

Republic of the Philippines  
Department of the Interior and Local Government  
NATIONAL POLICE COMMISSION  
371 Sen. Gil J. Puyat Avenue  
Makati City

MEMORANDUM CIRCULAR NO. 2002-004

**DEFINING AND PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE PROVINCIAL GOVERNORS AND CITY/MUNICIPAL MAYORS, AS DEPUTIES OF THE NATIONAL POLICE COMMISSION IN THE CAMPAIGN AGAINST JUETENG AND OTHER ILLEGAL GAMBLING ACTIVITIES IN THEIR RESPECTIVE AREAS OF RESPONSIBILITY**

*WHEREAS, jueteng and other forms of illegal gambling activities continue to persist as a social menace and a bane to society; a source of corruption to some who are in public office; and a scourge in the Filipino way of life, and thus, erode and undermine the basic foundation of our moral fibers, especially that of the young;*

*WHEREAS, Section 64, Republic Act (RA) No. 8551, mandates that Governors and Mayors, after having been elected and qualified as such, are automatically deputized as representatives of the Commission in their respective areas of responsibility and, by virtue of said deputation, shall among others, oversee the implementation of their Provincial or Community Public Safety Plans; initiate measures and programs geared towards the effective maintenance of law and order, including the implementation and enforcement of all anti-gambling laws, principally Presidential Decree (PD) No. 1602 (Prescribing Stiffer Penalties on Illegal Gambling); and, to exercise other functions as may be authorized by the Commission;*

*WHEREAS, Section 51 (b)(4), RA No. 6975, as amended, provides that "The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives" and Section 14 (a)(11) thereof, that Napolcom shall "Monitor the performance of local chief executives as deputies of the Commission".*

*WHEREAS, RA No. 7160, otherwise known and cited as the "Local Government Code of 1991" enjoins the Provincial Governors and City/Municipal Mayors to enforce all laws and ordinances relative to the governance of the province, city or municipality, one of which is PD No. 1602.*

*WHEREAS, on April 3, 2002 a Summit on Anti-Illegal Gambling was conducted in Metro Manila wherein local chief executives and their representatives were invited to formulate a holistic, comprehensive non-nonsense strategy to combat jueteng and all form of illegal gambling;*

*NOW, THEREFORE, the Commission, in the exercise of its Constitutional mandate and statutory powers under RA No. 6975, as amended, has resolved to define and prescribe as it hereby defines and prescribes the additional duties and responsibilities of Provincial Governors and City/Municipal Mayors as Deputies of the Commission in the campaign against jueteng and other forms of illegal gambling activities:*

- 1. It shall be the duty and responsibility of all provincial governors and city/municipal mayors as local government executives and as deputies of the Commission to be the prime movers in the campaign against Jueteng and other illegal gambling activities, and thus, are enjoined, pursuant to their power of control and supervision over anti-gambling operations of the PNP within their areas of responsibility, to immediately stop and eradicate these nefarious activities.*

*Toward this end, they are enjoined to prepare an operational plan against illegal gambling for the implementation of the Police Provincial Director or chief of Police, as the case may be, copy furnished the regional offices of DILGi, Napolcom and PNP.*

*In addition thereto, they shall likewise pursue the criminal prosecution of the violators of PD No. 1602 and other related anti-gambling laws.*

- 2. All local chief executives who have knowledge of the operation of jueteng and other illegal gambling activities in their respective areas of responsibility but fail or refuse to stop or eradicate the same, shall be held administratively liable for dereliction of duty under Section 60(c) of RA No. 7160, without prejudice to the withdrawal of their deputation under Section 52, RA No. 6975, as amended, and as implemented under Napolcom Memorandum Circular No. 2001-03 and their criminal prosecution under Article 208 of the Revised Penal Code, RA 3019 or the Anti-Graft and Corrupt Practices Act and Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."*

*For this purpose, the criminal and administrative complaint shall be lodged before the Office of the Ombudsman.*

- 3. For purposes of Section 2 hereof, there is prima facie case that a local chief executive has knowledge of the operation of jueteng and other illegal gambling activities in his area of responsibilities and has failed or refused to stop or eradicate the same under any of the following circumstances:*

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- 3.1 when three (3) or more separate raids/operations conducted in a province, city or municipality, without the participation of the concerned local executive, directly or indirectly, by members of law enforcement units not assigned to the police station under the local government unit (LGU) concerned which resulted in the arrest of violators of PD 1602, and/or the confiscation of gambling paraphernalia, such as, bulilyo, lastilyas, or cotejo; bets and other related items;
- 3.2. when such illegal gambling activity is of public knowledge within a province, city or municipality so as to induce a belief in an unprejudiced mind that the Provincial governor or City or Municipal Mayor is abetting or tolerating the same;
- 3.3 when a LCE fails or refuses to cooperate and/or provide necessary assistance to police operatives during the conduct of anti-illegal gambling operations or such LCE intercedes for the release of apprehended violators and/or gambling paraphernalia, bets and other related items;
- 3.4 when from the monitoring report of the Regional Multi-Sectoral Monitoring Team (RMMT) on Anti-Gambling, it appears that for two (2) or more months in a province, city or municipality, jueteng or other illegal gambling activities exist and that the LCEs failed to stop the same.
- 3.5. when two (2) or more individuals of known probity and integrity executed an affidavit or sworn statement, attesting to the existence of illegal gambling and, attaching or enclosing therewith documents or items such as bulilyo, lastilyas or cotejo related thereto.

4. Orders, directives or instruction, written or verbal issued by the concerned LCEs to stop illegal gambling operations or activities in their respective areas of responsibilities shall not exculpate them from criminal or administrative liability, if any of the circumstances enumerated above exists or occurs.
5. For our reference, and in relation to the foregoing, the Supreme Court in *"Juan Coronado, Petitioner, vs The Sandiganbayan and the People of the Philippines, Respondents"*, G.R. No. 94955, August 18, 1993 had the occasion to define "Neglect of Duty" in this wise:
 

"x x x, there was failure on the part of the petitioner, a public officer, to observe due diligence in his assigned tasks; let us call it one of neglect, a broad term which is defined as the failure to do what can be done and what is required to be done (West's Legal Thesaurus/Dictionary, 1986)."
6. To ensure strict compliance with the provisions of this Circular, the RMMT on Anti-Gambling created under Department Order No. 2001-102, as amended by 2001-590, shall be the Office of Primary Responsibility, and shall be guided by Napolcom Office Order No. 2001-015 dated August 20, 2001.
7. All other Napolcom Issuances or portions thereof which are contrary to, or inconsistent herewith, are hereby modified or repealed accordingly;
8. Let a copy of this Circular be furnished the Office of the President, Office of the Chairperson, Civil Service Commission and Office of the Ombudsman for their information and reference.

This Memorandum Circular shall take effect fifteen (15) days from date of publication in a newspaper of general circulation, and a copy of the same filed with the UP Law Center in consonance with the Administrative Code of 1987.

**ADOPTED** this 12th day of April in the Year Two Thousand Two at Makati City, Metro Manila, Philippines.

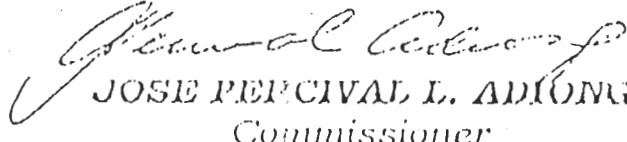
*Jose D. Ling, Jr.*  
**JOSE D. LING, JR.**  
 Chairperson

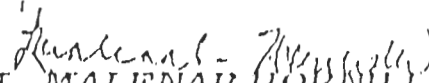
*Rogelio A. Pureza*  
**ROGELIO A. PUREZA**  
 Commissioner

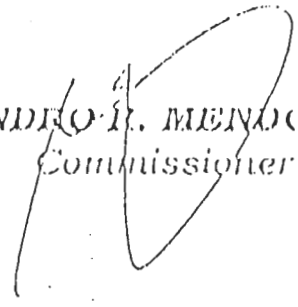
Vice-Chairperson/Executive Officer

*Law*

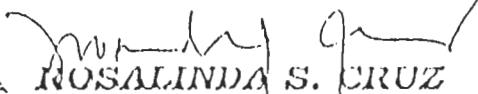
  
EDGAR DULA TORRES  
Commissioner

  
JOSE PERCIVAL L. ADIONG  
Commissioner

  
LINDA L. MALENAB-TORNILLA  
Commissioner

  
LEANDRO B. MENDOZA  
Commissioner

Attested by:

  
ROSALINDA S. CRUZ  
Acting Chief, Secretariat

VCM/appr  
Anti-gambling

