



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

**NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE**  
**OFFICE OF THE CHIEF, PNP**  
Camp Crame, Quezon City

**MEMORANDUM**

TO : See Distribution

FROM : Chief, PNP

SUBJECT : **Guidelines on the Accountability of the Immediate Officer for the Involvement of His Subordinates in Criminal Offenses and Implementation of 3-Strike Policy**

DATE : **JAN 10 2011**

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**1. References:**

- a. CPNP Memorandum dated July 17, 2009 re Rationalization of Administrative Relief Policy vis-à-vis Doctrine of Command Responsibility;
- b. NAPOLCOM Memorandum Circular 2007-001;
- c. Executive Order No. 226 dated February 17, 1995 re "Institutionalization of the Doctrine of "Command Responsibility" in All Government Offices, Particularly at all Levels of Command in the Philippine National Police and Other Law Enforcement Agencies";
- d. Supreme Court decision in the case of Quimbao and Asyo (454 SCRA 17) and in Zari vs. Flores (94 SCRA 317, 322-324); and
- e. RA 6975 as amended.

**2. Scope and Purpose:**

- a. This memorandum sets the guidelines in holding Immediate Officers (IO) accountable for the involvement of their subordinates in the commission of a criminal offense;
- b. This memorandum shall cover the guidelines on the **3- strike policy** that shall be observed against the Immediate Officer whose subordinates get involved in three (3) criminal offenses during his tenure;
- c. This memorandum is intended to promote the culture of mentoring leadership among supervising officers and to instill into the mind of the commanders that they are responsible and accountable for the actions of their subordinates and thereby develop better and effective leaders who possess the moral ascendancy over their subordinates and adhering to the highest degree of professionalism and integrity; and
- d. This Memorandum shall govern the imposition of Doctrine of Command Responsibility against all Immediate Officers over the actions of their subordinates. As leaders, they are responsible for what their personnel do or fail to do.

c. The Immediate Officer shall submit a report and account for the erring subordinate and present him to his immediate disciplinary authority within 24 hours.

d. The Immediate Officer shall be **immediately relieved** on the presumption of negligence if during his tenure his subordinates are involved in three (3) criminal offenses whether or not he took corrective or preventive actions. This **3-strike policy** shall apply without prejudice to the filing of administrative case against the Immediate Officer for **Neglect of Duty**.

e. The Immediate Officer shall be independently and separately administratively charged for every criminal offense committed by his subordinates.

f. It shall be the command responsibility of the immediate disciplinary authority of the personnel who was involved in the commission of a criminal offense to immediately conduct Pre-Charge Evaluation for **Grave Misconduct** and likewise initiate criminal investigation and **file the appropriate criminal charges** against the erring personnel.

g. Under this directive, the following shall constitute criminal offenses as defined and penalized under the Revised Penal Code and Special Laws, to include, but not limited to:

- Gunrunning;
- illegal logging;
- robbery;
- kidnapping for ransom;
- white slave trade;
- illegal recruitment;
- carnapping;
- smuggling;
- piracy;
- drug trafficking;
- falsification of land title and other government forms;
- large scale swindling;
- film piracy;
- counterfeiting and bank frauds;
- crimes committed by organized/syndicated crime group where PNP members are involved;
- adultery;
- seduction under a promise of marriage;
- concubinage;
- estafa;
- rape;
- falsification of public document;
- arson;
- estafa thru falsification of public document;
- evasion of income tax;
- murder;
- extortion;
- fabrication of evidence;
- forgery.





### 3. Definition of Terms:

a. **Criminal Offenses** – For the purpose of this Memorandum, criminal offenses shall refer to those defined and penalized under Revised Penal Code and Special laws as enumerated in para 4.

b. **Immediate Officer**- Shall refer to a 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.

c. **Control**- shall refer to the responsibility or authority to direct, determine and regulate actions of his subordinates.

d. **Supervision**- shall refer to the responsibility or authority to oversee the work or duty of another.

e. **Command Responsibility**- Refers to the duty or obligation of every Police Commissioned Officer (PCO) to closely supervise, coordinate, control and monitor the discharge of duties of his subordinates as well as the responsibility to control and monitor the activities of other units operating within the PCOs area of jurisdiction and to take preventive or corrective measures as may be warranted.

f. **Presumption of knowledge**- An Immediate Officer (IO) is presumed to have knowledge of the commission of irregularities or criminal offenses in any of the following circumstances:

i. When the irregularities or illegal acts are widespread within his area of jurisdiction;

ii. When the irregularities or illegal acts have been repeatedly or regularly committed within his area of responsibility; and

iii. When members of his immediate staff or office personnel are involved.

g. **Presumption of Negligence** – For the purpose of this Memorandum there shall be presumption of negligence on the part of the Immediate Officer (IO) if he does not take appropriate action against the erring subordinate within twenty-four (24) hours from the time of the incident or if his subordinates are involved in the commission of three (3) criminal offenses during his tenure regardless of whether he initiated corrective or remedial actions.

### 4. Policies and Guidelines:

The following guidelines and policy shall be observed whenever a PNP personnel is involved in the commission of criminal offense as enumerated herein:

a. The Immediate Officer who fails to take appropriate action against his erring personnel within twenty-four (24) hours from the time of incident shall be **immediately relieved**.

b. The Immediate Officer shall be presumed to have knowledge of the commission of the criminal offense of his subordinates in accordance with the definition stated under para 3f and shall be subjected to Pre-Charge Evaluation (PCE) by the disciplinary authority who has jurisdiction over him for **Neglect of Duty** pursuant to Rule 21 of NAPOLCOM Memo Circular No. 2007-001.

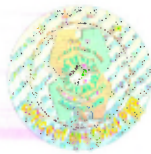
5. **Coordinating Instructions:**

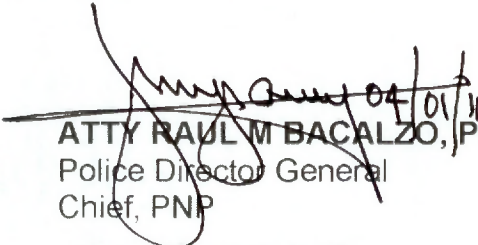
a. All Regional Directors, District Directors and Dir, NSUs shall be the Office primarily responsible for the implementation of this directive; and

b. All existing PNP issued LOIs, directives and other issuances shall not be superseded or modified for that matter.

6. **Effectivity:**

This Memorandum Directive shall take effect upon approval.



  
ATTY RAUL M BACALZO, Ph.D.  
Police Director General  
Chief, PNP

CPNP Ltr 10 5042217



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