



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 : See Distribution

FROM : TDIDM/TF USIG Commander

SUBJECT : Prompt Coordination with the Prosecutor Upon Occurrence of AO35 Cases

DATE : JUN 10 2014

1. References:

- a. Administrative Order No. 35 series of 2012;
- b. Memorandum from this Directorate dated April 25, 2013 with subject: "Operational Guidelines of Administrative Order No. 35";
- c. Memorandum from this Directorate dated June 10, 2013 with subject "Salient Provisions of the Operational Guidelines of Administrative Order No. 35 Series of 2012";
- d. Memorandum from this Directorate dated October 11, 2013 with subject: "Designated AO 35 Prosecutors".

2. This pertains to the operational guidelines of Administrative Order No. 35 (AO35) which is intended to ensure that AO35 cases are effectively and successfully investigated and prosecuted. AO35 cases includes:

- a. Extra-Legal Killings (ELKs)/Extra-Judicial Killings (EJKs) – refer to killings wherein:
 - The victim was either:
 - i. A member of, or affiliated with an organization, to include political, environmental, agrarian, labor, or similar causes; or
 - ii. An advocate of above-named causes; or
 - iii. A media practitioner; or
 - iv. Person(s) apparently mistaken or identified to be so.
 - The victim was targeted and killed because of his/her actual or perceived membership, advocacy, or profession;
 - The person/s responsible for the killing is a state agent or non-state agent;
 - The method and circumstances of the attack reveal a deliberate intent to kill.

Note: Killings related to common criminals and/or the perpetration of their crimes shall be addressed by other appropriate mechanisms within the justice system. Hence, the alleged killings of common criminals perpetrated by the so called "Davao Death Squad" and the like are not an AO35 case.

- b. Enforced Disappearance (ED)
- c. Torture

3. For AO35 cases or incidents that occurred after the effectivity of AO35 (November 22, 2012), a **Special Investigation Team for New Cases** or **SITN** under the operational guidelines of AO35 needs to be created. (Note: please also see in reference 1-c the definition of Special Investigation Team for Existing Cases or SITEC and Special Investigation Team for Unsolved Cases or SITU)

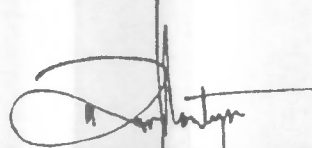
4. Considering that the Special Investigation Team (SIT) shall be headed by AO35 prosecutors, Department of Justice Secretary Leila M. De Lima issued DOJ Department Order No. 726 dated September 30, 2013 designating AO35 prosecutors nationwide. In this regard, this Directorate issued a memorandum dated October 11, 2013 with subject: "Designated AO35 Prosecutors" purposely for all the PDs, CDs and DDs to coordinate with the AO35 prosecutors designated in their respective AORs.

5. It was observed, however, by this Directorate that upon occurrence of new AO35 cases, there was unnecessary delay in the creation of SITN. Worst, there are also instances where no SITN was created at all. (New AO35 Case Flowchart is attached as **Annex "A"**)

6. In view thereof, concerned PNP units/offices are hereby directed to immediately inform/coordinate with the designated AO35 prosecutor in their respective AOR for the possible creation of SITN when the victim is suspected to be a media practitioner or a member of or affiliated with a political, environmental, agrarian and labor organization. With this, the expertise of the AO35 prosecutor will be promptly utilized during case build-up and the delay in the creation of SITN will be avoided.

7. The foregoing should not prevent the concerned PNP units/offices from activating a Special Investigation Task Group or SITG considering that said SITG may later on be absorbed by the SITN.

8. For strict compliance and widest dissemination.



FRANCISCO DON CASANOVA MONTENEGRO
Police Director



Distribution:

All RDs, PROs
Dirs, NOSUs

Cc:

Command Group
D-Staff



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National Police Commission

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



MEMORANDUM

TO : See Distribution

FROM : TADIDM/ Task Force USIG Commander

SUBJECT : **Salient Provisions of the Operational Guidelines of
Administrative Order No. 35 Series of 2012**

DATE : JUN 10 2013

1. References:
 - a. Administrative Order No. 35 series of 2012 entitled Creating the Inter-Agency Committee on Extra Judicial Killings (ELKs), Enforced Disappearances (EDs), Torture and other Grave Violation of the Right to Life, Liberty and Security of Persons; and
 - b. Operational Guidelines of Administrative Order No. 35.
2. In connection with the above references, attached herewith is the Operational Guidelines of Administrative Order No. 35 for implementation.
3. Further, please take note of the following corrections on the said Operational Guidelines:
 - a. Article IIIB Section 22 which reads, "to determine whether the offense for which the person was arrested falls in any of the circumstances enumerated under Section 1 of Article IIIB" is corrected to Section 10 of Article IIIB.
 - b. Article IIIB Section which reads, "pursuant to Section 3 and 4 of this Article" is corrected to Sections 12 and 13.
4. For widest dissemination.

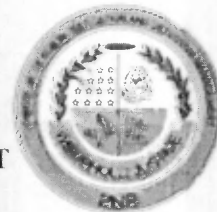
FRANCISCO DON C. MONTENEGRO, Ph.D.
Police Chief Superintendent

Distribution:

- All RDs, PROs
- Dirs. NOSUs
- P-Staff

Copy furnished:

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- D-Staff



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

MEMORANDUM

TO : All RDs
(Attn: All PDs, CDs and DDs)

FROM : TADIDM

SUBJECT : Designated AO 35 Prosecutors

DATE : OCT 11 2013

1. Reference: Memorandum from this Directorate dated September 26, 2013 with subject: "AO35 Priority Cases".

2. This pertains to Administrative Order No. 35 (AO 35) – Creating the Inter-Agency Committee (IAC) on Extra-legal Killings (ELKs), Enforced Disappearances (EDs), Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons dated November 22, 2012, wherein the Department of Justice Secretary Leila M. De Lima issued the DOJ Department Order No. 726 dated September 30, 2013 designating AO 35 prosecutors nationwide. **(TAB A)**

3. In this regard, please direct all PDs, CDs and DDs to coordinate with the AO 35 prosecutors designated in their respective AORs. Submit result of action taken to this Directorate (Attn: TF USIG Secretariat) thru fax at (02) 7230401 local 3650, courier or e-mail at didm_tfusig@yahoo.com NLT October 14, 2013.

4. For priority action.

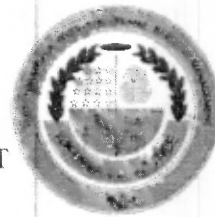
FRANCISCO DON C. MONTENEGRO, Ph. D.
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Cc:
C, HRAO



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Camp Crame, Quezon City



TF USIG_01_

MEMORANDUM

TO : All RDs, PROs 1 – 13, ARMM, COR, and NCRPO
Dirs, NOSUs

FROM : TADIDM/TF USIG Commander

SUBJECT : Operational Guidelines of Administrative Order No. 35

DATE : APR 25 2013

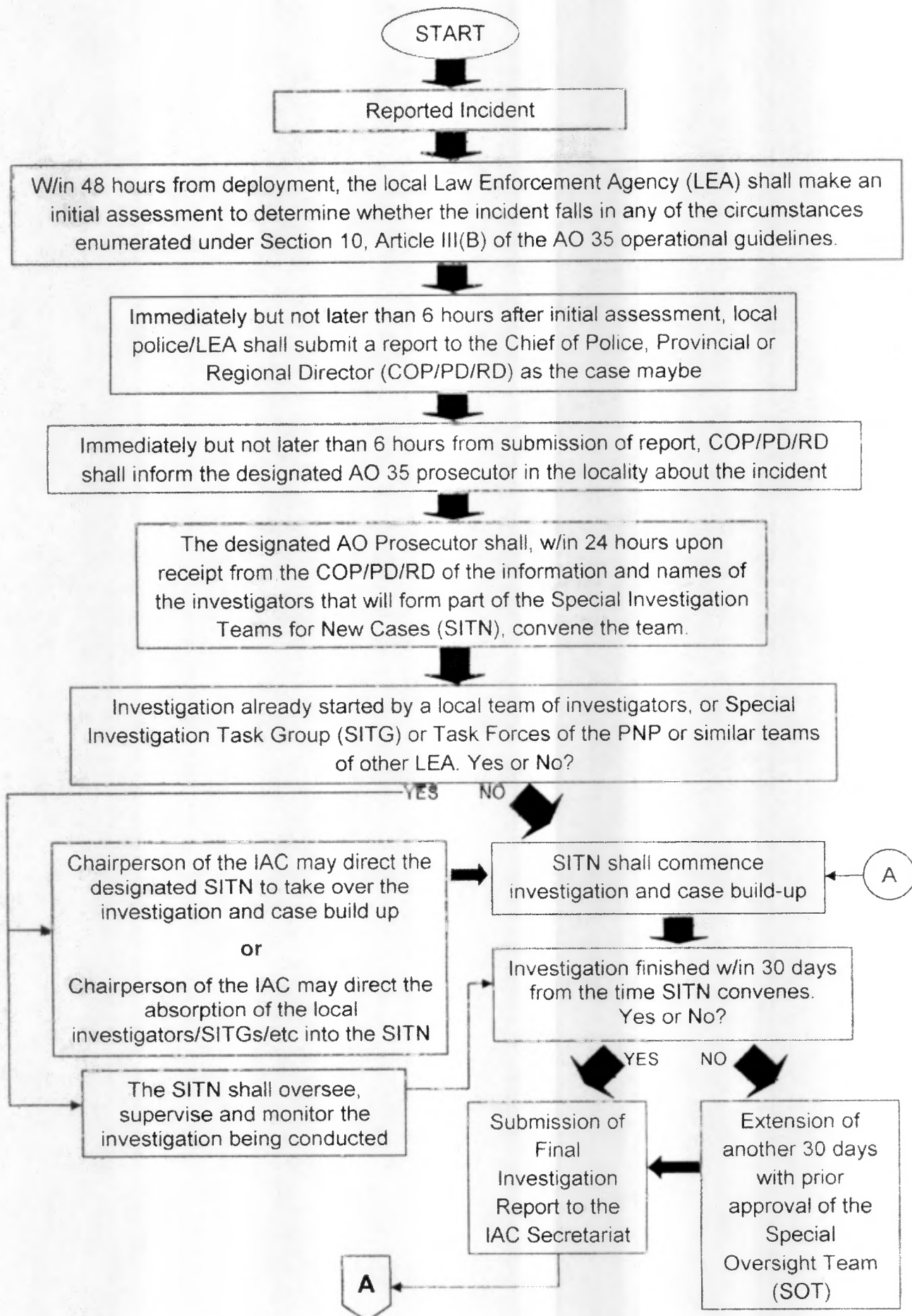
1. Reference: Administrative Order No. 35.
2. This pertains to the Operational Guidelines of Administrative Order No. 35 to resolve cases of political violence and various forms of human rights violations. The proposed guidelines is intended to ensure that extra-legal killings, enforced disappearances, torture and other forms of human rights violations are effectively and successfully prosecuted.
3. In this connection, please be informed that the said guidelines was adopted and signed by the Inter-Agency Committee (IAC) on April 18, 2013.
4. Attached is a copy of operational guidelines of administrative order no 35.
5. For information and widest dissemination.

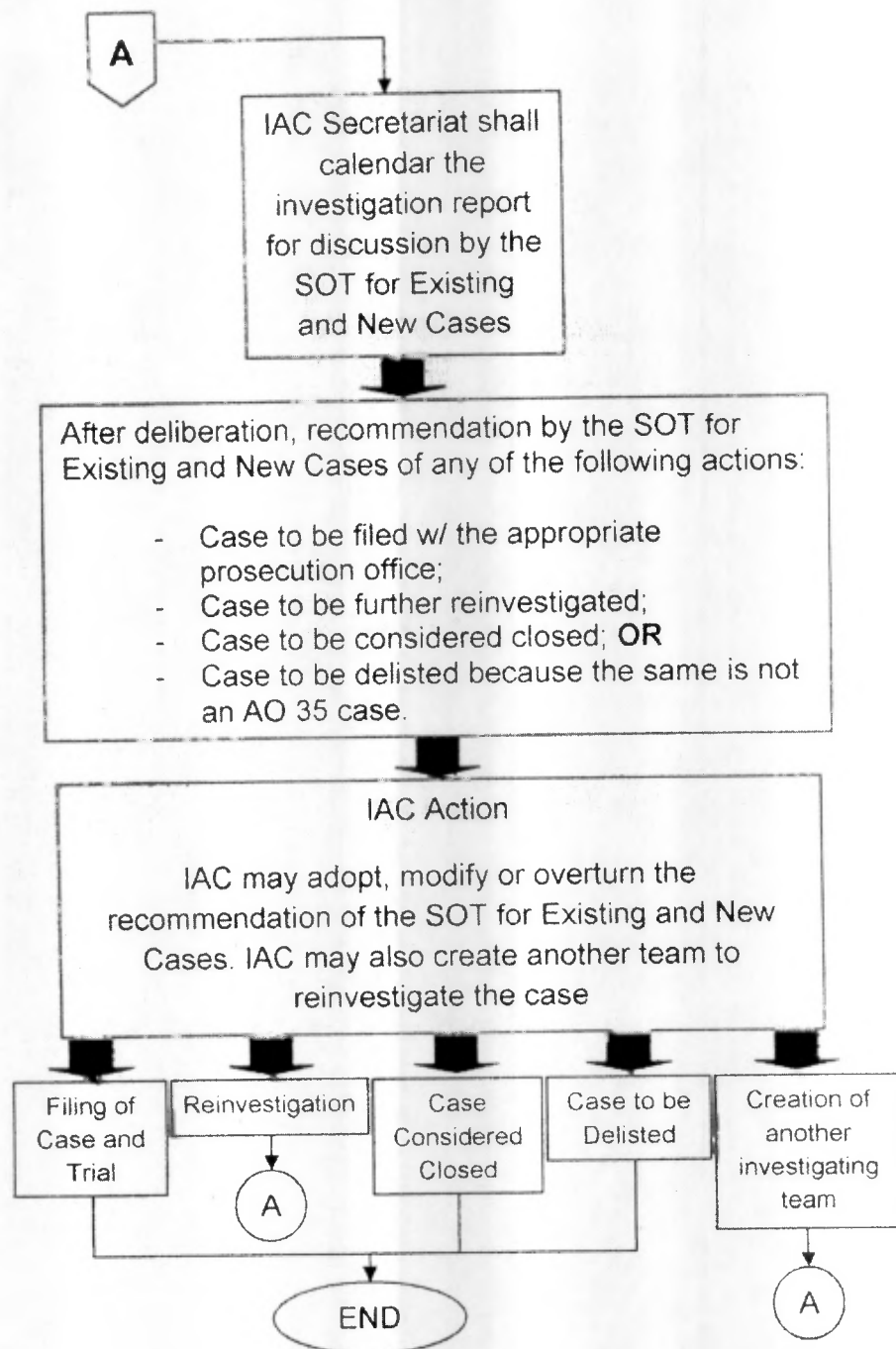
FRANCISCO DON C MONTENEGRO, Ph.D.
Police Chief Superintendent *MT*

Cc:
Command Group
P- Staff

New Cases Flowchart

*Suspect was not arrested by virtue of warrantless arrest
Article III (System of Cooperation)





Notes:

1. If the initial assessment indicates that the incident is a possible AO 35 cases, the report shall be certified as "Extremely Urgent".
2. If the IAC chairperson directed the absorption of the local investigators, SITGs, etc. into the SITN, those absorbed shall be deemed as AO 35 investigators.
3. If the IAC adopts the recommendation for filing of a complaint, the complaint that shall be filed by the SITU must contain an Indorsement signed by the AO 35 Investigator (member of the SITU).

Said Indorsement shall indicate that the investigation was conducted pursuant to AO 35 and its operational guidelines. (Sec. 7 of the operational guidelines of AO 35)



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Administrative Order No. 35 Series of 2012

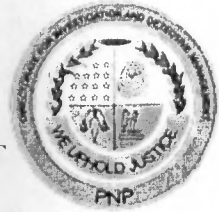
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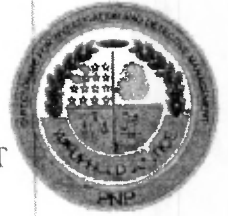
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C. HRAO



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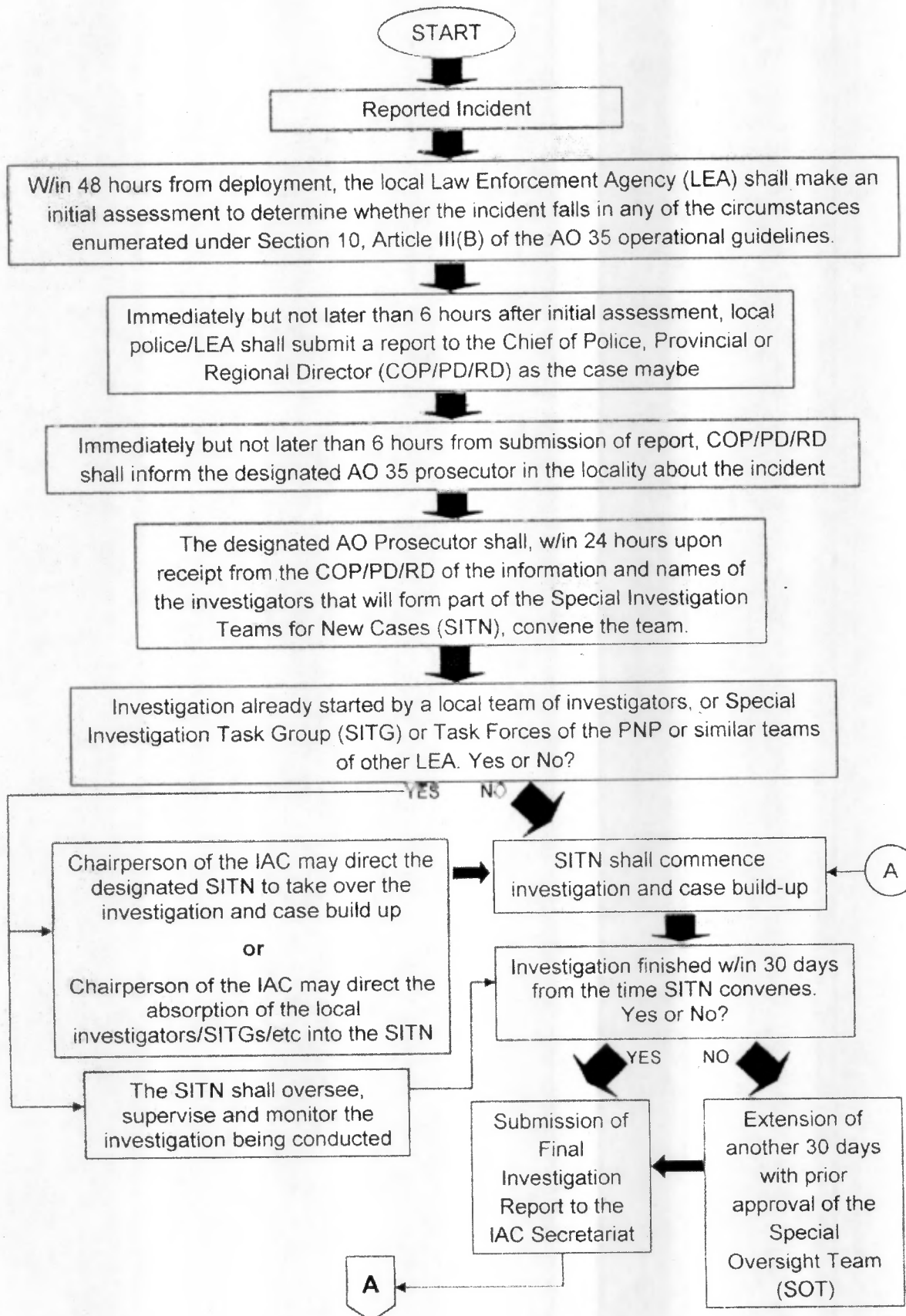
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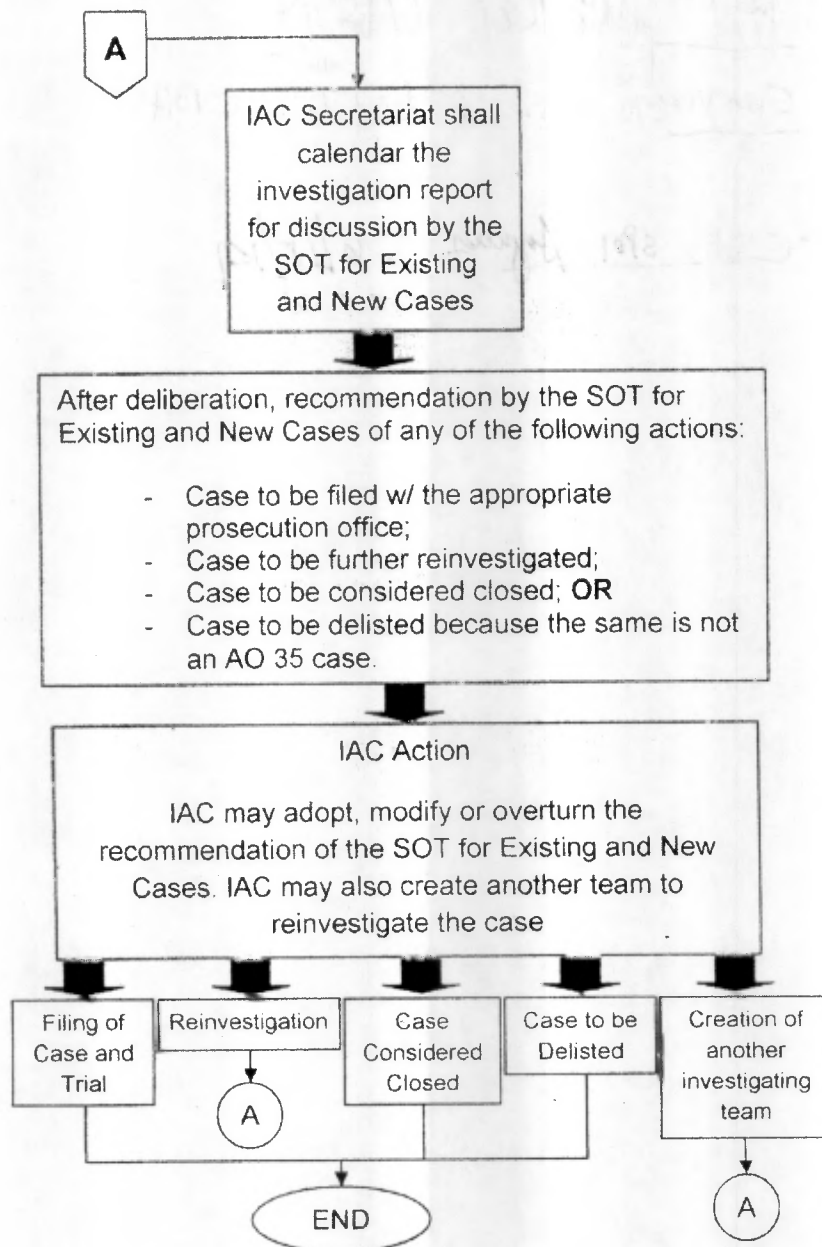
FRANCISCO DON C MONTENEGRO, Ph.D.
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