

[NAPOLCOM MEMORANDUM CIRCULAR NO. 2003-008, March 06, 2003]

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 commission 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 destruction 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 names, pictures 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 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