

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

OFFICE OF THE NATIONAL
ADMINISTRATIVE REGISTER
(ONAR)

ADMINISTRATIVE RULES & REGULATIONS

614-307

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MEMORANDUM CIRCULAR NO. 2004-007

DIRECTING THE CHIEF, PHILIPPINE NATIONAL POLICE, POLICE REGIONAL DIRECTORS, POLICE PROVINCIAL DIRECTORS, POLICE DISTRICT DIRECTORS, POLICE CITY DIRECTORS, CHIEFS OF POLICE AND STATION COMMANDERS TO CONDUCT A RELENTLESS AND ALL-OUT CAMPAIGN AGAINST MEMBERS OF THE PNP WHO ARE ENGAGED IN ILLEGAL ACTIVITIES ESPECIALLY THOSE INVOLVED IN "KOTONG" OR "HULIDAP" OPERATIONS

WHEREAS, the Philippine National Police, being the premier law enforcement agency of the government is mandated, under Section 24(b) and (c) of RA No. 6975, to "(M)aintain peace and order and take all necessary steps to ensure public safety," and to "(I)investigate and prevent crimes, effect the arrest of criminal offender, bring offenders to justice and assist in their prosecution."

WHEREAS, the Commission which exercises administrative control and operational supervision over the PNP, and at the same time, advises the President on all matters involving police function and administration, is alarmed by the increasing number of policemen engaged or involved in corruption, notably robbery and extortion of hapless individuals that they now earned the monicker "Kalbhuro Cops", the acronym for "Kalawit, Bangketa, Hulidap, Robbery and Orbit Cops"

WHEREAS, though these misfits or scalawags in uniform constitute an insignificant number, they nevertheless project a negative image to the police organization as unworthy of public trust and respect;

WHEREAS, to further prevent the erosion of public trust and consistent with the policy of the administration against corruption in government, there is urgent necessity to initiate measures to cleanse the PNP of these undesirable elements.

NOW THEREFORE, the Commission, in the exercise of its administration and control functions over the PNP has resolved to direct, as it hereby directs the PNP leadership from the Chief, PNP to the Lowest Unit Commander to undertake a relentless and all-out campaign against misfits and scalawags in the PNP notably those engaged or involved in "Kotong" or "Hulidap" operations, and accordingly, prescribes the following guidelines:

1. To ensure a more efficient, effective and vigorous campaign against police officers involved in "Kotong" or "Hulidap" operations, the "Doctrine of Command Responsibility" shall be strictly applied in all levels of Command in the PNP. In the application of this Doctrine, quoted hereunder are

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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 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 other 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."

2. Accordingly, in the continuing campaign and operation against "Kotong Cops" and "Hulidap" policemen, any PNP official, superior officer or unit chief who fails to take preventive or corrective measure against these rogue policemen in his area of responsibility shall be administratively charged for Serious Neglect of Duty under the Doctrine of Command Responsibility, as quoted above, without prejudice to his or her criminal prosecution when appropriate, and shall also be relieved from his position under any of the following circumstances:

A. PNP National Capital Regional Police Office

1. PNP Regional Director.

The Regional Director (RD) of the National Capital Regional Police Office (NCRPO) shall have command responsibility over the District Directors and the commander of the Regional Mobile Group in his jurisdiction.

The presumption of negligence will set in when there are at least eight (8) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the police districts or the RMG in his AOR.

2. PNP NCR District Director

The District Director shall have command responsibility over the Chiefs of Police or Station Commanders of Numbered Stations or NCR Police Stations under his area of responsibility.

The presumption of negligence will set in when there are at least six (6) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the police stations in his AOR.

3. PNP Chief of Police of NCR City/Municipal Police Station or Station Commander of Numbered Station

The Chief of Police of the Municipality or Station Commander, NCRPO shall exercise command responsibility over the commanders of the Sub-Stations/PCPs in his area of responsibility.

The presumption of negligence will set in when there are at least four (4) incidents of kotong or hulidap operations or other forms of robbery/ extortion activities involving uniformed members of the PNP assigned in any of the police sub-stations/PCPs in his AOR.

4. Police Community Precinct Commander or Sub- Station Commander

The Police Community Precinct or Sub-Station Commander shall exercise command responsibility over Police Community Precinct or Sub-Station members.

The presumption of negligence will set in when two (2) or more policemen in his AOR are involved in kotong or hulidap operations or other forms of robbery/extortion activities.

13. Other PNP Regional Offices

1. PNP Regional Director

Police Regional Directors shall have command responsibility over the Provincial or City

Directors and the Commanders of the Regional Mobile Group in their respective jurisdictions.

The presumption of negligence will set in when there are at least six (6) incidents of kotong or hulidap operations or other forms of robbery² extortion activities involving uniformed members of the PNP assigned in any of the police provincial offices, city offices or the RMG in his AOR.

2. PNP Provincial Directors and City Directors of Highly Urbanized City

The PNP Provincial director or city Director shall exercise command responsibility over the Chiefs of Police or Station commanders of Police Stations in his area of responsibility.

The presumption of negligence will set in when there are at least four (4) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the police stations in his AOR.

3. PNP Chief of Police of Component City or Municipal Police Station

The Chief of Police (COP) of the City or Municipal Police Station shall exercise command responsibility over commanders of Police Community Precincts or sub-stations in his area of responsibility.

The presumption of negligence will set in when there are at least two (2) incidents of kotong or hulidap operations or other forms of robbery or extortion activities involving uniformed members of the PNP assigned in any of the Police Community Precincts or sub-stations within his AOR.

In cases however of Municipal Police Station which has no Police Community Precinct (PCP)/Sub-Station, the COP shall be presumed negligent when two (2) or more policemen in his AOR are involved in kotong or hulidap operations or other forms of robbery/extortion activities

4. Police Community Precinct (PCP) or Sub-Station Commander

The Police Community Precinct or Sub-Station Commander shall have command responsibility over Police Community Precinct or Sub-Station members.

The presumption of negligence will set in when two (2) or more policemen in his AOR are involved in kotong or hulidap operations or other forms of robbery or extortion activities.

General Provisions:

1. Without prejudice to the authority of the Chief, PNP to exercise his Command prerogative under Section 26, RA No. 6975, any police officer mentioned above, who fails to undertake his responsibility as set forth herein, shall be relieved of his or her assignment, and forthwith a pre-charge investigation will be conducted which shall be terminated within ten (10) days. Upon finding of probable cause, subject police officer shall be placed under preventive suspension pending formal investigation by the PNP in accordance with Napolcom Memorandum Circular No. 96-010 or by Napolcom under Memorandum Circular no. 98-014.
2. It is to be impressed that the offense of "kotong" or "hulidap" or any of its derivatives perpetrated by members of the PNP constitutes a serious breach of official conduct. It falls under the category of Grave Misconduct which is one of the grounds for summary dismissal proceedings.

Considering the gravity of the offense and its negative impact not only to the institution but to the community as well, the maximum penalty of dismissal from the service must be imposed. This is so, for there is no justification for a police officer to engage in or participate in any "kotong" or "hulidap" operations or to be in cahoots with criminal elements in the commission thereof.

Accordingly, the investigation and formal hearing thereof must take precedence over and above other cases, and must be decided at the earliest possible time, but not beyond sixty (60) days after filing.

3. Parallel to the filing of the administrative complaint, a similar undertaking should be initiated before the Prosecutor's Office to determine his criminal liability. Such recourse should be pursued to its final determination.

In the event that a criminal case preceded the filing of an administrative complaint, it shall be incumbent upon the Chief of Police or Station Commander to file an administrative complaint against the erring uniformed member of the PNP based on the allegations stated in the complaint in the criminal proceeding.


4. Any PNP personnel who shall bring to the attention of his superior officer the involvement of any of his comrade in "kotong" or "hulidap" operations or any form of extortion or robbery activities, shall receive an appropriate recognition which shall be duly noted in his Personnel File for purposes of award or promotion.
5. Since "kotong" or "hulidap" operations are usually perpetrated against hapless individuals, it is imperative that in our vigorous campaign against these bad elements of the PNP, community


support must be encouraged and harnessed to the fullest. Positive strategy such as information, educational and communication campaign must be initiated.


- Henceforth, as a matter of policy, the Commission before recommending or approving the promotion of any PNP Officer, shall assess and evaluate his performance along this area of concern.


This Circular shall take effect after fifteen (15) days from the date of publication in a newspaper of general circulation and a copy of the same filed with the UP Law Center in consonance with Section 3 and 4 of Chapter 2 Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987."

ADOPTED this 3rd of SEPTEMBER, 2004 at Makati City, Metro Manila, Philippines.


ANGELO T. REYES
Chairperson



Republic of the Philippines
DEPARTMENT OF INTERIOR
AND LOCAL GOVERNMENT
IN REPLYING, PLS CITE:
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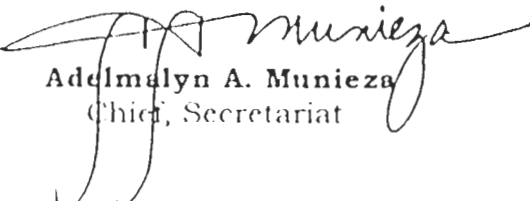

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