

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

MEMORANDUM CIRCULAR NO. 2002-012

**DIRECTING THE PHILIPPINE NATIONAL POLICE TO UNDERTAKE AN INTENSIFIED  
AND CONTINUOUS CAMPAIGN AGAINST PORNOGRAPHY  
AND OTHER FORMS OF OBSCENITY**

WHEREAS, HER Excellency, GLORIA MACAPAGAL ARROYO, President, Republic of the Philippines, has identified moral renewal as one of the pillars of her administration;

WHEREAS, pornography as a moral, religious and public safety issue is one of the major concerns to be addressed for moral renewal;

WHEREAS, Chapter II of the Revised Penal Code entitled "Offenses Against Decency and Good Customs" includes pornography as one of the crimes against public morals;

WHEREAS, as provided for by Presidential Decree No. 969 entitled "Amending Certain Provisions of PD 960 which Amended Article 201 of the Revised Penal Code and for other Purposes", pornography can be considered an immoral doctrine perpetuated by obscene publications and exhibitions and indecent shows;

WHEREAS, the proliferation of pornographic materials has reached such proportions as to warrant a nationwide campaign against this social menace which has tremendous deleterious effects upon the youth, the family, the community and the people, by and large;

WHEREAS, the many incidents of violence and crimes against chastity, to include juvenile delinquency, broken homes and abuse of drugs can be traced, among others, to this social evil called pornography;

WHEREAS, it is lamentable to hear and read about the abundance and easy acquisition of pornographic printed materials and pirated Video Compact Discs (VCD) of pornographic movies right at shopping malls and side streets by citizens of varying ages, placing the police at an embarrassing situation as they are perceived to have lack of interest and enthusiasm to enforce the law, particularly Article 201 of the Revised Penal Code and related special laws to protect people's welfare;

WHEREAS, the police as protector and guardian of the citizens must take action and intensify its efforts in the reduction, if not total eradication of this social menace as part of its crime prevention strategies;

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 to utilize its resources, including but not limited to the Criminal Investigation and Detection Group (CIDG) to undertake an all-out "search and raid operations" in Metro Manila and Highly Urbanized Cities on all known pornographic reproduction/printing shops and sales outlets, the arrest and investigation of people involved in the production/reproduction and sale/dissemination of pornographic materials and the filing of appropriate cases against them. In this regard, the following policies and guidelines shall be followed, to wit:

1. Police officers engaged in anti-pornography operations must ensure the observance of and respect for human rights.
2. The police shall, at all times, be accountable to the public and all police actions must be transparent and responsive to public scrutiny.

3. The use of force shall only be to the extent required for the performance of police duty.
4. To ensure success, careful planning must be done before operations such as raids and searches of printing shops and sale outlets for pornographic materials.
5. Police personnel who shall be involved in anti-pornography operations should be given proper instructions and should be clarified of their assigned responsibilities.
6. Legal matters such as service of warrants, identification and issuance of receipts of materials confiscated, etc., must be complied with.
7. Arrests, whether by virtue of a warrant or without warrant shall be done without violence or unnecessary force and the person arrested shall be brought to proper authorities within the time prescribed in Article 125 of the Revised Penal Code while persons arrested without a warrant shall be brought to the nearest police station for inquest proceedings under Section 7, Rule 112 of the revised Rules of Court.
8. The police officers seizing the property shall prepare a detailed receipt for all materials/properties seized and shall give the said receipt to the lawful owner of the premises who is present during the conduct of search and seizure.
9. After the service of the warrant, a report shall be prepared by the police officer for submission to the judge issuing such warrant.
10. An after operation report must be prepared for submission to the head of the unit (i.e., Chief of Police for local police stations; Director, CIDG) indicating a detailed and complete inventory of materials seized and a statement as to the safekeeping and disposition thereof.
11. During the conduct of custodial investigation of arrested persons, the Investigating Officer must inform the suspect of his/her rights.
12. The Investigating Officer shall prepare the custodial investigation report in writing which shall be read and explained to the arrested person by his counsel or by assisting counsel before he (arrested person) signs or thumbmarks.
13. The Chief of the Investigating Office/Unit must ensure the court attendance of the Investigating Officer and other police personnel serving as witnesses.
14. The unit involved in anti pornography operations shall maintain a Record Book on seized materials indicating, but not limited to:
  - a. Case number
  - b. Kind of material seized (Ex. magazine, journal, CD, VCD, etc.)
  - c. Quantity
  - d. Date of seizure
  - e. Names and addresses of apprehended persons
  - f. Names of apprehending officers
  - g. Officer-in-Case
  - h. Name of Chief of Office/Unit
  - i. Status of the case, particularly on final disposition
15. The PNP shall coordinate with the Bureau of Customs (BOC) which has jurisdiction on the campaign against smuggling of pornographic materials into the country; unless, PNP officers are deputized by the BOC Commissioner.

- a. The PNP shall share with the BOC any available intelligence on groups or personalities smuggling pornographic materials into the country;
  - b. The PNP MARIG (Maritime Group) may participate in joint or combined operations in the country's maritime and coastal waters for the apprehension of pornographic articles coming from another country (transnational).
16. The Women and Children's Protection Desk shall take charge of handling female and youthful persons arrested during anti-pornography operations.
17. Female offenders caught naked while dancing or performing indecent and obscene activities after having been photographed by a competent photographer, shall be made to put on their dresses before they are brought to the police station for investigation.

A quarterly report of police accomplishments on anti-pornography operations shall be consolidated by the Directorate for Operations for submission to the National Police Commission.

This Memorandum Circular shall take effect immediately.

Issued this 15th day of November 2002 at Makati City.

*Jose D. Lina Jr.*  
 JOSE D. LINA JR.  
 Chairperson

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Attested by:

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 Acting Chief Secretarial