



Republic of the Philippines  
National Police Commission

**NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE**  
**DIRECTORATE FOR INVESTIGATION AND DETECTIVE MANAGEMENT**  
Camp Crame, Quezon City



JUN 10 2016

Investigative Directive No. 2016 -09

**Investigative Directive in Determining Cases to be Handled by  
Women and Children Protection Desks in the Conduct of Investigation**

**1. REFERENCES:**

- a. Section 57, R.A. No. 8551, otherwise known as the "PNP Reform and Reorganization Act";
- b. NHQ PNP Circular Number 2001-002 entitled "Activation of the Women's Crisis and Child protection Center based at NHQ PNP issued on January 16, 2001";
- c. NAPOLCOM Resolution No. 2012-059 dated February 27, 2012 entitled "Confirming the Status of the Women and Children Protection Center (WCPC) as a Regular Office of the PNP";
- d. NAPOLCOM Resolution No. 2014-441 dated November 27, 2014 entitled "Strengthening and Restructuring of the Women and Children Protection Center"; and
- e. PNP General Orders No. DPL-15-02 dated March 10, 2015 entitled "Strengthening and Restructuring of the Women and Children Protection Center, DIDM".

**2. BACKGROUND:**

The Women and Children Protection Desk was created by law to particularly administer and attend to cases involving crimes against chastity, sexual harassment, abuses committed against women and children and other similar offenses<sup>1</sup>. For this reason, R.A. No. 8551 provides that the PNP shall reserve ten percent (10%) of its annual recruitment, training, and education quota for women who shall serve in the women's desk<sup>2</sup>.

The cases enumerated under Section 57 of RA 8551 involve crimes which are customarily referred to as Gender-Based Violence (GBV). The *UN Declaration on the Elimination of Violence against Women* defined GBV as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life". It includes acts that inflict physical, mental or sexual harm or suffering, threat of such acts, coercion and other deprivations of liberty.

Thus, the investigation of cases involving GBV shall be under the jurisdiction of the WCPD. As such, the cases shall be confidential and must be investigated by trained WCPD investigators. Also, the victims will be afforded the necessary protection and be extended with assistance to prevent their re-

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<sup>1</sup> Section 57, RA 8551

<sup>2</sup> Section 58, RA 8551



victimization.

However, not all crimes committed against women are considered as gender-based. For example, a crime of *estafa* committed by a business partner against a woman cannot be said to have been directed against the woman because of her gender.

Therefore, crimes against property and crimes committed through reckless imprudence victimizing women are not considered as GBV. However, if the crime against property is committed by a person with whom the woman has a dating or sexual relationship, the same may be considered as an act of violence against women under R.A. No. 9262. In such a case, the WCPD shall assume jurisdiction.

On the other hand, if the offender is a child in conflict with the law (CICL), the child shall be processed by the WCPD, but the case shall be investigated by the unit which has jurisdiction over the offense. For example, a child who was caught selling illegal drugs shall be turned-over to the WCPD for processing, yet the investigation of the case shall remain with the unit who caused the anti-illegal drugs operation. This is because WCPD personnel are not trained to handle illegal drugs cases and its investigation is not reposed with the WCPD. However, the proper handling of a CICL is reposed to the WCPD.

Crimes against children where abuse is evident are cognizable by the WCPD since our laws provide for their special protection.

### **3. RATIONALE:**

The need to specify which cases fall under the jurisdiction of the WCPD to distinguish from those under the general investigation arose in light of the confusion between investigators from the WCPD and the general investigation in determining these cases. The identification of these cases is essential in order to reflect the true state of women and children cases in the country.

Despite clarifications, there still remain discrepancies of entries in the PNP's Crime Incident Reporting and Analysis System (CIRAS). This practice results in inaccurate data and statistics that affect the record of the PNP as a whole. If not duly corrected, it may produce an erroneous portrayal of Philippine society when it comes to treatment of its women and children.

Aside from this, a review of the statistics of cases involving violence against women and their children (VAWC) reveals that one of the crimes which contributes to the large number VAWC cases is Grave Threats, which, upon evaluation, could not be categorized as gender-based unless the victim has a sexual and/or dating relationship with the victim, in which case, Violation of R.A. No. 9262 may be filed in lieu of the Grave Threats under the RPC.

As a curative measure, police personnel on the ground must be provided with a guide to help them distinguish which crimes, including GBV, are under the investigative functions of the WCPD, and which cases are to be investigated by



the general investigation.

#### **4. GUIDELINES:**

The following are guidelines in determining the cases under the jurisdiction of the WCPD:

##### **a. Cases involving CICL**

When the person alleged as, accused of or adjudged as having committed an offense is a minor, **the WCPD shall process the minor**, consistent with the rules on handling CICLs as provided for in RA No. 9344 (Juvenile Justice and Welfare Act of 2006) as amended by RA No. 10630 and their Implementing Rules and Regulations.

A process is a set of procedures laid down in the *PNP Manual in Handling Cases of CAR and CICL* which include booking procedures conducted on the child, provisions on confidentiality, exclusion of the child from the company adult offenders, and the referral of the child to the DSWD/LSWDO within 8 hours from initial contact, among others.

However, the investigation of the case shall be made by the unit that has jurisdiction over the offense. If the case is cognizable by the WCPD, then the WCPD shall also investigate the case.

##### **b. Special Laws for the Protection of Children**

The following laws are for the protection of children and violations thereof shall be under the exclusive jurisdiction of the WCPD to investigate:

- 1) Republic Act No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act);
- 2) Republic Act No. 8043 (Inter-Country Adoption Act of 1995);
- 3) Republic Act No. 8552 (Domestic Adoption Act of 1998);
- 4) Republic Act No. 9231 (An Act Providing for the Elimination of the Worst forms of Child Labor); and
- 5) Republic Act No. 9775 (Anti-Child Pornography Act of 2009).

##### **c. Special Laws that Address GBV or Grant Special Protection to Vulnerable Sectors**

There are special laws that address GBV or protect certain sectors of society who are vulnerable to exploitation. The investigation of violation of these laws is reposed to the WCPD by virtue of the law, their implementing rules, or PNP issuances. These laws are:

- 1) Republic Act No. 6975 (Anti-Mail Order Bride Act);
- 2) Republic Act No. 7432 as Expanded by Republic Act 9257 (Senior Citizen's Act);
- 3) Republic Act No. 7877 (Anti-Sexual Harassment Act of 1995);
- 4) Republic Act No. 8042 as amended by RA No. 10022 (Migrant Workers and Overseas Filipinos Act of 1995);
- 5) Republic Act No. 8353 (Anti-Rape Law of 1997);



- 6) Republic Act No. 8371 (The Indigenous Peoples' Rights Act of 1997);
- 7) Republic Act No. 8505 (Rape Victim Assistance and Protection Act of 1998)
- 8) Republic Act No. 9208 as expanded by RA No. 10364 (Anti-Trafficking in Persons Act).
- 9) Republic Act No. 9262 (Anti-Violence Against Women and their Children Act of 2004);
- 10) Republic Act No. 9995 (Anti-Photo and Video Voyeurism Act of 2009); and
- 11) Republic Act No. 10361 (Domestic Workers Act or Batas Kasambahay).

**d. Articles of the Revised Penal Code**

The following felonies under the Revised Penal Code, if committed against a woman or child, shall be under the jurisdiction of the WCPD:

**1) Felonies Committed Against Women.**

- a) Article 245, Abuses Against Chastity.
  - b) Article 334, Concubinage.
  - c) Article 349, Bigamy.
- (note: the woman is the complainant).

**2) Felonies Committed Against Children.**

- a) Article 255, Infanticide.
- b) Article 337, Qualified Seduction.
- c) Article 338, Simple Seduction.
- d) Article 339, Act of Lasciviousness with the Consent of the Offended Party.
- e) Article 340, Corruption of Minors.
- f) Article 343, Consented Abduction.
- g) Article 270, Kidnapping and Failure to Return a Minor.
- h) Article 271, Inducing a Minor to Abandon his Home.
- i) Article 273, Exploitation of Child Labor.
- j) Article 276, Abandoning a Minor.
- k) Article 277, Abandonment of Minor by Person Entrusted with His Custody; Indifference of Parents.
- l) Article 278, Exploitation of Minors.
- m) Article 317, Swindling a Minor.

**3) Felonies Committed Against Women or Children.**

- a) Article 256, Intentional Abortion.
- b) Article 257, Unintentional Abortion.
- c) Article 258, Abortion practiced by the woman's parents.  
(note: if abortion is practiced by the woman herself, case is for general investigation. Reason: woman is suspect not victim).
- d) Article 259, Abortion Practiced by a Physician or Midwife and Dispensing of Abortives.
- e) Article 335, Rape.
- f) Article 336, Act of Lasciviousness.
- g) Article 342, Forcible Abduction.

**e. Additional Guidelines:**

1) All other cases under the Revised Penal Code shall be investigated by the general investigation although the victim maybe a woman. However, the WCPD shall investigate these cases if the offense constitutes also a violation of Republic Act No. 9262. For example, the WCPD shall investigate a case of Homicide where the offender is the live-in partner of the woman, because of the relationship that exists between the woman and the offender.

2) Except for cases committed through reckless imprudence, other crimes under the Revised Penal Code committed against a child shall be under the jurisdiction of the WCPD.

**5. EFFECTIVITY CLAUSE.**

This Directive shall take effect 15 days upon the date of signing. All prior issuances inconsistent with this Directive are deemed repealed.



**BENJAMIN B MAGALONG**  
Police Director

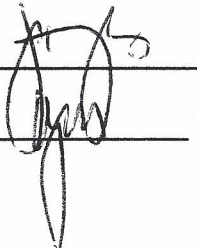
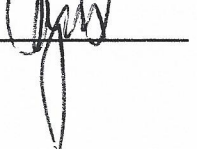




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NATIONAL POLICE COMMISSION  
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Directorate for Investigation and Detective Management  
**Women and Children Protection Center**  
Camp Crame, Quezon City



**MEMORANDUM**

FOR : TDIDM  
THRU : DDIDM   
EX-O   
FROM : C, WCPC  
SUBJECT : **Investigative Directive in Determining the Cases to be  
Handled by the WCPD**  
DATE : April 19, 2016

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1. Reference: Copy of the WCPC's Memo re above subject with comments from LO of DIDM.

2. The undersigned has incorporated suggestions made on the first review, and has made additional changes in paragraphs (1) (2) and (3) under Additional Guidelines.

3. Attached is the revised directive for your further review.

  
**ROSAURO VACIO**  
Police Chief Superintendent