

**[NPC MEMORANDUM CIRCULAR NO. 2004-007,
September 03, 2004]**

DIRECTING THE CHIEF, PHILIPPINE NATIONAL POLICE, POLICE REGIONAL DIRECTORS, POLICE PROVINCIAL DIRECTORS, POLICE DISTRICT DIRECTORS, POLICE CITY DIRECTORS, CHIEFS OF POLICE AND STATION COMMANDERS TO CONDUCT A RELENTLESS AND ALL-OUT CAMPAIGN AGAINST MEMBERS OF THE PNP WHO ARE ENGAGED IN ILLEGAL ACTIVITIES ESPECIALLY THOSE INVOLVED IN "KOTONG" OR HULIDAP" OPERATIONS

WHEREAS, the Philippine National Police, being the premier law enforcement agency of the government is mandated, under Section 24(b) and (c) of RA No. 6975, to "(M)aintain peace and order and take all necessary steps to ensure public safety," and to "(I)nvestigate and prevent crimes, effect the arrest of criminal offender, bring offenders to justice and assist in their prosecution."

WHEREAS, the Commission which exercises administrative control and operational supervision over the PNP, and at the same time, advises the President on all matters involving police function and administration, is alarmed by the increasing number of policemen engaged or involved in corruption, notably robbery and extortion of hapless individuals that they now earned the monicker "Kalbhuro Cops", the acronym for "Kalawit, Bangketa, Hulidap, Robbery and Orbit Cops"

WHEREAS, though these misfits or scalawags in uniform constitute an insignificant number, they nevertheless project a negative image to the police organization as unworthy of public trust and respect;

WHEREAS, to further prevent the erosion of public trust and consistent with the policy of the administration against corruption in government, there is urgent necessity to initiate measures to cleanse the PNP of these undesirable elements.

NOW THEREFORE, the Commission, in the exercise of its administration and control functions over the PNP has resolved to direct, as it hereby directs the PNP leadership from the Chief, PNP to the Lowest Unit Commander to undertake a relentless and all-out campaign against misfits and scalawags in the PNP notably those engaged or involved in "Kotong" or "Hulidap" operations, and accordingly, prescribes the following guidelines:

1. To ensure a more efficient, effective and vigorous campaign against police officers involved in "Kotong" or "Hulidap" operations, the "Doctrine of Command Responsibility" shall be strictly applied in all levels of Command in the PNP. -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 other 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.

Sec. 2. Presumption of Knowledge. A government official or supervisor, or PNP commander, is presumed to have knowledge of the commission of irregularities or criminal offenses 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."

2. Accordingly, in the continuing campaign and operation against "Kotong Cops" and "Hulidap" policemen, any PNP official, superior officer or unit chief who fails to take preventive or corrective measure against these rogue policemen in his area of responsibility shall be administratively charged for Serious Neglect of Duty under the Doctrine of Command Responsibility, as quoted above, without prejudice to his or her criminal prosecution when appropriate, and shall also be relieved from his position under any of the following circumstances:

A. PNP National Capital Regional Police Office

1. PNP Regional Director.

The Regional Director (RD) of the National Capital Regional Police Office (NCRPO) shall have command responsibility over the District Directors and the commander of the Regional Mobile Group in his jurisdiction.

The presumption of negligence will set in when there are at least eight (8) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the police districts or the RMG in his AOR.

2. PNP NCR District Director

The District Director shall have command responsibility over the Chiefs of

Police or Station Commanders of Numbered Stations or NCR Police Stations under his area of responsibility.

The presumption of negligence will set in when there are at least six (6) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the police stations in his AOR.

3. PNP Chief of Police of NCR City/Municipal Police Station or Station Commander of Numbered Station

The Chief of Police of the Municipality or Station Commander, NCRPO shall exercise command responsibility over the commanders of the Sub-Stations/PCPs in his area of responsibility.

The presumption of negligence will set in when there are at least four (4) incidents of kotong or hulidap operations or other forms of robbery/ extortion activities involving uniformed members of the PNP assigned in any of the police sub-stations/PCPs in his AOR.

4. Police Community Precinct Commander or Sub- Station Commander

The Police Community Precinct of Sub-Station Commander shall exercise command responsibility over Police Community Precinct or Sub-Station members.

The presumption of negligence will set in when two (2) or more policemen in his AOR are involved in kotong or hulidap operations or other forms of robbery/extortion activities.

B. Other PNP Regional Offices

1. PNP Regional Director

Police Regional Directors shall have command responsibility over the Provincial or City Directors and the Commanders of the Regional Mobile Group in their respective jurisdictions.

The presumption of negligence will set in when there are at least six (6) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the police provincial offices, city offices or the RMG in his AOR.

2. PNP Provincial Directors and City Directors of Highly Urbanized City

The PNP Provincial Director or City Director shall exercise command responsibility over the Chiefs of Police or Station Commanders of Police Stations in his area of responsibility.

The presumption of negligence will set in when there are at least four (4)