

MEMORANDUM CIRCULAR NO. 2009- 004

AMENDING MEMORANDUM CIRCULAR NO. 2000-008 ENTITLED "PROVIDING THE GENERAL GUIDELINES GOVERNING THE DETAIL OF PNP PERSONNEL AS PROTECTIVE SECURITY"

WHEREAS, the Commission issued Memorandum Circular No. 2000-008 which provide the guidelines governing the detail of PNP personnel as protective security;

WHEREAS, the PNP submitted Circular No. 2009-012 entitled "*Guidelines and Procedures Governing the Detail of PNP Uniformed Personnel as Protective Security*" for consideration of the Commission amending certain provisions of Memorandum Circular No. 2000-008;

WHEREAS, the said PNP Circular is aimed at maximizing the utilization of PNP personnel in the enforcement of laws and ordinances relative to the protection of lives and properties;

WHEREAS, after review of the submission of the PNP, the Commission finds the same to be in order;

NOW, THEREFORE, the Commission in the exercise of its Constitutional mandate to administer and control the Philippine National Police, **HAS RESOLVED TO AMEND, AS IT HEREBY AMENDS**, Memorandum Circular No. 2000-008 entitled "*Providing the General Guidelines Governing the Detail of PNP Personnel as Protective Security*" and approving PNP Circular No. 2009-012 entitled "*Guidelines and Procedures Governing the Detail of PNP Uniformed Personnel as Protective Security*", to wit:

A. PURPOSE

To provide guidelines and procedures on the detail of PNP uniformed personnel as protective security and related personnel actions.

B. SCOPE

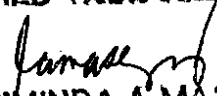
This Circular shall cover the protective detail of PNP personnel to VIPs as defined herein. This shall not include the detail of PNP personnel to protect installations of the government.

C. DEFINITION OF TERMS

1. **Protective Security** – is the state or quality of being secured or freed from danger and uncertainty. It may also include the various means or devices designed to guard persons and property against a broad range of security hazards.
2. **Threat** – is an indication of something impending and usually undesirable or unpleasant, with an intention to inflict evil, injury or damage on another, usually as retribution or punishment for something done or left undone. It is an expression of an intention to inflict loss or harm on another by illegal means, and especially by involving coercion or duress over the person, or his welfare.

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3. **Threat Assessment** – the process of investigating/validating the truthfulness of the existence of threat to an individual.
4. **Emergency Situation** – condition or state that danger has already occurred which resulted to loss of life/property and/or there is imminent danger or threat to life and property where delay will endanger or may cause the loss of life/property of the requesting party.
5. **Special Action Force (SAF)** – a mobile strike force or reaction unit to augment regional, provincial, municipal and city police forces for civil disturbance control, internal security operations, counterinsurgency, hostage-taking rescue and operations, and other special operations; such as anti-hijacking, anti-terrorism, explosives and ordnance disposal.
6. **Regional/Provincial Mobile Group** – specialized units operating against terrorism and counterinsurgency in remote areas of the country.
7. **VIP** – refers to government officials, foreign dignitaries, and private individuals authorized to be given protective security.

D. POLICY GUIDELINES

1. The Chief, PNP, in the exigency of the service, shall detail protective security personnel for the following personages even in the absence of a written request:
 - a. The President of the Republic of the Philippines;
 - b. The Vice-President of the Republic of the Philippines;
 - c. The President of the Senate;
 - d. The Speaker of the House of Representatives;
 - e. The Chief Justice of the Supreme Court;
 - f. The Secretary of National Defense; and
 - g. The Secretary of the Interior and Local Government.
2. The detail of PNP uniformed personnel as protective security may only be allowed in highly exceptional cases and under the following conditions:
 - a. That the applicant requesting for security is under actual threat/s or death and/or physical harm;
 - b. That the threat/s, after due evaluation, is assessed to be imminent or highly possible of occurrence; and
 - c. That the security may be withdrawn or terminated anytime or even before the expiration of the detail when the demands of the PNP so require or when specific provisions are violated in this Circular and other related issuances.
3. The request for protective security shall be made in writing to the Chief, PNP stating therein in detail the existence of threat/s to justify the grant thereof.
4. Threat assessment shall be conducted and validated by the following intelligence units of the PNP:
 - a. **Director for Intelligence (DI)**
 1. Directs and supervises the conduct of threat assessment; and

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- 2. Submits/endorse to the Chief, PNP the result of threat assessment made by the Intelligence Group.

b. Director, Intelligence Group (IG)

- 1. Conducts threat assessment on request/extension for protective security detail to be approved by the Chief, PNP; and
- 2. Conducts threat assessment as directed.

c. Chief, Intelligence Officer, Police Protection and Security Group (PSPG)

Conducts threat assessment on request for protective security detail to be approved by the Director, PSPG.

d. Chiefs, Regional Intelligence Division, Police Regional Offices (PROs)

Conducts threat assessment on request for protective security detail to be approved by the Regional Director.

e. Chiefs, Intelligence Section, Police Provincial Offices (PPOs)/District Offices/City Police Offices

Conducts threat assessment on request for protective security detail to be approved by the Provincial Director/District Director/City Director.

- 5. Reassessment and re-evaluation of threat shall be done fifteen (15) days prior to the expiration of the security detail to determine whether such threat still exists. In the event that the threat no longer exists, the detail shall be terminated with due notice to the VIP concerned under protective security.
- 6. The maximum period of detail of PNP uniformed personnel as protective security other than those enumerated in para (1) above, shall be for six (6) months, but in case an imminent danger to life still exists on the person of the requesting party as confirmed by the concerned Chief, RID and approved by TDI, such detail may be extended up to a maximum period of six (6) months.
- 7. Threat assessment reports shall be prepared by concerned Intelligence Officer within the timetable herein prescribed:

OFFICE/UNIT	THREAT ASSESSMENT REPORT
Provincial/District/City	within 48 hours
Regional Intelligence Officer	within 72 hours
Intelligence Officer, PSPG	within 72 hours
Directorate for Intelligence	within 72 hours

- 8. The following are the approving authorities on the detail of PNP uniformed personnel as protective security:
 - a. The Chief, PNP is vested the authority to detail protective security for a period not exceeding six (6) months. This Chief, PNP may recommend for the extension of such detail to the Chairman, NAPOLCOM upon request of the VIP, subject to revalidation of the threat, at least fifteen (15) days prior to the expiration of the security detail;

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- b. When the protective security exceeds six (6) months, the approving authority shall be the Chairman, NAPOLCOM upon recommendation of the Chief, PNP; and
 - c. In emergency situations, the PNP Regional Directors and Director, PSPG are allowed to detail PNP personnel as protective security for thirty (30) days only without extension or renewal. Provincial/District/City Directors are allowed to detail for fifteen (15) days only without extension or renewal. Beyond fifteen (15) days but not more than thirty (30) days, the detail must be approved by the Regional Directors of Police Regional Offices or the Director, PSPG.
9. The protective security of local chief executives from the level of the provincial governor down to the city/municipal mayors shall be approved by the Chief, PNP with prior recommendation from the respective Regional Directors of PROs. Provided, that the total number of PNP personnel as protective security detail must not exceed five percent (5%) of the total strength of the concerned provincial, city or municipal police stations.
 10. In the interest of public service and to institutionalize uniformity of action on protective security where the PNP personnel being requested as protective security is not an organic personnel of PSPG and the period of detail is beyond the maximum allowed period of six (6) months, concerned personnel shall be issued orders reassigning him with the PSPG.
 11. The duties of PNP personnel as protective security shall be confined to protective functions and do not include the following:
 - a. As security guard, gatekeeper, family driver, errand boy and other similar utility tasks;
 - b. As employees in the VIP's business establishments; and
 - c. As an instrument to harass or intimidate other people.
 12. Private individuals may be allowed a maximum of two (2) PNP personnel as protective security.
 13. Personnel from the Special Action Force (SAF) and Regional/Provincial Mobile Groups are prohibited to be detailed as protective security.
 14. Only uniformed personnel with the ranks of Police Officer 2 (PO2) to Senior Police Officer 3 (SPO3) shall be detailed for protective security. For Police Commissioned Officers (PCOs), only Police Senior Inspector may be detailed as protective security upon recommendation of the Chief, PNP and approval of the Chairman, NAPOLCOM.
 15. Absolutely, no personnel shall be detailed as protective security to secure establishments such as clubs, commercial buildings, companies, or religious and educational establishments.
 16. The following are the qualifications, requirements and conditions as protective security:
 - a. Must not have a pending criminal and/or administrative cases;
 - b. Must be a graduate of a regular VIP Security and Protection Course;

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- c. Must possess a permanent appointment status in his present rank;
 - d. Must observe proper decorum in the performance of his/her duties;
 - e. Must wear the prescribed attire at all times, except when the occasion so warrants; and
 - f. PNP personnel on protective security detail must report to PSPG or to his/her mother unit every 15 days for accounting mission reorientation and inspection of equipment.
17. Any uniformed personnel who is on protective security detail and shall knowingly and willfully perform acts in violation or other than that specified under this circular shall be liable for administrative charges under existing rules and regulations. Likewise, violation of the same by the VIP will cause the revocation of the protective security given him/her and shall be a basis for the denial of subsequent request.

E. OPERATIONAL GUIDELINES

1. Detail of PNP Personnel as Protective Security to Government Officials

- a. The following key government officials other than those enumerated in item D (1) are entitled to protective security upon written request without the need of threat assessment by reason of their office/position, with authorized maximum number of personnel as indicated:

OFFICE/POSITION	MAXIMUM NUMBER OF PERSONNEL
Vice President	9
Senate President	6
Speaker of the House of Representatives	6
Chief Justice of the Supreme Court	6
Cabinet Secretary	4
Senators	4
Representatives	2

- b. Detail of protective security to the above-mentioned officials shall be co-terminus with their term of office unless otherwise recalled, upon the instance of the PNP personnel on security detail, the VIP and/or the Chief, PNP.
- c. The protective security of local chief executives from the level of the provincial governor down to the municipal mayor shall be the responsibility of their respective PNP Regional Directors.
- d. Other government officials may be provided with a maximum of two (2) protective security detail upon approval of their written requests. Protective security detail to key government officials must come from the PSPG or in case subject PNP personnel comes from other PNP units, orders shall be issued assigning subject personnel to PSPG. Director, PSPG shall subsequently issue Letter Order to concerned protective security personnel, on a monthly basis.

2. Detail of PNP Personnel as Protective Security to Private Individuals

- a. As a general rule, policemen are prohibited from acting as protective security to private individuals.

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- b. Retired or former government officials are considered as private individuals.
- c. Exceptions:
 - 1. Only the following private individuals by virtue of their former office/position or status are entitled to protective security upon request with maximum number of security personnel indicated:

FORMER OFFICE/POSITION	MAXIMUM NUMBER OF PERSONNEL
President	4
Vice President	2
Spouse of Former President	2
Chief, PNP	2

- 2. Private individuals may be provided with a maximum of two (2) protective security upon written request and upon confirmation of threat to their life. The requests for protective security by private individuals may be addressed directly to the Chief, PNP or any of the following subordinate Commanders who shall determine the urgency and necessity for such security. The duration of authority of these officers are as follows:

AUTHORITY	MAXIMUM DURATION OF SECURITY DETAIL
Provincial/District/City Director	15 days
Regional Director	30 days
Director, PSPG	30 days
Chief, PNP	180 days
Chairman, NAPOLCOM	360 days

- d. The Provincial/District/City Directors shall report within 24 hours their approved protective security detail to their respective Regional Directors of PROs who shall in turn submit a report to the Chief, PNP (Attn: Director, PSPG). The Director, PSPG prepares Monthly Security Detail Report for the information of the Chief, PNP.

3. Detail of PNP Personnel as Protective Security to Members of the Diplomatic Corps and Foreign Dignitaries

- a. Under international law and practice, it is the duty of the host government to ensure the safety of officials of foreign state traveling or staying in its territory. As a general rule however, assigning protective security to foreign diplomats would be based on the principles of reciprocity.
- b. The Chief, PNP thru PSPG shall only detail protective security to the members of the diplomatic corps and visiting dignitaries upon request.
- c. The Foreign Diplomat concerned thru the Secretary of the Department of Foreign Affairs shall request in writing the detail of PNP personnel for protective security to the Chief, PNP thru the Secretary of the Interior and Local Government and Chairman, National Police Commission.
- d. In addition to the protective security detail, the PSPG may conduct mobile patrol on a regular basis to embassies and/or ambassadors' residence, upon request.

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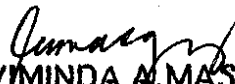
F. PROCEDURES

1. VIP submits written request for protective security to Chief, PNP thru Director, PSPG indicating the justification of the request.
2. PSPG requires the concerned personnel to submit the following documents:
 - a. Availability for detail as protective security;
 - b. Attested appointment in present rank;
 - c. Certificate of completion in a regular VIP Security and Protection Course; and
 - d. Unit Clearances:
 1. Money/Property Accountabilities;
 2. Certificate of Non-Pending Case (Administrative); and
 3. Certification from the losing unit that subject applicant for detail is neither a respondent nor a witness of a case undergoing trial or investigation with local courts and PLEB.
3. Director, PSPG requests TDI for the approval of the threat assessment and submits his recommendations to the Chief, PNP.
4. The Chief, PNP approves the request of protective security for a period not exceeding six (6) months. Beyond six (6) months, Chief, PNP submits recommendation to Chairman, NAPOLCOM for approval.
5. In case the personnel requested for detail is not an organic member of PSPG, the Director, PSPG shall request DPRM to issue orders to effect the detail of concerned personnel with PSPG indicating therein the inclusive period. For organic personnel of PSPG, Office Orders shall be issued by Director, PSPG to effect the detail of concerned personnel indicating therein the duration of the period of detail.
6. After DPRM has issued the appropriate orders, Director, PSPG shall issue an Office Order indicating therein the VIP being secured by concerned PNP Uniformed Personnel and the inclusive period of detail.
7. After the completion of the detail period, concerned PNP Uniformed Personnel shall report to PSPG for accounting purposes. In cases where the detailed personnel was assigned to other unit prior to his detail as protective security, Director, PSPG shall request DPRM to issue orders returning back concerned personnel to his previous office/unit of assignment.
8. Upon issuance of termination order, concerned personnel shall report back to this previous office/unit within three (3) calendar days. Failure to report for duty within the prescribed period shall be a ground for marking him AWOL. Thereafter, the office/unit concerned shall in turn inform the DPRM (Attn: Chief, PTD) the status of subject personnel for the withholding of his pay and allowances.

G. RESCISSION

All other issuances which are inconsistent with the provisions of this Memorandum Circular are hereby deemed repealed or modified accordingly.

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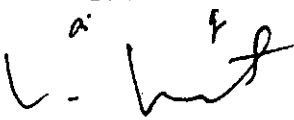
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H. EFFECTIVITY

This Circular shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.

APPROVED this 28th day of DECEMBER 2009 at Makati City.


RONALDO V. PUNO
Chairman



EDUARDO U. ESCUETA
Commissioner
Vice Chairman and Executive Officer

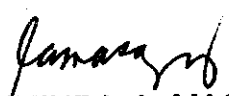


LUIS MARIO M. GENERAL
Commissioner


PDG JESUS A. VERZOSA
Commissioner

Attested by:


LOURDES W. ANICETO
ACTING DEPUTY EXECUTIVE OFFICER

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Chief, Records Section-PAS

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