



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

TO : See Distribution

FROM : TADIDM/TF USIG Commander

SUBJECT : Factors to be Considered in Determining Enforced or Involuntary Disappearance (EID) Cases

DATE : MAY 16 2013

1. References:

- a. Republic Act No. 10353;
- b. Memorandum Directive dated January 18, 2012 with subject "Factors to be Considered in Determining Involuntary or Enforced Disappearances (IED) Cases"; and
- c. Memorandum dated July 14, 2008 re inclusion of labor related killings and enforced disappearances as TF USIG special concerns;

2. Situation:

For the past years, PNP investigators were confronted with difficulty in the validation and investigation of alleged enforced disappearance (ED) cases mainly because of the absence of a clear cut definition of ED. For validated cases of ED, the case filed against the accused was kidnapping/serious illegal detention.

To aid the investigators in the validation and investigation of alleged ED cases, reference 1(c) was issued by then TADIDM/TF USIG Commander.

On December 21, 2012, however, a major breakthrough in the Philippine government's fight against ED transpired with the passage of RA 10353 or the "Anti-Enforced or Involuntary Disappearance Act of 2012". Section 3(b) of said law defines ED as:

"Enforced or involuntary disappearance refers to the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law."

With this law it is expected that investigators will already be guided

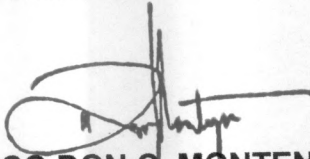
3. Based on the foregoing, reference 1(c) is hereby amended. All of the following shall be considered as elements of ED and/or factors to be considered in determining ED cases:

- (1) A person was arrested, detained, abducted or deprived of his liberty in any form;
- (2) The same was committed by any of the following:
 - Agents of the State;
 - Persons or group of persons acting with the authorization, support or acquiescence of the State.

Note: Agents of the State refer to persons who, by direct provision of the law, popular election or appointment by competent authority, shall take part in the performance of public functions in the government, or shall perform in the government or in any of its branches public duties as an employee, agent or subordinate official, of any rank or class. (Sec 3a of RA 10353)

- (3) The intention was to place said person outside the protection of the law as shown by the presence of any of the following circumstances:
 - Refusal to acknowledge the deprivation liberty of the disappeared person;
 - Concealment of the fate or whereabouts of the disappeared person.

4. For your guidance and widest dissemination.


FRANCISCO DON C. MONTENEGRO, Ph.D.
Police Chief Superintendent

Distribution:

All RDs, PRO 1-13, ARMM and COR
D, NOSUs

SUBJECT: facturo si se acordado en Defensoria Bragueria
Insultando a Bragueria (BIB) Com

DATE: MAY 16 2013

PROs

PRO 1 señalando B. Bragueria may 17, 2013
PRO 2 hacer 5/16/13
PRO 3 Proximo - 5/23/2013
PRO 4A NUP SONYA RE CASADO 5/17/12
PRO 4B con CARCA 5/16/13 1530H
PRO 5 PO3 RE PNA, A III 05/16/13 ~~AAAM~~
PRO 6 PO2 DIZON 05/16/13 ~~SLP~~
PRO 7 NUP CANDIDATO, 05/16/13
PRO 8 PO2 NUP 5/17/13
PRO 9 PO1 IMPERACION, R. 5-16-13
PRO 10 NUP JENNY R 5/16/13
PRO 11 NUP T. FAVORIT 5/16/13
PRO 12 PO1 PUEBLO DE EVANGELIO 5-16-13
PRO 13 PO3 DARWIN BERJA 5/16/13
PROARMM PO1 RE MANOS 5-17-13
PROCOR PO3 ESCALERA 5/20/13
NCRPO PO2 CON NUP 5/20/13
ANSEGROUP NUP ROBERT BALLEBA 5/17/13

SUBJECT Before to be considered in Determining Report of
DATE MAY 16 2013 Missing Person (M) and

NSUs

CL NUP Telet 17 MAY 2013 1321H
PCRG P01 AMER NUP 5/17/13
IG P02 NUP NUP 5/17/13
CIDG NUP NUP NUP 5-17-13 100 PM
CSG NUP DUMLA 5/17/13 1200H
PSPG PUSAN MAY 17 2013
HPG P03 ADAMS MAY 17 2013
MG NUP Eboras 5-17-13 1pm
LSS _____
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HSS _____
FS _____
ITMS _____
CES _____
LS _____
ES _____
CHS _____
PNP TS _____
IAS _____
PRBS Spot H.B. Bair 5-17-13
AKG P03 LICHEN MAY 17 2013 1:20
AIDSOTF P01 ANANTA 5-17-13
PCTC P03 JUMER 5-17-13
ASG _____ SAF _____