

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
ALCO Building
391 Sen. Gil J. Puyat Avenue
Makati, Metro Manila

MEMORANDUM CIRCULAR NO 95-03

TO : Chief, PNP, PNP Regional Directors, Provincial Directors, District Directors, Equivalent Commanders, Chiefs of Police and all other Officers concerned.

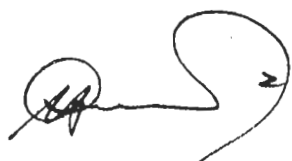
SUBJECT : *the* INSTITUTIONALIZATION OF THE DOCTRINE OF COMMAND RESPONSIBILITY AT ALL LEVELS OF COMMAND IN THE PNP

Pursuant to the constitutional and statutory mandate on administrative supervision and control over the PNP, and in order to attain a high degree of discipline in the police organization, it is hereby directed that the doctrine of command responsibility should be strictly enforced throughout all levels of command.

In determining the level of command responsibility of a commander for any improper conduct or unlawful act committed by any member of the command, the following rules shall be applied:

a. The Commander shall be held responsible not only for the misconduct, abuse of authority, or criminal offense committed by his subordinates but also for gross inefficiency and vicious or immoral habits of the officers and personnel under him.

b. The Commander shall be held liable and responsible for above-stated offenses in either of the following instances:





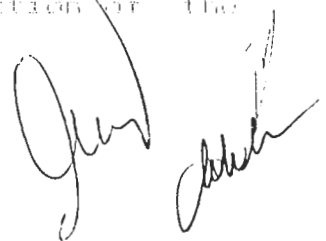
1. When the Commander cooperated in the commission of abuse of authority, improper or unlawful act by subordinates.

2. When the Commander used his command authority or position to force or induce his subordinates to perform the improper conduct or unlawful act.

3. When a Commander has previous knowledge of his subordinate's improper or unlawful act but tolerated or failed to do anything to prevent the occurrence of the same.

c. In a situation where a Commander or a higher echelon was present in an area and had knowledge of a commission of a misconduct or its impending act but failed to take appropriate corrective action, he is also administratively liable and answerable to said misdemeanor or unlawful act.

d. Responsibility for an improper act of a PNP personnel ends at the level of a commander having been found responsible according to the rules as specified above and the extent of effect of the consequence of the improper act to the organization or area of jurisdiction. If the consequence affected the whole PNP or the whole country, two or more RECOMs or an area more than the jurisdiction span of one RECOM but less than the whole country, the responsibility may be determined by investigation up to the level of Chief, PNP. If the affected organization is RECOM or a BSU, the responsibility may be determined by the C, PNP. If the affected area covers the jurisdiction of the



RECOM, the responsibility may be determined up to the RECOM and so on up to when the affected organization is the sub-station. In the case of the lowest unit, the responsibility has to be determined by investigation up to the level of the Chief of Police as the chain of command starts with him.

e. For the purpose of determining the responsibility of Commanders lower than the Chief, PNP for any improper act committed by any officer or NCO under their command, the following procedure is hereby prescribed. This action shall be separate and apart from such other action ordinarily instituted solely for the purpose of inquiring into the guilt of the offender and filing the corresponding charges, if any, against him in the proper court, or for determining what action should be taken against such offender under the law. The procedure prescribed herein shall be followed in every case of improper conduct of police personnel, whether or not criminal liability is attached to the case.

(1) The next higher Commander exercising responsibility shall ensure that proper investigation is immediately done by the appropriate authority.

(2) In the case involving simple violation of laws and regulations, investigation shall be made by the unit investigating arm.

(3) If the case involves the efficiency and effectiveness of command, or is of such complication as to indicate gross negligence or

the part of the Commander, or should be investigated by the Internal Affairs Division.

(4) A final report shall be submitted by the Internal Affairs Division after all the facts and circumstances the case have been brought to light. The final report may either confirm or amend the findings and recommendations given in the advance report.

f. The Chief, PHP shall decide on the degree of responsibility and liability of the National Support Unit Directors/RECON Directors, Provincial Directors and COs whose leadership is in question and shall prescribe the proper administrative and/or disciplinary measures to be taken. NSU Directors and COs shall decide on cases on subordinate commanders in their respective commands.

This Memorandum Circular shall take effect immediately.

ISSUED this 12th day of January 1995, at Makati, Metro Manila, Philippines.

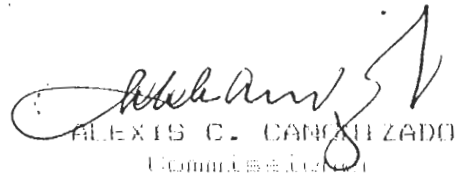


RAFAEL M. ALUNAN III
Secretary, D/IG/
Chairman, NIPOLCOM




GUTIERREZ M. ENRIQUEZ, JR.
Commissioner
Vice-Chairman/Executive Officer


EDGAR DULA TORRES
Commissioner


ALEXIS C. CANCELLAZADO
Commissioner

Attested by:


REYNALDO JD CUADERNO
Deputy Executive Director IV

bba 94'