship, and family relations. As an output, a comprehensive preventive plan was proposed to lessen the commission of the administrative offense by the PNP personnel in Police Regional Office 5.

## FRAMEWORK

Along with the main objectives raised in this study, there is a need to address the increasing numbers of administrative offenses committed by police officers in Police Regional Office V through the proposed comprehensive policy on police discipline anchored on an effective preventive approach in dealing with personnel's action and deter them from committing administrative offenses.

Disciplinary liability of police officers was among the main factors in ensuring that police officers effectively performed their official duties and did not violate the rule of law and official discipline. The fact of existence at the legislative level of normative provisions on the possibility of applying to offender's appropriate negative measures of property, personal, moral, and organizational nature affects the formation of the legal consciousness of a police officer and determines the option of his legally significant behavior. It was significant that disciplinary liability, on the one hand, influences the choice of lawful conduct by a police officer, and, on the other hand, disciplinary liability is a state reaction to a police officer's failure to perform or improper performance of his or her duties (Kalenichenko et al., (2021).

The first theory that applied and supported this study is the theory of negligence. According to Posner (1972), the theory of negligence has four (4) elements: *Duty of care*, which means the legal obligation to exercise the same level of reasonable care that another person would exercise in a similar situation; *Breach of duty of care*, which means one breaches his duty of care by failing to act the way that a reasonably prudent person would if he or she were in the same situation; *Causation*, it refers to the direct link between the breach of duty of care and the injury sustained. There must be a reasonable expectation for the defendant to foresee that his or her actions might cause an injury to the complainant or institution; and *the Existence of damages*. It means there a proof of damage sustained by the complainant or institution (Pfeifer Morgan & Stesiak, 2017). This theory finds application to this study on the reason that performance of duty by police officers was based primarily on specific authority that emanates from existing policies, rules, and regulations promulgated by the Philippine National Police Organization. Violation of authority or failure to observe such duty constitutes neglect of duty. One of the typical examples of neglect of duty by a police officer is the failure to safely keep his issued firearms in a safe cabinet, box, or compartment that is not prone to thieves or robbers. Putting a gun in an unsafe place prone to thieves or vulnerable to losing it would constitute neglect of duty.

According to Krohn and Lane (2015), Social Control Theory argues that deviance, crime, and delinquency are the products of weak or absent social controls. The controls form bonds to conventional society, such as attachment to individuals, involvement in activities, and belief in values. In this regard, the weaker the bonds are, the greater the probability of deviating from normal norms and behavior. More so, self-control is the ability of the individual to exercise self-restraint and self-discipline when tempted to engage in deviance. On the contrary, those individuals who lack self-control tend to act before thinking, prefer immediate over delayed rewards, like risky activities, have high activity levels, have trouble controlling their anger, and have little ambition or motivation. While all the other theories of wrongdoing and misbehavior argue that deviance, crime, and delinquency are positively motivated, control theories specifically argue the opposite. Accordingly, control theories posit that wrongdoing results from weak restraints and controls, wherein police officers mostly commit the offense because they lose self-restraint, temper, anger, and perhaps, self-discipline.

Since police officers have direct contact with the community, they are prone to all stress or strain brought about by the changing environment. Through such strain, the police officer may lose self-control, self-restraint, or self-discipline, which may cause them to commit an infraction, misconduct, or misdemeanor (Donner & Jennings, 2014). Krohn and Lane (2015) emphasize Michael Gottfredson and Travis Hirschi's Self-Control Theory which shares the same view as Social Control Theory, the idea that deviance is self-evident and inherently attractive.

As stressed in the study of Donner and Jennings (2014), they argued that although those with low self-control can easily recognize the immediate benefits of deviant behavior, they have substantial difficulty calculating the potential long-term costs. Since, those with low self-control fail to fully appreciate the long-term costs of their behavior, they are more likely to engage in deviant behavior when presented with an opportunity to do so.

Hirschi redefined the foregoing conceptualization of self-control, it was stated that self-control is not the tendency to consider the long-term costs of behavior but the tendency to consider the full range of potential costs of behavior. It was categorically emphasized that self-control retains a focus on one's ability to calculate the likely costs of their actions. Still, it acknowledges that a larger range of factors influences one's decision-making. With this, self-control refers to an internal set of inhibitions, which are the factors that individuals think about when contemplating whether to engage in deviant behavior (Donner & Jennings, 2014).

The General Strain Theory by Robert Agnew also applies to this study. It was stressed that there is a significant relationship between police stress and misconduct (Bishopp et al., 2020). According to Strauss (2017), policing was regularly ranked as one of the world's most stressful and considered dangerous occupations. One explanation is that police officers often have to make instantaneous decisions in volatile situations, without all the necessary information. These decisions are influenced by a myriad of factors. Many police officers cannot control individual, situational, environmental, and organizational characteristics. Moreover, police officers' decisions are oftentimes second-guessed not only within their organization but also by external constituents.

Agnew's General Strain Theory focuses on negative experiences and consequences. It examines the extent to which various sources of strain generate negative emotional reactions, which, in turn, can lead to deviant and/or criminal coping strategies. Due to the nature of police work wherein the police officers perform duties in a constantly changing environment, such as erratic shift work, exposure to violence and trauma, following the established rules, laws, procedures, and constant public scrutiny, they easily develop stress.

With the foregoing criminological theories, the researcher embarked on the self-proposed "theory on police deviance." Through this study, the causes of deviancy committed by police officers have a significant relationship with the nature and uniqueness of their work. Attitude or motivation towards work, environment, work-related stressors, impulsiveness, negligence, loss of self-restraint or discipline, including police subculture, could have established the major causes for police deviance. The experience of police officers in law enforcement, coupled with the factors of work-related stressors, impulsiveness, nature of work environment negligence, and police subculture, could be attributable to the causes of police officers with filed and decided cases administrative cases.

## METHODOLOGY

### Research Design

In this study, qualitative research methods were utilized with two (2) approaches/ the content analysis of the reliable data on administrative cases, which focuses on the given data from the concerned office to determine and analyze the prevalent cases committed by police officers in PRO5 based on the nature, specific offense, and disposition. Another approach in a qualitative study is the phenomenological approach. This approach was helpful in the study, considering that the observations of the respondent's response to the interview

guide were properly analyzed to arrive at a concrete and precise conclusion and recommendation.

A phenomenology is an approach to qualitative research that focuses on the commonality of a lived experience within a particular group. The concept is to process the collected information primarily through in-depth interviews with at least ten (10) participants. The important point in this approach is to describe the meaning of the phenomenon for a small number of individuals who have experienced it and describe the nature of the particular phenomenon.

### **Research Site**

The research study was conducted in the Police Regional Office V.

### **Participants**

Participants of this study were those police officers assigned in Police Regional Office V. At least ten (10) police officers were sanctioned administratively with the penalty of Suspension from the Police Service and Demotion.

### **Instrumentation**

An interview guide was used that was viewed and validated by Bicol College and the assigned adviser. The researcher used informed consent to avoid violating the pertinent information and data to be disclosed by the participants to the researcher during the interview.

### **Data Gathering Procedure**

The researcher's study was presented to the panel of experts, and their respective suggestions and comments were taken for the development and improvement of the study. Their proposed suggestions were properly taken, considered, and incorporated into the research instrument. No harm was employed by the researcher in gathering the data. Upon proper request by the researcher, the independent data subject for analysis was secured from the office of the Discipline Law and Order Section, Regional Personnel and Records Management Division of Police Regional Office V. Interview type of question was used in a one-on-one with the supposed participants to get their views and reliable answer on the prepared question. Thematic analysis was used in evaluating the answers of all the respondents.



## **Ethical Considerations**

Privacy, confidentiality, and anonymity of the participants were observed, including the data of Administrative Cases for the period covered from 2019 to 2021 as provided by the concerned office of Regional Personnel and Records Management Division of Police Regional Office 5. Their information was ensured through informed consent. No force was used in the interview, and the participants answered the question of their own free will and volition. The participants were informed at any time that they may withdraw their answers provided in the questionnaire or refuse to disclose personal information.

## **RESULTS AND DISCUSSION**

This portion contains the presentation of in-depth analysis and interpretation of Data on Administrative Cases from the Regional Personnel and Records Management Division of Police Regional Office V covering the period from CY 2019 to CY 2021, including the disclosed information on the lived experiences of police officers with filed and decided administrative case.

### **Profile of Administrative Cases in Police Regional Office 5 for the Period of CY 2019 to 2022**

In Police Regional Office V, administrative cases emanate from two investigating bodies: the Police Regional Office V cases, initiated by the Regional Investigation and Detective Management Division; and the administrative cases initiated and adjudicated by Regional Internal Affairs Service V (RIAS5). They are both mandated by NAPOLCOM Memorandum Circular No. 2016-002 to process administrative complaints and adjudicate them in the interest of public service. Regardless of its origin, the final disposition (decision) of the administrative case will be rendered by the Disciplinary Authority (Regional Director). Based on the data provided by the Discipline Law and Order Section of the Regional Personnel and Records Management Division, it was disclosed that there were a total of five hundred seventy-four (574) cases filed and decided by Disciplinary Authority, and one thousand sixty-six (1,066) police officers with the administrative case for the period of CY 2019 to 2021 alone.

### **Nature of Administrative Case**

The nature of the administrative case is the description of the offense classified under Rule 21 of NAPOLCOM Memorandum Circular No. 2016-002, entitled

“*Revised Rules of Procedure before the Administrative Disciplinary Authorities and the Internal Affairs Service of the PNP.*” They are generally classified as Negligence (Neglect of Duty) or Nonfeasance, Misconduct or Malfeasance, and Irregularity in the performance of duty or Misfeasance. As one of the variables of the study, the nature of the administrative case defined the type of offense to which the PNP personnel with the filed administrative case are required to answer. It is the description of the case that classifies the very nature of the offense committed, pursuant to the aforesaid circular.

For the period of Calendar Year 2019 to 2021, there were ninety-nine (99) administrative cases of *Neglect of Duty (Nonfeasance)*. This implies that internal discipline in Police Regional Office V has been commonly breached and/or violated by its personnel. An offense committed by police officers involving and affecting the order and discipline of the police organization. It was classified into Simple Neglect of Duty, Less Grave Neglect of Duty, and Grave Neglect of Duty. This warrants the penalty of Dismissal from the service, One rank Demotion, Suspension from the service, or reprimand.

Another classification of the administrative case under this study is *Misconduct or Malfeasance*, which is one of the most prevalent offenses committed by police officers based on the data provided by the concerned office, with a total of two hundred seventy-eight (278) administrative cases covering the period from CY 2019 to 2021. Under Rule 21, Section 1 of NAPOLCOM MC No. 2016-002, misconduct refers to “*any wrongful, improper, or unlawful conduct motivated by premeditated, obstinate, or intentional purpose. It usually refers to the transgression of some established and definite rule of action, where no discretion was left except where necessity may demand; it does not necessarily imply corruption or criminal intention.*”

Another nature of administrative cases is the Irregularities in the performance of duty as a classification of an administrative offense, which has something to do with situations wherein the police officer performs duty under the mandate of the law, rules, or department policy, but performs it improperly or inappropriately. There are less number of cases of irregularities in the performance of duty filed and decided against PNP personnel of PRO5, with only a total of five (5) cases. It signifies a positive effect on the level of competency of police officers in PRO5.

### **Specific Offense**

The specific offense pertains to a particular act or omission committed by the Police Officers, and it is the basis for the complaint to be filed against them. The specific offense includes the circumstances in which the erring police officer

is required to answer for the allegation imputed against them in the complaint. It was defined as the specific act committed by police officers that constitute an administrative offense under NAPOLCOM Memorandum Circular No. 2016-002.

In the specific offense of Negligence (Nonfeasance), the most committed offenses between CY 2019 to 2021 are Absence without Official Leave or commonly known as “AWOL” and violation of Office Rules and Regulations, which is considered a “Breach of Internal Discipline” with forty-one (41) cases filed and decided. The result of the study disclosed that there are several instances of AWOL in the PNP, such as failure of the PNP personnel to report for duty without an approved leave of absence, failure to seek permission from his immediate supervisor, or failed to report for duty after the approved leave of absence.

Another specific offense is the violation of pertinent office rules and regulations, with eight (8) cases filed and decided. Worth mentioning is the frequent violation of PNP Memorandum Circular No. 2020-034 entitled: “*Guidelines and Procedures on Social Media Content, Post and Engagement Utilizing Official Social Media Accounts and Individual Accounts of PNP Personnel.*” This is to promote accountability and responsibility of PNP personnel in sharing information using social media platforms and encourage self-regulation and discipline in the use of social media accounts as public servants.

The study also disclosed that due to new technology, social media platforms became the venue for several PNP personnel to express their grievances using an anonymous account. They even attacked the organization and the PNP officers while using their accounts, which is not considered an acceptable practice since there is an existing external mechanism for grievance. Such misdemeanors are not attributed to the individuality of the responsible PNP personnel, but rather, it reflects a negative image of the organization as a whole (PNP MC No. 2020-034).

With regard to specific offenses of Misconduct (Malfeasance), there are four (4) most prevalent administrative offenses committed: 1. Excessive Use of Force with one hundred eleven (111) cases; 2. Violation of Revised Penal Code or Special Pena Laws such as Homicide, Theft, Violation of Domicile, Falsification committed by a public officer, Direct Assault, Grave Threat, Art. 334 -Sexual Infidelity, Grave Coercion, Swindling, Physical Injury, Arbitrary Detention, Robbery, Acts of Lasciviousness, Libel, RA 9995, RA 8353, RA 11332, RA 7610, RA 9262, RA 10591, PD 1602, RA 9165 with sixty-one (61) cases; 3. Loss of

Issued Firearms with twenty-one (21) cases; and 4. Evasion through negligence with fifteen (15) cases filed against PNP personnel.

Excessive Use of Force to arrest or immobilize the suspect during police operation is prohibited under the existing Revised 2021 PNP Operational Procedures (PNPM-D-0-20-13-21). It has been noted in this study that the administrative cases for Grave Misconduct anchored on the Excessive Use of Force for the period covered were mostly dismissed, and the respondent police officers were exonerated from the offense charged. This is for the reasons that police operation may exceptionally use reasonable force to subdue the clear and imminent danger posed to him or to justify the force or act under the principles of self-defense, defense of relative, defense of stranger, or fulfillment of duty as laid under the pertinent laws and jurisprudence.

For the offense of Violation of Law (Revised Penal Code and/or Special Penal Laws), it has been emphasized that the Police Officers committed an act or omission that is in violation of criminal statutes, with sixty (61) cases filed and decided against erring police officers for the period covered.

Loss of issued firearms is also among the common offenses committed by police officers wherein the nature of the case constitutes gross negligence for failure to safely keep the government property trusted to him. Mostly, the police officer commits the offense of loss of issued firearms when he inadvertently leaves his firearms in an unsafe place which is vulnerable to losing either by abandoning or neglecting it.

Lastly, evasion through negligence wherein the police officer unexpectedly exercises laxity in the exercise of his sworn duty to guard and monitor the Person Under Police Custody (PUPC). Existing policies, rules, and regulations disclosed that police officer is prohibited from engaging in an arrangement of making PUPC an errand in the police station. Some police stations observed the wrong practice in making PUPC a trustee and allowing them to loiter inside and outside the police station unguarded and without security. Also, there are instances wherein because of recklessness, laxity, and negligence of police officers, the PUPC intentionally escaped.

As already discussed, limited numbers of administrative cases recorded for Irregularities in the Performance of Duty as committed by PNP personnel of PRO5 for the last three (3) years, with only five (5) cases recorded for the period covered. Noteworthy is data on shooting to death wherein the circumstances of the case constitute the same as excessive use of force committed during the police operation. It was classified as Irregularities in the Performance of Duty because

the act of the police officer may be considered improper or irregular, as when the procedures in the conduct of buy-bust operation were not observed properly or there was non-observance of the rules set forth under the PNP Operational Procedures.

### **Disposition of Case**

As an integral part of the disposition of cases, the data on the number of imposed penalties were Dismissal from the Service, Demotion in Rank, Suspension from the police service, and Reprimand. However, this study covers only the penalty of Demotion in Rank and Suspension from the police service since the objective is to merely identify the factors leading to the commission of the administrative offense and analyze the effects of decided administrative cases on the police officer. The decision rendered by the Disciplinary Authority was significant in the disposition of the administrative case as it gave a final determination of guilt based on the act, omission, or wrong allegedly committed by Police Officer. There are one hundred forty-five (145) suspended for the period covered. Suspension from the police service has the effect of forfeiture of salary, allowances, and other benefits to which a police officer was entitled. It is the temporary separation or cessation of work of the police officer for the duration of the sanction. Aside from forfeiture of salary, it also includes in the penalty suspension the disqualification for promotion and withholding of privileges for the calendar year, such as schooling and leave of absence.

On the other hand, there was a total of thirty (30) police officers demoted for the period covered. It has the effect of disqualification for promotion and withholding of privileges for the calendar year. The study also reveals that demotion as an administrative penalty does not include forfeiture of salary, benefits, and other allowances to which the police officer is entitled.

Despite the existing disciplinary mechanism for instilling and maintaining police discipline, the above data signifies that there is a need to address the increasing number of administrative offenses committed by the PNP personnel in Police Regional Office 5 by providing a comprehensive preventive measure or plan in a holistic approach to lessen the violation and commission of administrative offenses.

The data of Administrative Cases as provided above was significant in determining the prevalent offenses committed by a police officer of PRO5 and correlating them to the next objective of this study.

## **Factors Leading to the Commission of Administrative Offense**

In this study, the factors leading to the commission of the offense were based primarily on the act, omission, irregularity, or misdemeanor of a police officer. The objective is to determine the reason why an act was committed by the police officer. Below are the responses recorded during a one-on-one interview with the respondents with their lived experiences of having filed and decided administrative cases.

### **Negligence (Nonfeasance)**

Under Rule 21 of the NAPOLCOM Memorandum Circular No. 2016-002, for the police officer to be liable for Neglect of Duty, there must be *“omission or refusal, without sufficient excuse, to perform an act or duty, which it was the police officer’s legal obligation to perform. It confers a duty as well as its breach, and the fact can never be found in the absence of duty.”* Stated otherwise, the police officer knows the first place that he/she has a duty to perform, and the failure to do so would certainly constitute Neglect of Duty. While the neglect would be unintentional and inadvertent, it causes damage to the organization.

One of the factors that lead to the commission of the offense was due to the failure of police officer to inform his immediate superior officer of his whereabouts. Participan No. 1 stresses out that *“Nag-AWOL ako dahil sa banta sa buhay. Binantaan ako ng NPA dahil sa trabaho ko bilang isang pulis. Pumunta ako ng manila. Ang mali ko ay hindi ako nakapag-paalam sa aking immediate superior officer kaya kinasuhan nila ako ng Neglect of Duty para sa di ko pagduty at mga absences.* (I committed AWOL because of a threat to my life. I was threatened by the NPA because of my work. My fault is that I failed to inform my immediate superior officer that is why they charged me with Neglect of Duty for my failure to report for duty.).

Lack of competence, foresight, and experience was another factor leading to the commission of Negligence or Nonfeasance. While police officers are trained in the proper handling of a firearm, one must inevitably be cautious and mindful in possessing and bearing his issued firearm, particularly in the process of safekeeping the same. One of the respondents mishandled his issued firearm, which resulted in the accidental firing and hitting of another police officer. Respondent No. 2 expresses that *“I neglected my duty as I indiscriminately fired my issued firearms. It’s because of mishandling my firing, as I violated the five (5) cardinal rules of handling or using a firearm.”*

Failure to comply with office regulations in the prohibition to post on social media any reckless, pointless, defamatory expression of personal reactions

or emotions that may affect the PNP organization. Participant No. 3 stressed that *“Ako ay nakasuhan dahil sa mga komento sa aking facebook. Ako ay naglahad ng aking opinion at may mga nagalit dahil doon.* The improper conduct and misdemeanor committed by Participant No. 3 constitute neglect of duty for failure to observe the guidelines and procedures on social media, media content, post, and engagement utilizing official social media accounts and individual accounts of PNP personnel.

The above responses imply that the offense commonly committed by police officers is a breach of internal discipline, which primarily affects the order and discipline within the PNP organization. While negligence (Nonfeasance) was unintentional, as police officers cannot foresee all risks and cannot attend to everything at once they inadvertently contribute to its commission. It shows that the primary duty of a police officer is to be cautious and mindful in the performance of duty to avoid committing negligence (William, 2019).

### **Misconduct (Malfeasance)**

According to Adame et al. (2019), police officers are responsible not only for maintaining public peace, protecting property, and safeguarding lives but uniquely holding power and authority to use force in performing their duties. This profession requires the individual officer to interact with a diverse population daily. As such, policing places much responsibility on the individual officer.

In this particular variable, the factors affecting the commission of administrative cases in terms of misconduct are anger or loss of temper, laxity and carelessness, and lascivious conduct. Below are the responses of the respondents.

Anger is an emotional state that is socially prompted regularly through the impression of impairment or distressing circumstances and situations. Police officers confront various potential everyday stressors. As a result, many lose sleep or endure depression and emotion dysregulation practices that constitute mental disturbance, just like with Participant No. 4, wherein he committed Grave Misconduct for the illegal discharge of his issued firearms. He stated that *“Ako po ay nakasuhan sa kadahilanan po sa hindi ko ma-control ang aking emosyon, sa galit kaya nakagawa ako ng mali sa king organisasyon. Hindi po related sa trabaho ang naging kaso ko, sa kadahilanan lang po sa aking galit kaya ko naiputok ko ang aking baril.”* (I was charged administratively because I could not control my emotion due to anger. I committed a mistake in our organization. My case was not work-related. Due to anger, I fired my issued firearms).

Participant No. 8 also committed misconduct when he slapped the face of the civilian during their heated argument. He stated that *“Simple understanding*

*with a civilian na lumala na nauwi sa mainit na pagtatalo. Sinapak ko po siya sa mukha dahil sa sobrang galit*” (A simple understanding with a civilian resulted in a heated argument. I slapped him in the face because of anger).

Another factor that lead to the commission of the administrative offense was the circumstances wherein because of laxity and carelessness, the police officer yields to commit negligence by allowing the Person Under Police Custody (PUPC) to go out of the custodial facility unattended and unguarded. It becomes punishable since it is violates established laws, rules and regulations as it constitutes Evasion through Negligence. Participant No. 5 stated that *“Ako po ay nakasuhan ng Grave Misconduct for Evasion through Negligence, kung saan dahil sa aking kapabayaan at pag-violate sa pagbabawal na hindi trustee o paggamit sa prisoner na palabasin sa kanyang selda para gamitin o tumulong sa labas. Habang nasa labas po ang priso, pinatulong ko sya sa aking paglalaba sa dahilan na trustee nga siya. Di ko alam kung siya pala ay may intensyon na tumakas habang nasa aking pagtingin.”* (I was charged with Grave Misconduct for Evasion through Negligence because of my negligence and violation of the prohibition of sending out prisoners or arrested persons from the custodial facility and making them trustees or errands. While the prisoner was outside the custodial facility, I let him assist me in washing my clothes. I have no idea that he has the intention to escape.)

Another circumstance similar to Respondent No. 5 was the escape of a PUPC while under the custody of police officers. Participant No. 7 manifested that *“Ako ay nakasuhan ng Grave Misconduct dahil sa PUPC at nakatakas habang nasa custody namin at subject for medical. Ang aking kaso ay related po sa trabaho at ito ay hindi po sa maling pag-uugali, maling asal.* (I was charged administratively for Grave Misconduct because the PUPC escaped while under our custody during the conduct of medical. My case is work-related.) Such circumstances constitute Grave Misconduct, the reason that the act or omission of police officers is in violation of the law (Revised Penal Code) specifically for Evasion through Negligence. Although this manifests negligence in the first place, what is being penalized is the particularity of the act committed, which violates the law.

Along with the cases of violation of law that are categorized as Misconduct is the lascivious conduct committed by a police officer. Participant No. 6 disclosed that *“I was accused of having committed an act of lasciviousness, which I have not done. Although I was innocent of the complaint, an administrative case was filed against me.”*

The above responses imply that misconduct (Malfeasance) was mostly committed on the reasons of loss of temper or anger, laxity or carelessness in the



performance of duty, and through lascivious conduct. It was disclosed that loss of temper or anger and loss of self-restraint or discipline (lascivious conduct) were among the most disclosed factors in the commission of police misconduct that were not work-related except laxity or carelessness in the performance, such as the offense of evasion through negligence committed by a police officer. According to Brown and Daus (2015), loss of temper or anger is a negative affective experience that has unique effects on cognitive processes such as judgment or exercise of discretion compared to positive or other negative affective states. Moreover, anger may trigger instinctive processes or the act of responding spontaneously in a given situation and, relatedly, increase the desire to reach a decision.

This study also disclosed contributory factors on the part of the police officers through their laxity and carelessness in allowing a Person Under Police Custody to go out of their custodial facility and become too familiar and friendly with the PUPC resulting in a decrease in vigilance and alertness.

Police Sexual Misconduct, according to Maher (2010), is *“any behavior by a police officer who takes advantage of his or her unique position in law enforcement to misuse his or her authority and power to commit a violent act sexually, or to initiate or respond to some sexually motivated cue for personal sexual gratification.”* Significantly, it was emphasized in the study of Donner and Jennings (2014) that individual with low self-control tends to engage in crime and analogous behavior because they cannot consider the long-term consequences of their actions. They further argued that individuals with low self-control are impulsive and insensitive and can be easily tempted to commit acts that constitute misconduct.

Loss of self-restraint or discipline particularly associated with the offense of lascivious conduct committed within the organization was certainly conduct unbecoming of a police officer as it violates the general principles of acceptable conduct common to law enforcement.

### **Irregularities in the Performance of Duty (Misfeasance)**

There are factors leading to the commission of Irregularities of Duty, such as lack of competency, training, and skills. Participant No. 9 was charged with Simple Irregularity in the Performance of Duty as Duty Investigator during the escape of the Person Under Police Custody (PUPC) and was penalized for thirty (30) days Suspension from the police service. He said that *“I am the duty investigator at our police station. There was no irregularity in my duty because the incident was an evasion of prisoner/detainee. But, they alleged conspiracy in the complaint wherein all the duty personnel was involved in the complaint.”*

Another instance wherein the police failed to take necessary precautions to avoid the escape of Person Under Police Custody (PUPC). Participant No. 10 stated that *“Nakasuhan ng irregularities in the performance of duty. Ako yung duty jailer at desk officer sa mga panahon iyon. Yung allegation laban sa akin yun pag-alis ko daw ng posas sa na-arresto at ang hindi pag-take ng necessary precautions na nauwi sa pagtakas ng preso”* (I was administratively charged with Irregularities in the Performance of Duty. I was then the duty jailer and desk officer at the same time. Their allegation against me was being careless and unjustifiably removing the handcuff of the arrested person and my failure to take the necessary precaution in the escape of PUPC).

The above responses imply that the circumstances surrounding the commission of irregularity in the performance of duty would constitute improper or inappropriate behavior on the part of police officers in the course of the performance of their duties, such as removing the handcuff of PUPC without just cause that resulted in the escape of the PUPC, and the failure to take necessary precaution to avoid such escape (Standford, 2016).

### **Effects of Decided Administrative Case against PNP Personnel**

This portion answers the number 3 objective of the study with the primary purpose of providing an acceptable interpretation and analysis of the adverse effects of a decided administrative case on the respondent’s job performance as a police officer.

### **Work Performance:**

#### **Temporary Loss of Work and Change of Assignment**

The effect of decided administrative cases on police officers in terms of work performance has been more complex and different to the extent that they feel difficulties towards work and may lose motivation in performing their duties and responsibilities. It implies that the morale of police officers was affected as it declined due to the adverse effects of the decided administrative case. Vicente et al. (2020) posit that the effects of decided administrative cases taught police officers to become wiser, more cautious, mindful, and stronger and improve their decision-making skills. Philips (2017) emphasized that morale significantly creates a discipline that is voluntary and deliberate rather than forced. It is the tenacity to endure the job without tiring, the power and strength to handle adversity.

One of the respondents stated that they became temporarily separated from the police service and lost his job as a police officer. As divulged by Participant No. 4, he said that: *“Marami ang naging epekto sa akin sa kaso ko. Una po sa lahat ay nawala ako sa trabaho na gusto ko, isang intelligence officer sa Iriga City. (There are several effects brought about by the administrative case. I lost my job as an intelligence officer at Iriga City.) Police Officers with decided administrative cases were temporarily displaced from their work after being sanctioned administratively. The same happened with Participant No. 6: “I was relieved from my present assignment and transferred to Base Police, Regional Headquarters. I was not able to enjoy some privileges and benefits, such as bonuses and other benefits, as a result of the penalty.”* Loss of pay, allowances, and other benefits is one of the direct effects of decided administrative cases on the police officer. These are one of the administrative disabilities inherent in the penalty of suspension from the police service. Disqualification for promotion and withholding privileges corresponding to the period of suspension are the two (2) other administrative disabilities.

### **Loss of Salary and Allowances**

Police Officers may suffer the consequences of losing pay and allowances as the direct effect of decided administrative cases and the penalty of suspension from the service. Participant No. 1 also disclosed that *“Nawala pansamantala ang sahod ko dahil na-suspended ako”* (Temporary loss of salary because I was suspended from the service.) Respondent No. 9 also stated that *“I lost my bonus and allowances as an effect of my suspension due to the administrative case filed against me.”* Similar statement made by Participant No. 5 stated that: *“Dahil sa kaso at na-suspende ako, malaking epekto ito sa aking pang-araw araw na gastusin. Walang sweldo sa loob ng 50 days at nawalan ng bonus, at iba pang mga benepisyo”* (I was suspended because of the case. It affects our daily expenses. I don't have a salary for 50 days, and I don't have bonus and other benefits.). This is the most difficult situation when police officers get suspended from the service. The loss of salary and other benefits of police officers due to suspension from the service causes additional stress and anxiety. These affect the daily subsistence of the family. This implies the negative effects of decided administrative cases on police officers since salary and allowances constitute a motivational factor for police officers to exert high levels of effort to attain organizational goals and objectives.

## Lesson Learned

Being sanctioned with an administrative case, some police officer has become more aware of the consequences of the lapses or misdemeanor they have committed. Participant No. 5 stated that: *“Naging aware ako sa mga circumstances na bawal pala ang pag-trustee ng priso pero ito ay isang practice sa station namin. Naging masigasig ako sa aking trabaho.”* (I became aware of all circumstances that it is prohibited to make the prisoner a trustee inside the police station. I became diligent in performing my job.)

Decided administrative case had become a lesson learned to some of the police officers like Participant No. 3: *“Masakit at malungkot dahil para itong bangongot sa aking serbisyo pero ito rin nagbigay sa akin ng lesson.”* (It was sad and painful, but it became a lesson for me. It became a nightmare for me.) This is also supported by the statement of Participant No. 4: *“Kailangan po na maging mas mapagkumbaba, wag padalos-dalos lalo na sa serbisyo pa at kailangan ang maximum tolerance sa aming trabaho.”* (It needs to be humbled. Do not be too careless while still in the service, and needs to observe maximum tolerance.) These lessons learned experience of respondents thought them to be strong and wiser to avoid committing the same mistakes in the future. The same disclosure made by Participant No. 10, he said: *Naging masigasig ako sa aking trabaho para di na ulit mangyari. Dapat sa labat ng pagkakataon ay dapat ayusin ang trabaho natin biling isang police”* (I became more mindful and cautious in the performance of my work. In all circumstances, we should perform our duty properly).

The above responses manifest the lessons learned experience of police officers, which thought themselves to be strong and wiser to avoid committing the same mistakes in the future. According to Harris and Worden (2017), the effects of the penalty on future misconduct can be expected that the more severely sanctioned officers will deter officers from committing misconduct compared to those who received lighter sanctions.

## Low Morale and Anxiety

To Participant No. 2, it was painful on his part to have decided administrative case since he became low morale and gave him pressure in performing his duty. He disclosed that *“Low morale, it pressures me dahil sa nangyari. Of course, feeling shy, nakakahiya din sa mga nangyari. Although aksidente ang nangyari.”* (I was low morale, and I felt the pressure of what happened. Of course, I feel shy about what happened as it was only an accident). He further stated that *“Nabihya sa sarili, decrease in my self-confidence also makapahirap ng may admin case. No work, no pay. Ang labat nang bagay ay may dahilan. Nagkamali man ako ngunit alam kong may*

*paraan pa para maitama ko iyon. Bagaman mahirap sa umpisa, nakakapanlumo at nakakapanliit ng sarili. Kinaya ko ang labat dahil sa pananampalataya sa taas. Hindi niya ako pinabayaan.* (I'm ashamed of myself, decrease in my self-confidence as it is so hard to have an administrative case. No work, no pay. Everything has a reason. Even if I commit a mistake, I know how to correct it. I handle everything because of my faith in God. He never left me).

When the morale of police officers is very low, it creates a difficult working environment for them. Mostly, police officers who are low morale feel poorly about their work and the organization as a whole. According to Vicente et al. (2020), it has the effect of losing work enthusiasm and mostly having negative feeling towards work and lost motivation in performing duties. Participant No. 7 states that: *"Isang experience na bumaba ang aking moral lalo pa, mahirap tanggapin. Pero dahil police ako, may mga bagay na hindi control ang situwasyon. At tanggap ko na. masakit sa loob na makasuhan lalo pa noong time na yun ay nag perform ka naman ng trabaho ng maayos. At yung kaso ay related sa trabaho. Almost 12 years ko sa police service, first time ko yun na makasuhan ng Grave Misconduct."* (One of my experiences is morale becomes low. It's hard to accept. But because I am a police officer, some circumstances cannot control the situation. I accepted it. It's hard to have a case, especially if you were just performing your job properly. My case is work-related. After almost 12 years in the police service, this is the first time to have case of Grave Misconduct.)

Low morale has adverse effects, such as loss of self-confidence, loss of the will to work, and loss of care for surrounding. Philips (2017) further posits that low morale promotes a negative environment of complacency by doing the bare minimum, slowing intrinsic motivation, and creating an ambivalent feeling toward law enforcement goals. It is often characterized by: conflicts between staff, uncooperative attitudes, lack of enthusiasm, fault finding, low affect, lack of commitment, gripe sessions, high turnover, opposition to authority, "us vs. them" talk, and complaints of team members not carrying their load, complaints of conflicting demands, and the list continues. Low morale has damaging effects on officers, supervisors, and the department as a whole.

Anxiety would also affect decided administrative cases on the law enforcer. The apprehension and fear include the anticipation that something negative will occur. The feeling of being worried about a life-threatening situation would be attributable to anxiety. Participant No. 1: *"Nag-AWOL ako dahil sa takot. May banta kasi sa buhay dahil sa NPA"* (I went AWOL because of fear. There is threat to my life cause by NPA).

## Social Relation

While the variable aims to determine and analyze the effects of the decided administrative cases relative to the respondent's peers and co-workers, The result glaringly shows that there were no significant changes or effects of decided administrative cases on police officers towards their relationship with a co-worker or peers in the police service. The majority of the response of the participants manifested positive responses as to the effects of the decided administrative case in terms of social relations with other police officers.

## Strengthens Peers Relationship and Support System

Acceptance and understanding of the situation by their colleagues and peers in the service was the factor in coping with the adverse effects of decided administrative cases the police officers. It helps them to recover as their colleagues accept their situation and understand the difficulties they are experiencing. As such, the morale of the police officer will improve, and they can be more effective in performing their duty as law enforcers. Participant No. 4 expresses that *“Mas lalo silang naging malapit sa akin mga kasamang kong pulis dahil nga po sa hindi naman related sa work ang naging kaso ko. Nag-advise sila sa akin.* (My friends and colleagues in the police service have become closer to me, and they constantly give me a piece of advice since my case is not work-related.)

The above statement was further bolster by the statement of Participant No. 5, as he stressed that *“Naging malapit ako sa kanila at nagadvise sila sa akin na tanggapin na lang ang penalty na pinataw sa akin.”* (I became closer to them, and they advised me to accept the penalty imposed on me.) The same with the statement Participant No. 6 that *“Fortunately, most of my colleagues and co-policemen know me well, particularly how I perform my duty, and no one has changed their behavior towards me. All my colleagues gave me the encouragement that I needed so much.”*

Participant No. 2 disclosed his experience by stating that *“Nabigla tapos naawa dahil sa nangyari sapagkat ang lahat ay naniwala na aksidente lamang iyon at walang gusto sa nangyari.”* (I feel pity. I was shocked because of what had happened since it was purely an accident, and no one wants it to happen.) The same statement disclosed by Participant No. 10, he said that *“Naintindihan naman ng aking mga kasamahan na pulis kng ano nangyari sa akin. Sabi nila na maging matatag lang daw ako at malalagpasan ko nman yung problema.”* (My colleagues understand what had happened to me. They told me to be strong and I can overcome the problem).

It was emphasized by Sadulski (2017) that peer support and communication are significant in overcoming the stress experienced by police officers. The agency should have a peer-support system wherein selected officers could help other officers who have experienced work-related stressors or life-crisis events, such as decided administrative cases. By doing so, it could help sanctioned police officers to cope with the adverse effects of decided administrative cases and assist them in returning to the mainstream of law enforcement.

## **FAMILY RELATIONS**

This particular variable aims to determine and analyze the effect of the decided administrative cases on the police officer in terms of their relationship with their family and understand the situation surrounding their case. The reason is to propose an intervention to help participants be family and service-oriented police officers. Police officers must accept that stress caused by decided administrative cases is taking a toll on their lives so they can mediate and reduce the adverse effects (Sadulski, 2017).

### **Negative Impact on the Family**

It was shown in the response of Participant No. 6 said that *“I was not able to enjoy some privileges and benefits, such as bonus.”* Said statement was also supported by the statement of Participant No. 7, saying that: *“Naapektuhan ang aking pamilya dahil 2 months na walang sabod Sa part ko, malaki ang natutunan ko at magsisikap ako na hindi yun ulit mangyari o makasuhan ulit ng Grave Misconduct.* (My family was affected because I did not have a salary for two (2) months. On my part, I learned a lot, and I work hard that it will not happen again or will be charged again for Grave Misconduct.) The family was among those directly affected when the police officers were sanctioned administratively, especially if he was the breadwinner of the family.

The situation adds to the possible stress that the police officer with a decided administrative case would overcome while serving the penalty. It makes one unemployed temporarily, which requires her wife to look for other sources of income, and worse, could even afford to engage in debt through a personal loan with higher interest. Participant No. 9 stated that *“I lost my bonus and allowances as the effect of my suspension due to the administrative case filed against me. My wife was required to look for other sources of income to defray our financial needs.”* It holds the same with Participant No. 5: *“Dahil sa kaso at na-suspende ako, malaking epekto ito sa aking pang-araw araw na gastusin. Walang sweldo sa loob ng 50 days*

*at nawalan ng bonus, at iba pang mga benepisyo.*” (I was suspended because of the administrative case. It affects our daily expenses. I don’t have a salary for 50 days including a bonus and other benefits.)

The same sentiment that disclosed by Participant No. 10, he said that *“Naging mas mahirap ang naging kalagayan namin kc nga suspended at walang sahod pansamantala. Naging masigasig ang aking asawa para maitawid ang pang araw-araw na gastusin.”* (The situation became more difficult since I was got suspended, and for the meantime, I don’t have a salary. It was my wife who became more determined for us to survive the everyday expenses.)

It implies the most difficult situations when the family was primarily affected by the unexpected loss of income brought about by the adverse effect of decided administrative cases against police officers. As an effect, family stability was crucial for the sanctioned police officer. Lindner (2014) posits that the family becomes more unstable in terms of expenses due to temporary loss of work. Aside from the financial anguish it can cause, the stress of losing a job, even temporarily, can also take a heavy toll on the mood, relationship, and overall mental and emotional health of police officers (Help Guide, 2022).

### **Improved Family Relationship**

To some participants, the effects of the decided administrative case to the police officer’s relationship with his family resulted in a positive outcome as it strengthens the family relationship. According to Goetz & Boehm (2020), it has been said that the primary person to whom the person seeks advice and support is the family members in cases where an individual has undergone problems. Such a situation certainly strengthens family relationships through support and care. Just like Participant No. 2: *“Mas pinag-igting ang samahan ng pamilya dahil hindi nila ako pinabayaan sa mga panahong sinusubok ako na napatunayan ko na ang pamilya ang pinakamatatag na sandalan sa lahat ng pagkakataon.”* (I became closer to my family as they did not abandon me during my problem. I proved to myself that family is the most reliable to depend on in case of adversities and life-crisis.) Same statement with Participant No. 5 also states that: *“Naging close kami sa bawat isa. Kasi dati kung saan saan ako na-assign at malalayo iyon. Dahil nagkaroon ako ng panahon para makasama aking pamilya lalo na aking mga anak.* (My family became close to me since I was previously assigned to other places. I found more time to spend with my family, especially with my children).

Positive effects and outcomes of decided administrative cases on the respondents of this study could imply that when they return to the mainstream



law enforcement profession after serving the penalty, they will be more responsible, cautious, and mindful in performing their duty as police officers. Participant No. 1 said that *“Mas lalong tumibay at naging matatag ang relasyon ng aking buong pamilya”* (It strengthens and became stable our relationship with entire family). The same effect with Participant No. 8: *“Noong na-suspende ako, na-enjoy ko ang time sa family ko. Nabigyan ng oras ang akin pamilya. Yun nga lang walang sabod kasi nga suspended* (When I was suspended, I enjoyed time with my family. I could give more time to my family, but I don't have a salary because of my suspension.)

Fratesi (2019) states that *“A positive family life can relieve stress and improve tolerance for shift work. The officer should be as meticulous about planning for social and family time as he is about sleep and work time.”* It is, therefore, necessary to have a social support system to overcome challenges and difficulties in life. A supportive relationship, such as family and friends, has a tremendous effect in coping with the adverse effect of decided administrative cases against police officers.

Since human beings do not thrive alone, family and friends were considered the pillars of support, especially during life-crisis. Studies have shown that having a supportive relationship with family and friends was considered a strong protective factor against mental illness and distress caused by life-crisis, and it primarily helps to increase one's mental well-being (Health hub, 2022).

## CONCLUSIONS

Neglect of Duty (Nonfeasance) and Misconduct (Malfeasance) are the two (2) most prevalent administrative offenses committed by police officers in Police Regional Office 5 for the period of CY 2019 to 2021. With the factors leading to the commission of the administrative offense of Neglect of duty and Misconduct, there is a need for proper and cohesive preventive measures that enhance police discipline anchored on morale enhancement, spiritual and psycho-social intervention programs, including the skill-focused programs or activities that can deter the PRO5 police officers from committing the said offenses. Finally, the adverse effect of the penalty imposed in decided administrative cases directly affects the police officer's behavior, and work performance, including their social and family relationship leading to the potential informal sanctions of guilt, shame, and embarrassment.

## TRANSLATIONAL RESEARCH

This study is helpful to the Police Regional Office 5 in upholding and strengthening the exercise of the disciplinary authority of the immediate supervisors in all levels of command through adopting the final output of the proposed Comprehensive Policy on Police Discipline. These serve as a means of addressing the problems of the high number of administrative cases against the PNP personnel of Police Regional Office 5. With the policy on discipline, a concrete agency's police personnel management system can be achieved that moves the organization towards its goals and objectives and sets the standard for acceptable, credible, and highly capable police service.

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