

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati City

MEMORANDUM CIRCULAR - 2009-001

**DIRECTING THE PHILIPPINE NATIONAL POLICE TO UNDERTAKE AN
INTENSIFIED AND UNRELENTING CAMPAIGN AGAINST ILLEGAL USE
AND TRAFFICKING OF DANGEROUS DRUGS**

WHEREAS, under Republic Act No. 9165, otherwise known as "The Comprehensive Dangerous Drugs Act of 2002", it is the declared policy of the State to pursue an intensive and unrelenting campaign against trafficking and use of dangerous drugs and other similar substances through an efficient and effective enforcement of all laws against dangerous drugs;

WHEREAS, despite the government's sustained and unrelenting campaign against trafficking and the use of dangerous drugs through an integrated system of planning, implementation and enforcement of anti-drug abuse policies, programs and projects, dangerous drugs continue to be a menace to society;

WHEREAS, there is evident proliferation of illegal drug laboratories all over the country and increase of incidents of widespread distribution, sale and use of dangerous drugs, particularly among the youth sector of the country;

WHEREAS, it is imperative that the Philippine National Police (PNP), being the premier law enforcement agency of the government mandated to enforce all laws and ordinances relative to the protection of lives and properties shall, in coordination with Philippine Drugs Enforcement Agency (PDEA) and other concerned agencies, immediately undertake intensified and massive campaign to stop, once and for all, the illegal use and trafficking of dangerous drugs;

WHEREAS, these initiatives are consistent with and supportive of the current effort of the President of the Republic to personally lead the fight for the eradication of illegal drugs in the country.

NOW THEREFORE, the Commission, in the exercise of its power of administration and control over the Philippine National Police, hereby promulgates and prescribes the following policies, rules and regulations:

1. The "One-Strike Policy" on illegal drugs shall be strictly enforced in all provincial, city and municipal command levels of the PNP for purposes of

determining administrative liabilities under the principle of Command Responsibility.

2. "One-Strike Policy" means that when an illegal drug laboratory, drug den or distribution center, otherwise known as drug marketplace or "tiangge", or when a bodega or warehouse containing drugs, ingredients or paraphernalia used in the manufacture or production of illegal drugs located in the area of responsibility of a police unit, is raided or otherwise discovered by another law enforcement unit of the PNP, PDEA, NBI or any Task Force created or authorized by the President, the head of the unit as herein specified shall be immediately relieved, without prejudice to the imposition of the appropriate administrative liability against the said unit head. The same policy applies when there are widely known and widespread incidents of drug trafficking or drug abuse in the area of responsibility.

3. Definition of Command Responsibility-

Command Responsibility refers to the duty or obligation of every Police Commissioned Officer (PCO) to closely supervise, coordinate, control and monitor the discharge of duties of his subordinates as well as the responsibility to control and monitor the activities of other units operating within the PCO's area of jurisdiction and to take preventive or corrective measures as may be warranted. In this regard, Sections 1 and 2 of Executive Order No. 226 dated February 17, 1995, entitled "*Institutionalization of the Doctrine of Command Responsibility in all Levels of Command in the Philippine National Police and Other Law Enforcement Agencies*", provide:

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:

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; and

3. When members of his immediate staff or office personnel are involved.

4. Application of Doctrine of Command Responsibility –

A. Command Responsibility of the Regional Director –

The Regional Director shall have command responsibility over Provincial Directors or NCR District Directors.

B. Command Responsibility of the Provincial and District Director, City Directors, and Chiefs of Police -

The Provincial/NCR District Director shall have command responsibility over the Chiefs of Police of the city and municipal police stations within their respective area of responsibility.

The City Director and Chief of Police shall have command responsibility over the sub-station and precinct commanders.

C. Presumption of Negligence -

There shall be a presumption of negligence on the part of the Regional Director, Provincial/NCR District Director, City Director and Chief of Police when an illegal drug laboratory, drug den or distribution center (tiangge), or when a bodega or warehouse containing drugs, ingredients or paraphernalia used in the manufacture or production of illegal drugs located in the area of responsibility of a police unit, is raided or otherwise discovered by a separate unit of the PNP, or by other law enforcement agencies like the PDEA, NBI or any Task Force created or authorized by the President.

There shall be a presumption of negligence on the part of the Regional Director when two (2) or more of the above-enumerated places are raided or discovered within his jurisdiction or area of responsibility by a separate unit of the PNP, or by other law enforcement agencies like the PDEA, NBI or any Task Force created or authorized by the President.

D. Presumption of Knowledge and Tolerance -

There shall be a presumption of knowledge and tolerance on the part of the Regional Director, Provincial/NCR District Director, City Director and Chief of Police when the abuse, distribution and sale of illegal drugs and other similar substances are widespread and openly undertaken in the region, province, city or municipality falling under their jurisdiction or area of responsibility.

E. Immediate Relief of Concerned PNP Officials; Conduct of Investigation -

Upon completion and submission of the After-Incident Report to the appropriate PNP officer, the Chief, PNP or the

Regional Director concerned, shall immediately order the relief of the concerned Regional Director or Provincial/District Director, City Director and/or Chief of Police, as the case may be, from their posts and a motu proprio investigation shall be conducted by the National Police Commission for the determination of the administrative liabilities of all PNP officials involved.

5. Formation of NAPOLCOM Drug Test Team –


The NAPOLCOM shall conduct intensive investigation on the involvement of PNP personnel in the protection of manufacturers, pushers and syndicates of illegal drugs and similar substances, as well as in the manufacture, distribution, sale, or illegal use thereof. It shall form drug test teams or otherwise engage the services of drug test centers to conduct random drug tests on uniformed personnel of the PNP.

Refusal of any PNP personnel to submit himself or herself to random drug test shall constitute insubordination or violation of this Circular and will warrant dismissal from the service or imposition of disciplinary sanctions as prescribed by law.

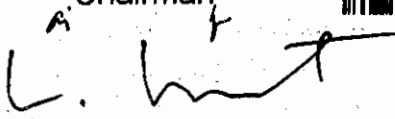
6. Repealing Clause -

All past issuances of the Commission or portions thereof which are contrary to or inconsistent herewith are hereby modified or repealed accordingly.

APPROVED this 10th day of February, 2009. Makati City


RONALDO V. PUNO
Chairman




EDUARDO U. ESCUETA
Commissioner
Vice-Chairman and Executive officer


LUIS MARIO M. GENERAL
Commissioner


JESUS A. VERZOSA
Commissioner

Attested by:


ADELMALYN A. MUNIEZA
Chief, Secretariat