



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

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MEMORANDUM CIRCULAR

NO.: 2024-014

**REVISED GUIDELINES AND PROCEDURES IN THE MANAGEMENT
 AND SUPERVISION OF PNP CUSTODIAL FACILITIES
 AND PERSONS UNDER PNP CUSTODY (PUPC)**

1. REFERENCES:

- a. Republic Act (RA) No. 10353 entitled, "Anti-Enforced or Involuntary Disappearance Act of 2012";
- b. RA No. 9745, entitled "Anti-Torture Act of 2009";
- c. RA No. 9344, entitled "Juvenile Justice and Welfare Act of 2006";
- d. RA No. 7438 entitled, "An Act Defining Certain Rights of Person Arrested, Detained, or Under Custodial Investigation as well as the Duties of the Arresting, Detaining, and Investigating Officers, and Providing Penalties for Violations thereof";
- e. UN Convention Against Torture;
- f. PNP P.A.T.R.O.L. Plan 2030;
- g. PNP Guidebook on Human Rights-Based Policing;
- h. PNP Memorandum Circular (MC) No. 2021-081 entitled, "Guidelines and Procedures to Guarantee the Special Protection and Safety of Children while they are in the Custody of the Philippine National Police (PNP) also known as the "Philippine National Police Child Protection Policy";
- i. PNP MC No. 2018-027 entitled, "Guidelines and Procedures in the Management and Supervision of All PNP Custodial Facilities and Persons Under PNP Custody"; and
- j. Directorate for Comptrollership Fiscal Directive No. 2017-09.

2. RATIONALE:

The Philippine National Police (PNP) is committed in ensuring that the welfare and basic human rights of all individuals are protected, without prejudice to their social status and standing.

In line with this, the PNP shall ensure that all existing guidelines in relation to the management and supervision of PNP custodial facilities and Persons Under PNP Custody (PUPCs) are responsive to the current laws, policies, and other internal and external official directives.

3. SITUATION:

In 2018, the PNP issued MC No. 2018-027 to set the guidelines and procedures to ensure that PUPCs are humanely treated to the standards of the



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International Human Rights. The said MC provides solutions to existing problems such as the absence of guidelines regarding specific personnel primarily responsible in monitoring custodial facilities and handling PUPCs, and established procedures in protecting the welfare of those under custodial investigation.

While the said MC provides adequate provisions that are beneficial to both the PNP and PUPCs, some provisions need to be revised to ensure that they remain responsive to the present situation, including the treatment of PUPCs with mental and contagious illnesses, and the duty scheme of Custodial Officers.

Among the issues that prompted the revision of the previous MC is the need to establish clear guidelines on the presentation of PUPCs to the public, especially during media interview; provision of solutions to prevent the escape of PUPCs from custodial facilities; and the utilization of holding areas for Children in Conflict with the Law (CICL).

4. PURPOSE:

This MC provides the guidelines and procedures in the management and supervision of all PNP Custodial Facilities and Persons Under PNP Custody (PUPC).

5. DEFINITION OF TERMS:

- a. Authorized Visitor/s - refers to PUPC's immediate family members, lawyers, physician/medical practitioner, spiritual adviser, government authorities, and anyone whose request for visit has been granted by the head of office/unit.
- b. Contraband - refers to properties/items/goods that are illegal to possess or transport inside the Custodial Facility.
- c. Custodial Facility - refers to the male and female facilities within PNP premises that temporarily holds PUPCs.
- d. Chief, Custodial Facility - refers to the head of unit/office that is primarily responsible in the management and overall supervision of respective Custodial Facility.
- e. Custodial Facility Breakout - a forcible escape by a PUPC from a PNP Custodial Facility.
- f. Custodial Officer – refers to any police officer designated to handle and monitor the Custodial Facility and PUPCs.
- g. Custodial Supervisor - refers to the head of the investigation unit or section that is primarily responsible in the supervision of the Custodial Facility and the Custodial Officers.
- h. Immediate Family Members - refer to the PUPC's spouse, ascendants, descendants, siblings, guardians, or ward.



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- i. Persons Under PNP Custody (PUPCs) – refer to arrested persons who are temporarily held by the PNP in its custodial facility.

6. GUIDELINES:

a. General Guidelines:

- 1) Custodial Facilities shall only be used as temporary custodial facility for PUPC while waiting for the commitment order from the Court;
- 2) There shall be no delay in the transport of PUPC to the proper judicial authorities. As provided by Article 125 of the Revised Penal Code, PUPC shall be delivered to the proper judicial authority within the following period: 12 hours for crimes or offenses punishable by light penalties, or equivalent; 18 hours for crimes or offenses punishable by correctional penalties, or equivalent; 36 hours for crimes or offenses punishable by afflictive or capital penalties, or their equivalent;
- 3) CICL shall not be placed in Custodial Facilities or any temporary holding facility. However, in the exigency of situation, a CICL may be held inside the office of the Women and Children Protection Desk for safekeeping while waiting for the result of the investigation, prior turnover to the appropriate government agency or while waiting for the determination of discernment being conducted by the Department of Social Welfare and Development;
- 4) There shall be no secret custodial facilities or any other forms of detention places in any PNP offices/units;
- 5) Any form of torture and other cruel, inhuman, and degrading treatment or punishment are strictly prohibited;
- 6) The Chief, Custodial Facility, or in his absence the Custodial Supervisor, is required to immediately issue a written certification, within four hours from the time of inquiry, about the presence or absence of information regarding the whereabouts of a disappeared person, if any of the following person/institution made an inquiry:
 - a) Family member;
 - b) Relative;
 - c) Lawyer;
 - d) CHR Representative;
 - e) Representative of Human Rights Organization; and
 - f) Members of the media.
- 7) In relation to para 6-a (6), the certification must state, among others, in clear and unequivocal manner the following:



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- a) Name of the person, organization, or institution who made the inquiry;
 - b) Date and time the inquiry was made;
 - c) Details of the inquiry;
 - d) Purpose of the inquiry;
 - e) Response to the inquiry;
 - f) Previous record of detention and/or record or transfer or release of disappeared person; and
 - g) That in the event such named person will later be brought into such facility or the immediate premises thereof after an inquiry and response had been made, the inquiring party shall be immediately notified through the most expedient means of communication available.
- 8) Police office/unit that conducts operation and arrest of suspects may establish a custodial facility of their own, provided that the existence of such facility should be reported to the Directorate for Investigation and Detective Management (DIDM) and Human Rights Affairs Office (HRAO) for monitoring;
 - 9) A complete list of PNP Custodial Facilities shall be submitted by HRAO every 5th day of the month to DIDM;
 - 10) Custodial Facilities shall maintain an official up-to-date register of all PUPCs. The same shall contain the details provided for under Section 10 of RA No. 10353;
 - 11) The welfare of senior citizens, pregnant, and Persons with Disability PUPCs shall at all times be ensured;
 - 12) Custodial facilities must be gender sensitive. While the PNP can only provide two separate custodial facilities for men and women, Custodial Officers shall ensure that members of the LGBTQIA+ PUPCs are treated and regarded accordingly inside the facility;
 - 13) Conjugal visits may be allowed, provided that the PNP unit concerned has a facility that can be used for such purpose, and provided that a proof of relationship is presented to the on-duty Custodial Officer;
 - 14) Status of PUPCs shall be strictly encoded and updated in the e-Rogue Gallery System;



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- 15) Requests for subsistence allowance shall be coursed through the DIDM for counter-checking and subsequent submission to the Directorate for Comptrollership (DC) for the appropriation and release of funds;
- 16) Public/Media presentation of PUPCs is not allowed;
- 17) PUPCs may wear yellow t-shirts with "PUPC" markings for easy identification during transportation and attendance to court hearings;
- 18) Police line is allowed for identification of suspects as a tool for the conduct of investigation but not for the purpose of media/public presentation. It shall be conducted in a close room, with the investigators and other authorized personalities, and not in any public place; and
- 19) Custodial Officers shall have undergone at least Custodial Officer Orientation Seminar being conducted by HRAO or other relevant course/training/seminar in relation to the management of Prison/Custodial Facility.

b. Specific Guidelines

- 1) Management of the Custodial Facility:
 - a) Custodial Officers must be detailed on rotation basis, preferably every eight hours, depending on the number of PUPCs being monitored, to ensure their job performance efficiency while on their tour of duty;
 - b) Only the on-duty Custodial Officer shall have custody of the Custodial Facility key;
 - c) Custodial Facilities shall schedule cleaning, sanitation, and maintenance once a week;
 - d) There shall be separate Custodial Facilities for male and female PUPCs which shall be managed by male and female Custodial Officers, respectively;
 - e) Authorized visitors may be allowed access only at designated visitors area during the following visiting schedules: on Tuesdays to Fridays: 1:00 PM to 5:00 PM and on Saturdays, Sundays, and holidays: 8:00 AM to 12:00 NN and 1:00 PM to 5:00 PM;
 - f) Legal counsels on record, medical doctors, priests or religious ministers chosen by the PUPC, or any member of his immediate family, may visit at any hour of the day, or in urgent cases, of the night;



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- g) Personnel from the Commission on Human Rights, upon presentation of a valid I.D. and Mission Order duly issued by their Regional Director or the Commission Proper may be allowed to visit;
 - h) Members of any local or international Non-Government Organization (NGO) may be allowed to visit upon securing clearance from the Directorate for Intelligence;
 - i) Visits to PUPCs by any person other than those enumerated in items 6.b.1), f) to h) may be allowed only upon their submission of a written request at least ten working days prior to the intended date of visit subject to the approval of the Chief, PNP (for foreign requests) or the Regional Director (for local requests);
 - j) A foreign national who wishes to visit a PUPC shall submit a letter of intent to the Chief, PNP. The letter of intent must be endorsed by the Department of Foreign Affairs upon Note Verbale from the Embassy concerned. The request shall include the purpose, itinerary, basic biographical information, and a copy of valid IDs/passport (colored copy);
 - k) The Chief, Custodial Facility or Custodial Supervisor shall have the authority to shorten or cancel the visiting schedule, and limit the number of visitors at any given time taking into consideration the space limitation at the visitation area, safety and security considerations prevailing at the time of the visit, emergency cases, and other eventualities;
 - l) Investigation shall be immediately conducted to determine the liability of the Chief, Custodial Facility, Custodial Supervisor, and Duty Custodial Officer for custodial facility breakout; and
 - m) The Chief, Custodial Facility, Custodial Supervisor, and on duty Custodial Officer/s shall be held liable for custodial facility breakout by reason of accountability and command responsibility.
- 2) Management of PUPCs:
- a) A PUPC who is considered as a local or foreign terrorist should have a separate custodial facility to prevent the radicalization of other PUPCs;
 - b) High-risk or terrorist PUPCs shall be transferred to a more secure custodial facility, depending on the approval of a competent authority;
 - c) PUPCs manifesting signs and symptoms of contagious illness must be referred to the nearest government hospital in coordination with the Local Government Unit and other stakeholders;



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- d) PUPCs manifesting signs and symptoms of mental illness must be referred to a government or government-accredited mental health facility;
- e) In emergency cases or death inside the Custodial Facility, the Custodial Officer must immediately inform his/her superior, seek immediate medical assistance, and render appropriate report about the incident;
- f) PUPCs with disability (PWD) and Senior Citizens should be closely monitored to ensure their welfare;
- g) Pregnant PUPCs must be referred to a government or government-accredited physician or nurse for pre-natal examination and regular check-ups. In case of active labor, pregnant PUPCs shall be transferred to the nearest government or government-accredited hospital, and shall be accompanied by a designated female police officer under the supervision of the Custodial Officer;
- h) Regular general health check-up shall be conducted to all PUPCs in coordination with the PNP Health Service or City/Municipal Health Office or other government-accredited health facility to ensure that the basic health needs of all PUPCs are being provided while they are in custody;
- i) PUPCs who are recommended for hospital confinement shall be brought to the PNP hospital or nearest government or government-accredited hospital;
- j) PUPCs from custodial facilities of island municipality in transit for court appearances and for other legal reasons in other municipality or city, must first be subjected to body check/medical examination before turning over to other PNP custodial facility for temporary stay within the jurisdiction of the court the PUPC will be appearing;
- k) PUPCs shall be transported using PNP vehicles and not private-owned or through public transportation, except in the exigency of situation where no available PNP vehicle is available such as when the PUPC is required to be transported through air or sea travel. All movements of PUPCs shall be covered by orders from competent authorities and sufficient security measures shall be adopted to ensure the safety of PUPCs while in transit;
- l) The PNP unit concerned shall coordinate with the proper Court for the immediate issuance of commitment order for PUPCs; and



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- m) When the commitment order has already been issued by the Court, the Chief, Custodial Facility must ensure that the PUPC concerned is immediately transported, without delay, to the jail indicated in the commitment order.

c. Responsibilities:

1) DIDM

- a) Designated as OPR for the implementation of this MC;
- b) Develop and maintain a system through the Information Technology Division for the monitoring and accounting of PUPCs;
- c) Submit to DC the requests for subsistence allowance of all PUPCs; and
- d) Perform other tasks as directed.

2) DC

- a) Provide budgetary support for the implementation of this MC;
- b) Facilitate the issuance and release of subsistence allowance to PUPCs; and
- c) Perform other tasks as directed.

3) DI

- a) Conduct background check on local and international NGOs;
- b) Conduct background check on a foreign national who wishes to visit a certain PUPC and determine whether he/she is a member of a legitimate NGO or not;
- c) Issue necessary clearances and deny the issuance of the same if circumstances so warrant based on the result of the background check; and
- d) Perform other tasks as directed.

4) DHRDD

- a) Conceptualize and monitor the implementation of necessary trainings pertaining to the management of custodial facilities; and
- b) Perform other tasks as directed.

5) DPCR

- a) Prepare communication plan in relation to the implementation of this MC; and
- b) Perform other tasks as directed.



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- 6) **HS**
 - a) Conduct regular health check-up to all PUPCs in coordination with Chief, Custodial Facility within their AOR; and
 - b) Perform other tasks as directed.
- 7) **HRAO**
 - a) Conduct regular and random custodial facility inspection (CFI);
 - b) Provide recommendations to the CPNP based on the result of the CFIs; and
 - c) Perform other tasks as directed.
- 8) **PROs/NOSUs**
 - a) Ensure the implementation of this MC down to the lowest police station in their AOR;
 - b) Oversee the proper management of Custodial Facilities in their AOR;
 - c) Ensure that no secret custodial facilities or any other similar forms of detention places is maintained or used in their AOR;
 - d) Conduct random and surprise inspection to all Custodial Facilities within their AOR through the Regional Investigation and Detective Management Division;
 - e) Immediately cause the conduct of investigation on cases where PNP personnel is involved in the maintenance and utilization of secret custodial facility or any other similar forms of detention places in their AOR, and in cases of escape, death or other violation of laws and this MC;
 - f) Render periodic report on the status of PNP Custodial Facilities and PUPCs to HRAO every 3rd day of the month;
 - g) Cause the installation and activation of CCTVs in all custodial facilities in your AOR. It shall be installed in the perimeter or at safest and conducive area where it can capture the entirety of the custodial facility, without any hidden corners;
 - h) Ensure that the CCTVs are working 24/7. In case of malfunctions, immediate repair or replacement must be made and corresponding record of the incident must be put in the blotter for record purposes; and
 - i) Perform other tasks as directed.



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9) **Chief, Custodial Facility**

- a) Responsible in ensuring that this MC is strictly implemented in their respective AOR;
- b) Designate Custodial Officers depending on the number of PUPCs;
- c) Ensure that their respective custodial facilities are properly maintained, have a conducive environment, and are compliant with the recommendations of the Custodial Facility Inspection Team from HRAO and Human Rights Desk;
- d) Conduct regular inspection of Custodial Facilities to prevent or eradicate the presence of all kinds of contrabands and ensure the condition and wellness of PUPCs; and
- e) Perform other tasks as directed.

10) **Custodial Supervisor**

- a) Supervise the Custodial Officers of their respective units;
- b) Conduct regular inspection of their respective Custodial Facilities to prevent or eradicate the presence of all kinds of contrabands and to ensure the condition and wellness of PUPCs;
- c) Ensure the effectiveness and efficiency of duty scheme of Custodial Officers;
- d) Prepare and submit monthly requests for subsistence allowance and submit the same through proper channel to DIDM; and
- e) Perform other tasks as directed.

11) **Custodial Officer**

- a) Account the PUPCs daily, maintain a monitoring system, and render report to the Chief, Custodial Facility through the Custodial Supervisor;
- b) Conduct proper accounting and turnover of PUPCs before and after the tour of duty;
- c) Conduct regular inspection of their respective Custodial Facilities to prevent or eradicate the presence of all kinds of contrabands and ensure the condition and wellness of PUPCs;
- d) Prepare reports relative to the status of PUPCs and submit to DIDM every 5th day of the month through proper channel; and
- e) Perform other tasks as directed.



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12) **Women and Children Protection Desk (WCPD)**

- a) Immediately coordinate with appropriate agencies on the transfer of CICL in their facility;
- b) Provide a conducive area where the CICL can stay while waiting for the transfer of custody;
- c) Hold CICL for safekeeping before turnover to appropriate agency; and
- d) Perform other tasks as directed.

7. PENAL CLAUSE:

Any violation of this MC shall be dealt with accordingly pursuant to the existing laws, rules, and regulations. All Unit Commanders shall be included in the investigation under the principle of Command Responsibility.

8. REPEALING CLAUSE:

Any provision of issuances, memoranda, rules, and regulations issued by the PNP inconsistent herewith are deemed repealed or amended accordingly.

9. EFFECTIVITY:

This MC shall take effect after 15 days from filing a copy thereof at the UP Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order 292 otherwise known as the "Revised Administrative Code of 1987," as amended.



[Signature]
BENJAMIN C ACORDA, JR
Police General
Chief, PNP

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DIRECTORATE FOR COMPTROLLERSHIP
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**FISCAL DIRECTIVE
NUMBER 2019- 17**

**AMENDMENT OF THE GUIDELINES IN THE PAYMENT OF SUBSISTENCE
ALLOWANCE FOR PERSONS UNDER PNP CUSTODY
(FORMERLY SUBSISTENCE ALLOWANCE FOR DETAINEES)**

1. REFERENCES:

- 1.1 Annual General Appropriations Act;
- 1.2 Government Accounting and Auditing Manual; and
- 1.3 Fiscal Directive Number 2017-09 dated July 10, 2017.

2. PURPOSE:

This Fiscal Directive is issued to amend and provide additional guidelines for the payment of Subsistence Allowance for Persons Under PNP Custody (PUPC).

3. DEFINITION OF TERMS:

- 3.1 **Cash Advance**- refers to advances granted to officers and employees which may be classified into: a) Regular Cash Advance – those granted to cashiers, disbursing officers, paymasters and/or property/supply officers for salaries and wages, commutable allowances, honoraria and other similar payments and petty cash operating expenses; b) Special Cash Advances – those granted on the explicit authority of the Agency Heads to duly designated disbursing officers or employees for other legally authorized purposes.
- 3.2 **Custodial Facility**- a facility of the PNP utilized to place persons under the custody of the PNP.
- 3.3 **Person Under PNP Custody**- any person arrested and kept inside the PNP custodial facility for custodial investigation.
- 3.4 **Disbursing Officer (DO)**- refers to a regular employee designated by the Head of Agency to be in charge of making disbursements so received and accountable thereof.

3.5 **Subsistence allowance**- pertains to the provision for food and water by the unit holding these persons under PNP custody.

4. **COVERAGE**

This Fiscal Directive shall apply to all Persons Under PNP Custody who were arrested due to commission of crime/s and those arrested suspects who are under custodial investigation within the prescribed reglementary period. The rate of subsistence allowance for PUPC is fifty pesos (Php 50.00) daily.

5. **GUIDELINES:**

The allocation of Subsistence Allowance for PUPC shall be determined through the requests submitted by units with custodial facility. The distribution of this fund shall be released through Cash Advance by the designated Disbursing Officers to the respective Finance PCO or PNCO/Budget Officers of the unit.

6. **PROCEDURES:**

6.1 For Police Regional Offices

6.1.1. The Chief of Police/ Station Commander shall make a monthly request to the Police Regional Office for subsistence allowance attaching therein a Certification made under oath, of the List of PUPC who are entitled to Daily Subsistence Allowance. The list of PUPC must contain relevant and updated information such as the felony or offense allegedly committed and the number of days the PUPC remain under the custody of the PNP.

6.1.2. The Regional Director shall validate the request and the veracity of the list of detainees ensuring that all listed therein are entitled to subsistence allowance. He shall endorse the same to the Directorate for Investigation and Detective Management (DIDM).

6.1.3. The DIDM shall validate the request through the PNP eRouges Gallery System. The DIDM shall closely monitor the status of PUPC who have extended period under custody and institute measures to facilitate the commitment of PUPC to the jurisdiction of the Bureau of Jail Management and Penology. Upon evaluation and validation, DIDM shall endorse the request to the Directorate for Comptrollership (DC).

6.1.4. The DC shall release the fund for the purpose through the issuance of a Notice of Fund Availability.

6.1.5. The distribution of subsistence allowance for PUPC shall be through Cash Advance by the Disbursing Officer of the Regional Finance Service Office and shall be released directly to the Finance PCO or PNCO of the particular unit.

6.2 Other PNP Units with Custodial Facilities

6.2.1. The Director or Head of the Unit shall make a monthly request for subsistence allowance attaching therein a Certification made under oath, of the list of PUPC who are entitled to Daily Subsistence Allowance. The list of PUPC must contain relevant and updated information such as the felony or offense allegedly committed and the number of days the PUPC remain under the custody of the PNP. He shall ensure that all listed therein are entitled to subsistence allowance and endorse the same to the DIDM.

6.2.2. The DIDM shall validate the request through the PNP eRouges Gallery System. The DIDM shall closely monitor the status of PUPC who have extended period under custody and institute measures to facilitate the commitment of PUPC to the jurisdiction of the Bureau of Jail Management and Penology. Upon evaluation and validation, DIDM shall endorse the request to the DC.

6.2.3. The DC shall release the fund for the purpose through the issuance of a Notice of Fund Availability.

6.2.4. The distribution of subsistence allowance for PUPC shall be through Cash Advance by the Special Disbursing Officer, Finance Service and shall be released directly to the Budget Officer of the unit.

7. FUNDING SOURCE:


The subsistence allowance for PUPC shall be charged against the annual General Appropriations Act under Personnel Services, subject to the availability of funds.

8. RESPONSIBILITY:

The Regional Director/Head of Unit shall be held administratively and criminally liable for any disbursements not in accordance with the provisions of this Fiscal Directive.

9. EFFECTIVITY

This Fiscal Directive shall take effect immediately upon approval.


JOSE MA VICTOR F RAMOS
Police Major General