

Republic of the Philippines  
Department of the Interior and Local Government  
**NATIONAL POLICE COMMISSION**  
371 Sen. Gil Puyat Avenue  
Makati City

**MEMORANDUM CIRCULAR NO. 2003-001**

**AMENDING        NAPOLCOM        MEMORANDUM  
CIRCULAR NO. 2002-005, RELATIVE TO THE  
RELENTLESS AND ALL-OUT CAMPAIGN OF THE  
PNP TO STOP AND ERADICATE JUETENG AND  
OTHER ILLEGAL GAMBLING ACTIVITIES**

**WHEREAS**, the Commission in the exercise of its constitutional mandate and statutory powers under R.A. No. 6975 as amended, had issued Memorandum Circular No. 2002-005 directing the Chief, Philippine National Police, Police Regional Directors, Police Provincial Directors, Police District Directors, City Police Directors, Chief of Police and Station Commanders to immediately undertake an all out campaign to stop and eradicate jueteng and other illegal gambling activities to expunge public perception that jueteng and other illegal gambling activities will not thrive and flourish within a province, city or municipality without the connivance, protection, or tolerance of our law enforcement officers;

**WHEREAS**, in light of the issuance by the PNP of Letter of Instruction (LOI) 36/02 (Roulette-Milenyo) dated 26 August 2002 by the Chief, PNP with the end-in-view of setting forth the operational guidelines, concepts of operation, fundamental thrust and specific tasks to be undertaken and performed by all PNP units in the fight against all forms of illegal gambling and further laying down the concept of "Command Responsibility" among others as integral part of the campaign against illegal gambling", this Commission deems it proper to amend portions of NAPOLCOM Memorandum Circular No. 2002-005 specifically the application of the doctrine of Command Responsibility, by adopting the provision of the said LOI on Command Responsibility with minor modifications to further reinforce its campaign against jueteng and other forms of illegal gambling activities.

**NOW, THEREFORE**, the Commission, in the exercise of its administration and control function over the Philippine National Police has resolved to amend, as it hereby amends, Napolcom Memorandum Circular No. 2002-005, relative to the relentless and all-out campaign of the PNP to stop and eradicate jueteng and other illegal gambling activities as follows:

- 1.) All PNP units shall be the primary and principal law enforcement arm in the national campaign against jueteng and other illegal gambling activities. For operational effectiveness, they are enjoined to closely liaison and directly coordinate with their local Peace and Order Councils, Law Enforcement Coordinating Councils and other public and private organizations actively involved in the campaign.
- 2.) To ensure a more efficient, sustained, vigorous and resolute campaign against jueteng and other illegal gambling activities, it is imperative that the "Doctrine of Command Responsibility" be strictly applied at all levels of commands in the PNP. For ready reference in the application of this Doctrine, quoted hereunder are Sections 1 and 2 of Executive Order No. 226 dated February 17,

1995, on the subject, "INSTITUTIONALIZATION OF THE DOCTRINE OF COMMAND RESPONSIBILITY IN ALL LEVELS OF COMMAND IN THE PHILIPPINE NATIONAL POLICE AND OTHER LAW ENFORCEMENT AGENCIES" thus:

"Section 1. **Neglect of Duty Under the Doctrine of Command Responsibility.** Any government official or supervisor or officer of the Philippine National Police or that of any other law enforcement agency shall be held accountable for "Neglect of Duty" under the doctrine of "command responsibility" if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and despite such knowledge, he did not take preventive or corrective action either before, during or immediately after its commission.

Section 2. **Presumption of Knowledge.** A government official or supervisor, or PNP Commander, is presumed to have knowledge of the commission of irregularities or criminal offense in any of the following circumstances:

1. When the irregularities or illegal acts are widespread within his area of jurisdiction;
2. When the irregularities or illegal acts have been repeatedly or regularly committed within his area of responsibility; or
3. When members of his immediate staff or office personnel are involved."

- 3.) Accordingly, in the campaign against jueteng and other illegal gambling activities, any PNP official or unit chief who fails to take preventive or corrective actions or refuses to stop and eradicate this illegal gambling activities in his area of responsibility shall be **administratively charged** for Serious Neglect of Duty under the Doctrine of Command Responsibility pursuant to Executive Order No. 226 of February 17, 1995 **without prejudice to his or her criminal prosecution** when applicable under the Revised Penal Code and special laws, and **shall also be relieved from his position** under any of the following circumstances:

### 3.a For Regional Police Offices:

#### 3.a.1 Municipal Chiefs of Police

Three (3) successful raids by non-organic PNP/DILG units proving the existence of illegal gambling operations within the municipality, shall cause the relief of the Chief of Police of that Municipality.

The responsible Chief of Police shall be informed accordingly of the results of each anti-illegal gambling operation conducted in his AOR, and shall be advised to step up his own campaign.

### **3.a.2 Provincial Directors**

The relief of three (3) Municipal Chiefs of Police due to inefficiency in the conduct of anti-illegal gambling operations in his AOR as proven and documented by operations of non-organic PNP/DILG units, shall cause the relief of the Provincial Directors.

The Provincial Director shall be advised accordingly about the results of the operations conducted by non-organic PNP/DILG units within his AOR.

### **3.a.3 City Police Offices**

#### **3.a.3.1 Precinct Commanders of City Police Offices**

Three (3) successful anti-illegal gambling operations conducted by non-organic PNP/DILG units within the AOR of precinct commanders of City Police Offices shall cause the relief of the said precinct commander.

The said commander shall be accordingly advised of the results of each operations conducted within his AOR.

#### **3.a.3.2 City Directors**


The relief of three (3) Precinct Commanders due to inefficiency in the conduct of anti-illegal gambling operations as proven and documented by the operations of non-organic PNP/DILG units within the AOR shall cause the relief of the City Director of the said city police office.

The City Director shall be advised accordingly about the results of the operations conducted by non-organic PNP/DILG units within his AOR.

#### **3.a.3.3 Regional Directors**

The relief of at least two (2) Police Provincial Directors and/or City Directors for inefficiency in the conduct of anti-illegal gambling operations as proven by the results of operations conducted by non-organic units of the PNP/DILG within the Regional AOR shall cause the relief of the Police Regional Director.

The said Regional Director shall be duly informed of the results of each operations conducted within the regional AOR.



### **3.b National Capital Regional Police Office:**

#### **3.b.1 Police Community Precincts**

The successful anti-illegal gambling operations conducted by non-organic PNP/DILG units in the AOR of any PCP shall cause the relief of the PCP Commander.

The PNP Commander shall be duly advised of the results of operations conducted within his AOR.

#### **3.b.2 Station Commanders**

The relief of three (3) PCP Commanders for inefficiency of the conduct of anti-illegal gambling operations as reported and documented by non-organic PNP/DILG units within the AOR of the AOR of the concerned police station shall cause the relief of the Station Commander.

#### **3.b.3 District Commanders**

The relief of three (3) Station Commanders for inefficiency in the conduct of anti-illegal gambling operations as reported and documented by non-organic PNP/DILG units shall cause the relief of the District Director.

#### **3.b.4 RD, NCRPO**

The relief of at least two (2) district directors for inefficiency in the conduct of anti-illegal gambling operations as reported and documented by non-organic PNP/DILG units shall cause the relief of the RD, NCRPO.

4. It is to be impressed that operations/raids conducted by non-organic PNP/DILG units which were coordinated with and jointly undertaken by the PNP officials mentioned in paragraph three (3) hereof in his area of responsibility shall not be considered against subject police officer. However, any support, aid or assistance extended by the concerned police officer during or after the operation/raid has been conducted by the non-organic PNP/DILG units shall not in any way exculpate or mitigate his/her liability under this Circular.

5. The concerned PNP officials mentioned in paragraph 3 above are enjoined to take preventive or corrective actions within one (1) week from receipt of the following:

5.a Report of the operations conducted by a raiding team that, among other things, shall detail the raid conducted, the arrest made, the confiscated gambling paraphernalia and other related items that would establish the existence of illegal gambling in the area. The refusal or failure on the part of the PNP official, to whom the report was submitted, to initiate the necessary measure appropriate under the premises is also a ground for his relief and prosecution, both criminal and administrative, as evidence may warrant.

5.b Monitoring report and a certification submitted by the Regional Multi-Sectoral Team (RMMT) on Anti-Gambling duly signed by its chairman and the members regarding the existence in a particular city/municipality of illegal gambling for two (2) consecutive months. The refusal or failure

on the part of the PNP official, to whom the report and certification were submitted, to initiate the necessary measure appropriate under the premises is also a ground for his relief and prosecution, both criminal and administrative, as evidence may warrant.

5.c Affidavit or sworn statement of two (2) or more individuals of known probity and integrity in the community, along with relevant data or documents, attesting to the existence and continuing operation of illegal gambling in his area of responsibility. The refusal or failure on the part of the PNP official to whom the affidavit or sworn statement was submitted, to initiate the necessary measure appropriate under the premises is also a ground for his relief and prosecution, both criminal and administrative, as evidence may warrant.

5.d In all cases, the PNP officials concerned shall, in writing, acknowledge receipt of the report/certification/sworn statement and shall, one (1) week thereafter, inform in writing the person who submitted the report/certification/sworn statement of the action taken thereon.

6. Pre-Charge investigation and formal hearing shall be conducted either by the PNP in accordance with NAPOLCOM Memorandum Circular No. 96-10 or by the Commission in the exercise of its summary dismissal authority in consonance with NAPOLCOM Memorandum Circular No. 98-14 in relation to MC No. 99-14.


7. The Chief, PNP, pursuant to his authority in Section 26, RA 6975, can, on his own relieve and reassign any PNP officials mentioned in paragraph 3 above who may not be capable or willing to carry out or implement this Circular to its fullest extent, without prejudice to the observance of due process of law.


8. Henceforth, as a matter of policy, the Commission, before recommending or approving any promotion of a PNP officer, both in rank and assignment, shall assess and evaluate the performance of said recommendee in the campaign against jueteng and other illegal gambling activities.

9. All other Napolcom issuances or portions thereof which are contrary to, or inconsistent herewith, are hereby modified or repealed accordingly.

The Memorandum Circular shall take effect fifteen (15) days from date of publication in a newspaper of general circulation and a copy of the same filed with the UP Law Center in consonance with the Administrative Code of 1987.

ADOPTED, this 10<sup>th</sup> day of JANUARY in the Year Two Thousand and Three●  
Makati City, Metro Manila, Philippines.

  
**JOSE D. LINA, JR**  
Chairperson

  
**LINDA L. MALENAB-HORNILLA**  
Commissioner  
Officer-In-Charge

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**HERMOGENES E. ERDANE, JR.**  
Commissioner  
*MC 2003-001*  
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**CELIA V. SANIDAD-LEONES**  
Commissioner

Attested by:

*Adelmalyn A. Muneza*  
**ADELMALYN A. MUNIEZA**  
Acting Chief, Secretariat