



Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS, PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp BGen Rafael T Crame, Quezon City

JAN 09 2023

MEMORANDUM CIRCULAR
NO. 2023-002

**POLICIES AND GUIDELINES FOR THE RATIONAL MANAGEMENT
OF THE COLLECTION, SUBMISSION, EXAMINATION, AND
STORAGE OF DNA SPECIMEN**

1. REFERENCES:

- a. Supreme Court A.M. No. 06-11-5-SC otherwise known as Rule on DNA Evidence dated October 2, 2007;
- b. Criminal Investigation Manual PNPM-DIDM-DS-9-1 (Revised 2011) Chapter 3, "Crimes Punishable under the Revised Penal Code" pertaining to DNA as Object Evidence;
- c. Crime Laboratory Scene of the Crime Operations Manual (Revised August 2021);
- d. DNA Examiner's Manual (Revised August 2021); and
- e. Crime Laboratory Standard Operating Procedure Numbers 2018-01 to 2018-09 entitled: Guidelines in the Reception, Examination, Storage and Disposition of Physical Evidence.

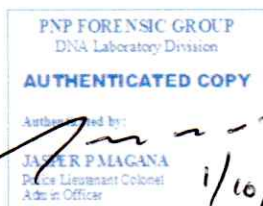
2. RATIONALE:

This Memorandum Circular (MC) provides the policies, guidelines, and procedures to be followed by the DNA Laboratory Division (DLD) and Scene of the Crime Operation (SOCO) personnel, Investigator-On-Case (IOC), and other PNP offices concerned for the rational management of DNA cases and optimum and efficient utilization of human, financial, and logistical resources.

3. SITUATION:

The DLD is one of the ten technical divisions of the PNP Forensic Group (FG) which provides scientific support to the Criminal Justice System (CJS), other government agencies, and the public through the analysis of DNA specimens to identify perpetrators of crimes, victims, missing persons, and establishing biological relationships.

DNA examination is one of the significant scientific tools of the FG and serves as a forefront in crime investigation. Among its many notable accomplishments include the positive identification of the following: Kentex Fire



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Incident victims, Marawi Siege victims, C-130 Plane Crash Incident in Sulu, and the burning incident involving former Congressman Edgar L. Mendoza of Batangas in San Francisco, Tiaong, Quezon.

At present, the DNA Laboratory Division evaluates all submitted DNA evidence according to prioritization classified as: Priority 1 or those specimens from sensational cases that should be analyzed immediately; Priority 2 or those specimens from non-sensational cases that were assessed as potential evidence but lack DNA reference samples for comparison; and Priority 3 or those DNA reference samples that do not have substantial value at the time of assessment.

Due to the increasing demands for scientific-based investigation using DNA profiles, there is a surge of more or less 25 percent of cases received annually, which led to the burdensome piling of cases. As a result, the need for additional DNA Analysts and supplemental reagents increases.

Evaluation of the gathered data revealed that for the past five years, only 16% of the received cases belong to Priority 1, while 65% belong to Priority 2. Hence, resolution of cases with the help of DNA testing technology can be improved by giving priority to the processing of specimens of DNA reference standards for cases that are expected to have a definitive result.

Records show that 19% of the cases received annually belong to Priority 3, which are submitted specimens that lack probative value. This may be attributed to overzealous evidence collection during the conduct of crime scene processing. Such submissions should be duly evaluated as they lead to wastage of government resources and do not contribute to the purpose for which DNA testing is intended.

In line with this, there is a need for policies, guidelines, and procedures to properly manage the collection, submission, examination, and storage of DNA samples for the effective and efficient analysis without compromising the value of evidence while optimizing the resources of the government.

4. PURPOSE:

This MC sets forth the policies, guidelines, and procedures for the equitable prioritization of cases to address the problem of accumulation of DNA cases and wastage of resources in the conduct of DNA analysis.

5. DEFINITION OF TERMS:

- a. Biological sample – any organic material originating from a person's body, even if found in inanimate objects, that is susceptible to DNA testing. This includes blood, saliva and other body fluids, tissues, hairs, and bones.
- b. Combined DNA Index System (CODIS) – DNA identification system software created by the United States Federal Bureau of Investigation that allows the storage and retrieval of DNA records.

PNP FORENSIC GROUP
DNA Laboratory Division

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- c. Crime Scene - the place where the alleged crime/incident/event has been committed and forensic evidence not limited to DNA specimen may be collected.
- d. Deoxyribonucleic Acid (DNA) - is the molecule that carries genetic information for the development and functioning of an organism. DNA is made of two linked strands that wind around each other to resemble a twisted ladder — a shape known as a double helix.
- e. DNA Evidence – evidence based on DNA, a hereditary genetic material found in hair, blood, semen, and other human tissues and which, if samples are found at a crime scene, may help identify the perpetrator, victim, or human remains who are beyond recognition.
- f. DNA Questioned Specimen – biological sample recovered at the crime scene and/or specimen collected from unidentified persons/human remains.
- g. DNA Reference Standard Specimen – biological sample from a known person or identified cadaver.
- h. Investigator-On-Case (IOC) – shall refer to PNP personnel who requested for SOCO assistance and in charge of the investigation of the crime incident.
- i. Non-sensational cases – cases that are not included in the list of sensational cases mentioned under the Criminal Investigation Manual.
- j. Prioritization – classification of DNA cases or specimens based on importance or urgency and probative value.
- k. Probative Value – probability of evidence which is sufficiently useful to prove something important in a trial.
- l. PNP DNA Database – repository of DNA profiles supervised by the PNP FG-DLD which runs under the platform of CODIS.
- m. Rational Management – refers to the management of DNA specimen submitted for examination in accordance with the prioritization criteria set by the PNP FG-DLD. It is the logical supervision in the collection, submission, examination, and storage of DNA evidence.
- n. Significant/Sensational cases – cases that involve incidents and personalities enumerated under the Criminal Investigation Manual.
- o. SOCO Team – a group of trained personnel of the PNP FG who perform forensic procedure through scientific methods of investigation for the purpose of crime scene processing such as gathering information, documentation, collection, preservation, and transportation of all physical evidence.

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DNA Laboratory Division

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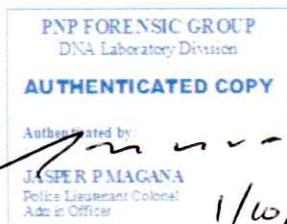
6. **GUIDELINES:**

a. **General Guidelines:**

- 1) All PROs and NOSUs concerned shall abide by the policies, guidelines, and procedures stated in this MC;
- 2) All PROs and NOSUs shall ensure close coordination among investigating units and FG offices regarding the verification of case status in reference to the list provided by the DNA Laboratory Division. All IOCs concerned shall verify case status and issue Certificate of No Case Filed if no information has been filed to the court or Office of the Prosecutor; and
- 3) Ensure that the rule on the chain of custody shall be strictly and properly observed at all times by all personnel concerned pursuant to the Rule on DNA Evidence; Guidelines on DNA collection, submission, and prioritization; and other existing laws.

b. **Specific Guidelines:**

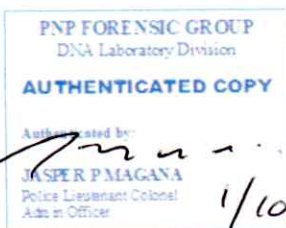
- 1) The FG shall spearhead the inventory, classification/prioritization, and verification of DNA cases. DNA evidence shall be evaluated and classified to determine the urgency of examination according to the following criteria:
 - a) **PRIORITY 1** – These are specimens from sensational cases that should be analyzed immediately. These include specimens from cases with court order, being followed up by the requesting party, with complete requirements (questioned evidence relevant to case resolution, reference samples from the suspect, reference samples from the victim) necessary to the prosecution of a case, paternity examination, and alleged missing and unidentified remains with DNA reference sample for comparison;
 - b) **PRIORITY 2** – These are specimens from non-sensational cases that were assessed as potential evidence such as vaginal swabs and/or fingernail clippings only, unidentified cadaver/human remains, and reference samples of foreign nationals; and
 - c) **PRIORITY 3** – These are DNA reference samples that do not have probative value at the time of assessment, such as samples taken from identified cadavers and reference biological samples with no additional/accompanying DNA Questioned Specimen.



- 2) The FG through DLD shall manage the disposition of all DNA cases using the following guidelines:
 - a) All cases classified under Priority 1 shall be examined immediately;
 - b) Previously received DNA cases classified under Priority 2 (except sexual assault-related cases) shall be further evaluated for their relevance in the filing of cases;
 - c) DLD shall provide a list of DNA cases classified under Priority 2 to the RFU for verification of their status if no case has been filed;
 - d) DNA cases listed under Priority 2 with "Certificate of No Case Filed" and all cases belonging to Priority 3 shall be stored in accordance with the provisions of PNPM-D-0-2-3-21-DNA Examiner's Manual, Revised August 2021. These specimens will not be considered as pending cases, and
 - e) Stored specimen that have been later found to be useful to a particular case shall be processed upon submission of a letter request by the IOC.
- 3) The FG through the RFUs shall coordinate with the IOC concerned to secure a copy of Certificate of No Case Filed and render status report to DLD;
- 4) The IOC shall verify and affirm the status of the cases listed under Priority 2 through issuance of "Certificate of No Case Filed" if applicable; and
- 5) The FG shall conduct seminar on the proper DNA evidence recognition/evaluation and collection of biological evidence for all SOCO personnel and other field investigative offices. Likewise, FG shall disseminate information on the policies and guidelines for the rational management of the collection, submission, examination, and storage of DNA specimen.

c. Responsibilities:

- 1) **DIDM**
 - a) Oversee the implementation of this MC; and
 - b) Perform other tasks as directed
- 2) **FG**
 - a) Ensure the successful implementation of this MC;



- b) Submit reports bi-annually on the implementation of this MC to DIDM; and
 - c) Perform other tasks as directed.
- 3) **D, NOSUs and RD, PROs**
- a) Ensure the compliance of all investigators concerned on the request of FG offices regarding the verification of DNA cases with no case filed or no suspect apprehended and for issuance of "Certificate of No Case Filed" if applicable; and
 - b) Perform other tasks as directed.

7. PENAL CLAUSE:

Any violation of this MC shall be dealt with accordingly pursuant to NAPOLCOM MC No. 2016-002 and other applicable laws, rules, and regulations.

8. REPEALING CLAUSE:

All issuances, memoranda, rules, and regulations previously issued by the PNP inconsistent with this MC are deemed repealed or amended accordingly.

9. EFFECTIVITY:

This MC shall take effect 15 days from the filing of a copy thereof at the University of the Philippines Law Center in consonance with Sections 3 and 4 of Chapter 2, Book VII of Executive Order No. 292, otherwise known as the "Revised Administrative Code of 1987," as amended.



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