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POLICY ON PROHIBITION OF ALL FORMS OF TORTURE, HAZING AND OTHER CRUEL, INHUMAN, AND DEGRADING ACTS IN THE CONDUCT OF POLICE TRAINING COURSES AND ALL OTHER POLICE FUNCTIONS

PNP MEMORANDUM CIRCULAR NO. 2011-012, April 19, 2011

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1. REFERENCES:

a. LOI 55/07 Pamana (PNP Human Rights Development Program);
b. Chief, PNP's Eight Foundation Initiatives and Operational Imperatives;
c. Republic Act 9745 (Anti-Torture Law of 2009);
d. Republic Act 9851 (IHL Act of 2009); and
e. Republic Act 8049 anti-Hazing Law).

2. PURPOSE:

This Memorandum Circular provides the policy, directives, guidelines, and procedures for the strict observance of PNP human rights standards, specifically on the prohibition of torture, hazing and other cruel, inhuman and degrading acts in the conduct of police training courses and all other police functions.

3. DEFINITION OF TERMS:

For the purpose of this circular, the following terms shall mean:

a. Torture – refers to any punishment, hazing, and other forms of treatment or acts by which severe pain or suffering, whether physical, psychological, or pharmacological, is intentionally inflicted on police recruits/applicants, police personnel, and other persons undergoing training courses under the supervision and control of the PNP, including Regional Training Schools under the National Police College/Philippine Public Safety College (NPC / PPSC), and/or as defined under R.A. 9745 and R.A. 9851.

b. Hazing – refer to any form of physical or psychological suffering, punishment, or forms of maltreatment imposed on police applicant, recruit, trainee, or any other person as a prerequisite for admission into or for completion of PNP education and training course, and/or defined under RA. 8049.

c. Cruel, Inhuman, and Degrading Treatment – refers to deliberate and aggravated treatment or punishment which includes any forms of discrimination inflicted by a superior PNP officer or personnel on police applicants, recruits, trainees, or any other person undergoing training under the supervision and control of the PNP, National Police College-Philippine Public Safety College, and/or as defined under R.A. 9745 and R.A. 9851.

d. Police Training – refers to all mandatory special education and training courses organized and implemented by the PNP.

e. Police Functions – refers to all operational and administrative tasks or actions taken by PNP personnel in the performance of their official functions.

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f. Neglect of Duty and/or Failure to Exercise Command Responsibility refers to the failure of a superior officer to take preventive or corrective action if he has knowledge that torture, hazing, and other forms of cruel, inhuman, and degrading treatment shall be committed, are being committed, or were committed by his/her subordinates and by others under his command or area of responsibility; or as defined under Section 1 of Executive Order 226 dated February 15, 1995.

g. Immediate Officer – shall refer to the police commissioned officer who is holding an office or position that gives him immediate and direct control and supervision over the concerned personnel at the time of the commission of the offense.

4. POLICIES

Pursuant to Republic Acts 9745, 9851, 8049; the PNP Human Rights Development Program; and the Chief, PNP's Foundation Initiative on Human Rights, it is hereby the policy of the Philippine National Police to:

a. Fully observe and comply with the provisions of international and national human rights laws, treaties, conventions, and other legal instruments;

b. Apply only scientifically proven and human rights-compliant principles, strategies, and methods in the conduct of police education and training, and in the performance of all police duties and functions;

c. Strictly prohibit all forms of torture, hazing, and other forms of cruel, inhuman, and degrading acts against police applicants, recruits, trainees, police personnel, and al other persons during the conduct of mandatory or special police education and training courses;

d. Stringently subject all police personnel accused of committing torture, hazing, and other forms of cruel, inhuman, and degrading acts to a thorough, speedy, and impartial investigation and apply appropriate sanctions to all those found guilty of human rights violations;

e. Observe the Principle of Command Responsibility in determining the accountability and/or liabilities of Police Commissioned Officers and Police Non-Commissioned Officers proven to have committed acts of torture, hazing, and other forms of cruel, inhuman, and degrading acts;

f. Failure of the immediate officer to take action against his erring subordinate within 24 hours despite his knowledge of the violation will be a ground for the said officer's immediate relief;

g. The immediate officer who shall be presumed to have knowledge of the violation of human rights committed by his/her subordinate/s shall be subjected to precharge evaluation (PCE) by the disciplinary authority who has jurisdiction over him for Neglect of Duty pursuant to Rule 21 of NAPOLCOM Memo Circular 2007-001; and

h. In compliance to the three (3) strike policy of the Chief, PNP the Immediate Officer shall be immediately relieved on the presumption of negligence if during his/her tenure, his/her subordinates are involved in Three (3) incidents of human rights violations whether or not he/she took corrective or preventive actions without prejudice to the filing of administrative charge of Neglect of Duty against him/her.

5. GUIDELINES

To effectively implement the aforecited policies, the following guidelines are hereby prescribed:

a. All RDs, PDs, CDs, COPs, and chief of officers shall direct and support their respective Human Rights Officers (HROs) in the implementation of the PNP Human Rights Development Program and related projects/activities in their respective areas of jurisdiction, including the development of a database on alleged human rights violations, case referrals, inspection of custodial detention facilities, and close coordination with

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the Regional Director of the Commission on Human Rights in their area;

b. All RDs, PDs, CDs, COPs, and chief of officers shall take proactive and corrective measures to prevent and/or address acts of torture, hazing, and other forms of maltreatment in their respective areas of jurisdiction, including the conduct of human rights information drives, seminars, training, and other activities to educate police personnel about human rights standards for law enforcement. Close coordination shall be maintained with the PNP Regional Training Schools (RTSs) and Regional Service Training Units (RSTUs) in the pursuit of the aforecited objectives;

c. All police personnel accused of acts of torture, hazing, and other forms of cruel, inhuman and degrading acts shall be immediately placed on restriction pending the conduct of an official inquiry or investigation;

d. Upon request, all RDs, PDs, CDs, COPs shall provide security or protection, to all complainants and witnesses on cases or complaints of torture, hazing, and other forms of cruel, inhuman, and degrading acts allegedly committed by PNP personnel under their respective commands until such time that said persons requiring security are admitted into the government witness protection program;

e. All RDs, PDs, CDs, COPs, and chief of offices shall fully cooperate with any inquiry, inspection, or investigation conducted by the Commission on Human Rights or Congress into alleged cases of torture, hazing, and other forms of human rights violations; and

f. Coordination with the Commission on Human Rights, Department of Social Welfare and Development Department of Health, PNP Human Rights Affairs Office, and PNP Women and Children Protection Center shall be immediately undertaken when the alleged victims of torture, hazing and other forms of maltreatment are women, children and/or minors.

6. RESCISSION

All PNP policies, directives, and issuances which are inconsistent with the provisions of this Circular are hereby deemed rescinded or modified accordingly.

7. EFFECTIVITY

This Circular shall take effect immediately upon approval.

Adopted: 19 April 2011

(SGD.) ATTY. RAUL M. BACALZO, Ph.D.
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