

[NAPOLCOM MEMORANDUM CIRCULAR NO. 2003-001, January 10, 2003]

**AMENDING NAPOLCOM MEMORANDUM CIRCULAR NO. 2002-005,
RELATIVE TO THE RELENTLESS AND ALL-OUT CAMPAIGN OF THE
PNP TO STOP AND ERADICATE JUETENG AND OTHER ILLEGAL
GAMBLING ACTIVITIES**

WHEREAS, the Commission in the exercise of its constitutional mandate and statutory powers under R.A. No. 6975 as amended, had issued Memorandum Circular No. 2002-005 directing the Chief, Philippine National Police, Police Regional Directors, Police Provincial Directors, Police District Directors, City Police Directors, Chief of Police and Station Commanders to immediately undertake an all out campaign to stop and eradicate jueteng and other illegal gambling activities to expunge 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;

WHEREAS, in light of the issuance by the PNP of Letter of Instruction (LOI) 36/02 (Roulette-Milenyo) dated 26 August 2002 by the Chief, PNP with the end-in-view of setting forth the operational guidelines, concepts of operation, fundamental thrust and specific tasks to be undertaken and performed by all PNP units in the fight against all forms of illegal gambling and further laying down the concept of "Command Responsibility" among others as integral part of the campaign against illegal gambling, this Commission deems it proper to amend portions of NAPOLCOM Memorandum Circular No. 2002-005 specifically the application of the doctrine of Command Responsibility, by adopting the provision of the said LOI on Command Responsibility with minor modifications to further reinforce its campaign against jueteng and other forms of illegal gambling activities.

NOW, THEREFORE, the Commission, in the exercise of its administration and control function over the Philippine National Police has resolved to amend, as it hereby amends, Napolcom Memorandum Circular No. 2002-005, relative to the relentless and all-out campaign of the PNP to stop and eradicate jueteng and other illegal gambling activities as follows:

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 the campaign.
2. To ensure a more efficient, sustained, vigorous and resolute campaign against jueteng and other illegal gambling activities, it is imperative that the "Doctrine of Command Responsibility" be strictly applied at all levels of commands 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 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.

Section 2. **Presumption of Knowledge** — A government official or supervisor, or PNP Commander, is presumed to have knowledge of the commission of irregularities or criminal offense 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 to take preventive or corrective actions or refuses to stop and eradicate this illegal gambling activities 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, and **shall also be relieved from his position** under any of the following circumstances:

3.a **For Regional Police Offices:**

3.a.1 **Municipal Chiefs of Police**

Three (3) successful raids by non-organic PNP/DILG units proving the existence of illegal gambling operations within the municipality, shall cause the relief of the Chief of Police of that Municipality.

The Responsible Chief of Police shall be informed accordingly of the results of each anti-illegal gambling operation conducted in his AOR, and shall be advised to step up his own campaign.

3.a.2 **Provincial Directors**

The relief of three (3) Municipal Chiefs of Police due to inefficiency in the conduct of anti-illegal gambling operations in his AOR as proven and documented by operations of non-organic PNP/DILG units, shall cause the relief of the Provincial Directors.