

C O N F I D E N T I A L

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
Makati, Metro Manila

MEMORANDUM CIRCULAR NO. 94-023

SUBJECT : PROHIBITING THE USE OF CRIMINAL ELEMENTS AS POLICE UNDERCOVER OPERATORS AND PROVIDING GUIDELINES IN THE FORMULATION OF PNP INTELLIGENCE PLANS, PROGRAMS AND PROJECTS

WHEREAS, *undercover assignment is one of the most sensitive types of police work requiring extraordinary personal qualities, trainings, experience and motivation;*

WHEREAS, *using criminal elements as police undercover operators militates against the aforementioned requirements, leads to the public perception that the police are "coddlers of criminals," and gives the criminals used as undercover operators an opportunity to exploit their "authority" to achieve criminal ends;*

WHEREAS, *the public perception is that law enforcers who used criminals as undercover operators exploit the latter as camouflage to commit crimes by proxy, using criminals as instruments, or fall guys if discovery is imminent and there is a need to "bump off" the criminals who could later be compelled to establish a link to the conniving law enforcers;*

NOW, THEREFORE, *this Commission, in the exercise of its administration and control functions, hereby orders and directs:*

Section 1. Use of Criminals and/or Persons with Derogatory Record as Police Undercover Operatives: Prohibition and Administrative Sanctions. -The use of criminals and/or persons with derogatory record as police undercover operatives, in whatever forms or schemes, is diametrically opposed to the tenets of police ethics and professionalism, and, therefore, is hereby strictly prohibited.

In cases of violations of this Section, the PNP personnel involved shall be held accountable for "Grave Misconduct," while the immediate commanding officer, who authorized/tolerated such deplorable police malpractice or who did not take any action against those involved, shall be investigated and charged for "Serious Neglect of Duty," under the doctrine of command responsibility.

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Section 2. Constitution of the Commission as a Select Oversight Committee on PNP Intelligence Activities. - The Commission proper, in addition to its regular functions, is hereby constituted as a Select Oversight Committee on PNP Intelligence Activities, with the principal task of considering for its confirmation/indorsement all PNP intelligence plans, programs and projects prior to their submission to the President for his approval.


Effective CY 1995, no PNP intelligence plans, programs and projects shall be transmitted to the President unless first submitted to, and confirmed by, the Select Oversight Committee upon prior recommendation of the CPNP.

Section. 3. Screening System for Intelligence Agents/Operatives. - The PNP shall immediately establish a strict and vigorous screening system for the assignment, including the recruitment of intelligence agents/operatives, to ensure that only those who are intelligence-trained and qualified and susceptible to official control at all times are authorized entry into the PNP intelligence community.

Corollary to the establishment of the above screening system and in order to enhance service proficiency and professionalism in intelligence work as a career specialty within the PNP organization, intelligence training at all levels hereof, including the administration, maintenance and operation of intelligence training facilities and resources, is hereby returned/reverted to the direct supervision and control of the PNP Director for Intelligence.

Section 4. Effectivity. - This Memorandum Circular shall take effect immediately.

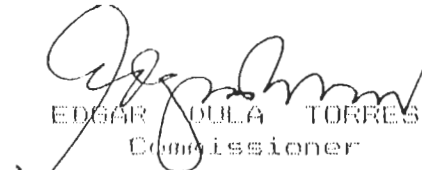
ISSUED, this 17th day of November 1994, at Makati, Metro Manila, Philippines.


RAFAEL M. ALUNAN III
Secretary, DILG and Chairman,
NAPOLCOM

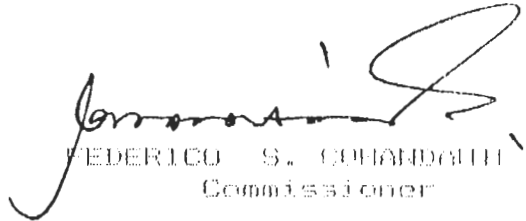
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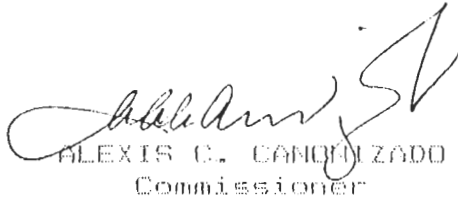
GUILLEIRMO P. FARILOPEZ, JR.
Commissioner
Vice-Chairman & Executive Officer



EDGAR OULA TORRES
Commissioner

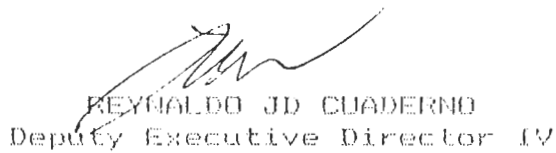


FEDERICO S. CORDERO
Commissioner



ALEXIS C. CANCHIZADO
Commissioner

Attested by:



REYNALDO JD CUADERNO
Deputy Executive Director IV