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MAR 26 2003

MEMORANDUM CIRCULAR NO. 2003-008

**DIRECTING THE PHILIPPINE NATIONAL POLICE TO UNDERTAKE
AN INTENSIFIED AND UNRELENTING CAMPAIGN AND OPERATION
AGAINST KIDNAPPING**

WHEREAS, Her Excellency President GLORIA MACAPAGAL-ARROYO, in her State of the Nation Address (SONA) on July 22, 2002 before the Joint Session of Congress, declared war on all criminal syndicates targeting particularly kidnapping with the unequivocal declaration that "criminal Syndicates will be treated as what they are, direct threat to national security";

WHEREAS, on the same occasion, the President announced her policy on the principle of Command Responsibility with the statement that "You have seen political will in the harsh interpretation of command responsibility with regard to illegal gambling. That draconian application was a dress rehearsal for enforcing command responsibility in the even more difficult challenges of kidnapping, drug-dealing and smuggling";

WHEREAS, the continuing assault on the rights of citizenry, occasioned by the unabated commissions of crimes with impunity, particularly in the commercial and urban areas of the community, has resulted not only in the loss of human lives and wanton destructions of properties but has severely affected development and prosperity, and at the same time, has undermined the people's faith in the Government and the latter's ability to maintain peace and order in the country;

WHEREAS, the Philippine National Police, being the premier law enforcement agency of the government, is mandated, among others, to "Enforce all laws and ordinances relative to the protection of lives and properties" and to "Maintain peace and order and take all necessary steps to ensure public safety";

NOW, THEREFORE, the Commission, in the exercise of its administration and control functions over the Philippine National Police has resolved to direct, as it hereby directs, the PNP leadership from the Chief PNP to the lowest officer or unit commander, to undertake an intensified and relentless campaign and operation against kidnapping and accordingly prescribes the following rules and policies:

1. Police presence or police visibility is an accepted deterrent to the commission of crime. A uniformed police officer patrolling his beat gives peace of mind to every individual for his or her freedom of movement and to engage in commerce. To a malefactor, such presence of a police officer discourages him to perpetrate his criminal and evil design.

Henceforth, there is an urgent need to increase police visibility by intensified foot and mobile patrols along thickly populated areas and busy commercial districts. When necessary, control points shall be established, and this should be the primary responsibility in particular of the Chief of Police/PCP Commander.

2. Parallel to increased police visibility is the need for all field commanders concerned to improve intelligence and counter-intelligence capabilities. It is desired always that law enforcement officers must be way ahead or one step ahead over the criminal elements in gathering information, monitoring their every movements and their activities.

In this regard, there is a need to create and maintain a database for every specific crime, such as kidnapping.

Moreover, there should be published and printed at conspicuous places the name, picture and other personal circumstances of notorious individuals involved in illegal activities.

3. Community support and involvement must be developed, cultivated and encouraged. The community must be made aware of positive strategies of the law enforcement agencies in the campaign against syndicated crimes.

For this reason, information and educational campaign must be initiated including the organization of community-based and anti-crime fronts, movements or associations.

4. To ensure a more efficient, sustained, vigorous and resolute campaign against kidnapping, it is imperative that the, "**Doctrine of Command Responsibility**" be strictly applied at all levels of command 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 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:

- a. When the irregularities or illegal acts are widespread within his area of jurisdiction;
- b. When the irregularities or illegal acts have been repeatedly or regularly committed within his area of responsibility; and

- c. When members of his immediate staff or office personnel are involved.
5. Accordingly, in the continuing campaign against Kidnapping, the principle of command responsibility shall be observed not only when there is failure on the part of the commander/chief of office to act under the circumstances enumerated under E.O. No. 226 but for failure to do his mandated tasks herein enumerated, to wit:
- A. **Kidnap-for-Ransom committed within the municipality, city, province and region.**
 - A1. **Kidnap-for-Ransom wherein victim and perpetrators are still in the Area of Responsibility**
 - 1) **City/Municipal Chief of Police/Station Commander**
 - a. Within one (1) hour after receipt of information whether or not the police station is located within or outside Metro Manila, the Chief of Police should form and send tracker and investigating teams to the scene of the alleged kidnap-for-ransom incident and activate designated check points.
 - b. Within thirty (30) minutes after receipt of information of the alleged kidnap-for-ransom incident to inform Police Provincial Office (PPO) and Local Chief Executives (LCEs)
 - c. Institute proper handling of information
 - d. Initially conduct discreet coordination/liaisoning with the victims family to prevent media exposure and turn over to PACER all pieces of evidence and information gathered.
 - e. Release information only upon proper clearance from higher authority.
 - 2) **Provincial Director/District Director**
 - a. Take over the responsibility and inform the LCEs and Police Regional Office (PROs) then coordinate with the Police Anti-Crime & Emergency Response (PACER) within thirty (30) minutes after receipt of information of the alleged kidnap-for-ransom incident.
 - b. Direct dragnet within thirty (30) minutes after receipt of information of the alleged kidnap-for-ransom incident.
 - c. Assist the investigation of the concerned stations in pursuit operations.
 - 3) **Regional Director**
 - a. Alert all units within (30) minutes after receipt of the information of the alleged kidnap-for-ransom incident.
 - b. Inform the PNP Central Operation Center

- c. Directly coordinate with leadership of the PACER within thirty (30) minutes after receipt of the information of the alleged kidnap-for-ransom incident
- 4) **Anti-Kidnap for Ransom Body (PACER)**
- a. Assume lead role
 - b. Coordinate/unify all operations
- A2. **Kidnap-for-ransom incident where the victim and perpetrator are no longer in the Area of Responsibility.**
- 1) **City/Municipal Chief of Police/Station Commander**
- a. Within thirty (30) minutes after receipt of information form and send investigating teams and simultaneously conduct pursuit operation.
 - b. Within thirty (30) minutes after receipt of information of the said incident to inform PPO and LCE's of the kidnap-for-ransom incident
 - c. Institute proper handling of information
 - d. Initially conduct discreet coordination/liaisoning with the victims family to prevent media exposure and turn over to PACER all pieces of evidence and information gathered.
 - e. Release information only upon proper clearance from higher authority.
2. **Provincial Director/District Director (Victim and perpetrator outside of the province)**
- a. Inform the LCE's and PRO's within thirty (30) minutes after receipt of information of the alleged kidnap-for-ransom incident.
 - b. Conduct dragnet in provincial boundary within thirty (30) minutes after receipt of information of the alleged kidnap-for-ransom incident
 - c. Assign a dedicated intelligence and investigation tracker teams per KFR case in coordination with PACER and other anti-KFR special units.
- 3) **Regional Director**
- a. Alert all units.
 - b. Report the incident to chief, PNP thru Central Operational Center and directly coordinate with PACER within thirty (3)

minutes after receipt of the information of the alleged kidnap-for-ransom incident.

- c. Personally supervise the activities of the trackers team
- d. In coordination with PACER dispatch tracker team for recovery of the victim

4) Anti-Kidnap-for Ransom Body (PACER)

- a. Assume lead role
- b. Coordinate/unify all operations
- c. Render report directly to the Chief, PNP

A3. Kidnap-for-ransom resulted in a crisis situation/hostage negotiation.

1) City/Municipal Chief of Police/Station Commander

- a. Implement the necessary Police Operational Procedures (POP) applicable on the situation.
- b. Activate the crisis management team and act as the first response team commander

2) Provincial Director/District Director

Assume as the on-scene commander and organize a crisis management committee.

B. Kidnap-for-ransom reported directly to Anti-Kidnap-for-Ransom Body

1. City/Municipal Chief of Police, District Director, Provincial Director and Regional Director

Provide full support to PACER

2. Anti-Kidnap-for-ransom Body (PACER)

Assume the lead role.

GENERAL PROVISIONS:

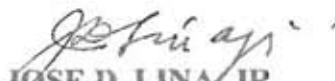
1. Without prejudice to the authority of the Chief, PNP to exercise his power of command prerogative under Sec. 26 of RA No. 6975 as amended, any PNP Regional Director, Provincial Director/District Director or City/Municipal chief of Police Station who fails to undertake his responsibility as set forth herein, shall be relieved from his/her assignment and forthwith a pre-charge investigation will be conducted which shall be terminated within ten (10) days. Upon finding of a probable cause, subject police officer shall be placed under preventive suspension pending formal investigation by the PNP in accordance with NAPOLCOM Memorandum Circular No. 96-010 or by the NAPOLCOM under Memorandum Circular No. 98-014.

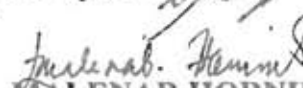
2. The PNP personnel who shall be charged either as principal accomplice or an accessory in the crime of Kidnapping shall be administratively charged in accordance with the applicable provision of RA 6975 as amended by RA 8551 and be meted the penalty of dismissal from the service if evidence so warrants without prejudice to his/her criminal prosecution under Revised Penal Code and/or Special Laws.
3. The PNP personnel who shall be instrumental in the apprehension of kidnapers shall receive an appropriate recognition from his/her superior which will be duly noted, considered and appreciated in his or her application for promotion.
4. For Presidential appointees, Malacañang clearance shall be obtained prior to any investigation.
5. 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 kidnapping, bank robbery and other heinous crime.

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

This 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.

APPROVED, this 6th day of MARCH in the Year Two Thousand and Three at Makati City, Metro Manila, Philippines.


JOSE D. LINA, JR.
 Chairperson


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


HERMOGENES E. ERDANE, JR.
 Commissioner


CELIA V. SANIDAD-LEONES
 Commissioner

Attested by:


ADELMALYN A. MUNIEZA
 Acting Chief, Secretariat

moca/mc-kidnapping/tigal

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