

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

MEMORANDUM CIRCULAR NO. 2001-002

SUBJECT : GUIDELINES FOR THE OBSERVANCE OF OFFICERS AND MEMBERS OF THE PHILIPPINE NATIONAL POLICE IN CONNECTION WITH THE MAY 14, 2001 NATIONAL AND LOCAL ELECTIONS, PURSUANT TO COMELEC RESOLUTION NO. 3309 PROMULGATED ON NOVEMBER 7, 2000

**TO : Acting Chief, Philippine National Police
PNP Regional Director/Equivalent Supervisors
PNP Provincial Director/Equivalent Supervisors
Chief of Police/Equivalent Supervisors**

In compliance with the Commission on Elections (COMELEC) Resolution No. 3309 promulgated on November 7, 2000, deputizing among others the Secretary of the Interior and Local Government, the National Police Commission and its Chairman, the Philippine National Police and its Director General, to assist the COMELEC in its constitutional function of ensuring the holding of free, orderly, honest, peaceful and credible elections on May 14, 2001, the National Police Commission, in the exercise of its constitutional and statutory mandate to administer and control the PNP, hereby directs the strict observance of the duties and functions reposed to them under Number 2 of said Resolution, to wit:

**"2. THE NATIONAL POLICE COMMISSION
AND THE PHILIPPINE NATIONAL POLICE"**

"The Secretary of the Department of the Interior and Local Government, National Police Commission and its Commission, the Philippine National Police and its Director General, are hereby deputized in connection with the May 14, 2001 elections, and as such shall:

- 1) Effect no changes, during the election period, in the assignments of regional, district, provincial, city and station unit commanders and all PNP personnel under his command without the prior written permission of the Commission;
- 2) Bring to the attention of each and every member of the Philippine National Police, the following basic considerations:
 - a) The conduct of the elections is a purely and absolutely civilian process which, however, requires the cooperation of the armed forces, provincial, district, city or municipal police forces and agencies; and
 - b) Orders issued by the Commission in connection with the May 14, 2001 elections shall take precedence over and above the orders and directives issued by any other office or agency of the government: Provided, That, nothing herein contained shall be construed as in any manner affecting or constituting an impairment of the constitutional powers of the President of the Philippines to conduct and direct the general peace-keeping functions of the Philippine National Police.

- 3) To direct the officers and enlisted personnel under his command to strictly observe the following duties and functions:
- a) Provide security to polling places, the members of the boards of election inspectors and the voters whenever the need therefor arises, or whenever the Commission through its election officers or Election Law Enforcement Teams so requires;
 - b) Provide security to COMELEC personnel and representatives performing duties and functions in connection with the elections whenever a request to this effect is made or when required by the Commission;
 - c) Take steps to protect voters from threats, intimidation, coercion, harassment or reprisal;
 - d) Enforce the following prohibited acts under Section 261 of the Omnibus Election Code:
 - 1) Paragraph (m) on appointment or use of special policemen, special agents, confidential agents or the like;
 - 2) Paragraph (p) on possession of deadly weapons;
 - 3) Paragraph (q) on carrying of firearms outside residence or place of business;
 - 4) Paragraph (r) on the use of armored land vehicles, water or aircraft;
 - 5) Paragraph (s), as amended by Section 32 of Republic Act No. 7166, on wearing of uniforms and bearing of arms;
 - 6) Paragraph (t), as amended by Section 33 of Republic Act No. 7166, on policemen and provincial guards acting as bodyguards or security guards;
 - 7) Paragraph (u) on reaction, strike forces or similar forces; and
 - 8) Ban on dispensing, selling and taking of intoxicating liquor.
 - e) Take effective measures to prevent members of civilian vigilante units and barangay tanods from engaging in partisan political activities or any act of terrorism, intimidation, coercion, harassment, or reprisal;
 - f) Take steps to prevent private security agencies from acting as private armies of any candidate, political party, organization or coalition, campaigners for terroristic or violent acts against persons in connection with the May 14, 2001 national and local elections;

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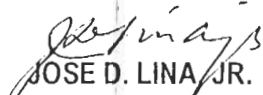
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- g) Implement strictly the rules and regulations promulgated by the Commission in the provinces, cities and municipalities which may be placed under COMELEC control and coordinate with the COMELEC Law Enforcement Team therein;
- h) Enforce specific orders of the Commission to confiscate or tear down prohibited election propaganda or advertisement;
- i) Perform such other functions and duties or implement such other directives as the Commission may issue from time to time; and
- j) Render periodic reports on actions taken in accordance with this deputation."

In addition to the foregoing, any member of the PNP who refuses or neglects to comply with, and abuses any, or all of the duties and functions assigned to him/her as COMELEC representative shall be prosecuted immediately, criminally and/or administratively. Further, the commanding officer of the erring police personnel shall likewise incur administrative liability for negligence based on the principle of Command Responsibility if it is shown that he had knowledge of the infraction and failed to take corrective measures therefor. The hearing of all administrative cases which may be filed against any policeman arising out of any violation of this Memorandum Circular shall be given top priority.

This **Memorandum Circular** shall take effect immediately.

ISSUED this 7th day of March 2001 at Makati City.


JOSE D. LINA JR.
Secretary, DILG and
Chairman, Napolcom
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LEO S. MAGAHUM
Commissioner
Vice Chairman and Executive Officer


ROMEO L. CAIRME
Commissioner


CLEOFE M. FACTORAN
Commissioner



ZOSIMO S. BALAGTAS
Commissioner

P/DDG LEANDRO MENDOZA
Commissioner

Attested by:


REYNALDO JD CUADERNO
Deputy Executive Director IV