

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

MEMORANDUM CIRCULAR NO. 2004-001

AMENDING FURTHER SECTIONS 8 (a & b) AND 11 OF NAPOLCOM MEMORANDUM CIRCULAR NO. 92-016 DATED NOVEMBER 26, 1992, ENTITLED "PROVIDING FOR SPECIFIC POLICIES/RULES ON PROMOTION OF PNP UNIFORMED PERSONNEL" AS AMENDED BY NAPOLCOM MEMORANDUM CIRCULAR NOS. 95-019 and 2003-02.

WHEREAS, NAPOLCOM Memorandum Circular No. 92-016 dated November 20, 1992, provides/rules on promotion of PNP uniformed personnel.

WHEREAS, Section 8 (a and b) of the above cited Memorandum Circular as amended by NAPOLCOM Memorandum Circular No. 2003-02 dated January 10, 2003 provides that the Promotion Boards for officers and non officers shall each be composed of a Chairman and not more than six (6) members to include a representative of a policewomen associational or professional group, carrying ranks higher than that to be filled up.

WHEREAS, Section 11 of the same memorandum circular as amended by NAPOLCOM Memorandum Circular No. 2003-02 provides that there shall be a Special Promotion and Awards/Decorations Board (SPADB) for PNP uniformed personnel which shall be composed of a Chairman and not more than seven (7) members to include a representative of a policewomen associational or professional group, carrying ranks higher than that to be filled up.

WHEREAS, Section 11 of the memorandum circular as amended by Memorandum Circular No. 95-019 provides that "*There shall be only one Special Promotion Board x x x*".

WHEREAS, the description that "members of the SPADB shall carry ranks higher than that to be filled up" could imply that more than one (1) SPADB are to be created and so composed according to the rank/s being filled up.

WHEREAS, the Chief, PNP in his communications dated June 1, 2003 and October 5, 2003 proposed the following:

- Increase in the membership of the SPADB in consideration of the PNP's growing population and the need to address the remaining unresolved recommendations during the past two (2) years, and the numerous recommendations arising from the May 1, 2001 siege of Malacanang; and
- The policewoman representative in the PNP Promotion Boards should not be qualified with the phrase - "representative of a professional or associational group" so as not to discriminate against other policewomen professional or associational groups in the PNP.

WHEREAS, finding merit in the above observations and recommendations, an amendment of the composition of the regular Promotion Boards for officers and non officers and of the SPADB is in order.

NOW, THEREFORE, this Commission in the exercise of its constitutionally mandated administration and control functions over the PNP, has RESOLVED as it HEREBY RESOLVES, that:

Sections 8 (a and b) and 11 of NAPOLCOM Memorandum Circular No. 92-016 as amended by Memorandum Circular No. 2003-002 are further amended to read, as follows:

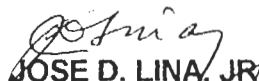
"Section 8. REGULAR PROMOTION

- c. The Promotion Board for officers shall be composed of a Chairman and not more than (6) members to include a policewoman, carrying ranks higher than that to be filled up, subject to confirmation by the National Police Commission.
- d. The Promotion Board for non-officers shall be composed of a Chairman and not more than six (6) members to include a policewoman and a NAPOLCOM representative, carrying ranks higher than that to be filled up, subject to confirmation by the National Police Commission."

"Section 11. CREATION OF SPECIAL PROMOTION AND AWARDS/DECORATIONS BOARD

There shall be only one (1) Special Promotion and Awards/Decorations Board which shall be composed of a Chairman, a Vice-Chairman and not more than nine (9) members to include a senior policewoman officer, subject to confirmation by the National Police Commission."

This Memorandum Circular shall take effect immediately. Done at Makati City, Philippines this 24th day of February in the year two thousand four.


JOSE D. LINA, JR.
Chairperson



LINDA MALENAB-HORNILLA
Commissioner
Officer-in-Charge


CELIA S. LEONES
Commissioner


MIGUEL G. CORONEL
Commissioner


HERMOGENES E. ERDAME, JR.
Commissioner

Attested:


ADELMALYN A. MUNIEZA
Acting Chief, Secretariat

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

MEMORANDUM CIRCULAR NO. 2004-002

UPGRADING SANTIAGO CITY POLICE STATION INTO A CITY POLICE OFFICE, AMENDING FOR THIS PURPOSE NAPOLCOM RESOLUTION NO. 92-36, DATED OCTOBER 15, 1992.

WHEREAS, Napolcom Resolution No. 92-36 approved the revised organizational structure, functions and staffing pattern of the Philippine National Police (PNP);

WHEREAS, Republic Act Numbered 7720 otherwise known as the "Charter Of The City Of Santiago" was signed into law on May 5, 1994, providing among others the conversion of the Municipality of Santiago, Isabela into an independent component city;

WHEREAS, Napolcom Resolution No. 92-36 failed to provide as to who will exercise command and control over city police office of independent component cities unlike that of a city police office of highly urbanized cities where it is specifically prescribed therein that it shall be under the direct command and control of the PNP Regional Director;

WHEREAS, the City Peace and Order Council (POC) of Santiago on account of its conversion from municipality into an independent component city passed Resolution No. 2001-09-001 favorably endorsing to the Commission the upgrading of the Santiago City Police Station into Santiago City Police Office and its eventual separation from the Isabela Provincial Police Office;

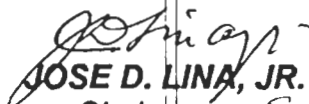
WHEREAS, Article 59, Rule XII of the Implementing Rules and Regulations (IRR) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provide among others that highly urbanized cities and independent component cities shall be independent of the province;

WHEREAS, the Chief, PNP, in his letter dated March 15, 2002, recommended to the Commission the approval of NHQ General Order Numbers DPL 02-1 upgrading Santiago Police Station into City Police Office and its placement under the command and control of the Regional Director, Police Regional Office No. 2;

NOW THEREFORE, the Commission, in the exercise of its constitutionally mandated authority to administer and control the PNP, **HEREBY RESOLVED TO UPGRADE, AS IT HEREBY UPGRADES**, the Santiago City Police Station into a City Police Office and for this purpose further **AMENDS** Letter G of Resolution No. 92-36 to read as follow:

G. The City Police Stations of highly urbanized cities outside of NCR and **independent component cities** shall be under the direct command and control of the PNP Regional Director and equivalent to a provincial office.

ADOPTED this 30th day of APRIL in the year Two thousand and Four, in Makati City, Philippines


JOSE D. LINA, JR.
Chairperson


LINDA L. MALENAB-HORNILLA
Officer-In-Charge
OVC/EO


CELIA V. SANIDAD LEONES
Commissioner


MIGUEL G. CORONEL
Commissioner


HERMOGENES E. EBDANE, JR.
Commissioner

Attested by:


Adelmalyne A. Munieza
Chief, Secretariat

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

MEMORANDUM CIRCULAR NO. 2004-003

**GUIDELINES FOR IMPROVING CASE MANAGEMENT AND INITIATING
EFFORTS TOWARDS ADDRESSING THE PROBLEM OF
TRAFFICKING IN PERSONS**

WHEREAS the Department of the Interior and Local Government (DILG), the National Police Commission (NAPOLCOM) and the Philippine National Police (PNP) have been implementing agencies of the United Nations – Republic of the Philippines Pilot Project "***Coalitions Against Trafficking in Human Beings in the Philippines***" under the UN Global Program Against Trafficking in Human Beings approved on 29 March 1999 and completed Phase 1 implementation on October 1, 2003;

WHEREAS, the said agencies are committed to the strategic goals of their respective agencies indicating the need for inter-agency, regional and global cooperation in responding to trafficking in human beings as a transnational crime and stressing the need for a holistic approach and coordination of efforts in achieving the interrelated and interdependent goals through the implementation of effective measures to control and prevent human trafficking;

WHEREAS, there is a need to strengthen crime prevention strategies against trafficking in persons, improve the effectiveness of law enforcement and criminal justice responses and improve victim and witness protection and assistance;

WHEREAS, in May 2003, Republic Act No. 9208 otherwise known as "***The Anti-Trafficking in Persons Act of 2003***", was enacted setting up policies to eliminate trafficking in persons, especially of women and children, and establishing the necessary institutional mechanisms to protect and support trafficked persons, and providing penalties for violators;

WHEREAS, R. A. 9208 tasks the DILG to conduct comprehensive community education and information campaign programs against trafficking, monitor and document trafficking cases, and establish a database to support law enforcement and prosecutory efforts;

WHEREAS, the DILG, Napolcom and the PNP are members of the Technical Working Group of the Trade Union Congress of the Philippines and Solidarity Center's ***Anti-Trafficking Project*** which prepared and formulated a **Standard Reporting Format** for receiving cases of trafficking in persons;

WHEREAS, the same standard reporting form can be used by the WCCD, not only for cases of trafficking in persons, but also in recording all cases involving women and children, either as victims and/or as offenders;

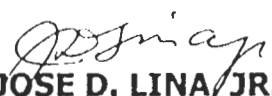
WHEREAS, information and statistics derived from the reporting system can be utilized to determine the nature, causes and volume of trafficking in persons; to form a basis for the study of the problem; to plan intelligently; and to evaluate effectively the programs for addressing said crime;

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NOW, THEREFORE, the Commission, in the exercise of its administrative control and operational supervision over the Philippine National Police, hereby orders and directs the PNP to:

1. Institutionalize the strict observance of the **Standard Reporting Format** (copy herein attached) for Women and Children's Protection Desks in all police stations and other offices having stake on such cases, including the submission of accomplished forms to the Napolcom;
2. Assist the Crime Prevention and Coordination Service, Napolcom in the formulation, adoption and implementation of a system of collating, consolidating and analyzing the data on trafficking in persons;
3. Conduct seminars, fora, training programs and other similar programs which aim to enhance the knowledge, skills and attitude not only of WCPD officers but also other concerned police personnel in handling and treatment of victims of trafficking; and
4. Assist the DILG and LGUs in the conduct of comprehensive community education and information campaign programs on trafficking in persons.

APPROVED this 18th day of MAY in the Year Two Thousand and Four in Makati City, Philippines.


JOSE D. LINA, JR.
Chairperson, Napolcom


LINDA L. MALENAB-HORNILLA
Commissioner
OIC, OVCEO


CELIA V. SANIDAD-LEONES
Commissioner


MIGUEL G. CORONEL
Commissioner
23 April 04


HERMOGENES E. EBDANE, JR.
Commissioner

ATTESTED BY:


ADELMALYN A. MUNTEZA
Chief, Secretariat

COMPLAINT STANDARD REPORTING FORM

1. Person/Unit Reporting		2. Date Accomplished		3. Referring Party and Contact Numbers	
4. Investigation/ Case No.		5. Name of Investigator/Interviewer			
A. OFFENSE DATA					
6. Time/Day/Month/Year of Commission				7. Place of Commission	
8. Offense/s Committed					
<input type="checkbox"/> a) Rape	<input type="checkbox"/> i) Physical Injuries (Domestic Violence	<input type="checkbox"/> p) Parricide			
<input type="checkbox"/> b) Incestuous Rape	<input type="checkbox"/> j) Physical Injuries (other circumstances)	<input type="checkbox"/> q) Murder			
<input type="checkbox"/> c) Frustrated/Attempted Rape	<input type="checkbox"/> k) Abduction/Kidnapping/Arbitrary Detention	<input type="checkbox"/> r) Theft/ Robbery			
<input type="checkbox"/> d) Acts of Lasciviousness	<input type="checkbox"/> l) Child Labor	<input type="checkbox"/> s) Estafa / BP 22			
<input type="checkbox"/> e) Sexual Harassment	<input type="checkbox"/> m) Child Trafficking (RA 7610)	<input type="checkbox"/> t) Other Crimes			
<input type="checkbox"/> f) Illegal Recruitment	<input type="checkbox"/> n) Other Forms of child abuse specify:	_____			
<input type="checkbox"/> g) Prostitution/White Slave Trade	<input type="checkbox"/> o) Homicide	_____			
<input type="checkbox"/> h) Trafficking In Person (RA 9208) Please indicate in space specific sections violated					
<input type="checkbox"/> Acts of Trafficking		<input type="checkbox"/> Acts that Promote Trafficking		<input type="checkbox"/> Qualified Trafficking	
Please specify provision: _____					
B. VICTIM'S DATA					
9. Name		10. Gender/ Sex	11. Age and Date of Birth	12. Place of Birth	
Family	First	Middle			
Aliases: _____					
13. Highest Educational attainment		14. Civil Status		15. Nationality/Citizenship	
<input type="checkbox"/> No formal education		<input type="checkbox"/> Single			
<input type="checkbox"/> Elementary <input type="checkbox"/> HS		<input type="checkbox"/> Married			
<input type="checkbox"/> College <input type="checkbox"/> Post Graduate		<input type="checkbox"/> Live-in			
<input type="checkbox"/> Others: _____		<input type="checkbox"/> Divorced			
		<input type="checkbox"/> Separated			
17. Present Address		18. Provincial Address		19. Parents	
				Mother's Name _____	
				Father's Name _____	
20. Employment Information		21. Identifying Documents presented		22. Contact Person, Address and Contact Numbers	
Occupation: _____					
C. OFFENDER'S DATA					
23. Name		24. Gender/Sex	25. Age and Date of Birth	26. Civil Status	
Family	First	Middle		<input type="checkbox"/> Single <input type="checkbox"/> Married	
Aliases: _____					
27. Highest Educational Attainment		28. Nationality		29. Previous Criminal Record	
<input type="checkbox"/> No formal education <input type="checkbox"/> Elementary <input type="checkbox"/> HS				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> College <input type="checkbox"/> Post Graduate <input type="checkbox"/> Others				Pls. specify: _____	
30. Employment Information		31. Last Known Address		32. Relationship to Victim	
Occupation: _____					
Identifying documents presented (company ID, Driver's license, etc.) _____					
D. EVIDENCE DATA					
33. Weapons/Mean Used					
<input type="checkbox"/> Firearms <input type="checkbox"/> Bladed Weapon <input type="checkbox"/> Blunt Instrument <input type="checkbox"/> Fist/Kick <input type="checkbox"/> Others pls. specify: _____					
34. Motive/Cause					
<input type="checkbox"/> Sex/Lust <input type="checkbox"/> Passion/Jealousy <input type="checkbox"/> Misunderstanding <input type="checkbox"/> Revenge <input type="checkbox"/> Family Trouble <input type="checkbox"/> Poverty					
<input type="checkbox"/> Others pls specify: _____					
35. Suspect under the influence of					
<input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input type="checkbox"/> Both <input type="checkbox"/> None <input type="checkbox"/> Others specify: _____					
36. Medico Legal Examination					
<input type="checkbox"/> Not availed <input type="checkbox"/> Availed Findings: _____					

REFERENCE ON VIOLATIONS OF TRAFFICKING IN PERSONS

(Republic Act 9208)

ACTS OF TRAFFICKING

- Sec. 4. *Acts of Trafficking in Persons.* -- It shall be unlawful for any person, natural or juridical, to commit any of the following acts:
- To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
 - To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
 - To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
 - To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
 - To maintain or hire a person to engage in prostitution or pornography;
 - To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced-labor, slavery, involuntary servitude or debt bondage;
 - To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;
 - To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.
- Sec. 5. *Acts that Promote Trafficking in Persons.* -- The following acts which promote or facilitate trafficking in persons, shall be unlawful:
- To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
 - To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
 - To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the Internet, or any brochure, flyer, or any propaganda material that promotes trafficking in persons;
 - To assist in the conduct of misrepresentation or fraud for purposes of facilitation the acquisition of clearances and necessary exit document from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
 - To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampers or fraudulent travel documents for the purpose of promotion trafficking in persons;
 - To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies;
 - To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.
- Sec. 6. *Qualified Trafficking in Persons.* -- The following are considered as qualified trafficking:
- When the trafficked person is a child;
 - When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
 - When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
 - When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
 - When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
 - When the offender is a member of the military or law enforcement agencies; and
 - When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).
- Sec. 11. *Use of Trafficked Persons.* -- Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:
- First offense -- six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and
 - Second and subsequent offenses -- imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).