

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. 2002-005

DIRECTING THE CHIEF, PHILIPPINE NATIONAL POLICE, POLICE REGIONAL DIRECTORS, POLICE PROVINCIAL DIRECTORS, POLICE DISTRICT DIRECTORS, CITY POLICE DIRECTORS, CHIEFS OF POLICE AND STATION COMMANDERS TO IMMEDIATELY UNDERTAKE AN ALL-OUT CAMPAIGN TO STOP AND ERADICATE JUETENG AND OTHER ILLEGAL GAMBLING ACTIVITIES

WHEREAS, the Commission, in the exercise of its constitutional mandate and statutory powers under RA No. 6975, as amended, had recently issued a memorandum circular defining the role of provincial governors and city and municipal mayors as deputies of the Commission in the vigorous campaign against jueteng and other illegal gambling activities;

WHEREAS, despite several campaigns to stamp out these illegal activities, the same were proven to be short of community expectation and said vices continue to proliferate except in a few provinces, cities and municipalities of the country;

WHEREAS, it is of public perception that jueteng and other illegal gambling activities will not thrive and flourish within a province, city or municipality without the connivance, protection or tolerance of our law enforcement officers and the local government executives;

WHEREAS, in light of the pronouncement of Her Excellency, President GLORIA MACAPAGAL-ARROYO on the three (3) significant pillars of good governance, namely; a sound moral foundation; a philosophy of transparency in all transactions; and, an ethic of effective implementation, there is an urgent need to once more revisit our operational strategies in this campaign with the end in view, of taking a unified and resolute stand against this illegal activity.

NOW, THEREFORE, the Commission, in the exercise of its administration and control function over the PNP has resolved to direct, as it hereby directs, the PNP leadership from the Chief, PNP to the lowest officer or unit commander to immediately undertake an all-out campaign to stop and eradicate Jueteng and other illegal gambling activities; and further prescribes the following rules to govern the same:

- 1) All PNP units shall be the primary and principal law enforcement arm in the national campaign against jueteng and other illegal gambling activities. For operational effectiveness, they are enjoined to closely liaison and directly

coordinate with their local Peace and Order Councils, Law Enforcement Coordinating Councils and other public and private organizations actively involved in this campaign.

- 2) To ensure a more efficient, sustained, vigorous and resolute campaign against jueteng and other gambling activities, 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 GOVERNMENT OFFICES, PARTICULARLY AT 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 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.

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.”

- 3) Accordingly, in the campaign against jueteng and other illegal gambling activities, any PNP official or unit chief who fails or refuses to stop and eradicate this illegal activity in his area of responsibility shall be administratively charged for Serious Neglect of Duty under the Doctrine of Command Responsibility pursuant to Executive Order No 226 of February 17, 1995 without prejudice to his or her criminal prosecution when applicable under the Revised Penal Code and special laws, under any of the following circumstances:

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- 3.a. For PNP Regional Directors, when three (3) or more separate raids/operations conducted in any part of a region by a PNP unit not organic to the region or any authorized law enforcement agency, resulted in the arrest of violators of PD 1602 and/or the confiscation of gambling paraphernalia, such as bulilyo, lastilyas, cotejo, bets and other related items.
- 3.b. For the PNP Provincial Directors, when three (3) or more separate raids/operations conducted in any part of the province, by any PNP unit not organic to the province or any authorized law enforcement agency, resulted in the arrest of violators of PD 1602 and/or the confiscation of gambling paraphernalia, such as bulilyo, lastilyas, cotejo, bets and other related items.
- 3.c. For City/Municipal Chiefs of Police, when three (3) or more separate raids/operations conducted in any part of the city/municipality, by a PNP unit not organic to the city/municipality or any authorized law enforcement agency, resulted in the arrest of violators of PD 1602 and/or the confiscation of gambling paraphernalia, such as bulilyo, lastilyas, cotejo bets and other related items.
- 3.d. For the PNP Regional Director, Provincial Director and City/Municipal Chief of Police concerned, a report on the raids/operations had been forwarded to him/her by the raiding or operating team detailing the arrests and and/or confiscated gambling paraphernalia, bets and other materials and such other matter as may indicate existence of illegal gambling in the area, but despite such knowledge, the Regional Director, Provincial Director or City/Municipal Chief of Police concerned did not take preventive or corrective action within one (1) week from the receipt of the report of the raiding team.
- 3.e. Complementary to the conduct of raids/operations and submission of reports by raiding/operating teams to the concerned PNP Regional Director, Provincial Director or City/Municipal Chief of Police, when the Regional Multi-Sectoral Monitoring Team (RMMT) on Anti-Gambling has furnished the concerned PNP officer of copies of its monitoring report and certifications duly signed by RMMT Chair and members on the existence of illegal gambling in a particular city/municipality for two (2) consecutive months, but the concerned PNP officer fails or refuses to take preventive or corrective action within one (1)

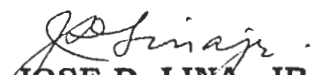
week reckoned from the receipt of the RMMT report.

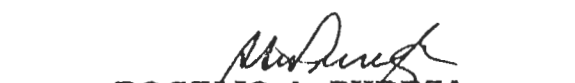
- 3.f When two (2) or more individuals of known probity and integrity execute an affidavit or sworn statement, attesting to the existence and continuing operation of illegal gambling in his area of responsibility and, attaching therewith documents or items proving the same.
- 4) Any PNP Regional Director, Provincial Director or City/Municipal Chief of Police who falls under any of the foregoing circumstances, shall be relieved of his/her assignment and forthwith pre-charge investigation will be conducted which shall be terminated within fifteen (15) days. Upon finding of probable cause, subject police officer shall be placed under preventive suspension pending formal investigation in accordance with Napolcom Memorandum Circular No. 98-014.
- 5) Henceforth, as a matter of policy, the Commission, before recommending or approving any promotion of a PNP officer, both in rank and assignment, shall assess and evaluate the performance of said recommendee in the campaign against jueteng and other illegal gambling activities.

All other Napolcom Issuances or portions thereof which are contrary to, or inconsistent herewith, are hereby modified or repealed accordingly.

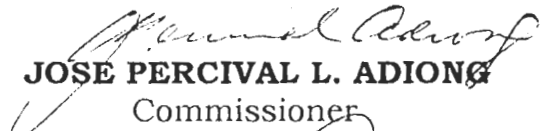
This Memorandum Circular shall take effect fifteen (15) days from date of publication in a newspaper of general circulation, and a copy of the same filed with the UP Law Center in consonance with the Administrative Code of 1987.


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


JOSE D. LINA, JR.
Chairperson


ROGELIO A. PUREZA
Commissioner
Vice-Chairperson/Executive Officer


EDGAR DULA TORRES
Commissioner


JOSE PERCIVAL L. ADIONG
Commissioner


LINDA MALENAB-HORNILLA
Commissioner


LEANDRO R. MENDOZA
Commissioner

Attested by:


ROSALINDA S. CRUZ
Acting Chief, Secretariat

VCM/appr
Anti-gambling 2-4

