



Republic of the Philippines
Department of the Interior and Local Government
National Police Commission

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



MEMORANDUM

FOR : C, PNP

THRU : TDCA

TDCO *[Signature]* **JUL 31 2015**

TCDS *[Signature]*

FROM : TDIDM

SUBJECT : Use of the Term "Custodial Facility" Instead of "Detention Facility"

DATE : JUL 29 2015

AUG 10 2015

DATE

APPROVED / DISAPPROVED

C, PNP

1. Reference: Memorandum from the C, PNP dated August 14, 2012 with subject "Decongestion of PNP Lock-Up Cells".

2. This pertains to the observation of this Directorate on the practice of using the terms "custodial facility/center" and "detention facility/center" in reports and other forms of communications both to refer to the facilities of the PNP utilized to place all person under custody of the PNP.

3. Please be informed that using the said terms interchangeably oftentimes cause confusion as to the real purpose of the custodial facilities of the PNP. Last year, it was discussed in a plunder case before the Sandiganbayan that a custodial center is for persons under investigation while a detention facility is for persons undergoing trial.

4. Although fault on the improper use of said terms can be attributed to the fact that temporary lock-up facilities like the PNP Custodial Center are sometimes used to accommodate accused persons undergoing trial pursuant to a commitment order from the Court, it is important that all PNP personnel are guided accordingly.

5. In this regard, respectfully recommend approval and signature on the attached memorandum-directive (Tab A).

FRANCISCO DON CASANOVA MONTENEGRO
Police Director

CPNP HW 15 1040677
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OCPNP
In Doc '15 P348910

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Handwritten notes:
To TDCO
ps monitor the
compliance - decongestion



Republic of the Philippines
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 : **Use of the Term "Custodial Facility" Instead of "Detention Facility"**
DATE :

1. Reference: Memorandum from the Chief, PNP dated August 14, 2012 with subject: "Decongestion of PNP Lock-Up Cells."

2. This pertains to the practice of using the terms "*custodial facility/center*" and "*detention facility/center*" in reports and other forms of communication both to refer to the facilities of the PNP utilized to place all persons under custody of the PNP.

3. Using the said terms interchangeably oftentimes causes confusion as to the real purpose of the custodial facilities of the PNP. Last year, it was discussed in a plunder case before the Sandiganbayan that a custodial center is for persons under investigation while a detention facility is for persons undergoing trial.

4. Although fault on the improper use of said terms can be attributed to the fact that temporary lock-up facilities like the PNP Custodial Center are sometimes used to accommodate accused persons undergoing trial pursuant to a commitment order from the Court, it is important that all PNP personnel are guided accordingly.

5. In view of the foregoing, all PNP offices and units are hereby directed to observe the following:

a. Use only the term "*custodial facility/center*" and avoid using the term "*detention facility/center*" when referring to all the facilities of the PNP utilized to place persons under custody of the PNP;

b. All persons placed inside the custodial facility/center should be termed "under custody"; and

c. Strictly comply with the directives stated in the aforementioned reference (copy attached) regarding the decongestion of PNP lock up cells.

6. For strict compliance and widest dissemination.


RICARDO C. MARQUEZ
Police Director General

Incl: as stated

Distribution: All RDs, PROs
Dtrs, NSUs

Cc: Command Group
D-Staff





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 : Decongestion of PNP Lock-Up Cells
DATE : AUG 14 2012

1. References:

- a. List of Detainees at the PNP Custodial Center as of May 18, 2012;
- b. BJMP SOP No. 2011-01 dated January 4, 2011; and
- c. News Reports re: Jailbreaks in some PNP Detention Cells.

2. This pertains to the alarming incidents of jailbreaks that transpired in some PNP Detention Cells leading to the escape of nine (9) inmates in Station 5, QCPD on September 14, 2011; 10 inmates in Mandaluyong Police Station on May 16, 2012; and three (3) suspects in Bago, City Negros Occidental on March 21, 2012, among others.

3. One of the factors that contributed to the above-mentioned jailbreaks is jail congestion, a problem which is prevalent in most of the temporary lock-up cells of PNP units and police stations.

4. On the other hand, the reason why said temporary lock-up cells are extremely overcrowded is because some of the prisoners temporarily detained therein are already "overstaying". Although such prisoners are no longer under custodial investigation or preliminary investigation by the prosecutor's office because a criminal case against him/her was already filed before the Court, he/she is not yet committed to the jurisdiction of the Bureau of Jail Management and Penology (BJMP).

5. This happens when the Court has not yet issued the corresponding commitment order. It also happens when the prisoner is not immediately delivered to the specific jail indicated since the PNP unit concerned is not aware that a commitment order has already been issued.

6. An accounting on May 18, 2012 was also made and it was found out that the PNP Custodial Center in Camp Crame is already congested because of the increasing number of high-risk detention prisoners who have been arrested and indicted for various offenses, being detained and/or committed therein.

7. The continued practice of committing these prisoners under the custody of the PNP Custodial Center proved to be unduly burdensome on the part of the PNP because of the financial and manpower requirement it entails, and the fact that said custodial center was established only to serve as a temporary lock-up facility and to consolidate all lock-up cells of various operating units inside Camp Crame. It is not a long-term jail facility which can house a number of prisoners like the facilities of the BJMP.

8. Based on the foregoing, concerned PNP offices/units are hereby directed to undertake the following directives:

- a. When the case against the detention prisoner is already filed in Court, the PNP unit concerned shall verify with the Court whether or not a commitment order has already been issued;
- b. When the commitment order has not yet been issued by the Court, the Chief of Police or the Head of the PNP unit must write a formal request letter addressed to the Clerk of Court for the issuance of a commitment order to the BJMP of the place or territory where the prisoner is being tried (**See Annex A – sample request letter**);
- c. When the commitment order has already been issued by the Court, the Chief of Police or the Head of the PNP unit must ensure that the prisoner is immediately delivered, without delay, to the jail indicated in the commitment order; and
- d. Prosecutors handling the case must be reminded that the PNP Custodial Center in Camp Crame is only used as a temporary lock-up facility for persons under custodial investigation and to consolidate lock-up cells of various PNP operating units therein. Therefore, unless otherwise specifically instructed by the CPNP, high-risk detention prisoners must instead be committed to the BJMP Jail in Bicutan, Taguig City.

9. It must be emphasized that utmost care and diligence must always be exerted in handling detention prisoners so that incidents of jailbreaks which tarnish the image of the PNP, will be prevented.

10. For strict compliance.



Me
NICANOR A. BARTOLOME, CSEE
Police Director General

Distribution:

All RDs, PROs
Dirs, NOSUs

CPNP Ltr '12 S049595



S049595

Cc:

Command Group
D-Staff



"To Serve and Protect"