



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
Camp Crame, Quezon City



CMD APS051216-61

MEMORANDUM

TO : All RDs, PROs
D, CIDG and AIDG

FROM : TDIDM

SUBJECT : **Addendum/Reiteration of ID No. 2015-03**

DATE : JUN 7 2016

1. References:

- a. DIDM Investigative Directive No. 2015-03 entitled: Guidelines in the Investigation, Documentation and Filing of Drug-Related Cases; and
- b. NHQ CMC No. 49/13 entitled: Case Review Committee to Evaluate Dismissed Cases Related to Illegal Drugs, Heinous and Sensational Crimes.

2. Pursuant to ID No. 2015-03, case folders of all drug-related cases must be certified by the IOCs and COPs that they have examined and reviewed all the documents prior to referral/filing with the Prosecutor's Office. In PRO 3, PRO 4A and NCRPO, case folders must be further certified by respective legal officers that they have examined and reviewed its contents before its filing.

3. RIDMDs, PROs to include InDiv(s), CIDG and AIDG shall submit a weekly consolidated report on the certifications issued by COPs/Heads of Office and LOs (for PRO 3, PRO 4A and NCRPO) to reach DIDM (Attn: CMD) every Monday. (Please see attached format).

4. RIDMDs and InDiv(s) shall also monitor the status of all drug-related cases. They shall submit a monthly report to DIDM including the list of dismissed drug-related cases. The list shall reflect the names of PNP personnel responsible in the filing of cases that were dismissed by the court. (Please see attached format)

5. In the event that a case is dismissed or Released for Further Investigation (RFI) by the Prosecutor's Office or Court, concerned Directors, NOSUs/PPOs/CPOs shall conduct a case review pursuant to NHQ No. 49/13 to determine lapses/errors/anomalies committed by PNP personnel to include the Prosecution Service and Courts to hold them accountable.

6. For guidance and strict compliance.


BENJAMIN B MAGALONG
Police Director

CC:

PNP Command Group
D-Staff
LS

Period Covered _____

[illegible]

Province	Nr of Operations Conducted	Nr of Drug Cases Filed	with certifications		without certifications	
			COP	LO	COP	LO
La Union						
Pangasinan						
Ilocos Sur						
Ilocos Norte						
Total						

Note: Pls attached all certifications from COPs and PLO/DLO/

Province: La Unión

Police Regional Office 1
Monthly Report on Dismissed Drug Cases
Period Covered _____

[illegible]

Recap:

Particulars	Dismissed	Ret	Total
Prosecutor			
Court			
Total			



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DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
Camp Crame, Quezon City



CMD1215C-PAM-

MEMORANDUM

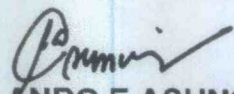
TO : RDs, PROs 3 & 4A
FROM : OIC, DIDM
SUBJECT : **Addendum to Investigative Directive 2015-03**
DATE : **JAN 14 2016**

1. Reference: Investigative Directive 2015-03 dated October 16, 2015, entitled, "Guidelines in the Investigation, Documentation and Filing of Drug-Related Cases (attached).

2. As an addendum to para 5(d) of PNP DIDM Investigative Directive 2015-03, all drug complaints in PROs 3 & 4A prior to the filing of cases at the Prosecutor's Office or with regular courts shall be examined and reviewed by their respective Legal Officers. A corresponding certification shall be issued to this effect, copies of which shall be gathered by respective RIDMDs to be submitted to DIDM.

3. Further, attached is the weekly schedule of submission of report to this Directorate (Attn: C, CMD) on the filing of drug cases, to include the Certification from the Legal Officers, for your reference.

4. For guidance and strict compliance.


ROLANDO E ASUNCION
Police Chief Superintendent

Encl/s:
a/s



Republic of the Philippines
National Police Commission
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT
Camp Crame, Quezon City

INVESTIGATIVE DIRECTIVE
NUMBER 2015-03

OCT 16 2015

**GUIDELINES IN THE INVESTIGATION, DOCUMENTATION, AND FILING OF
DRUG-RELATED CASES**

1. REFERENCES:

- a. Revised PNP Manual on Anti-Illegal Drugs Operations and Investigation (PNPM-D-0-2-14 [DO]);
- b. Revised Philippine National Police Operational Procedures (December 2013);
- c. Criminal Investigation Manual Revised 2010;
- d. R.A. 9165 as amended.

2. RATIONALE:

For the year 2014, a total of 18,886 anti-drug operations were conducted that resulted in the arrest of 25,515. Of this figure 8,865 cases were referred to the Prosecutor's Office, 9,305 were filed in various courts and 716 were under investigation. Alarming, a review of dismissed drug cases conducted by the Directorate for Investigation and Detective Management (DIDM) showed a total of 1,538 cases have been dismissed by the courts as of August 5, 2015.

Among the grounds for the dismissal of the cases were attributed to the following: procedural irregularities, planting of evidence/fabrication, chain of custody failure to attend court hearings, **inconsistent testimonies**, failure of the prosecution to present evidence/failure to prosecute, insufficiency of evidence, inadmissibility of evidence due to illegal warrant served, search and seizure. Hence, illicit drug trafficking continues to be a perennial problem wreaking havoc on the society.

In his Assumption Speech last July 2015, the Chief, PNP stated that the police should give utmost priority in addressing the issue on illegal drugs and address it vigorously.

3. PURPOSE:

To provide a set of guidelines for the Investigator-on-Case, Arresting Officers, Chiefs of Investigation Offices/Units, Chiefs of Police and Legal Officers in the Investigation, documentation and subsequent filing of drug-related cases.

4. DEFINITION OF TERMS:

The following terms will be operationally defined and used:

- a. Chief of Police (COP) – refers to the Chief of the Police Station either in City or Municipality, or the Station Commanders in District Offices in Metro Manila or other chartered Cities and Highly Urbanized Cities and Municipalities.
- b. Chief, Investigation Section/Branch/Division – refers to the Chief of the Investigation Section in the station level or in district levels in the Metro Manila.
- c. Investigator-on-Case (IOC) – refers to any police officer who is duly designated or assigned to conduct the inquiry of the crime by following a systematic set of procedures and methodologies for the purpose of identifying witnesses, gathering and recovering evidence, arresting the perpetrators and filing of criminal cases.
- d. Arresting Officer (AO) – refers to the PNP Personnel, member of the Barangay Police Auxiliary Team (BPAT), Barangay Tanods or a civilian effecting the arrest.
- e. Desk Officer (DO) – refers to the Duty PNCO in the police station detailed to receive and record complaints and reports of crime incidents and dispatches in the police blotter. He is also responsible for initially attending to requests for police assistance.
- f. Legal Officer (LO) – refers to the Regional/District Legal Officer of different Police Districts in NCRPO and different PROs.

5. GUIDELINES:

The following guidelines shall be followed in the implementation of this Directive:

- a. In the preparation of the Affidavit of Arrest to be executed by the Arresting Officer, the Investigator-on-Case shall certify in the lower portion of the affidavit that he has examined and reviewed its contents and has guided the affiant in its preparation.

- b. The Chief of Police will issue a certification that he has examined all the documents and other pieces of evidence pertaining to the case before its filing with the Office of the Public Prosecutor or with the Regular Courts. This certification shall form part of the case folder.
- c. In the event that a drug related case is dismissed or the accused is Released for Further Investigation, the Chief of Police, the Investigator-on-Case and the Arresting Officer will be subjected for investigation to determine if there has been irregularities or lapses in the preparation of documents pertaining to the filing of the case.
- d. In Metro Manila, all drug complaints prior to filing shall be reviewed and examined by the Legal Officers of the District Offices. A certification shall be issued to this effect. Copies of certification will be gathered by the RIDMD to be submitted to DIDM.

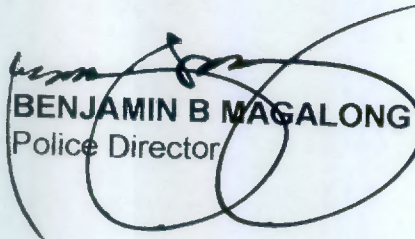
6. RESPONSIBILITIES:

- a. Case Monitoring Division (CMD) of the DIDM, shall be responsible in the monitoring of all drug related cases filed with the Office of the Public Prosecutor and in the regular Courts. In addition, the CMD shall provide the PCEID with the list of all drug related cases filed and subsequently dismissed, indicating the names of the PNP personnel involved in the said case.
- b. Pre-Charge Evaluation and Investigation Division (PCEID), DIDM, shall be responsible for the conduct of pre-charge evaluation and filing of appropriate administrative charge/s against the PNP personnel found to be responsible for the dismissal of the drug related cases.
- c. RIDMD shall ensure that this Directive will be disseminated to all investigation units. It shall monitor all drug-related cases and shall submit list of dismissed drug-related cases to include names of PNP personnel responsible in the filing of cases. It shall gather all certifications issued by legal officers.
- d. Chiefs of Police shall issue a certification that he has examined all the documents and other pieces of evidence pertaining to the case before its filing with the Office of the Public Prosecutor or with the Regular Courts.
- e. Investigator-on-Case shall certify in the lower portion of the affidavit that he has examined and reviewed its contents and has guided the affiant in its preparation.

7. ADMINISTRATIVE SANCTIONS:

The filing of administrative charges pursuant to NAPOLCOM MC No. 2007-001 shall proceed against the above-mentioned PNP personnel who failed or refused to take actions on the prescribed guidelines of this Directive.

8. For guidance and strict compliance.


BENJAMIN B MAGALONG
Police Director

Distribution:
RD PRO4A

Attachments:
A. Affidavit of Arresting Officer,
B. Affidavit of Investigation,
C. Certification of COP
D. Certification of Legal Officer

Copy Furnished:
PNP Command Group
D-Staff
P-Staff

Republic of the Philippines)
Quezon City) S.S.
X-----X

AFFIDAVIT OF ARRESTING OFFICER (Buy-Bust)

I, the undersigned, a bonafide member of the Philippine National Police (PNP) presently assigned with _____ with office address at _____, after having been duly sworn to in accordance with law do hereby depose and state;

(FACTS OF THE CASE/ CHRONOLOGY OF EVENTS)

That on _____, at about _____, our _____ and _____ met with _____ and proceed at _____. After several minutes _____ activated the pre-arranged signal. Then and there, I immediately rushed to the scene and introduced ourselves as _____ operatives and arrested the suspect/s. We then appraised the suspect/s of his/their constitutional rights but they opted to remain silent;

The actual physical inventory, markings and taking of photographs were conducted _____ and witnessed by the suspect himself in the presence of Brgy. Chairman _____ of Brgy _____ and Mr/Ms/Atty. _____, of the City Prosecutor's Office or Mr./Ms. _____ of News _____;

(In case of absence of either of the witnesses required, the same must be explained in the affidavits)

That we brought the arrested suspect/s to our office for investigation and proper disposition. The arrested person was later brought to _____ for medical/physical and laboratory screening test while the confiscated pieces of evidence were turned over by the Investigator-on-Case to _____ at about _____ of _____, 2015, for chemical analysis;

That the arrested person/s was/were later identified as _____ years of age, and a resident of _____;

That anything not mentioned in this affidavit will be narrated during proper trial;

That I executed this affidavit to attest to the truthfulness of the above narrated facts and to support our charge for violation of Sec. _____ of Art II, of R.A. 9165 against the above named suspect/s.

Affiant

This is to certify that I have read the contents of this affidavit and has guided the affiant in its preparation.

Rank, Name and Signature
Investigator-on-Case

SUBSCRIBED AND SWORN to before me this _____ day of _____ in _____, Philippines.

Administering Officer

Republic of the Philippines)
Quezon City) S.S.
X-----X

AFFIDAVIT OF INVESTIGATOR

I, _____, a bonafide member of the Philippine National Police (PNP) presently assigned with _____ with office address at _____, after having been duly sworn to in accordance with law do hereby depose and state;

That I am presently detailed with _____, as investigator;

That on _____, at about _____, our Unit conducted a _____ operation at _____ which resulted to the confiscation of _____ and the arrest of the following suspects;

- 1.
- 2.
- 3.

That the undersigned was designated as investigator on case of the said operation and have caused the preparation of the following documents;

- 1.
- 2.
- 3.

That the pieces of drug related evidence recovered by the Seizing Officer (name of the Seizing Officer) were turned over to me at _____ on _____ for investigation and documentation;

That on _____ at about _____, I turned over the drug related evidence to the _____ for examination and custody and was received by _____;

That the PDEA/PNP Crime Laboratory Service, issued an initial Chemical Report No. _____ dated _____ which gave positive result to the test _____.

That the arrested suspects were also turned over by the arresting officers to the undersigned for investigation. Suspects were brought to PNP Crime Laboratory Group for Medical and Physical Examination.

That I am executing this affidavit to attest to the truthfulness of the foregoing statements and to support the filing of appropriate charges against the above named suspect/s.

IN WITNESS WHEREOF, I have hereto set my hand and affix my signature below this _____ day of _____, at _____.

Affiant

SUBSCRIBED AND SWORN to before me this _____ day of _____ in _____, Philippines.

Administering Officer

CERTIFICATION

This is to certify that I have examined and reviewed all the documents and other pieces of evidence pertaining to the case of (Name of respondent) and (nature of case).

(to be attached to the case folder)

Rank, Name and Signature
Chief Of Police

CERTIFICATION

This is to certify that I have examined and reviewed all the documents and other pieces of evidence pertaining to the case of (Name of respondent) and (nature of case).

(to be attached to the case folder)

Rank, Name and Signature
Legal Officer